

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: DOA-2016-02216
Application Name.: Atlantic Bank Corp
Control No.: 1973-00077
Applicant: First Union Natl Bank of Fla
Owners: First Union Natl Bank of Fla
Agent: Dunay, Miskel and Backman, LLP - Beth Schrantz
Dunay, Miskel and Backman, LLP - Bonnie Miskel
Telephone No.: (561) 405-3321 , (561) 405-3300
Project Manager: Carolina Valera, Senior Site Planner

TITLE: a Development Order Amendment REQUEST: to reconfigure the Site Plan and delete land area.

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for the Atlantic Bank Corporation development. The 3.45-acre site was last approved by the Board of County Commissioners (BCC) for a Special Exception (SE) to allow a Bank on June 28, 1973 through Resolution R-1973-387.

The Applicant proposes to reconfigure the Site Plan and 1.57 acres of land in order to add it to the Multiple Use Planned Development (MUPD) proposed immediately to the west through a separate application (ABN/PDD/R-2017-0137). No other changes are proposed. The Preliminary Site Plan (PSP) indicates the existing 7,602 square feet (sq. ft.) Financial Institution with five drive-through lanes. A total of 71 parking spaces exist and two access points will remain from Okeechobee Boulevard, and Haverhill Road.

SITE DATA:

Location:	Approximately 160 feet east of Haverhill Road on the south side of Okeechobee Boulevard.
Property Control Number(s)	00-42-43-25-00-000-3197
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)
Proposed Future Land Use Designation:	No proposed change
Existing Zoning District:	General Commercial District (CG)
Proposed Zoning District:	No proposed change
Total Acreage:	3.45 acres
Affected Acreage:	1.88 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	CCRT Area #14 Haverhill East Neighborhood Area
CCRT Area:	Haverhill East
Municipalities within 1 Mile	Haverhill, West Palm Beach
Future Annexation Area	Haverhill, West Palm Beach

RECOMMENDATION: Staff recommends approval of the request subject to 11 Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): At the July 6, 2017 ZC hearing, this application was on Consent Agenda. No one from the public was present to speak on the item. The Agent agreed to the Conditions of Approval and those on the Add/Delete. The ZC made a recommendation of approval with a vote of 6-1, with Commissioner Beatty opposed.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received four contacts from the public regarding this project, two in support and two in opposition. One citizen expressed concerns regarding noise and loss in property value. Exhibit E, is a letter from the Town of Haverhill, Mayor Jay Foy, in which he lists concerns from the Town Council on the increase in intensity of uses for the proposed development. The Council has continued concerns on the cumulative effect of multiple land use changes and application approvals that are taking place in close proximity to the Town. They feel

these approvals will result in increased traffic within the Town's jurisdictional boundaries. They want Belvedere Road, between Jog and Military to remain a four-lane divided roadway as it would destroy the residential character of the Town, and violate the Haverhill Area Neighborhood Plan.

PROJECT HISTORY: The 3.45-acre site was approved by the Board of County Commissioners (BCC) for a Special Exception (SE) to allow a Bank (Financial Institution) on June 28, 1973 through Resolution R-1973-387. The Financial Institution was not constructed until 1989, under the issuance of Building Permit B-1989-017074-0000. Staff and the Applicant have found that this Development Order differs from its original approval in 1973, where the building was reduced in size, modified the number of Drive-through lanes from 10 to 5, and modified the parking spaces and associated drive aisles located adjacent to the Drive-through facility. The approved Site Plan was never modified/updated.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (Dolphin Stations LLC, Control No. 1984-00053)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (Gulfstream Shopping Plaza, Control No. 1996-50098)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Drainage canal (Lake Worth Drainage District)

SOUTH (Beyond Canal)

FLU Designation: Medium Residential 5 units per acre (MR-5)
Zoning District: Residential High (RH)
Supporting: Residential (No Control Name or Number)

EAST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (Radiation Center of Palm Beach, No Control Name or Number)

WEST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (Mobil Oil Corporation, Control No 1978-0288)

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

○ Consistency with the Comprehensive Plan: The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ Prior Land Use Amendments: The site has been the subject to one previous County Initiated Land Use Amendment Commercial Category 57e. The amendment was adopted with no conditions via Ordinance 2001-087, which amended the land use from C/8 to CH/8.

○ Intensity: The maximum Floor Area Ratio (FAR) of 0.35 is allowed for Commercial High FLU designation without PDD in the Urban Suburban Tier (1.88 acres x 43,560 sq. ft. x 0.35 maximum FAR = 28,662.48 sq. ft. maximum). The request for a total of 7,602 sq. ft. equates to a FAR of approximately 0.09 (7,602 / 81,892.8 sq. ft. or 1.88 acres = 0.093).

○ Special Overlay District/ Neighborhood Plan/Planning Study Area: The property is located within the CCRT Area #14 Haverhill East Neighborhood Area. The Applicant and Agent met with the Office of Community Revitalization on January 30, 2017. Although, the neighborhood meeting wasn't required, the Applicant scheduled a meeting on May 24, 2017.

2. Consistency with the Code - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The following analysis verifies whether the proposed removal of land creates any nonconformities for the newly created property boundary. The balance of the development remains as previously approved, as indicated on the PSP, including non-conformities approved through various vesting documents, as indicated in the nonconformity chart.

○ Property Development Regulations (PDR): The reduction in land area will not affect its compliance with the required PDR's for the CG Zoning District.

○ Parking: No changes are proposed to the existing parking area. However, the proposed PSP reflects changes previously approved through building permits. The Financial Institution requires 38 parking spaces, and a total of 71 spaces exist, therefore, the project complies with the requirements of Article 6 for Parking

○ Landscaping: The proposed request is to delete 1.57-acres from the original Development Order. With the creation of the new lot line, the Property Owner is required to install a 5-ft. compatibility buffer on the west property line. There is some existing vegetation in place and the Property Owner would be required to fill in what is missing to bring the site into compliance. The remaining buffers will remain as they were approved on the Building Permit in 1989. A portion of the Right of Way buffer along Okeechobee is non-conforming for width. The Property Owner is required to replace any dead and missing plant material in accordance with its previous approval (Figure 7).

○ Signage: With the proposed MUPD immediately to the west, the existing non-conforming off-site directional sign located along Haverhill Road (Figure 9) will be within the boundaries of the MUPD project. Therefore, a condition of approval is included to allow the off-site directional sign to remain as approved through building permit B-1989-027538-0000 (Figures 10 and 11), and that any changes will require a Variance. All other signs were previously approved through building permits, as indicated in the PSP and building permits.

3. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The use was previously deemed to be compatible and generally consistent when approved in 1973. The proposed amendment to delete land area does not change the character of land surrounding the existing development. The installation of the Compatibility buffer along the western property line will maintain the existing compatibility between this project and the proposed MUPD to the west.

4. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed request does not visually impact the surrounding uses and does not impact the intensity of the current use on adjacent lands, as no new changes are proposed to the approved development.

This request is limited to the removal of a portion of land in order to add it to the proposed MUPD east of this project.

5. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been previously cleared and developed and now only supports landscape vegetation.

WELLFIELD PROTECTION ZONE: The property is located with a Wellfield Protection Zone #4.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. Development Patterns – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The developed exists as a Financial Institution with previous approvals and is consistent with the development pattern for the area. The proposed removal of a portion of land from the approved project will be developed in a logical, orderly and timely development pattern.

7. Adequate Public Facilities – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

The Property Owner shall dedicate R-O-W to be consistent with the PBC Thoroughfare Identification Map prior to the issuance of the building permit.

The Property Owner shall configure the property into a legal lot of record concurrently with the property to the west.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets all Department of Health requirements.

FIRE PROTECTION: Staff has reviewed the project and has no issue with the proposed request.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

8. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The Applicant proposes to remove a portion of land from the existing development in order to add it to the MUPD proposed immediately to the west through a separate application, and to update the existing Site Plan to reflect modifications approved through a building permit.

CONCLUSION:

Staff has evaluated the standards listed under Article 2.B.2.B and determined that there is a balance between the need for change and the potential impacts generated by the request for the DOA. Therefore, Staff is recommending approval of the request. Staff has also determined that any of the potential impacts and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

Exhibit C

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-73-387 (Control 1973-00077), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated May 11, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-1973-387, Control No.1973-00077, which currently states:

Prior to the issuance of any building permits, the developer shall dedicate, to Palm Beach County, the additional rightof- way required to provide for ninety (90) feet from the centerline for Okeechobee Boulevard.

Is hereby amended to read:

The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Okeechobee Boulevard, 70 feet, measured from centerline of the proposed right of way on an alignment approved by the FDOT or County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit for additional square footage. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 Property Owner, the Property Owner agrees to hold the County and FDOT 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

2. Previous ENGINEERING Condition 2 of Resolution R-1973-387, Control No.1973-00077, which currently states:

Developer shall construct frontage road.

Is hereby deleted. [REASON: No longer applicable.]

3. Prior to August 1, 2018, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code concurrently with the property to the west with Zoning Control Number 1978-00288 and shall create onsite all necessary cross access easements for access between the two sites. (DATE/ONGOING: MONITORING - Engineering)

LANDSCAPE – GENERAL

1. Prior to January 27, 2018, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (BLDG/PMT/DATE: ZONING - Zoning)

LANDSCAPE – PERIMETER - WEST PROPERTY LINE

1. The Property Owner shall provide a five (5) foot wide Compatibility buffer along the western property line as follows:

a. No later than November 27, 2017 the Property Owner shall apply for a Landscape Permit for landscape installation.

b. No later than January 27, 2018, the Property Owner shall obtain final inspection approval of the landscape installation. (BLDG/PMT/DATE: ZONING - Zoning)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), submit a recorded cross access easement agreement for the location at the Southwest corner of the site as depicted on the site plans. (DRO: PLANNING - Planning)

SIGNS

1. Any modification to the existing non-conforming offsite directional sign, as approved through Building Permit B-1989-027538-0000, and fronting on Haverhill Road, shall require Variance approval. (ONGOING: ZONING - 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; 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; the 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 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 of Approval; 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) (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 – Land Use Map

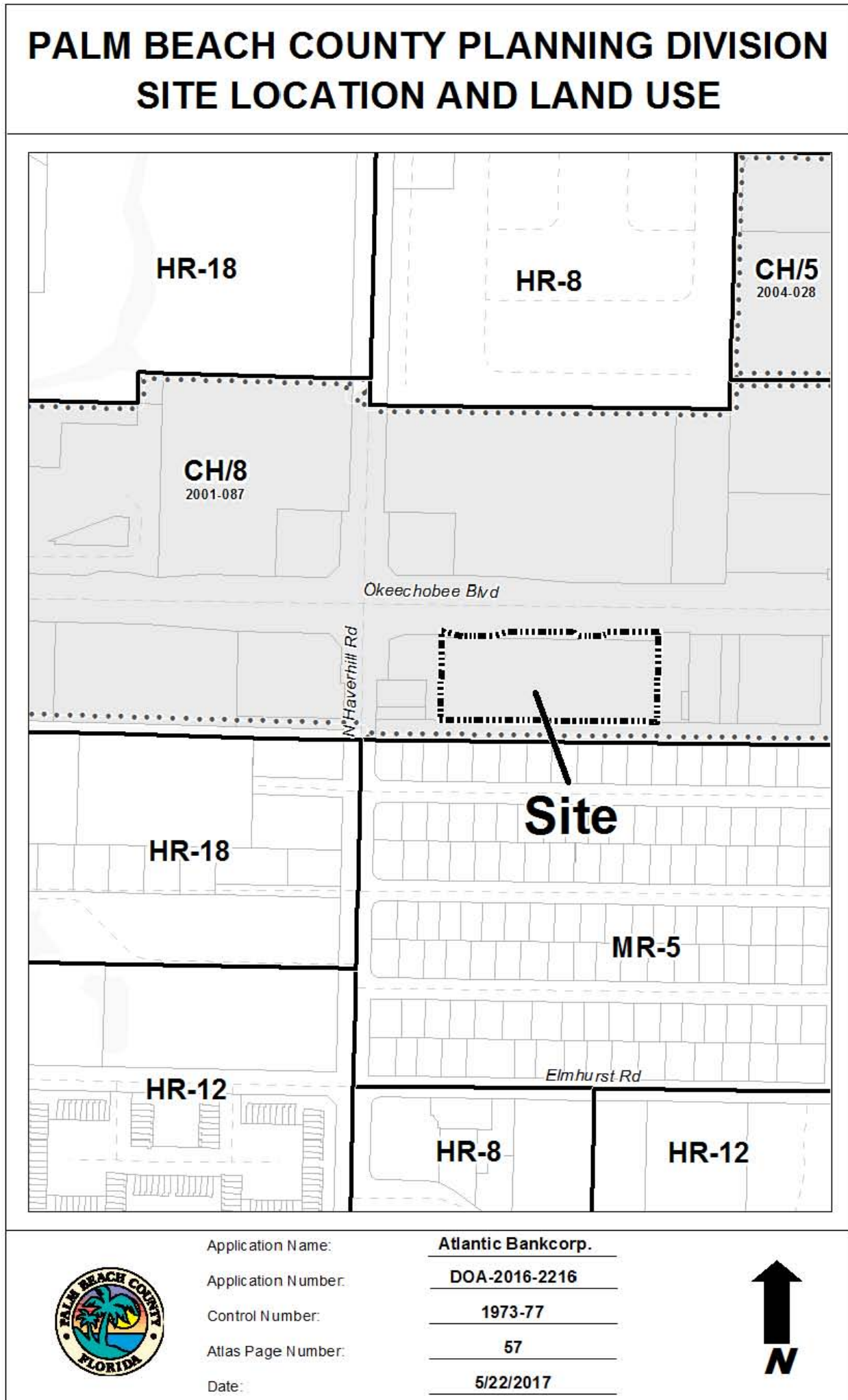


Figure 2 – Zoning Map

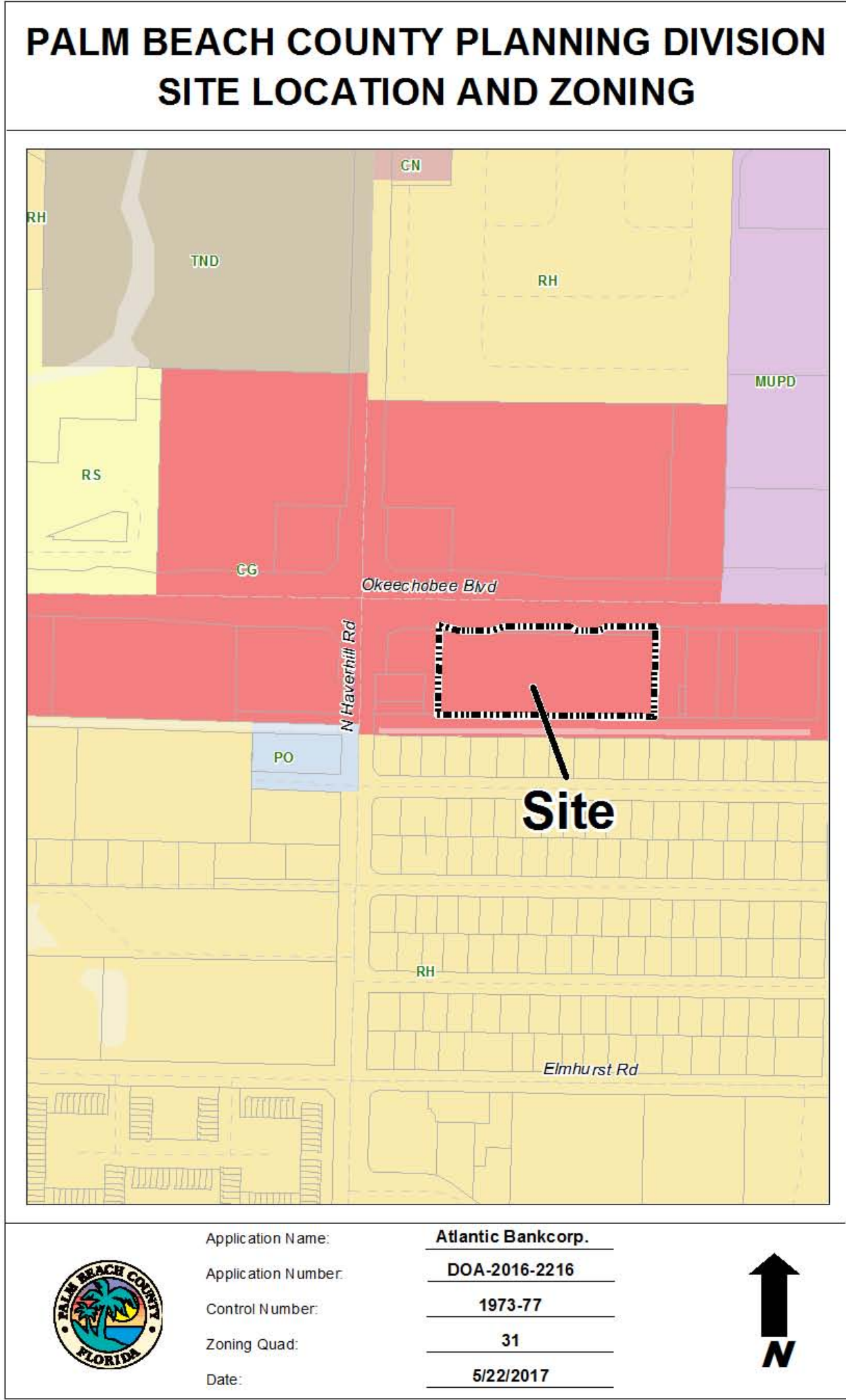
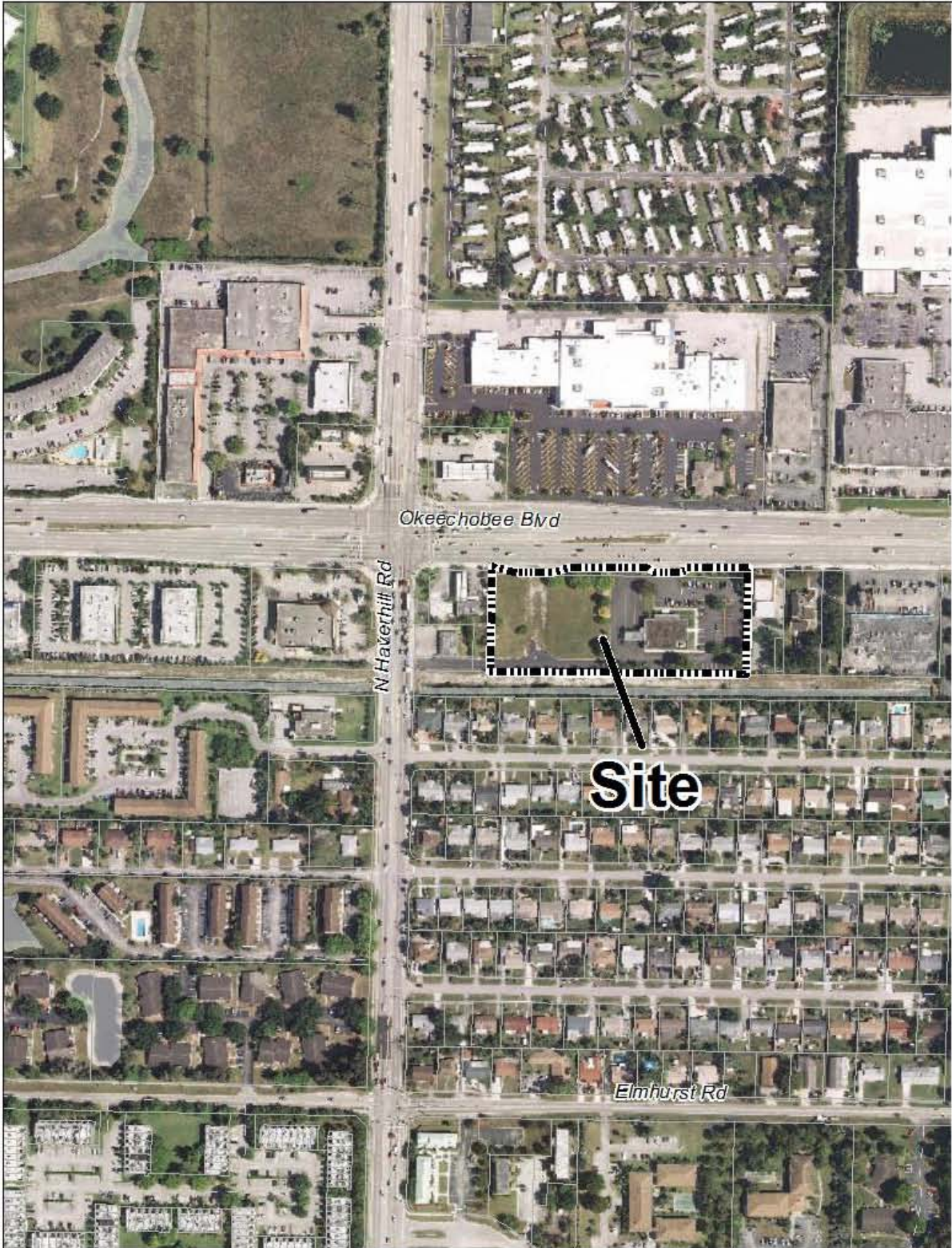


Figure 3 – Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Atlantic Bankcorp.</u>
Application Number:	<u>DOA-2016-2216</u>
Control Number:	<u>1973-77</u>
Atlas Page Number:	<u>57</u>
Date:	<u>5/22/2017</u>



Figure 4 – Preliminary Site Plan dated May 12, 2017 (Page 1 of 1)

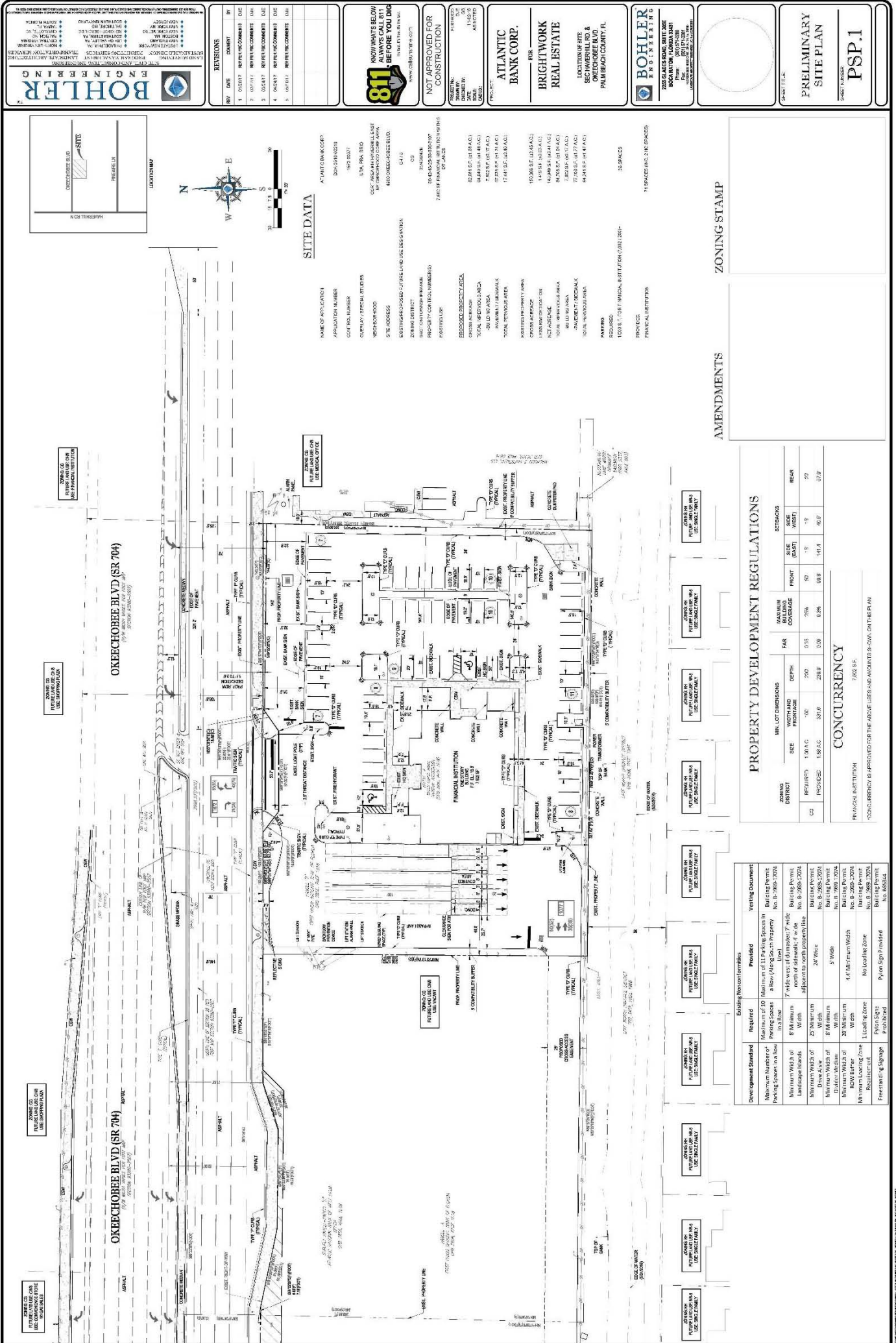
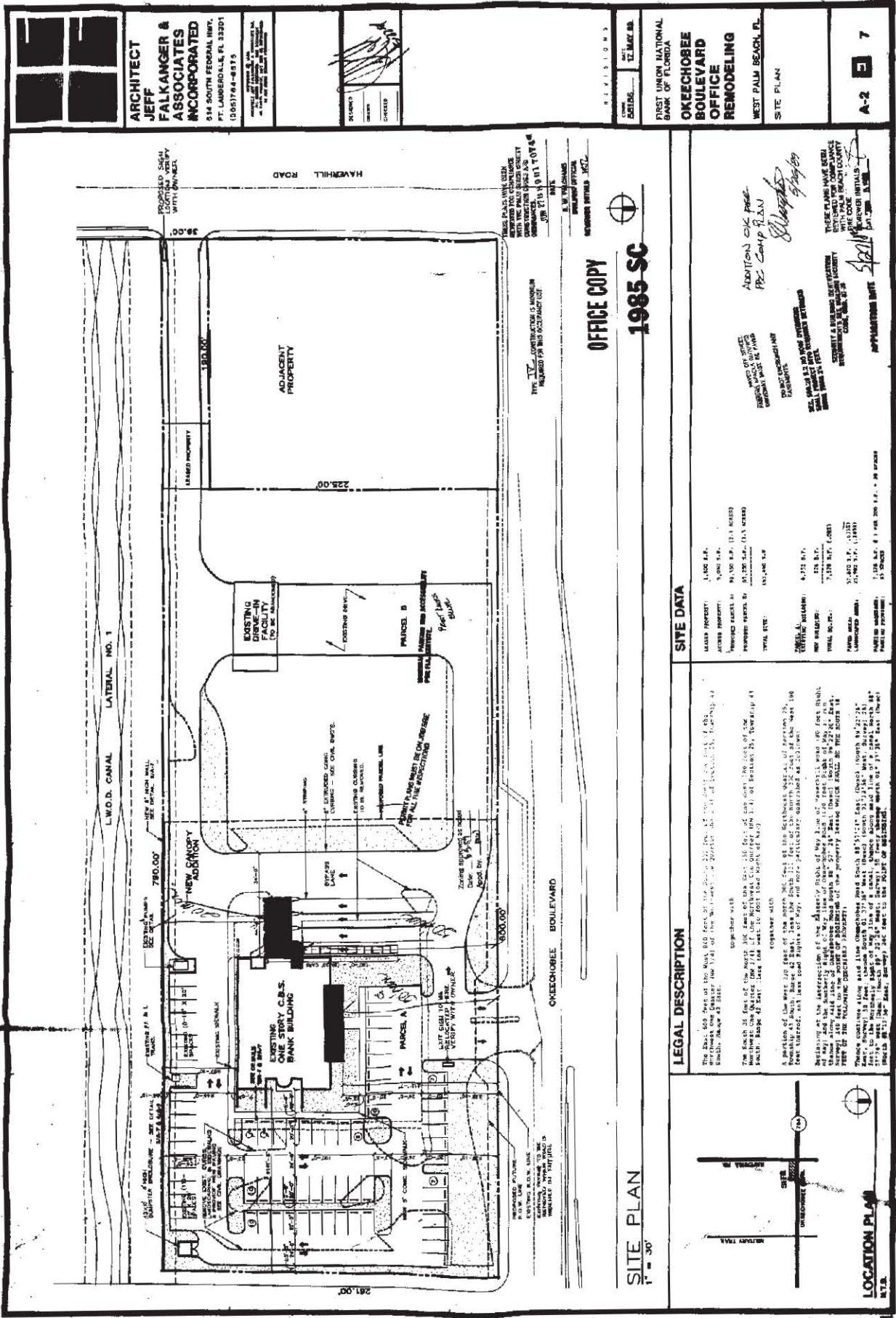


Figure 7 - Approved Site Plan dated May 17, 1989 included in Building Permit B-1989-017074-000



ARCHITECT
JEFF FALKANGER & ASSOCIATES INCORPORATED
 314 SOUTH FEDERAL HWY.
 FT. LAUDERDALE, FL 33201
 (305) 764-8375

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		

DIVISIONS
 ARCHITECT
 ENGINEER

FIRST UNION NATIONAL BANK OF FLORIDA
OKEECHOBEE BOULEVARD OFFICE REMODELING
 WEST PALM BEACH, FL

SITE PLAN

A-2 **7**

OFFICE COPY
1985 SC

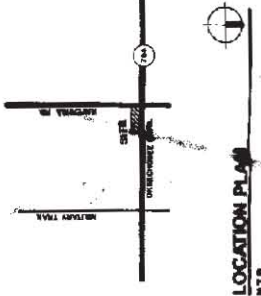
SITE DATA

TRACT PROPERTY:	1.600 AC.
ACCESS PROPERTY:	3.000 AC.
TRACED ACRES:	91.000 AC. (21 ACRES)
TRACED ACRES:	91.200 AC. (21 ACRES)
TOTAL ACRES:	101.400 AC.
TOTAL (NET) ACRES:	4.772 AC.
TOTAL (GROSS) ACRES:	278 AC.
TOTAL (NET) ACRES:	318 AC. (200)
TRACT AREA:	31.000 AC. (200)
TRACT AREA:	31.000 AC. (200)
TRACT AREA:	31.000 AC. (200)
TRACT AREA:	31.000 AC. (200)

LEGAL DESCRIPTION

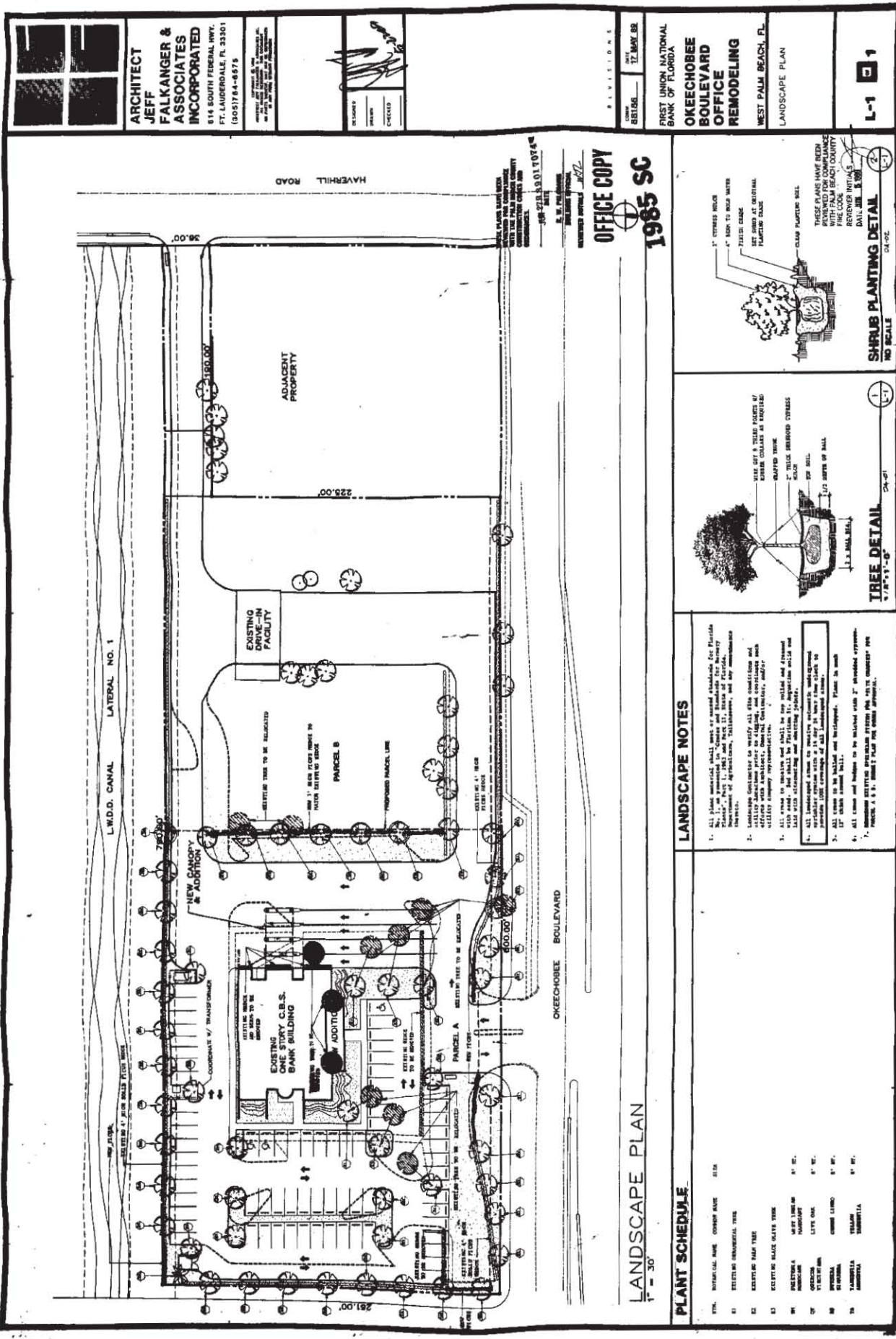
The above described tract of land is situated in the County of Palm Beach, State of Florida, and is bounded as follows: to the north by the line of the right-of-way of the Okeechobee Boulevard, to the south by the line of the right-of-way of the West Palm Beach Road, to the east by the line of the right-of-way of the L.W.O.D. Canal Lateral No. 1, and to the west by the line of the right-of-way of the Okeechobee Boulevard. The area of the tract is approximately 31.000 acres (200).

LOCATION PLAN



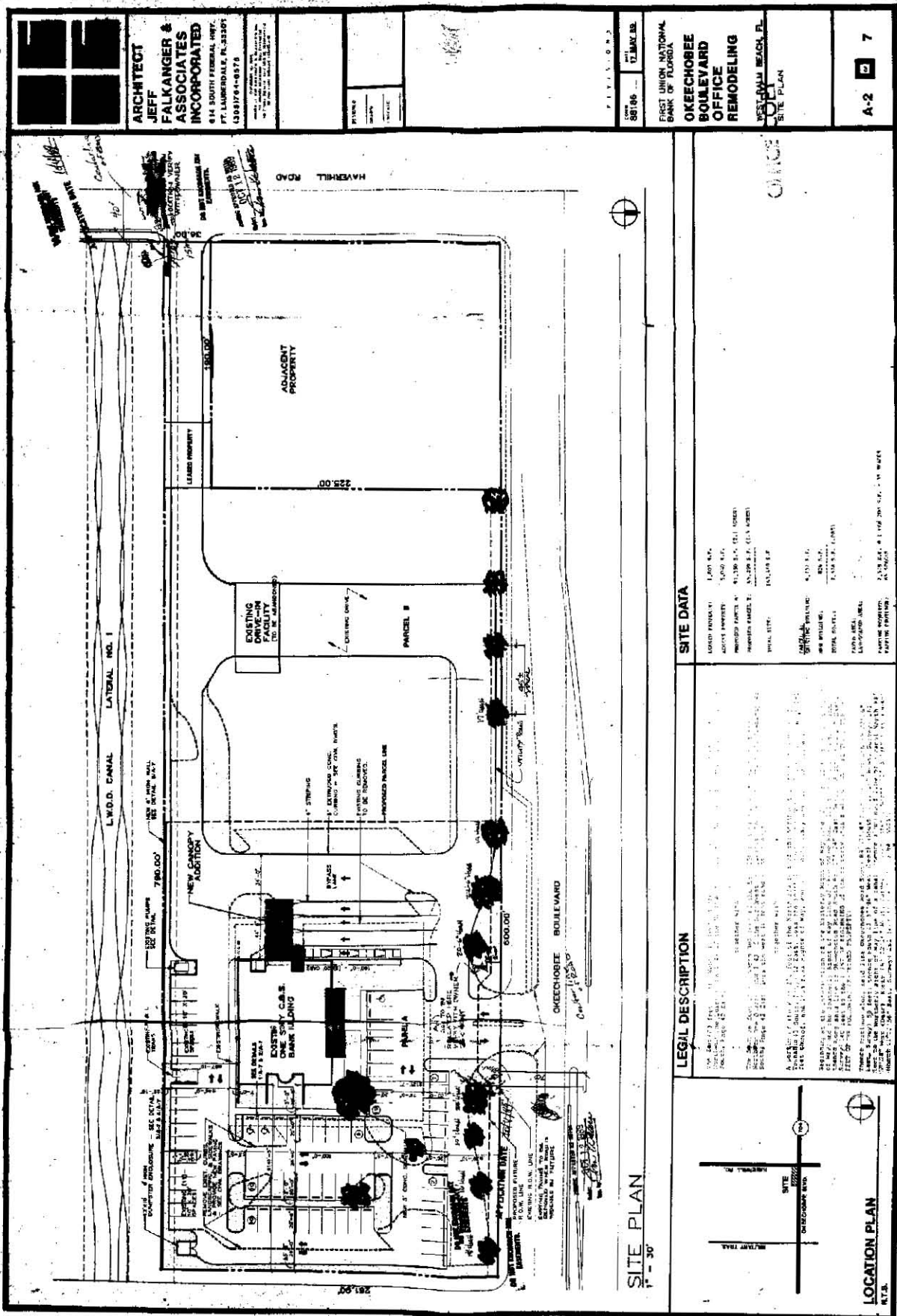
1985 SC

Figure 8 – Approved Landscape Plan dated May 17, 1989 included in Building Permit B-1989-017074-0000



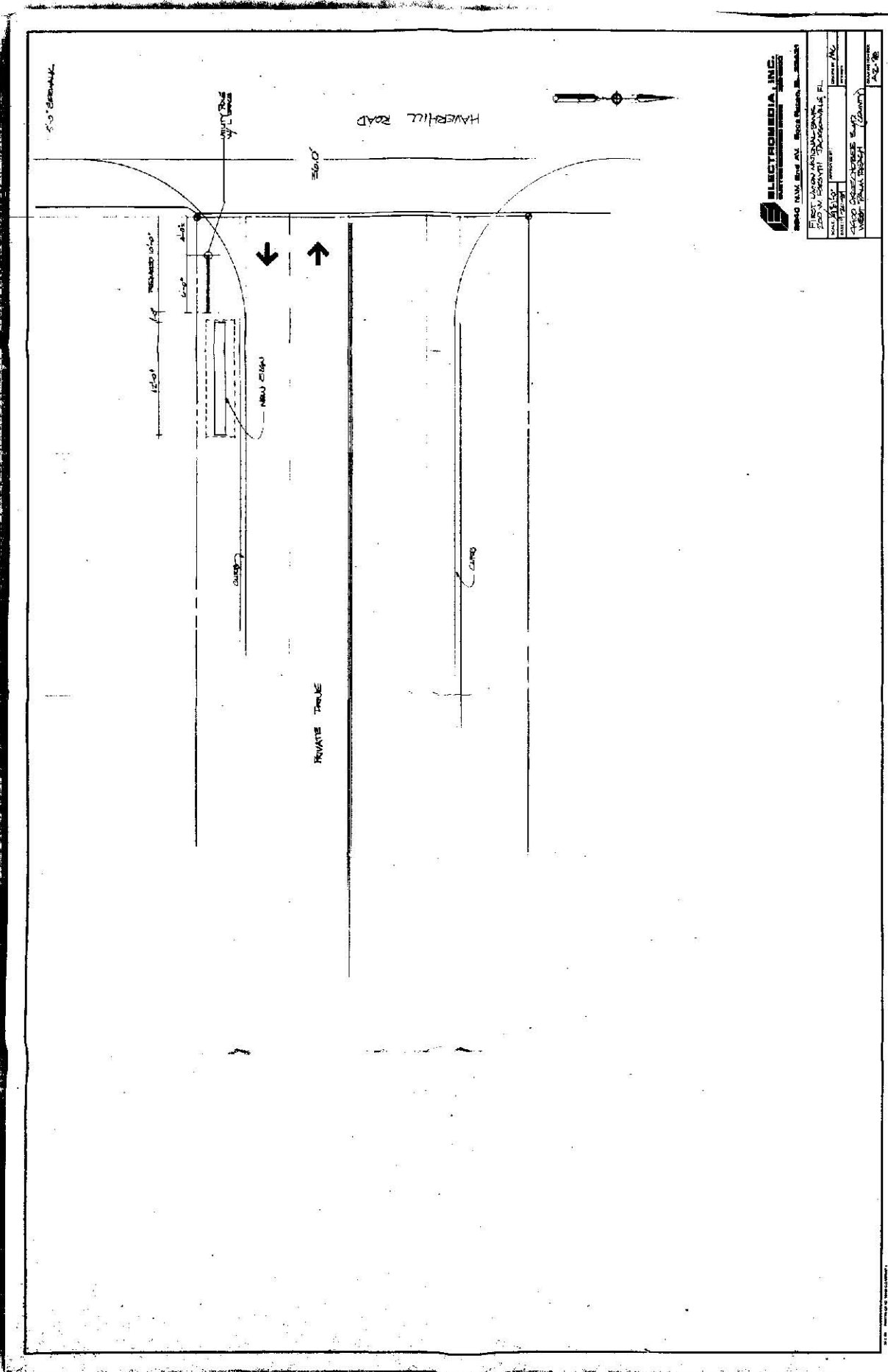
BRUNNEN

Figure 9 – Approved Off-Site Sign Plan dated May 17, 1989 included in Building Permit B-1989-027538-0000



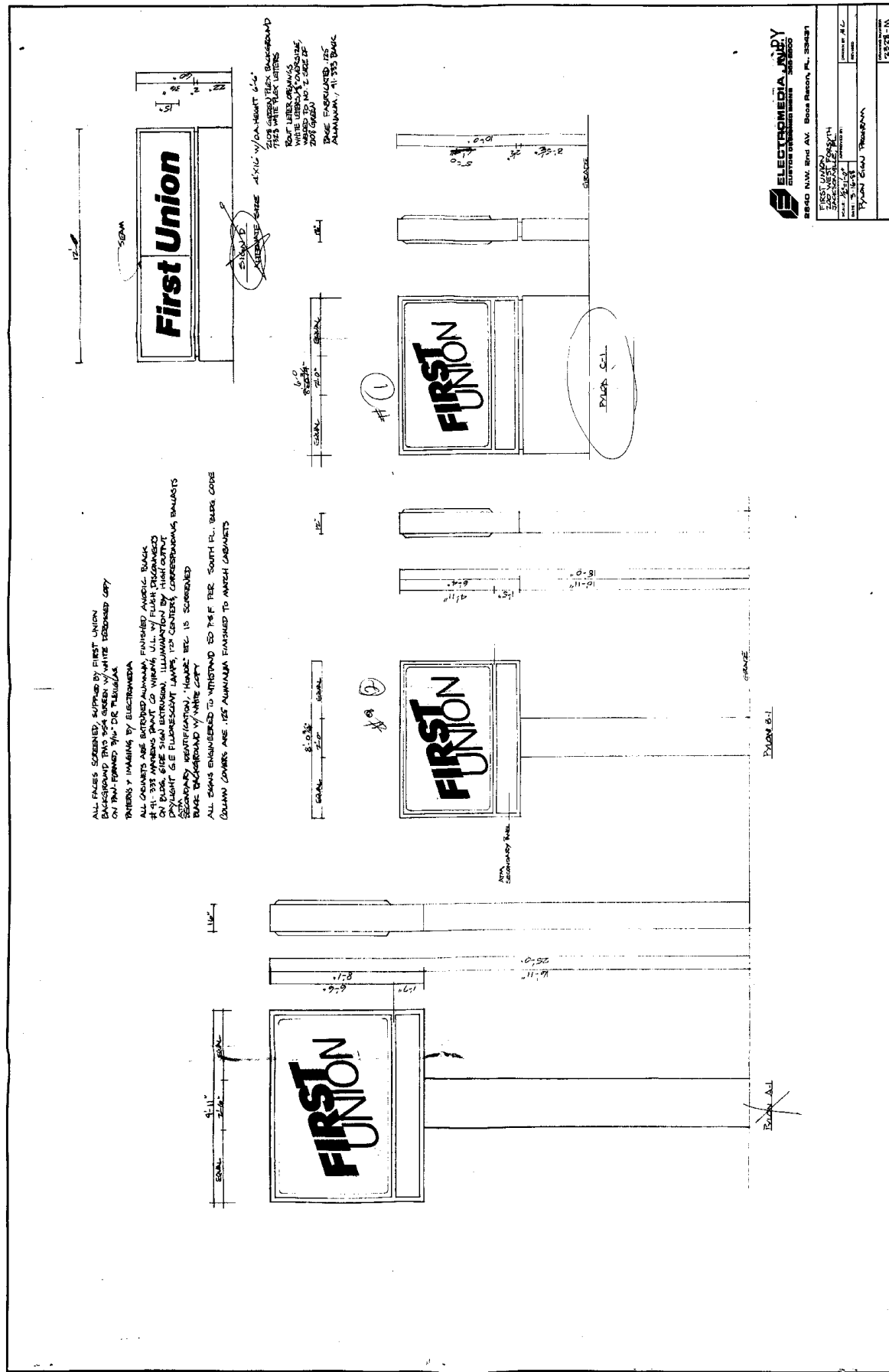
889 77538

Figure 10 – Approved Off-Site Sign Plan dated May 17, 1989 included in Building Permit B-1989-027538-0000



B-1989-027538-0000

Figure 11 – Approved Off-Site Sign Plan dated May 17, 1989 included in Building Permit B-1989-027538-000



BBB 77538

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Henry Hillman, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [X] Vice President *[position—e.g., president, partner, trustee]* of Brightwork Acquisitions, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 3708 West Swann Avenue, Suite 200, Tampa, FL 33609
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

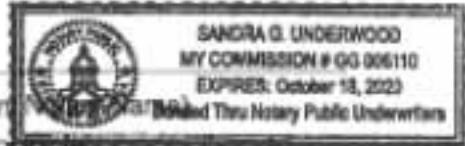
HL

Henry Hillman, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 11 day of October
20 16 by Henry Hillman who is personally
known to me or [] who has produced _____
as identification and who did take an oath.

Sandra G. Underwood
Notary Public



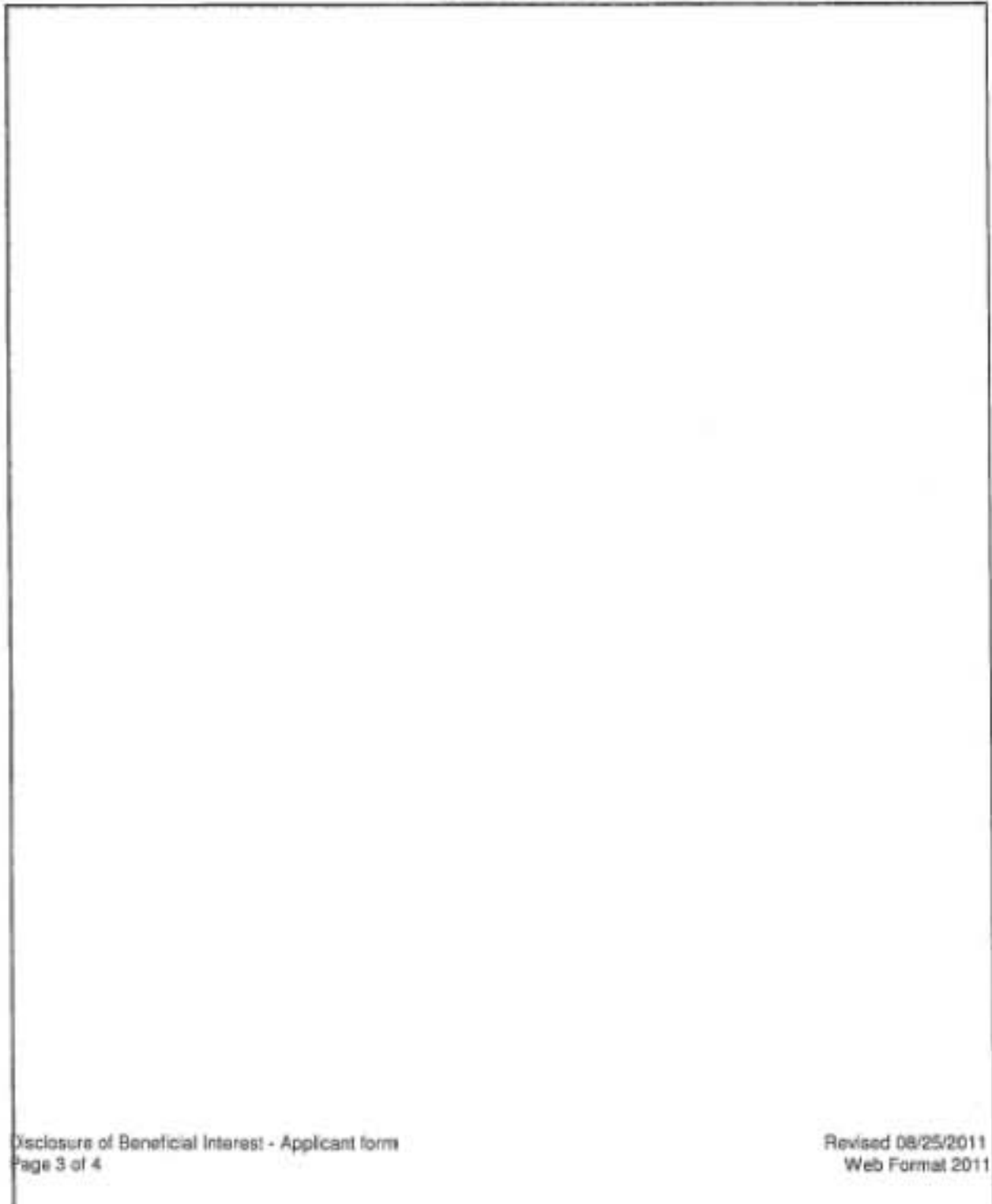
(Print Name)
NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

EXHIBIT "A"

PROPERTY



Disclosure of Beneficial Interest - Applicant form
Page 3 of 4

Revised 08/25/2011
Web Format 2011

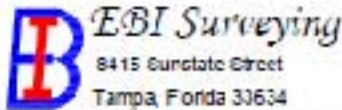
**SKETCH OF DESCRIPTION
(NOT A BOUNDARY SURVEY)**

LEGAL DESCRIPTION: (LAND AREA REMOVED)

A PARCEL OF LAND LYING IN AND BEING A PORTION OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 25, THENCE S89°22'23"E, ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 497.93 FEET, THENCE, DEPARTING SAID NORTH LINE, S00°37'34"W, A DISTANCE OF 49.51 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93280-2507), AND THE POINT OF BEGINNING; THENCE S00°23'13"W, A DISTANCE OF 250.17 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL (1-1) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3456, PAGE 1986, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°22'26"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 282.43 FEET; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, N0°17'50"E, A DISTANCE OF 240.00 FEET TO THE SAID SOUTH RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) S89°22'26"E, 7.18 FEET; (2) S78°03'50"E, 61.19 FEET; (3) S89°22'26"E, 76.00; (4) N71°57' 8"E, 38.00 FEET; (5) S89°57'54"E, 99.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 68,413 SQUARE FEET OR 1.57 ACRES, MORE OR LESS.



Phone: (813) 000-0080 / Fax: (813) 000-0001
Certificate of Authorization Number: LB-7652

NOTICE TO BUYER

1. UNLESS DIGITALLY SIGNED AND SEALED THIS SKETCH OF SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SKETCH OF DESCRIPTION IS NOT VALID WITH SHEET 2 OF 2.

SECRET NO.
1
OF 2

DATE: 7/6/2016
DRAWN: FRV
CHECKED: IAK
REVISION: 11/15/2016
FILE: LANDAREA-NOVSD0X.dwg
SCALE: 1" = 60'

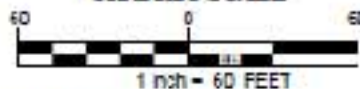
PROJECT NUMBER:
BWRE0023

**SKETCH OF DESCRIPTION
SUBJECT PARCEL
PART OF SECTION 25
TOWNSHIP 43 SOUTH, RANGE 42 EAST
PALM BEACH COUNTY, FLORIDA**

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION WAS MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE REQUIREMENTS OF CHAPTER 30-17 OF THE FLORIDA ADMINISTRATIVE CODE.

**SKETCH OF DESCRIPTION
(NOT A BOUNDARY SURVEY)**

GRAPHIC SCALE



POINT OF COMMENCEMENT
NORTHWEST CORNER
OF SECTION 25,
TOWNSHIP 43 SOUTH,
RANGE 42 EAST

CENTER LINE OF
R/W PER FOOT MAP
SECTION 93280-2507

**STATE ROAD 704
ONEECHOBBE BOULEVARD (FDOT)**

R/W WIDTH VARIES PER FOOT MAP
SECTION 93280-2507

S09°22'26"E

80.00'

NORTH LINE OF SECTION 25 PER
FOOT MAP SECTION 93280-2507

49/95'

CENTRAL R/W LINE
PER FOOT MAP
SECTION 93280-2507

HAVERHILL ROAD (FDOT)

R/W WIDTH VARIES PER FOOT MAP
SECTION 93280-2507

WESTERLY LINE
OF SECTION 25
PER DEED

SUNRISE REAL ESTATE
HOLDINGS, L.L.P.
ORB23497, PAGE 899
SECTION 93280-2507

61 S/W LINE
PER FOOT MAP
SECTION 93280-2507

249.00'

N011°30'E

S80°57'54"E
99.32'

SOUTH R/W LINE
PER FOOT MAP
SECTION 93280-2507

POINT OF BEGINNING

**SUBJECT PARCEL
WELLS FARGO BANK
NATIONAL ASSOCIATION
(LAND AREA TO BE REMOVED)
CONTAINS 69,413 SQUARE FEET,
1.571 ACRES, MORE OR LESS.**

LINE TABLE

LINE	BEARING	LENGTH
L1	S00°37'34"W	49.81'
L2	S09°22'26"E	7.18'
L3	S76°03'00"E	61.18'
L4	S09°22'26"E	70.00'
L5	N71°57'18"E	28.00'

NOT INCLUDED PORTION OF
WELLS FARGO BANK
NATIONAL ASSOCIATION

S00°23'13"W
250.17'

252.43'

N89°22'25"W

LEGEND

- ABR. ABBREVIATIONS
- ORB. OFFICIAL RECORDS BOOK
- DEPT. DEPARTMENT
- R/W. RIGHT OF WAY
- REST. RESTRICTION
- DIS. DESIGNATED BUSINESS NUMBER
- DIS. DESIGNATED SURVEY OR
- PL. PLAT; REVISION/SUPPL.
- P.L.S. PROFESSIONAL LAND SURVEYOR
- P.S. PROFESSIONAL SURVEYOR &
- MAPPER
- FL. FLORIDA DEPARTMENT OF
- TRANSPORTATION

**LAKE WORTH DRAINAGE DISTRICT
CANAL RIGHT-OF-WAY (L-1)
ORR 3458, PAGE 1986**

PERM. RIGHT-OF-WAY
LINE OF LAKE WORTH
DRAINAGE DISTRICT
CANAL (L-1)

SKETCH REPORT:

1. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT SHEET 1 OF 2.

SHEET NO.

**2
OF 2**

DATE: 7/6/2016
DRAWN: FRV
CHECKED: HAK
REVISION: 11/15/2016
FILE: LAND/REAREMOVE/SDX.dwg
SCALE: 1" = 30'

PROJECT NUMBER:
BWRE0023

**SKETCH OF DESCRIPTION
SUBJECT PARCEL
PART OF SECTION 25
TOWNSHIP 43 SOUTH RANGE 42 EAST
PALM BEACH COUNTY, FLORIDA**

EBI Surveying
841C Dunstable Green
Tampa, Florida 33634

Phone: (813) 606-0880 / Fax: (813) 606-0881
Certificate of Authorization Number: LB-7652

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Bradford G. Douglas, 5017 San Miguel, Tampa, FL 33629	
Henry G. Heman, 2904 Parkland Blvd, Tampa, FL 33609	
Timothy A. Simmons, 3570 Fairview Street, Safety Harbor, FL 34895	

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

(TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER)

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Eamon Brennan hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

(as successor in interest to First Union National Bank of Florida)

1. Affiant is the [] individual or [X] Vice President of Wells Fargo Bank, N.A. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 1950 W Hillsboro Blvd., Suite 212
Deerfield Beach, Florida 33442

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Eamon Brennan Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 16th day of November, 2010, by Eamon Brennan known to me or [] who has produced: Driver License - FL as identification and who did take an oath.

Notary Public

Latoya Javois

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 10/2/19



EXHIBIT "A"
PROPERTY

See attached legal description

LEGAL DESCRIPTION:

PARCEL A: (ORB 2856, PAGE 1013)

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF HAVERHILL ROAD (AN 30 FOOT RIGHT-OF-WAY) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD (A 120 FOOT RIGHT OF WAY) THENCE RUN SOUTH $30^{\circ}57'24''$ EAST, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD A DISTANCE OF 190 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE CONTINUE SOUTH $88^{\circ}57'24''$ EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 600 FEET TO A POINT; THENCE RUN SOUTH $1^{\circ}37'36''$ WEST, A DISTANCE OF 261 FEET TO A POINT; THENCE RUN NORTH $88^{\circ}57'24''$ WEST, A DISTANCE OF 600 FEET TO A POINT; THENCE RUN NORTH $1^{\circ}37'36''$ EAST, A DISTANCE OF 261 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN LANDS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6652, PAGE 154, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION: (OVERALL WELLS FARGO BANK BY SURVEYOR)

A PARCEL OF LAND LYING IN AND BEING A PORTION OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE $S89^{\circ}22'26''E$, ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 029.53 FEET; THENCE, DEPARTING SAID NORTH LINE, $S00^{\circ}37'34''W$, A DISTANCE OF 46.39 FEET TO THE SOUTH RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93280-2507), AND THE POINT OF BEGINNING; THENCE $S01^{\circ}17'30''W$, A DISTANCE OF 253.61 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL (L-1) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3458, PAGE 1986, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE $N89^{\circ}22'26''W$, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 610.05 FEET; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, $N01^{\circ}17'30''E$, A DISTANCE OF 249.00 FEET TO THE SAID SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES; (1) $S89^{\circ}22'26''E$, 7.10 FEET; (2) $S70^{\circ}03'50''E$, 61.19 FEET; (3)

S89°22'26"E, 76.00 FEET; (4) N71°07'18"E, 38.00 FEET; (5)
S09°57'54"E, 190.02 FEET; (6) S52°52'50"E, 19.90 FEET; (7)
S89°57'54"E, 62.00 FEET; (8) N55°00'52"E, 20.91 FEET; (9)
S89°57'54"E, 142.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 150,494 SQUARE FEET OR 3.455 ACRES, MORE OR LESS

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Disclosure is not applicable as this entity is registered with the Federal Securities Exchange Commission.

Exhibit E – Correspondence from the Town of Haverhill, dated February 27, 2017



Town Hall
4585 Clarkette Street
Haverhill, FL 33417-5911
(561) 685-0370
FAX (561) 689-4317
www.townofhaverhill-fl.gov



Town Council

- Jay G. Foy, Mayor
- Lawrence Gordon
Vice Mayor
- Mark C. Updegraff
- Remar Harvin
- Jo H. Plyler

Town Administrator

Janice C. Rubin

Administrative Assistant

Jean Wible

Director of Public Services

Joseph M. Roche

Building Official

Bill Derison

February 27, 2017

Carolina Valera
Senior Site Planner
2300 N. Jog Road, Second Floor
West Palm Beach, FL 33411

RE Zoning Application – DOA-2016-02216, Atlantic Bank Corp
Control No. 1973-00077 – Atlantic Bank Corporation
PCN 00-42-43-25-00-000-3197

Zoning Application ZV-2016-02213, Wawa SEC Haverhill Road and
Okeechobee Boulevard
Control No. 1978-00288 Mobil Oil Corporation
PCN 00-42-43-25-00-000-3193, 00-42-43-25-00-000-3197,
00-42-43-25-00-000-3460

Zoning Application ABN/PDDY-2017-00137, Wawa SEC Haverhill Road
and Okeechobee Boulevard
Control No. 1978-00288 Mobil Oil Corporation
PCN 00-42-43-25-00-000-3193, 00-42-43-25-00-000-3197,
00-42-43-25-00-000-3460

Dear Ms. Valera

The Town of Haverhill is in receipt of the above mentioned applications to allow for a reconfiguration of the site plan and delete land area; to allow a rezoning from the General Commercial (GC) District to the Multiple Use Planned Development (MUPD) Zoning District; to allow a Convenience Store with Gas Sales and a Car Wash and to allow a reduction in the Right-of-Way Landscape Buffer width, queuing space dimensions, minimum lot size, and the minimum lot width and frontage, and to allow for 24 hours of operation within 250 feet of a residential district.

The Town Council of the Town of Haverhill does object to this proposed increase in use and development. The Town Council has continued concerns that the cumulative effect of the County's approval and granting of variations and land use changes for projects of this magnitude, as well as several other pending projects in such close proximity to the Town will result in increased traffic within the Town's jurisdictional boundaries, specifically Belvedere and Haverhill Roads.

The Town of Haverhill has adopted policies to ensure that Belvedere Road, between Jog Road and Military Trail, remain as a four-lane divided roadway in perpetuity, and continues to maintain that neither Haverhill Road or Belvedere Road should ever be widened as it would destroy the residential character of the Town of Haverhill as well as violate the Haverhill Area Neighborhood Plan.

Sincerely,

Jay G. Foy
Mayor

cc: Wendy Hernandez, Zoning Manager