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**RESOLUTION 1, 2012**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN AMENDMENT TO THE TURTLE BEACH PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN AND MAJOR CONDITIONAL USE TO ALLOW A 3,012-SQUARE FOOT BANK WITH DRIVE-THROUGH, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations, is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the City Council adopted Ordinance 10, 1995 amending the Future Land Use designation of the subject parcel from Residential Medium (RM) to Professional Office (PO); and

**WHEREAS**, the City Council adopted Ordinance 6, 2007 modifying the zoning designation of the subject parcel from Residential Medium (RM) to Professional Office (PO) with a Planned Unit Development (PUD) Overlay, to be known as the Turtle Beach PUD; and

**WHEREAS**, the City Council adopted Resolution 17, 2007 approving the Turtle Beach PUD site plan and Major Conditional Use with four (4) waivers. The site plan included 2,500 square feet of bank use with drive-through facilities and 2,650 square feet of general office use; and

**WHEREAS**, the City Council adopted Resolution 101, 2007 approving the Turtle Beach PUD Plat; and

**WHEREAS**, the subject site is currently zoned Professional Office (PO) / PUD Overlay and has a future land-use designation of Professional Office (PO); and

**WHEREAS**, the Planning and Zoning Department has reviewed the application, has determined that it is sufficient and consistent with the City's Comprehensive Plan and Land Development Regulations, and has recommended approval; and

**WHEREAS**, the Planning, Zoning, and Appeals Board reviewed the petition at its November 15, 2011 meeting, and recommended approval of the subject petitions (PUDA-11-09-000033 and CUMJ-11-09-000021) by a vote of 6-0; and



- 1 Thompson River Canal. (Engineering)  
2
- 3 2. Prior to the issuance of the infrastructure permit by the Engineering Department, the  
4 applicant shall provide wheelstops at all parking stall locations. In lieu of wheelstops,  
5 the applicant may provide curbing and a minimum 2.5' vehicle overhang (not to  
6 encroach into the minimum landscape and sidewalk width requirements).  
7 (Engineering)  
8
- 9 3. Prior to the issuance of the infrastructure permit or the issuance of the building  
10 permit for the vertical construction, whichever occurs first, the Applicant shall submit  
11 signed/sealed/dated construction plans (paving/grading/drainage and water/sewer)  
12 and all pertinent calculations for review and approval. (Engineering)  
13
- 14 4. The Applicant shall provide a signed and sealed pavement marking and signage  
15 plan, or provide the same on the engineering plans. Said plans must be reviewed  
16 and approved by the Engineering Department prior to the issuance of the  
17 infrastructure permit or the issuance of the building permit for the vertical  
18 construction, whichever occurs first. (Engineering)  
19
- 20 5. Prior to the issuance of the infrastructure permit or the issuance of the building  
21 permit for the vertical construction, whichever occurs first, the Applicant shall provide  
22 to the City letters of authorization from the applicable utility companies allowing  
23 landscaping and light poles to be placed within the utility easements. (Engineering)  
24
- 25 6. Prior to the issuance of the first land alteration permit, the infrastructure permit, or  
26 the building permit for the vertical construction, whichever occurs first, the Applicant  
27 shall provide itemized cost estimates and surety for the project, in accordance with  
28 the LDR Sections 78-309 and 78-461. The itemized cost estimates shall include all  
29 public elements for the onsite and offsite improvements for the project for the  
30 infrastructure, landscaping and irrigation costs. The cost estimates shall be dated,  
31 signed and sealed by a professional engineer and landscape architect registered in  
32 the State of Florida. Surety will be based on 110% of the total combined City  
33 approved cost estimates and shall be posted with the City. (Engineering)  
34
- 35 7. Prior to the issuance of the infrastructure permit or the issuance of the building  
36 permit for the vertical construction, whichever occurs first, the Applicant shall provide  
37 a signed and sealed photometric plan and submit a site lighting permit application.  
38 (Engineering)  
39
- 40 8. Prior to the commencement of construction, the Applicant shall schedule a pre-  
41 construction meeting with City staff. Inspections related to the infrastructure permit  
42 will not be performed until the pre-construction meeting has occurred. In addition,  
43 failure to comply with this condition could result in a Stop Work Order of all  
44 work/construction activity for the subject development site. (Engineering)  
45
- 46 9. Prior to the commencement of construction, the Applicant shall provide all necessary

1 construction zone signage and fencing as required by the Engineering Department.  
2 (Engineering)

3  
4 10. Prior to the issuance of the Certificate of Completion for the infrastructure permit by the  
5 Engineering Department or the issuance of the first Certificate of Occupancy,  
6 whichever occurs first, the Applicant shall provide copies of the required FDOT test  
7 results for our review and approval. (Engineering)

8  
9 11. The Applicant shall copy to the City all permit applications, permits, certifications,  
10 and approvals. (Engineering)

11  
12 12. Prior to the issuance of the Certificate of Completion for the infrastructure permit by the  
13 Engineering Department or the issuance of the first Certificate of Occupancy,  
14 whichever occurs first, the Applicant shall provide the Engineering Department with  
15 copies of all permits, permit applications and Requests for Additional Information  
16 (RAI's) to and from regulatory agencies regarding issues on all permit applications,  
17 certifications and approvals. (Engineering)

18  
19 13. The construction, operation and/or maintenance of any elements of the subject project  
20 shall not have any negative impacts on surrounding areas including, but not limited to,  
21 drainage, erosion, sedimentation, dust, etc. If, at any time during the project  
22 development, it is determined by the City that any of the surrounding areas are  
23 experiencing negative impacts caused by the project, it shall be the Applicant's  
24 responsibility to resolve said impacts in a period of time and a manner acceptable to  
25 the City prior to additional construction activities. The City may cease issuing building  
26 permits and/or Certificates of Occupancy until all off site concerns are resolved.  
27 (Engineering)

28  
29 14. The Applicant shall comply with all Federal EPA and State of Florida Department of  
30 Environmental Protection NPDES permit requirements, including but not limited to,  
31 preparation of a stormwater pollution prevention plan and identification of  
32 appropriate Best Management Practices, as generally accepted by the  
33 Environmental Planning Agency (EPA) and/or local regulatory agencies, for  
34 construction activities, implementation of the approved plans, inspection and  
35 maintenance of controls during construction. (Engineering)

36  
37 15. Prior to the issuance of the Certificate of Completion for the infrastructure permit by  
38 the Engineering Department or the issuance of the first Certificate of Occupancy,  
39 whichever occurs first, the Applicant shall provide a Notice of Termination (NOT) for  
40 the project. (Engineering)

41  
42 Police Department

43  
44 16. Prior to the issuance of the first Certificate of Occupancy, all on-site lighting shall be  
45 installed. All on-site lighting shall consist of pulse start metal halide, L.E.D or

- 1 equivalent lighting approved by the Police Department and shall not conflict with  
2 planted landscaping. (Police Department)  
3
- 4 17. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall provide  
5 a photocell sensor engaged, or equivalent, lighting above or near entryways and  
6 adjacent sidewalks for said building. (Police Department)  
7
- 8 18. Prior to the issuance of the first Certificate of Occupancy, the following security  
9 measures shall be installed, and reviewed and approved by the Police Department.  
10
- 11 a. Building shall have an intrusion alarm system.
  - 12
  - 13 b. Door(s) shall be equipped with metal plate over threshold of the locking  
14 mechanism.
  - 15
  - 16 c. Case hardened commercial grade dead bolt locks shall be installed on all exterior  
17 doors with minimum of one inch throw into the strike receiving the bolt.
  - 18
  - 19 d. Restrooms should be placed in central area to be observable by employees.  
20
  - 21 e. Exterior/interior pedestrian doors which provide access into parking lot shall be  
22 solid core and where applicable emergency doors shall have no exterior handles.  
23 Panic hardware shall have self locking mechanism, should have three locking  
24 points and The door(s) shall be constructed and equipped with automatic  
25 hydraulic closure device and a minimum 100 square inch vision to provide  
26 visibility into area being entered.  
27
- 28 19. Prior to the issuance of the first Certificate of Occupancy, numerical addresses shall  
29 be placed at the front and north side of the building. Each numerical address shall  
30 be illuminated for nighttime visibility, with an uninterruptible A.C. power source, and  
31 shall be a different color than the color of the surface to which it is attached. (Police  
32 Department)  
33
- 34 20. Prior to the issuance of the first building permit for vertical construction, the Applicant  
35 shall submit a construction site security and management plan for review and  
36 approval by the Police Department. Noncompliance with the approved security and  
37 management plan may result in a stop-work order for the PUD. (Police Department)  
38
- 39 21. Landscaping shall not obstruct the view from windows or walkways. Ground cover  
40 should not exceed 30 inches in height and high branched trees should be trimmed to  
41 seven (7) feet, or as permitted by the City's pruning code. (Police Department)  
42
- 43 22. The Automated Teller Machine (ATM) shall comply with the requirements of F.S.S.  
44 655-965, as follows:  
45
- 46 a. Should be visible from a roadway, to the extent possible.

- 1       b. Shall not be obscured by any landscaping or other fixed object that would  
2       prevent clear visibility.
- 3
- 4       c. Shall have high illumination of both the ATM and the walkway leading to and  
5       from it. Lighting should be positioned so as not to cause glare of video recording.
- 6
- 7       d. A convex mirror shall be strategically placed and installed to allow operator of  
8       ATM to identify any approaching person(s) and/or potential suspect
- 9

10   Planning and Zoning Department

- 11
- 12   23. Prior to the issuance of the first building permit for vertical construction, the Applicant  
13    shall schedule a pre-permit meeting with the Planning and Zoning Department  
14    (Planning & Zoning)
- 15
- 16   24. Prior to the issuance of the first building permit for vertical construction, the Applicant  
17    shall comply with Section 78-262, Standards for Artwork, of the City Code relative to  
18    Art in Public Places (AIPP). The Applicant shall provide art on site or make a  
19    payment in lieu thereof. The AIPP Advisory Board shall review and make a  
20    recommendation to the City Council on any proposed art on site. If the Applicant is  
21    providing public art on site, the art shall be installed prior to the issuance of the  
22    Certificate of Occupancy, or as determined by the application for approval of the art.  
23    (Planning & Zoning)
- 24
- 25   25. Prior to the issuance of the building permit for vertical construction, the proposed wall  
26    along the south property line shall be installed in accordance with the approved  
27    development plans. (Planning & Zoning)
- 28
- 29   26. Prior to the issuance of first Certificate of Completion for the proposed improvements,  
30    an inspection is required by the Development Compliance Division. (Development  
31    Compliance Division)
- 32
- 33   27. Prior to the issuance of the first Certificate of Occupancy, all ground-mounted and  
34    rooftop mechanical equipment shall be screened from view per Section 78-377.  
35    (Planning & Zoning)
- 36
- 37   28. Per Section 78-221(g)(9), walls shall not be visible from any public rights-of-way.  
38    Any portions of the proposed screen wall that are visible from the right-of-way shall  
39    be screened with vegetation. (Planning & Zoning)
- 40
- 41   29. At no time shall staging of construction vehicles and/or service vehicles occur within  
42    a public right-of-way. (Planning & Zoning)
- 43
- 44   30. All on-site lighting shall be cast downward and shall be shielded from adjacent  
45    residential properties. (Planning & Zoning)
- 46

1 31. All gutters, downspouts, vents, and louvers attached to the building shall be painted  
2 to match the surface to which it is attached. (Planning & Zoning)

3  
4 32. The Build Out date for this project is December 31, 2013, or as otherwise extended  
5 as permitted by Code. (Planning & Zoning)

6  
7 GIS

8  
9 33. Prior to the issuance of the Certificate of Completion for the proposed improvements,  
10 digital copies of the approved civil design and architectural drawings, including floor  
11 plans, shall be submitted to the GIS Manager. (GIS Manager)

12  
13 Forestry

14  
15 34. Prior to the issuance of the first Certificate of Occupancy for the proposed  
16 improvements, all of the landscape buffers shall be installed in accordance with the  
17 approved landscape plan. (Forestry)

18  
19 35. Prior to the issuance of the first Certificate of Occupancy, the existing irrigation of the  
20 55 foot PGA Boulevard parkway shall be taken off of reclaimed water and put on a  
21 private system. (Forestry)

22  
23 36. The Applicant, successors, and assigns shall be responsible for maintenance of  
24 landscaping and irrigation for the road shoulder adjacent to PGA Boulevard from the  
25 eastern property terminus to the western property terminus. (Forestry)

26  
27 37. The Applicant, successors, and assigns shall be responsible for maintenance of their  
28 fair share of the median within PGA Boulevard from the eastern property terminus to  
29 the western property terminus. (Forestry)

30  
31 38. All utilities shall be located underground, and all utility boxes shall be screened from  
32 the PGA Boulevard right of way. (Forestry)

33  
34 **SECTION 5.** This petition is approved subject to strict compliance with the  
35 Exhibits listed below, which are attached hereto and made a part hereof as Exhibit "B":

- 36  
37 1. Cover Sheet, Sheet CS.1, prepared by *Infinity Engineering Group, LLC*,  
38 dated October 28, 2011.  
39  
40 2. Area Calculations, Sheet 1 of 1, prepared by *Cotleur & Hearing, Inc.*, dated  
41 November 11, 2011.  
42  
43 3. Site Plan, Sheet C2.0, prepared by *Infinity Engineering Group, LLC*, dated  
44 October 28, 2011.  
45

- 1 4. Site Details, Sheet C3.0, prepared by *Infinity Engineering Group, LLC*,  
2 dated October 28, 2011.  
3
- 4 5. Photometric Plan, Sheet PH.0, prepared by *Infinity Engineering Group, LLC*,  
5 dated October 7, 2011.  
6
- 7 6. Landscape Plan, Sheet 1 of 2, prepared by *Cotleur & Hearing, Inc.*, dated  
8 November 17, 2011.  
9
- 10 7. Landscape Details, Sheet 2 of 2, prepared by *Cotleur & Hearing, Inc.*, dated  
11 November 1, 2011.  
12
- 13 8. Roof Plan, Sheet A07.0, prepared by *MS Consultants, Inc.*, dated October  
14 10, 2011.  
15
- 16 9. Exterior Elevations, Sheets A08.0 and A08.1, prepared by *MS Consultants,*  
17 *Inc.*, dated November 1, 2011.  
18
- 19 10. Signage and Trash Enclosure Elevations, Sheet A08.2, prepared by *MS*  
20 *Consultants, Inc.*, dated October 28, 2011.  
21
- 22 11. Colored Elevations, Sheets A101 through A106 prepared by *MS*  
23 *Consultants, Inc.*, dated November 1, 2011.  
24

25 **SECTION 6.** This approval shall be consistent with all representations made by  
26 the Applicant or the Applicant's agent at any public hearing.  
27

28 **SECTION 7.** This Resolution shall become effective immediately upon adoption.  
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31 (The remainder of page left intentionally blank.)  
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## **EXHIBIT "A"**

LEGAL DESCRIPTION:

TURTLE BEACH BANK PUD

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 42 EAST AND LYING WITHIN THE CITY OF PALM BEACH GARDENS, PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 110, PAGES 175 THROUGH 176 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

CONTAINING 1.008 ACRES MORE OR LESS.

# **EXHIBIT "B"**