

**CITY OF PALM BEACH GARDENS  
CITY COUNCIL  
Agenda Cover Memorandum**

**Meeting Date: January 5, 2012  
Resolution 1, 2012**

**Subject/Agenda Item:**

**Resolution 1, 2012 – Turtle Beach Planned Unit Development (PUD) Amendment**

**Public Hearing and Consideration for Approval:** A request by 4506 PGA Blvd., LLC for approval of an amendment to the Turtle Beach Planned Unit Development (PUD) and Major Conditional Use to allow a 3,012-square-foot bank with two (2) drive-through lanes. The Turtle Beach PUD is located on the south side of PGA Boulevard approximately one-tenth mile west of North Military Trail and is approximately 1.01 acres.

**Recommendation to APPROVE with four (4) waivers**

**Recommendation to DENY**

<p><b>Reviewed by:</b> Director of Planning &amp; Zoning</p> <p>_____</p> <p>Natalie M. Crowley, AICP</p> <p>Development Compliance</p> <p>_____</p> <p>Bahareh Wolfs, AICP</p> <p>City Attorney</p> <p>_____</p> <p>R. Max Lohman, Esq.</p>	<p><b>Originating Dept.:</b> Planning &amp; Zoning: Project Manager</p> <p>_____</p> <p>Kathryn DeWitt, AICP Planner</p>	<p><b>Finance:</b> Accountant</p> <p>_____</p> <p>Sarah Varga</p> <p><b>Fees Paid:</b> <u>N/A</u></p> <p><b>Funding Source:</b></p> <p><input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u></p>	<p><b>Council Action:</b></p> <p><input type="checkbox"/> Approved <input type="checkbox"/> App. w/ Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Continued to:_____</p>
<p><b>Approved By:</b></p> <p>City Manager</p> <p>_____</p> <p>Ronald M. Ferris</p>	<p><b>Advertised:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 12.21.2011 Paper: Palm Beach Post</p>	<p><b>Budget Acct.#:</b> <u>N/A</u></p>	<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Location Map</li> <li>• Development Application</li> <li>• Ordinance 10, 1995</li> <li>• Ordinance 6, 2007</li> <li>• Resolution 17, 2007</li> <li>• Architectural Elevations</li> <li>• Signage Exhibits</li> <li>• Resolution 1, 2012</li> <li>• Development Plans</li> </ul>
	<p><b>Affected parties:</b> <input checked="" type="checkbox"/> Notified <input type="checkbox"/> Not Required</p>		

**BACKGROUND**

On October 5, 1995, the City Council approved a Future Land Use (FLU) Map amendment via Ordinance 10, 1995, which amended the FLU designation of the subject parcel from Residential Medium (RM) to Professional Office (PO).

On April 5, 2007, the City Council adopted Ordinance 6, 2007, which rezoned 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.

On April 5, 2007, Resolution 17, 2007 approved 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. Subsequently, Resolution 101, 2007 approved the plat for the PUD. The approved site plan was never constructed and the site is currently vacant.

The subject petition is a request to amend the previous approval to allow for a 3,012-square-foot stand-alone bank with two (2) drive-through lanes. Four (4) waivers are being requested to accommodate the proposed use. A major conditional use approval has also been requested to permit the bank use in the PO zoning district, which is being processed as part of this petition.

**LAND USE & ZONING**

The subject site has a PO future land-use designation and is zoned PO with a PUD Overlay. The subject site is also located within the PGA Boulevard Corridor Overlay.

**Table 1. Existing Zoning Land Use Designations**

<b>EXISTING USE</b>	<b>ZONING</b>	<b>LAND USE</b>
<u>Subject Property</u> Turtle Beach PUD	PO/PUD/PGA Overlay	PO
<u>North</u> Midtown PUD	Mixed Use (MXD)/PUD/PGA Overlay	MXD
<u>South</u> Garden Isles (PGA Golf Club Estates)	Residential Low-2 (RL-2)	Residential Low (RL)
<u>West</u> PGA Commons PUD	MXD/PUD/PGA Overlay	MXD
<u>East</u> SunTrust Building	General Commercial (CG-1)/PUD/PGA Overlay	Commercial (C)

## **CONCURRENCY**

The subject parcel received traffic concurrency in 2007 for 2,650 square feet of general office and 2,500 square feet of bank with drive-through. The build-out date for this concurrency approval was December 31, 2011. Through the two-year extension permitted by Senate Bill 360, the site's current build-out date is December 31, 2013. The Applicant submitted a traffic equivalency with the current petition which demonstrates a decrease in the total number of trips than originally approved.

## **PROJECT DETAILS**

### **Site Details**

The Turtle Beach site is located on the south side of PGA Boulevard, east of PGA Commons, and west of the SunTrust Office building. The site is located within the PGA Boulevard Overlay and is currently vacant. The parcel has one (1) point of access from PGA Boulevard, which it shares with SunTrust Bank. The parcel is approximately 1.01 acres and abuts a 100-foot canal on the south side.

### **PGA Boulevard Overlay**

On August 5, 1993, the City Council adopted Ordinance 13, 1993, which codified a section in the Code of Ordinances entitled "PGA Boulevard Corridor Overlay". The intent of this Code Section was to designate PGA Boulevard as the City's "Main Street" and to establish specific design principles to further enhance the corridor when new development or redevelopment occurs. The proposed development has incorporated the required design guidelines set forth in the Overlay, which includes four (4) sided architecture, façade treatments, compatible color palettes, and an overall harmonious design. The project is in compliance with the special front setback requirements, parkway widths, and pedestrian amenities. This code section also includes a list of prohibited and permitted uses within the PGA Boulevard Corridor Overlay. Banks/Financial Institutions are permitted within the Overlay, provided that associated drive-through lanes do not face PGA Boulevard. The site plan has been designed in compliance with this requirement.

### **Proposed Improvements**

A 3,012-square-foot bank is proposed to be constructed on the 1.01-acre parcel. The proposed bank will be one (1) story with two (2) drive-through lanes located at the rear (south) of the property.

### **Architecture**

The building has been designed to contain a variety of roof lines and will consist of an Arizona Clay-colored barrel tile. A tower feature is located at the entrance and includes a bracket feature around the entire tower. The proposed facade colors are shades of brown and tan (*see Color Elevations*). A series of arched windows, awnings, and shutters have been incorporated into the elevations to add more variety to the building.

### Signage

The Applicant is proposing a monument sign at the northeast corner of the site which requires a waiver, because the parcel does not contain the minimum 300 linear feet of road frontage required for a ground sign (see *Waiver section*). The PUD contains approximately 245 linear feet of right-of-way frontage. The proposed ground sign is 15 feet wide by 9.8 feet tall with a three- (3) foot solid base and eight- (8) inch lettering. The ground sign mimics the architecture of the principle structure with the arch feature as well as with the materials and colors proposed. Landscaping is proposed around the entire base of the monument sign.

One (1) principal tenant sign is also being proposed on the north elevation. The sign contains the tenant name, a logo, and will be located on the north building elevation. The proposed sign meets the dimensional and location requirements of code.

### Landscaping

The total pervious area is approximately 45.5 percent; 15 percent is required for nonresidential developments per Section 78-313, Minimum landscape requirements for nonresidential development. Additionally, the Applicant has provided 60 percent more landscape points than are required. A series of Live Oak trees are proposed along the west, south, and north property lines. In addition to the 10 Live Oak trees located along the southern property line, a six- (6) foot masonry wall will be constructed to screen the bank from the residential community to the south. All of the trees are located on the north side of the wall; however, a hedge of Spanish Stoper will be located on either side of the wall for further screening. The shrubs on the south side of the screen wall will be accessed for maintenance along the southwest corner of the site adjacent to the electrical equipment and dumpster area. There is a substantial canal bank behind the property line where a maintenance crew can access and maintain the hedge. The proposed hedge will be maintained at the height of the wall, similar to the adjacent hedge along the wall in PGA Commons.

To enhance the meandering sidewalk along the north property line, the Applicant has included a paver brick walkway feature that runs perpendicular to the sidewalk and includes a planter at the center. All of the planting materials and quantities proposed are consistent with City Code.

### Parking

City Code Section 78-345, Number of parking spaces required, requires one (1) parking space per 250 square feet for bank use. The total parking required for this site is 12 spaces; the Applicant is proposing 15 parking spaces. The City Code allows developments to exceed the minimum parking requirement by 10 percent which, in this case, is equal to one (1) additional parking space (13 spaces total). The Applicant is requesting a waiver to allow for three (3) additional parking spaces. Section 78-345(d)(4) permits additional parking spaces if additional open space is provided at a ratio of 1.5 square feet for each additional square foot of paved parking and vehicular circulation area, and the additional open space and landscaping is utilized to enhance the visual appearance of the improved site. The additional required open space to justify this waiver request is 833 square feet [8.5 feet x 10 feet x 3 spaces x 1.5 = 833 square feet]. The additional open space is located at the southwestern portion of the site and will help to further buffer the proposed use from the adjacent residents to the south.

Phasing

The improvements will be completed in one (1) phase.

Drainage

The project site lies north of an east-west canal running along the northern border of the PGA National Golf Estates. The site will utilize the on-site exfiltration trench to provide water quality pretreatment required by City Code and will discharge through a weir control structure into the PGA National Golf Club Estates canal system for legal, positive outfall and recovery. The canal system is controlled by the City of Palm Beach Gardens. The on-site stormwater drainage system consists of a conventional inlet catch basin and culvert type system to direct runoff to exfiltration trenches. The parking lot will be designed with the crown of road elevation at or above the projected five- (5) year, one- (1) day storm event elevation. The finished floor elevation will be designed in accordance with Palm Beach Gardens and South Florida Water Management District (SFWMD) criteria.

Art in Public Places

It is not anticipated that the proposed construction will reach the threshold whereby Art in Public Places would be required. However, if during the permitting process the One Million Dollar (\$1,000,000) threshold is reached for vertical construction, the Applicant will be required to comply with the requirements in Section 78-261, Art in public places requirements.

Waiver Requests

The applicant is requesting four (4) waivers with this petition.

	<b>Code Section</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Waiver</b>	<b>Staff Support &amp; Discussion</b>
1	78-345(d) Increases in Parking Spaces	12 parking spaces; Max. 10% additional parking in excess of code	15 parking spaces	3 spaces	Approval
2	78-285, Table 24, Ground Signs	1 ground sign per 300 linear feet of ROW	1 ground sign for 245 linear feet	55 linear feet	Approval
3	78-153, Table 2 Nonresidential zoning districts	90-foot setback from residential zoning	31 feet	59 feet	Approval
4	78-159, note 29 Permitted Uses	50-foot setback from drive- thru to residential zoning	31 feet	19 feet	Approval

- 1) The Applicant is requesting a waiver from City Code Section 78-345(d), to allow for three (3) additional parking spaces. A total of 12 spaces are required, and 15 spaces are proposed. The additional three (3) spaces provide more adequate parking for bank patrons and employees. In addition, one (1) of the additional spaces will be used as a dual parking/loading space for the bank. The additional open space necessary to support this waiver has been provided. Staff supports this waiver request.
- 2) The Applicant is requesting a waiver from City Code Section 78-285, Table 24, Ground

Signs, to allow for a ground sign on site. The subject parcel has approximately 245 lineal feet of ROW; 300 feet is required. The parcel is a stand-alone infill site that will not have an opportunity for a ground sign without this waiver. The ground sign will be beneficial to the public to clearly identify the entrance to the bank. The sign will also help to demarcate the site as a separate parcel from the SunTrust parcel. Due to the site's location within the PGA Overlay, it has a 55-foot setback that contains dense landscaping and a berm. As the landscaping matures, more of the building signage will be blocked. Having a sign closer to the roadway will help the bank maintain its visibility while allowing the landscaping to grow uninhibited. The Applicant has worked with staff to redesign the proposed sign to be more consistent with the architecture and style of the principal structure. The monument sign meets the dimensional and setback requirements of Section 78-285, Permitted signs. Staff supports this waiver request.

- 3) The Applicant is requesting a waiver from City Code Section 78-153, Nonresidential zoning district regulations, Table 12: Property Development Regulations – Nonresidential Zoning Districts, which requires a setback of 90 feet for structures when abutting a residential zoning district, to allow for a setback of 31 feet. The residential community to the south is PGA National Golf Club Estates. A 100-foot wide canal, which is part of the residential community, separates the bank from the nearest residential unit. When considering the 100-foot-wide canal and the proposed 31-foot building setback, there will be 131 feet between the nearest residential home and the bank structure. Therefore, staff finds that this waiver meets the intent of this Code provision. For reference purposes, Gardens Commerce Center was granted a similar waiver request. Staff supports this waiver request.
  
- 4) The Applicant is requesting a waiver from City Code Section 78-159, Permitted uses, minor and major conditional uses, and prohibited uses, Note 29, Bank or financial institution, which requires drive-through lanes to maintain a 50-foot setback from any residential property line, to allow for a setback of 31 feet. Note 29 also requires that all drive-through facilities be located at the rear of the property. Therefore, because the drive-through has been designed to be at the rear of the property, in accordance with this requirement, it is closer to the residential community than if it were located near the front of the building. A 100-foot-wide canal, which is part of the residential community, separates the bank from the nearest residential unit. When considering the 100-foot wide canal and the proposed 31-foot setback, there will be 131 feet between the nearest residential home and the drive-through facilities. Therefore, staff finds that this waiver meets the intent of this Code provision. Staff supports this waiver request.

**MAJOR CONDITIONAL USE ANALYSIS**

Section 78-159, Permitted, Conditional and Prohibited Use Chart, allows a Bank/Financial Institution with Drive-through within a Planned Unit Development (PUD)/Professional Office (PO) zoning district as a Major Conditional Use. A Conditional Use Analysis has been provided in accordance with Section 78-52, Conditional uses, (d) Criteria, of the Land Development Regulations.

The following is staff's analysis based on the criteria set forth in Section 78-52(d), Conditional

uses:

**1) Comprehensive Plan. The proposed use is consistent with the Comprehensive Plan.**

The Comprehensive Plan designation for this site is Professional Office (PO). The zoning designation is PUD/PO, which is consistent with the Comprehensive Plan designation. The bank use is consistent with the intent of the PO land-use category and the overall goals, objectives, and policies set forth in the City's Comprehensive Plan.

**2) Chapter requirements. The proposed use is consistent with all applicable requirements of this chapter.**

The proposed major conditional use will be consistent with all applicable requirements.

**3) Standards. The proposed use is consistent with the standards for such use as provided in Section 78-159.**

**Section 78-159, Table 21: Permitted, Conditional and Prohibited Use Chart: Bank/Financial Institution with Drive-through (note 29).**

**(Note 29) Bank or financial institutions with drive-through lanes located on a property within a PO zoning district shall:**

- **Be limited to a maximum of two (2) drive-through lanes, excluding the required by-pass lane.**
- **Have the drive-through lanes located in the rear of any property fronting a single public right-of-way. Drive-through lanes are prohibited on corner properties within the PO zoning district.**
- **Set back the drive-through lanes 50 feet from any residential property line.**

The proposed use is in compliance with the requirements set forth in Section 78-159 (Note 29). A waiver has been requested for the 50-foot setback requirement (see *Waiver section*). In addition to Section 78-159, the use is permitted to locate within the PGA Overlay per Section 78-221, PGA Boulevard corridor overlay. The proposed bank use is compatible with the character of the surrounding uses within the Overlay and will further the "main street" character of PGA Boulevard.

**4) Public welfare. The proposed use provides for the public health, safety, and welfare by:**

**(a) Providing for a safe and effective means of pedestrian access;**

The proposed site plan provides for pedestrian access from the building to the right-of-way (PGA Boulevard) and pedestrian pathways within the landscape buffer along PGA Boulevard.

**(b) Providing for a safe and effective means of vehicular ingress and egress;**

There is one (1) existing ingress and egress point which serves both the proposed bank parcel and the existing SunTrust building to the east. The proposed site plan demonstrates safe and effective means of vehicular circulation.

**(c) Providing for an adequate roadway system adjacent to and in front of the site;**

The proposed building will not interfere with the existing ingress and egress to the site from the public rights-of-way.

**(d) Providing for a safe and efficient on-site traffic circulation, parking, and overall control; and**

The proposal provides for complete circulation and adequate parking for the prescribed use.

**(e) Providing adequate access for public safety purposes, including fire and police protection.**

The site can be easily accessed by emergency vehicles on the front and rear sides, and will meet fire, police, and building safety codes.

**5) Screening and buffering. The proposed use utilizes such techniques as landscaping, screening, buffering, site or building design, or business operation procedures to mitigate impacts on surrounding properties, including such impacts as:**

- (a) Noise,**
- (b) Glare,**
- (c) Odor,**
- (d) Ground, wall, or roof-mounted mechanical equipment,**
- (e) Perimeter, interior, and security lighting,**
- (f) Signs,**
- (g) Waste disposal and recycling,**
- (h) Outdoor storage of merchandise and vehicles,**
- (i) Visual impact, and**
- (j) Hours of operation.**

The Applicant has proposed to construct a six- (6) foot high concrete wall along the southern property line to provide screening of the bank to adjacent properties. The

wall will match the materials and color of the existing screen wall along the PGA Commons property. In addition to the wall, Live Oak trees will line the southern property line to further buffer the building from the adjacent residential community. There is a 100-foot-wide canal that separates the bank parcel from the adjacent residential use. The canal provides further buffering of the proposed use. All ground and roof-mounted equipment are required to be screened per City Code. A condition of approval has been included to further emphasize this. The bank will maintain regular business hours, and is not proposing any activities that will interfere with the surrounding properties or cause any unnecessary noise, glare, or odor impacts.

- 6) **Utilities. The proposed use minimizes or eliminates the impact of utility installation on adjacent properties, including underground and overhead utilities.**

The proposed use will have no impact on utilities located on adjacent properties.

- 7) **Dimensional standards. The proposed use meets or exceeds all dimensional requirements required by the chapter.**

All attainable dimensional requirements have been met. For those requirements that have not been met, waivers have been requested by the Applicant with the necessary justification.

- 8) **Neighborhood Plans. The proposed use is consistent with the goals, objectives, policies, and standards of neighborhood plans.**

There is no neighborhood plan required for this area.

- 9) **Compatibility. The overall compatibility of the proposed development with adjacent and area uses and character or area development.**

The proposed use will be located adjacent the existing SunTrust bank to the east, a mixed-use project, PGA Commons, to the west, and another mixed-use project, Midtown, to the north. The 100-foot-wide canal to the south, in combination with the proposed landscaping and concrete wall, will provide for further compatibility with the adjacent properties while maintaining the character of the community.

- 10) **Patterns of development. The proposed use will result in logical, timely, and orderly development patterns.**

The proposed use is located between two (2) other uses that are commercial in nature, directly accessible to a major arterial, and located in an area where water supply and wastewater collection are provided, consistent with the policies for Commercial land uses.

- 11) **Purpose and intent. The proposed use will be in harmony with the general purpose and intent of this chapter and the goals, objectives, and policies of the City.**

The proposed use will bring an additional financial service provider to the community, consistent with the general purposes of the City's policies for Commercial land uses.

- 12) Adverse impact. The design of the proposed use and structures will minimize any adverse visual impacts or impacts caused by the intensity of the use.**

The proposed use will improve the visual aesthetics by developing a currently vacant parcel, adding a screen wall to minimize the visual impact on the adjacent residences, and creating aesthetically pleasing architecture that will compliment the vision of PGA Boulevard.

- 13) Environmental impact. The design of the proposed use minimizes any adverse impacts that may be created, including impact on environmental and natural resources, which include air, water, storm water management, wildlife, vegetation, and wetlands.**

The subject site does not contain any environmentally significant wildlife, vegetation, or wetlands. Additionally, the Applicant is proposing to develop a parcel that is currently vacant. Infill development of this nature discourages urban sprawl, which further minimizes the potential for adverse environmental impacts to be generated by the site.

#### **COMMENTS FROM THE DEVELOPMENT REVIEW COMMITTEE (DRC)**

On October 4, 2011, the subject petition was reviewed by the DRC. At this time, all comments related to the project have been satisfied.

#### **PLANNING, ZONING, AND APPEALS BOARD (PZAB)**

On November 15, 2011, the PZAB recommended approval of the subject petition to City Council by a vote of 6-0.

#### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of Resolution 1, 2012 as presented.