

RESOLUTION NO. R-2006- 0525

RESOLUTION APPROVING ZONING APPLICATION CA2005-1462
(CONTROL NO. 2001-010)
CLASS A CONDITIONAL USE
PETITION OF ATLANTIC FEDERAL SAVINGS AND LOAN
BY CORPORATE PROPERTY SERVICES, INC., AGENT
(BANK ATLANTIC)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2005-1462 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2006; and

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

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A 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 A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Class A 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 A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 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 Application CA2005-1462, the petition of Atlantic Federal Savings and Loan, by Corporate Property Services, Inc., agent, for a Class A Conditional Use to allow a financial institution in the Community Commercial Zoning District, 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 March 23, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Absent
Karen T. Marcus	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on March 23, 2006.

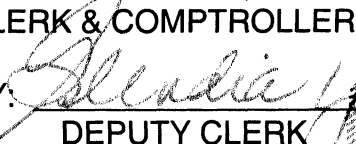
Filed with the Clerk of the Board of County Commissioners on 10th day of April, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK

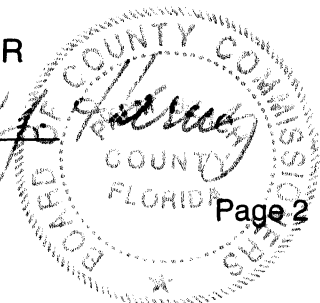


EXHIBIT A
LEGAL DESCRIPTION

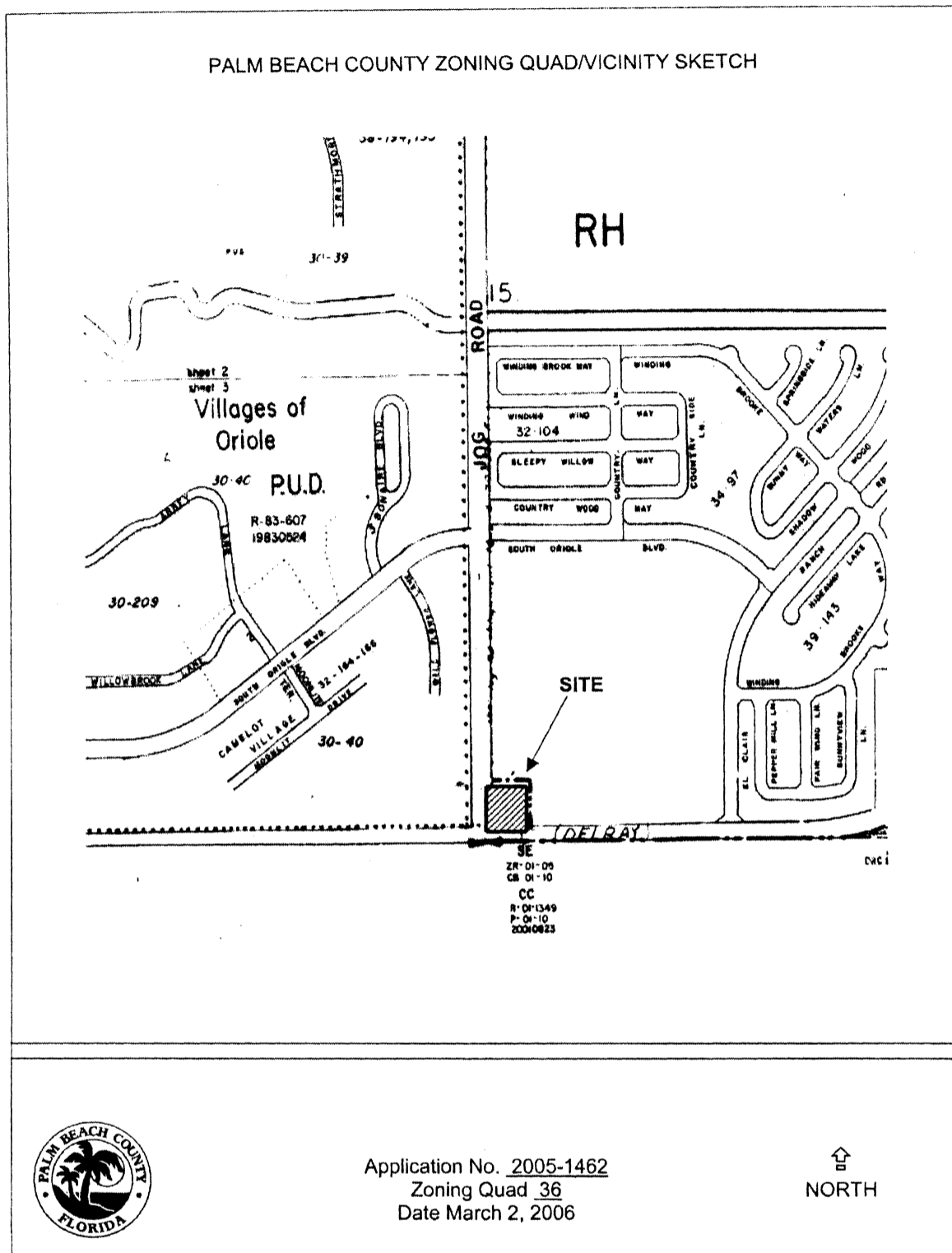
A parcel of land in the Southeast Quarter of Section 15, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southwest Corner of Section 15 run thence South 89° 32' 01" East along the south line of said Section 15, 2685.63 feet to the quarter corner of said Section 15 as shown on Plat No. 1 Villages Of Oriole, Recorded in Plat Book 30 at Pages 38, 39 And 40, Public Records of Palm Beach County, Florida, thence North 00°53' 00" East along the centerline of Tract H (Jog Road) as shown on said Plat, 78.00 Feet; thence South 89°41'35" East, 60.00 feet to the Southwest Corner of Tract "F" as shown on said Plat; Thence North 00°53'00" East 25.25 feet to the point of beginning; thence continue North 00°53'00" East, 224.75 Feet; thence South 89°41'35" East, 200.00 Feet; thence South 00°53'00" West, 250.00 feet more or less to a point in the North Line of a 7.00 foot parcel of land deeded to Palm Beach County by Oriole Homes Corporation And Recorded In Official Records Book 2226 at Page 1208, Public Records of Palm Beach County, Florida; thence North 89°41'35" West along said North Line, 174.75 feet to the East Corner of the aforesaid Tract "F" and the beginning of said curve concave to the Northeast having a radius of 25.00 feet and a center angle of 90°34'35"; thence Northwesterly along the arc of said curve 39.52 feet to the point of beginning.

LESS and EXCEPT additional right-of-way as recorded in O.R.B.7387, Page 943 and O.R.B 17453, Page 1756 of said Public Records of Palm Beach County, Florida.

48,176 square feet or 1.106 acres more or less.

EXHIBIT B
VICINITY SKETCH



Application No. 2005-1462
Zoning Quad 36
Date March 2, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated January 17, 2006. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the financial institution shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height of the one-story building shall be thirty (30) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site shall be issued after March 23, 2009. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. CORRIDOR CONVEYANCE OF RIGHT OF WAY

Prior to September 15, 2006 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for,

- Jog Road, 64 feet east of the 1/4 section line.
- West Atlantic Avenue 92 feet north of the centerline.

Right of way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all

applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along both West Atlantic Avenue and Jog Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG. PERMIT: MONITORING-Eng)

ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. All new and replacement trees to be planted in the landscape buffers shall be native and shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of wall, berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

6. In addition to code requirements, landscaping along the north property line shall be upgraded to include:

- a. an eight (8) foot high opaque concrete block wall. The eight (8) foot height of the wall shall be measured from the highest grade of the two adjoining properties (i.e. subject property and the adjoining residential property). Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Shop drawings of the wall shall be reviewed and approved by the Architectural Review/Landscape Section prior to the issuance of a demolition permit for the existing financial institution;
 - b. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
 - c. prior to the issuance of demolition permit, the required wall shall be installed.
 - d. tree removal and clean-up of branches to be completed within 30 days of approval. (DEMOLITION PERMIT: MONITORING-Landscape)
7. In addition to code requirements landscaping along the east property line shall be upgraded to include:
- a. an eight (8) foot high opaque concrete block wall. The eight (8) foot height of the wall shall be measured from the highest grade of the two adjoining properties (i.e. subject property and the adjoining residential property). Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Shop drawings of the wall shall be reviewed and approved by the Architectural Review/Landscape Section prior to the issuance of a demolition permit for the existing financial institution. The location of the wall may be adjusted per FPL approval;
 - b. in the area where the wall terminates and adjacent to the Florida Power & Light easement, a minimum of thirty five (35) linear feet of hedge and ground cover shall be installed. This hedge shall be a minimum of six (6) feet in height at installation. A minimum of sixty-five (65) linear feet of shrubs and ground cover shall be installed. Shrubs shall be a minimum of twenty-four (24) inches in height at installation and shall be maintained at a maximum height of thirty (30) inches; this provision may be amended or deleted if the easement is abandoned, subject to an Alternative Landscape Plan;
 - c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
 - d. prior to the issuance of demolition permit, the required wall shall be installed; and
 - e. tree removal and clean-up of branches to be completed within 30 days of approval. (DEMOLITION PERMIT: MONITORING-Landscape)
8. Prior to April 23, 2006, the property owner shall repair the fences of the adjacent residential properties to provide a solid opaque barrier a minimum of six (6) feet in height. (DATE: MONITORING - Zoning)

ZONING - LANDSCAPING-AT THE INTERSECTION OF ATLANTIC AVENUE AND JOG ROAD

9. Special planting treatment shall be provided at the intersection of Atlantic Avenue and Jog Road. Planting shall consist of the following:
- a. a minimum of three (3) specimen palm (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section);
 - b. a minimum of five (5) flowering trees;
 - c. appropriate shrub or hedge materials and ground cover; and,
 - d. an architectural element consisting of a wall fountain or a project identification sign with planter. The wall fountain/sign shall be a minimum of six (6) feet in height and sixty (60) square feet in face area. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-INTERIOR

10. A divider median shall be provided between each adjacent drive-through lane as follows:
 - a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the east and west boundaries of the overhead canopy;
 - b. the east and west extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and
 - c. the remaining portion of the median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface. (BLDG. PERMIT:LANDSCAPE - Zoning)
11. Prior to final approval by the Development Review Officer (DRO) the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the north and east property lines. (BLDG PERMIT: BLDG - Zoning)
3. All outdoor lighting shall be extinguished one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

PARKING

1. Overnight storage or parking of vehicles, delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Freestanding point of purchase signs fronting on Atlantic Avenue and Jog Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. maximum sign face area per side - 80 square feet;
 - c. maximum number of signs - one (1) per frontage;
 - d. style - monument style only; and,
 - e. Signs shall be limited to identification of tenant only. (ONGOING: BLDG - Zoning)

SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within forty (40) feet of the north and east property lines and shall be

confined to the areas designated on the site plan. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS

1. Hours of business operation shall be limited to 7:00 a.m. to 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
2. Hours of construction activity during all stages of site development shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. Construction shall be prohibited on Saturday, Sunday, and statutory holidays. (ONGOING: CODE ENF - Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility or on the property. (ONGOING: CODE ENF - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD-PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING - Zoning)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

Bank Atlantic

Structure

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated January 17, 2006. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the financial institution shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height of the one-story building shall be thirty (30) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site shall be issued after March 23, 2009. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. CORRIDOR CONVEYANCE OF RIGHT OF WAY

Prior to September 15, 2006 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for,

- Jog Road, 64 feet east of the 1/4 section line.
- West Atlantic Avenue 92 feet north of the centerline.

Right of way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all

applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along both West Atlantic Avenue and Jog Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG. PERMIT: MONITORING-Eng)

ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. All new and replacement trees to be planted in the landscape buffers shall be native and shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of wall, berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

6. In addition to code requirements, landscaping along the north property line shall be upgraded to include:

- a. an eight (8) foot high opaque concrete block wall. The eight (8) foot height of the wall shall be measured from the highest grade of the two adjoining properties (i.e. subject property and the adjoining residential property). Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Shop drawings of the wall shall be reviewed and approved by the Architectural Review/Landscape Section prior to the issuance of a demolition permit for the existing financial institution;
 - b. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
 - c. prior to the issuance of demolition permit, the required wall shall be installed.
 - d. tree removal and clean-up of branches to be completed within 30 days of approval. (DEMOLITION PERMIT: MONITORING-Landscape)
7. In addition to code requirements landscaping along the east property line shall be upgraded to include:
- a. an eight (8) foot high opaque concrete block wall. The eight (8) foot height of the wall shall be measured from the highest grade of the two adjoining properties (i.e. subject property and the adjoining residential property). Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Shop drawings of the wall shall be reviewed and approved by the Architectural Review/Landscape Section prior to the issuance of a demolition permit for the existing financial institution. The location of the wall may be adjusted per FPL approval;
 - b. in the area where the wall terminates and adjacent to the Florida Power & Light easement, a minimum of thirty five (35) linear feet of hedge and ground cover shall be installed. This hedge shall be a minimum of six (6) feet in height at installation. A minimum of sixty-five (65) linear feet of shrubs and ground cover shall be installed. Shrubs shall be a minimum of twenty-four (24) inches in height at installation and shall be maintained at a maximum height of thirty (30) inches; this provision may be amended or deleted if the easement is abandoned, subject to an Alternative Landscape Plan;
 - c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
 - d. prior to the issuance of demolition permit, the required wall shall be installed; and
 - e. tree removal and clean-up of branches to be completed within 30 days of approval. (DEMOLITION PERMIT: MONITORING-Landscape)
8. Prior to April 23, 2006, the property owner shall repair the fences of the adjacent residential properties to provide a solid opaque barrier a minimum of six (6) feet in height. (DATE: MONITORING - Zoning)

ZONING - LANDSCAPING-AT THE INTERSECTION OF ATLANTIC AVENUE AND JOG ROAD

- 8.9. Special planting treatment shall be provided at the intersection of Atlantic Avenue and Jog Road. Planting shall consist of the following:
- a. a minimum of three (3) specimen palm (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section);
 - b. a minimum of five (5) flowering trees;
 - c. appropriate shrub or hedge materials and ground cover; and,
 - d. an architectural element consisting of a wall fountain or a project identification sign with planter. The wall fountain/sign shall be a minimum of six (6) feet in height and sixty (60) square feet in face area. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-INTERIOR

9- 10. A divider median shall be provided between each adjacent drive-through lane as follows:

- a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the east and west boundaries of the overhead canopy;
- b. the east and west extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and
- c. the remaining portion of the median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface. (BLDG. PERMIT:LANDSCAPE - Zoning)

~~10-~~11. Prior to final approval by the Development Review Officer (DRO) the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the north and east property lines. (BLDG PERMIT: BLDG - Zoning)
3. All outdoor lighting shall be extinguished one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

PARKING

1. Overnight storage or parking of vehicles, delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Freestanding point of purchase signs fronting on Atlantic Avenue and Jog Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. maximum sign face area per side - 80 square feet;
 - c. maximum number of signs - one (1) per frontage;
 - d. style - monument style only; and,
 - e. Signs shall be limited to identification of tenant only. (ONGOING: BLDG - Zoning)

SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within forty (40) feet of the north and east property lines and shall be

confined to the areas designated on the site plan. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS

1. Hours of business operation shall be limited to 7:00 a.m. to 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
2. Hours of construction activity during all stages of site development shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. Construction shall be prohibited on Saturday, Sunday, and statutory holidays. (ONGOING: CODE ENF - Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility or on the property. (ONGOING: CODE ENF - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD-PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING - Zoning)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.