

RESOLUTION NO. R-94- 1682

RESOLUTION APPROVING ZONING PETITION DOA75-128(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF FIRST FEDERAL SAVINGS & LOAN ASSOC.  
OF THE PALM BEACHES

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter §63 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA75-128(A) was presented to the Board of County Commissioners at a public hearing conducted on December 5, 1994; and

WHEREAS, the Board of County Commissioners has 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 Board of County Commissioners made the following findings of fact;

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency reservation and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development code.
9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **DOA75-128(A)**, the petition of First Federal Savings & Loan Assoc. of the Palm Beaches, for a DEVELOPMENT ORDER AMENDMENT in the Commercial High Office (CHO) Zoning District, to delete acreage, add access point (Summer Street) and increase square footage (+9,500 SF), previously approved 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 5, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt <b>Aaronson</b>	--	Absent
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 5th day of December, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

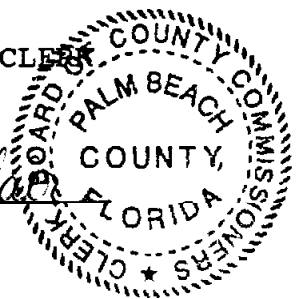


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

LOTS SEVENTY-SIX, (76), SEVENTY-SEVEN, (77) AND SEVENTY-EIGHT, (78), HI-PINE HOMESITES, PLAT NO. 2, PLAT BOOK 23, PAGE 38, FEBRUARY 20TH, 1950, BEING A SUBDIVISION OF ALL OF TRACT 42,; THE EAST HALF (E 1/2) OF TRACT 43, AND THE EAST 20 FEET OF THE WEST HALF (W 1/2) OF TRACT 43, MODEL LAND COMPANY SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 79, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT OVER THE NORTH 10 FEET OF LOT 78, FOR A DRAINAGE EASEMENT AS CONVEYED TO THE COUNTY OF PALM BEACH, RECORDED IN OFFICIAL RECORD BOOK 600, PAGE 290.

PARCEL 2

LOT 75, HI-PINES HOMESITES, PLAT NO. 2, FEBRUARY 20TH, 1950, PLAT BOOK 23, PAGE 38, BEING A SUBDIVISION OF THE WEST 1/2 OF TRACT 43, LESS THE EAST 20 FEET, ALL OF TRACT 44 SOUTH, MODEL LAND COMPANY SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 5, PAGE 79, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA.

PARCEL 3

LOT 73 AND 74, HI-PINE HOMESITES PLAT NO. 2, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 23, PAGE 38.

LESS THE FOLLOWING:

THE SOUTH 23 FEET OF LOT 73 ACCORDING TO THE OF HI-PINE HOMESITES, PLAT NO. 2, PLAT BOOK 23, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4

A PARCEL OF LAND IN TRACT 45 OF THE MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 79, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF THE AFOREMENTIONED TRACT 45, RUN EASTERLY ALONG THE NORTH LINE THEREOF A DISTANCE OF 174 FEET; THENCE RUN SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF SAID TRACT 45 A DISTANCE OF 10 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING RUN EASTERLY ALONG A LINE WHICH IS 10 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 45, A DISTANCE OF 156.42 FEET TO THE EAST LINE OF SAID TRACT 45; THENCE SOUTHERLY ALONG THE EAST LINE OF TRACT 45 A DISTANCE OF

EXHIBIT A

LEGAL DESCRIPTION

220 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 45 A DISTANCE OF 156.48 FEET, TO A POINT IN A LINE WHICH IS 174 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID TRACT 45; THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 220 FEET TO THE POINT OF BEGINNING. LESS THE RIGHT-OF-WAY OF TENTH AVENUE NORTH.

PARCEL 5

THE NORTH 52 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT PART OF LOT 45, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 79, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 18 FEET EAST OF THE WEST LINE OF SAID LOT 45, AND 230 FEET SOUTH OF THE NORTH LINE THEREOF; THENCE RUNNING EAST PARALLEL TO THE NORTH LINE OF SAID LOT 45, A DISTANCE OF 312.48 FEET; THENCE RUNNING SOUTH ALONG THE EAST LINE OF SAID LOT 45, A DISTANCE OF 220 FEET TO THE NORTHEAST CORNER OF THE LAND FORMERLY CONVEYED TO OSCAR SIEBER; THENCE WEST ALONG THE NORTH LINE OF THE PROPERTY CONVEYED TO OSCAR SIEBER, A DISTANCE OF 312.54 FEET TO A POINT 18 FEET NORTH PARALLEL TO THE WEST LINE OF SAID TRACT 45, A DISTANCE OF 220 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THAT PART THEREOF RELEASED AND QUIT-CLAIMED BY GULF OIL CORPORATION TO KENMAC ESTATES, INC. BY QUIT CLAIM DEED DATED OCTOBER 19, 1962, AS RECORDED IN OFFICIAL RECORD BOOK 842, PAGE 51, AND LESS AND EXCEPT THAT PART THEREOF CONVEYED BY GULF OIL CORPORATION TO THE STATE OF FLORIDA BY SPECIAL WARRANTY DEED DATED AUGUST 19, 1964, RECORDED IN OFFICIAL RECORD BOOK 1094, PAGE 428.

PARCEL 6

THE NORTH FIVE (5) FEET OF THE FOLLOWING DESCRIBED PARCEL: ALL THAT PART OF LOT 45, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 79, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 18 FEET EAST OF THE WEST LINE OF SAID LOT 45, AND 230 FEET SOUTH OF THE NORTH LINE THEREOF, THENCE RUNNING EAST PARALLEL TO THE NORTH LINE OF SAID LOT 45, A DISTANCE OF 312.48 FEET; THENCE RUNNING SOUTH ALONG THE EAST OF SAID LOT 45, A DISTANCE OF 220 FEET TO THE NORTHEAST CORNER OF THE LAND FORMERLY CONVEYED TO OSCAR SIEBER THENCE WEST ALONG THE NORTH LINE OF THE PROPERTY CONVEYED TO OSCAR SIEBER, A DISTANCE OF 312.54 FEET TO A POINT 18 FEET EAST OF THE WEST LINE OF SAID TRACT 45, A DISTANCE OF 220 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THAT PART THEREOF TO KENMAC ESTATES, INC. BY QUIT-CLAIM DEED DATED OCTOBER 19, 1962, IN OFFICIAL RECORD BOOK 842, PAGES 51 AND 52, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCEPT THAT PART THEREOF CONVEYED BY GULF OIL CORPORATION TO THE STATE OF FLORIDA BY SPECIAL WARRANTY DEED DATED AUGUST 19, 1964, IN OFFICIAL RECORD BOOK 1094, PAGES 428 AND 429, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. ALSO LESS AND EXCEPT THE NORTH 52 FEET THEREOF.

EXHIBIT B  
VICINITY SKETCH

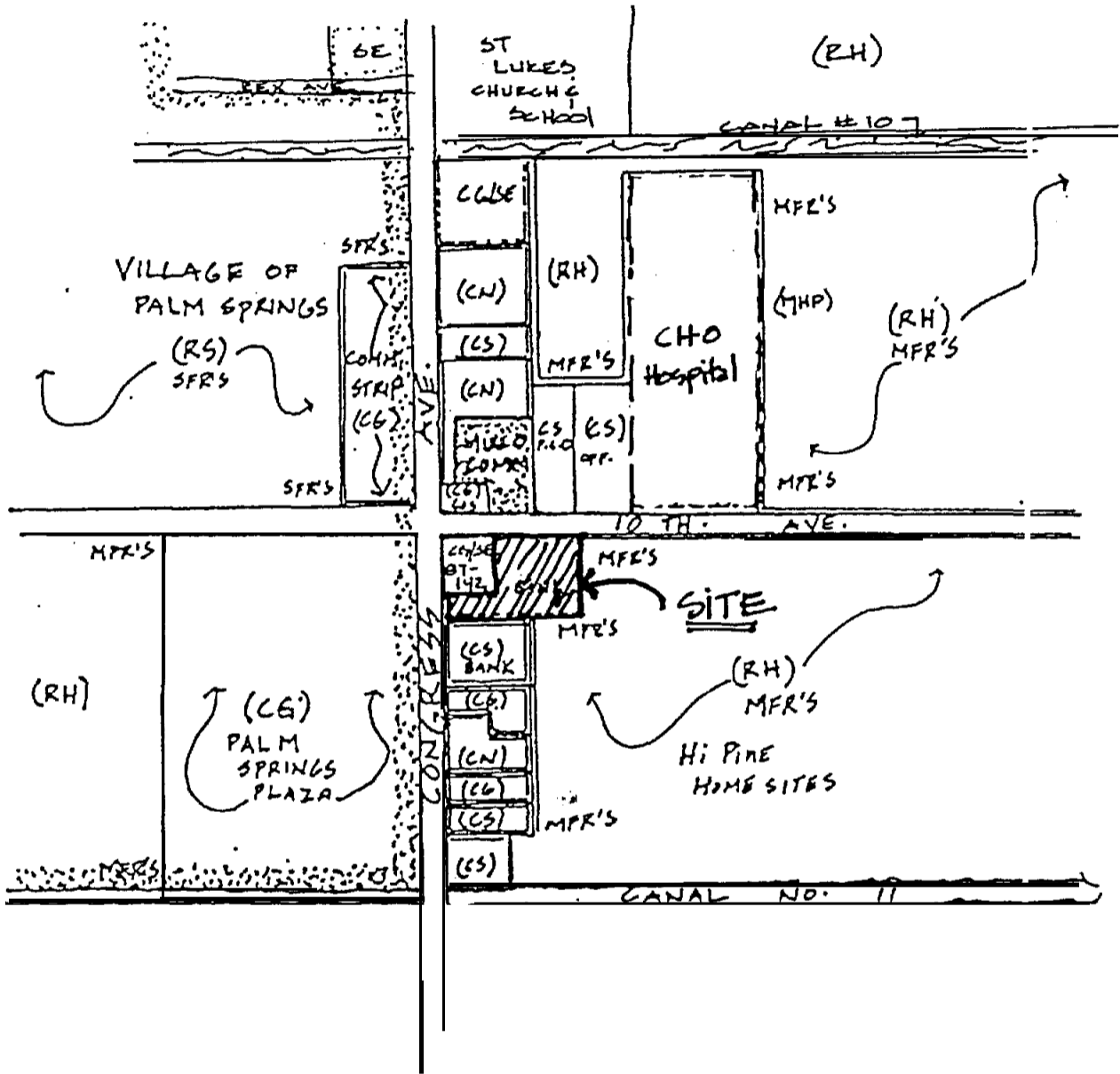


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-770, have been consolidated as contained herein. The petitioner **shall** comply with all previous conditions of approval unless expressly modified. (MONITORING)

B. LANDSCAPING - STANDARDS

1. All trees required to be planted on site by this approval 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. (BUILDING-Zoning)

C. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping within the required buffer along the north, east and west property lines shall be upgraded to include:
  - a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

D. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (BUILDING)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

E. ENGINEERING

1. Condition 1 of Resolution R-75-770, Petition 71-128, which currently states:

The Developer shall construct and/or provide the following:

  - a. A left turn lane on the south approach of Summer Street and 10th Avenue North.

- b. Expand the left turn lane on the east approach of **10th** Avenue North and Congress Avenue.
- c. Signalize the intersection of summer Street and 10th Avenue North, if and when warranted, as determined by the Palm Beach County Engineering Department. Cost of the signalization to be paid by Barnett Bank, however, if they are **unwilling** to do so, the Petitioner shall be responsible **for** the cost.

Is hereby amended to state:

The Developer shall construct and/or provide the following:

- a. A left turn lane on the south approach of **Summer** Street and 10th Avenue North.
- b. Expand the left turn lane on the east **approach** of 10th Avenue North and Congress **Avenue**. (ENGINEERING) [ Condition is in compliance]

F. RECYCLE SOLID WASTE

- 1. All property owners and lessee's shall participate in a recycling program when available in the area. **Material** to be recycled shall include, but not be **limited** to, paper, plastic, metal and glass products. (SWA)

G. SIGNS

- 1. Point of purchase signs fronting on Congress **Avenue** and 10th Avenue North shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 100 square feet;
  - c. Maximum number of signs - one **(1)**per frontage;
  - d. Monument style.

**Signage** on Summer Street shall be limited to directional signs only. (BUILDING)

H. COMPLIANCE

- 1. Failure to comply with any of these **conditions** of approval at any time may result in:
  - a. The denial or revocation of a building **permit**; the issuance of a stop work order; cease and **desist** order; the denial of a Certificate of **Occupancy** on any building or structure; or the **denial** or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Conditional Use and **any/or** zoning which was approved concurrently with the Conditional Use;
  - c. A requirement of the development to **conform** with updated standards of development, applicable 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;

- 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 Conditional Use, Rezoning, 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)