

RESOLUTION NO.ZR-95-01

RESOLUTION APPROVING ZONING PETITION Z/CB95-17
CLASS B CONDITIONAL USE
PETITION OF ROBERT A. LEVY, TRUSTEE

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition Z/CB95-17 was presented to the Zoning Commission at a public hearing conducted on July 6, 1995; and

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.

9. This Class B Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition Z/CB95-17, the petition of Robert A. Levy, Trustee, for a Class B Conditional Use (CB) to allow a church or place of worship and a financial institution on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 6, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kaplan moved for the approval of the Resolution.

The motion was seconded by Commissioner Hyman and, upon being put to a vote, the vote was as follows:

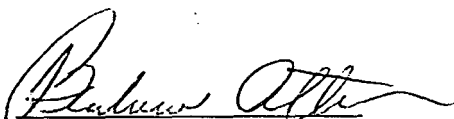
Al Miller, Chair	-- Aye
Frank Barbieri	-- Aye
Allen Kaplan	-- Aye
Mark Guzzetta	-- Absent
Kevin Foley	-- Aye
Sherry L. Hyman	-- Aye
Mikel Jones	-- Absent
Jeff Phipps	-- Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of July, 1995.

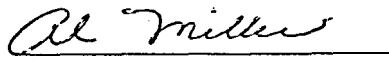
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

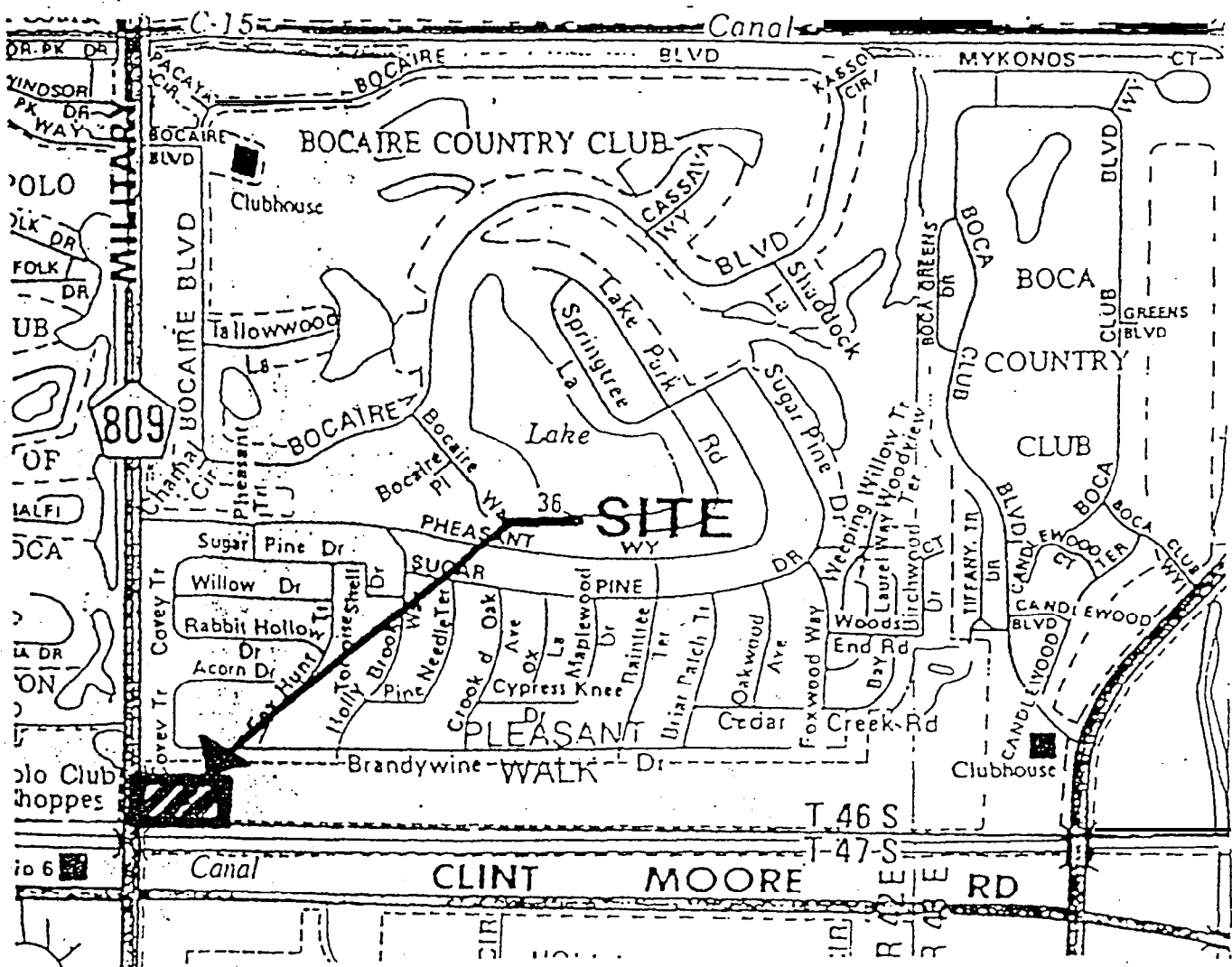

COUNTY ATTORNEY

BY:


CHAIR

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EXHIBIT B
VICINITY SKETCH



City of Boca Raton

EXHIBIT C

CONDITIONS OF APPROVAL

A. CONCURRENCY

1. Prior to issuance of the first building permit, a Concurrency Reservation is required. (CONCURRENCY/BUILDING)

B. LANDSCAPING ALONG THE NORTH PROPERTY LINE

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - b. A six (6) foot high chain link fence with green or black vinyl coating. (BUILDING)
2. The following landscaping requirements shall be installed on the exterior side of the required fence
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. Thirty six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of six (6) feet. (BUILDING-Zoning)
3. All trees required to be planted along the north property line shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Preserve Management/ Vegetation Relocation Plan shall be submitted to and receive approval from the Department of Environmental Resources Management prior to DRC site plan certification. (ERM)

E. ENGINEERING

1. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 95-17, to be paid at the time of issuance of the Building Permit presently is:
 - a. \$29,315.00 for the proposed quality restaurant (533 trips/day X \$55.00 per trip);
 - b. \$31,515.00 for the proposed bank with drive thru (573 trips/day X \$55.00 per trip);
 - c. \$52,415.00 for the proposed retail center (953 trips/day X \$55.00 per trip; and

- d. \$11,000.00 for the proposed church/synagogue (200 trips/day X \$55.00 per trip) (IMPACT FEE COORDINATOR).
2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- a. Building Permits for only the 21,450 square feet church or synagogue shall be issued until the construction has begun for dual left turn lanes north and south approaches on Military Trail at its intersection with Clint Moore Road, plus the appropriate paved tapers. (BUILDING - Engineering).
 - b. No Building Permits for
 - the quality restaurant (or)
 - bank with drive thru (or)
 - retail center
 shall be issued until construction has begun for the following roadways:
 1. Widening of Military Trail to a six-lane section from Clint Moore Road to West Atlantic Avenue.
 2. Widening of Military Trail to a six-lane section from Glades Road to Clint Moore Road.
 3. Widening of Jog Road to a six-lane section from Clint Moore Road to north of the Civic Center. (BUILDING - Engineering).

The mix of allowable commercial uses listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

3. LANDSCAPE WITHIN MEDIAN
- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BUILDING - Engineering)
 - b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation,

and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (BUILDING - Engineering)

- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (BUILDING - County Attorney)
 - d. If the required landscaping is not installed prior to commencement of the 6 laning of Military Trail, the property owner shall post surety for the installation of the Landscaping with the Office of the County Engineer in a form and manner acceptable to the County Engineer prior to the issuance of a building permit for any of the uses **onsite**. This surety shall be based upon a certified cost estimate from the developers Landscape Architect.
4. A preliminary drainage study for this site shall be submitted by the Developer's Engineer and approved by the County Engineer prior to DRC approval. Should this commercial site develop an **offsite** drainage system, then this Developer shall provide an equivalent lake system to be utilized by the Pheasant Walk drainage system to the north. It is the intent of this condition that this supplement to the Pheasant Walk Drainage System shall provide measurable benefit to the existing Pheasant Walk drainage system, and shall in no way negatively impact the existing Pheasant Walk drainage system. All costs for the construction, and installation of the supplement to the Pheasant Walk drainage system, if required, shall be the responsibility of this property owner. (ENGINEERING)

F. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)

G. USE LIMITATION

- 1. One (1) 6,500 square foot restaurant shall be permitted on site. The restaurant shall not be located adjacent to the north property line. (BUILDING)

H. WATER UTILITIES

- 1. The Developer shall be required to extend a 16 inch water main from Champions Boulevard and provide a 16 inch **stubout** on the northwest corner of Old Clint Moore Road and Military Trail. (PBCWUD)

I. COMPLIANCE

- 1. Failure to comply with any of the conditions of approval for the subject property at any **time may** result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of **any** other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of **any** departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning **Map** Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)