

RESOLUTION NO. R-2006-0914

RESOLUTION APPROVING ZONING APPLICATION R2005-1727
(CONTROL NO. 1978-273)
REQUESTED USE
APPLICATION OF COMMERCE BANK
BY RUDEN, MCCLOSKEY, AGENT
(COMMERCE BANK AT PINE TRAIL SHOPPING CENTER)

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 Requested 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 R2005-1727 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Requested 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 Requested 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 Requested Use meets applicable local land development regulations.

7. This Requested Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Requested Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Requested 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 Requested 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 R2005-1727, the application of Commerce Bank, by Ruden, McClosky, agent, for a Requested Use to allow a financial institution in the Multiple Use Planned Development 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 May 25, 2006, subject to the conditions of approval described in EXHIBIT C of DOA2005-1727.

Commissioner Marcus 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, Chairman | - | Aye |
| Addie L. Greene, Vice Chairperson | - | Aye |
| Karen T. Marcus | - | Aye |
| Jeff Koons | - | Aye |
| Warren H. Newell | - | Aye |
| Mary McCarty | - | Aye |
| Burt Aaronson | - | |

The Chairman thereupon declared that the resolution was duly passed and adopted on May 25, 2006.

Filed with the Clerk of the Board of County Commissioners on 25th day of May, 2006.

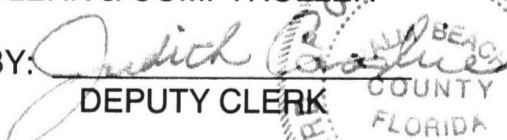
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

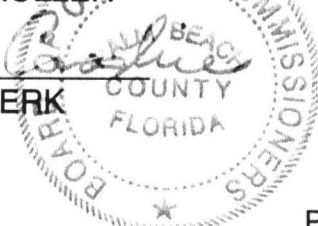


EXHIBIT A

LEGAL DESCRIPTION

A Parcel of land lying in the Northeast One-Quarter of the Northwest One-Quarter of Section 25, Township 43 South, Range 42 East, PALM BEACH County, Florida, and being more particularly described as follows:

COMMENCING at a found PALM BEACH County Concrete Monument marking the North One-Quarter of said Section 25; thence run South $00^{\circ}43'36''$ West (the centerline of Military Trail is assumed to bear South $00^{\circ}43'36''$ West and all other bearings are relative to said bearing.

Along the East line of the Northwest One-Quarter of said Section 25 and the centerline of Military Trail, a distance of 97.90 feet; thence North $89^{\circ}16'24''$ West, a distance of 60.00 feet to the Westerly right-of-way line of said Military Trail; thence South $00^{\circ}43'36''$ West, along said Westerly right-of-way line, a distance of 488.02 feet; thence South $89^{\circ}52'06''$ West, departing from said Westerly right-of-way line, a distance of 158.90 feet; thence South $00^{\circ}41'33''$ West, a distance of 150.00 feet; thence North $89^{\circ}52'06''$ East, a distance of 158.81 feet to said Westerly right-of-way line of Military Trail; thence South $00^{\circ}43'36''$ West, along said Westerly right-of-way line, a distance of 537.57 feet to the beginning of a curve, with a radius of 28.00 feet; thence Southerly and Westerly along the arc of said curve, having a central angle of $89^{\circ}24'29''$, a distance of 43.69 feet; thence (the following three bearings and distances are along the Northerly right-of-way line of Elmhurst Road) North $89^{\circ}51'55''$ West, along the tangent to the preceding curve, a distance of 263.08 feet; thence South $88^{\circ}51'43''$ West, a distance of 90.04 feet; thence North $89^{\circ}51'55''$ West, a distance of 568.61 feet to the East line of the West One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 25; thence North $00^{\circ}37'25''$ East, along said line, a distance of 89.48 feet to the South line of the North 129.48 feet of the South 258.96 feet of the West One-Half of the Southwest One-Quarter of the Northeast One-Quarter of the Northwest One-Quarter of said Section 25; thence North $89^{\circ}51'55''$ West, along said South line, a distance of 336.52 feet to the West line of the Northeast One-Quarter of the Northwest One-Quarter of said Section 25; thence North $00^{\circ}35'21''$ East, along said West line, a distance of 279.68 feet; thence South $89^{\circ}59'55''$ East, a distance of 336.70 feet to the East line of the West One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 25; thence North $00^{\circ}37'25''$ East, along said line, a distance of 727.89 feet to the South line of the North 200.00 feet of the Northeast One-Quarter of the Northwest One-Quarter of said Section 25; thence North $89^{\circ}52'06''$ East, along said South line, a distance of 132.01 feet to the East line of the West 132.00 feet of the East One-Half of the Northwest One-Quarter of the Northeast One-Quarter of the Northwest One-Quarter of said Section 25; thence North $00^{\circ}37'25''$ East, along said line, a distance of 130.01 feet to the South right-of-way line of Lake Worth Drainage District Canal L-1; according to the lands recorded in Official Record Book 1732, Page 612, of the Public Records of PALM BEACH County, Florida; thence North $89^{\circ}52'06''$ East, along said right-of-way line, a distance of 626.63 feet to the West line of the East 253.00 feet of the Northwest One-Quarter of said Section 25; thence (the following three bearings and distances are along the Southerly right-of-way line of Okeechobee Boulevard) North $00^{\circ}43'36''$ East, a distance of 8.00 feet; thence North $89^{\circ}52'06''$ East, a distance of 158.02 feet; thence South $44^{\circ}42'09''$ East, a distance of 49.12 feet to the POINT OF BEGINNING.

Containing 28,06496 Acres or 1,222,510 Square Feet, more or less.

EXHIBIT B

VICINITY SKETCH

