

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2010-00656
(CONTROL NO. 1988-00109)
an Official Zoning Map Amendment
APPLICATION OF WELLS FARGO BANK, N.A., successor by mer
BY Urban Design Kilday Studios, AGENT
(Military and Coconut)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ABN/Z-2010-00656 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2010; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 ABN/Z-2010-00656, the application of WELLS FARGO BANK, N.A., successor by merger with WACHOVIA MORTGAGE BANK, FSB, f/k/a WORLD SAVINGS BANK and being the corporate successor to BEACH FEDERAL SAVINGS AND LOAN ASSOCIATION, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to allow a rezoning from the Specialized Commercial (CS) and the Residential Single Family (RS) Zoning Districts to the General Commercial (CG) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on July 22, 2010 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye
Commissioner Jeff Koons	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 22, 2010.

Filed with the Clerk of the Board of County Commissioners on August 2, 2010.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

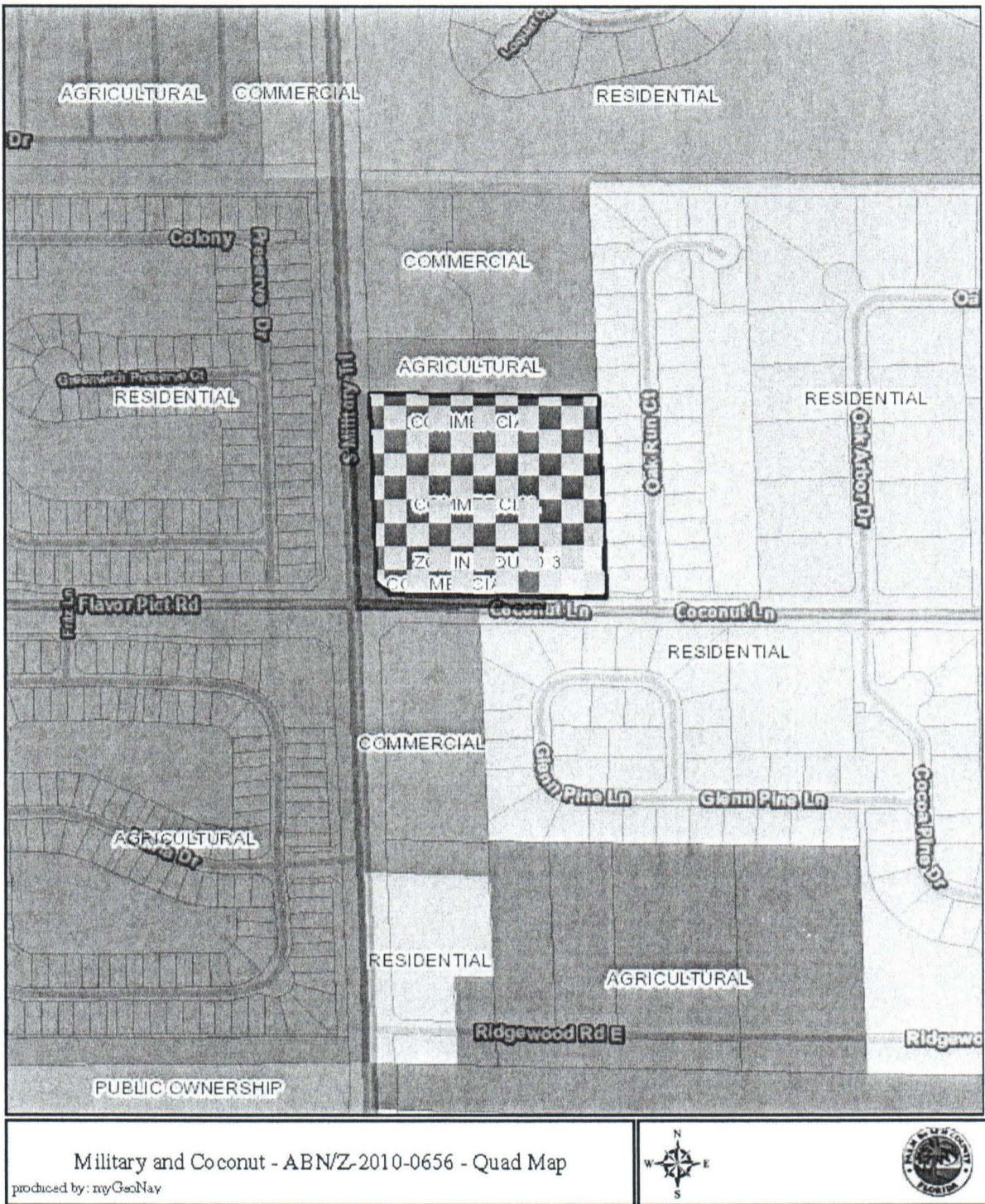
LEGAL DESCRIPTION

THE FOLLOWING PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF PALM BEACH AND STATE OF FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE WEST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST AS LIES EAST OF SOUTH MILITARY TRAIL; SOUTH OF LANDS DESCRIBED IN DEED IN OFFICIAL RECORDS BOOK 7638, PAGE 902; WEST OF THE LANDS PLATTED AS HUNTERS COURT IN PLAT BOOK 86, PAGE 165 AND NORTH OF COCONUT LANE (OR COCONUT ROAD) EXCEPT FOR PART DEEDED IN OFFICIAL RECORDS BOOK 5869, PAGE 572 AND FURTHER EXCEPTING PART DEEDED IN OFFICIAL RECORDS BOOK 8856, PAGE 713 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH



Military and Coconut - ABN/Z-2010-0656 - Quad Map

produced by: myGeoNav



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Prior to the issuance of a Business Tax Receipt for a permitted use, or the issuance of a building permit, whichever ever occurs first, the proposed development must receive final site plan approval due to the proposed change in use and the discontinuance/cessation of use for a structure exceeding the thresholds of Article 4.A.4 Development Thresholds. (BTR/BLDG PERMIT: BLDG/ ZONING - Zoning)

2. Site elements depicted on the Final Site Plan shall be in accordance with the requirements of Article 1.E Prior Approvals and Article 1.F Nonconformities. Compliance with current code would be required based on changes proposed in an effected area or beyond that which was previously approved. (BLDG PERMIT: BLDG/ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all proposed buildings 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)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2014. 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. Within twelve (12) months notice from the County Engineer, the property owner shall provide by warranty deed additional right of way for the construction of an east approach right turn lane on Coconut Lane at Military Trail. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free and clear 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, unless otherwise agreed upon. 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 additional right of way for Expanded Intersections and corner clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING-Eng)

3. Prior June 24, 2011, the property owner shall create a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-Eng)

4. Prior to issuance of a building permit for modifications to the site, excluding interior building modifications, the property owner shall obtain Drainage Review approval from the Land Development Division. (BLDG PERMIT: MONITORING - Eng)

5. Prior to issuance of a building permit for modifications to the site, the property owner shall remove the eastern driveway on Coconut Lane. (BLDG PERMIT: MONITORING-Eng)

LANDSCAPE – GENERAL

1. Prior to October 1, 2010, the property owner shall replace all dead and missing plant materials for the ficus hedge along the north property line of the subject property. (DATE: LANDSCAPE - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)