

RESOLUTION NO. R-94-1311

RESOLUTION APPROVING ZONING PETITION CA94-51
CLASS A CONDITIONAL USE
PETITION OF FEDERAL EMPLOYEES CREDIT UNION

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 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) 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 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA94-51 was presented to the Board of County Commissioners at a public hearing conducted on September 29, 1994; 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 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This 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 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 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 reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA94-51, the petition of Federal Employees Credit Union, by: Kieran Kilday, AGENT for a CLASS A CONDITIONAL USE allowing a financial institution (greater than 10,000 square feet) in the Community Commercial (CC) 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 September 29, 1994, subject to the conditions of approval 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

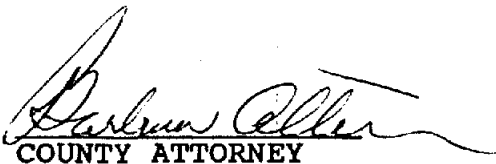
The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of September, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

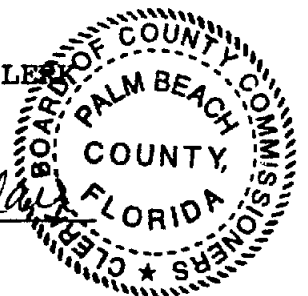


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

THE SOUTH 180 FEET OF THE NORTH 400 FEET OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4), LESS THE WEST 250 FEET THEREOF AND LESS THE EAST 50 FEET FOR ROAD-RIGHT-WAY, IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, COUNTY OF PALM BEACH, STATE OF FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE S 02° 57'17" E ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 400.53 FEET TO THE NORTH LINE OF THE SOUTH 240 FEET OF THE NORTH 640 FEET OF SAID SECTION AND THE POINT OF BEGINNING; THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 411.02 FEET TO THE EAST LINE OF THE WEST 250 FEET OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 7; THENCE S 02°57'09" E ALONG EAST LINE, A DISTANCE OF 120.16 FEET TO THE NORTH LINE OF THE SOUTH 120.00 FEET OF THE NORTH 640.00 FEET OF SAID SECTION 7; THENCE EAST ALONG SAID NORTH LINE, A DISTANCE OF 411.02 FEET TO THE EAST LINE OF SAID SECTION 7; THENCE N 02°57'17" W ALONG SAID EAST LINE, A DISTANCE OF 120.16 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPTING THE EAST 50.00 FEET FOR RIGHT-OF-WAY OF CONGRESS AVENUE.

CONTAINING 2.486 ACRES ±

Allen E. Beck 6-09-94
Allen E. Beck, P.L.S. No. 3690 Date

94-51

EXHIBIT B
VICINITY SKETCH

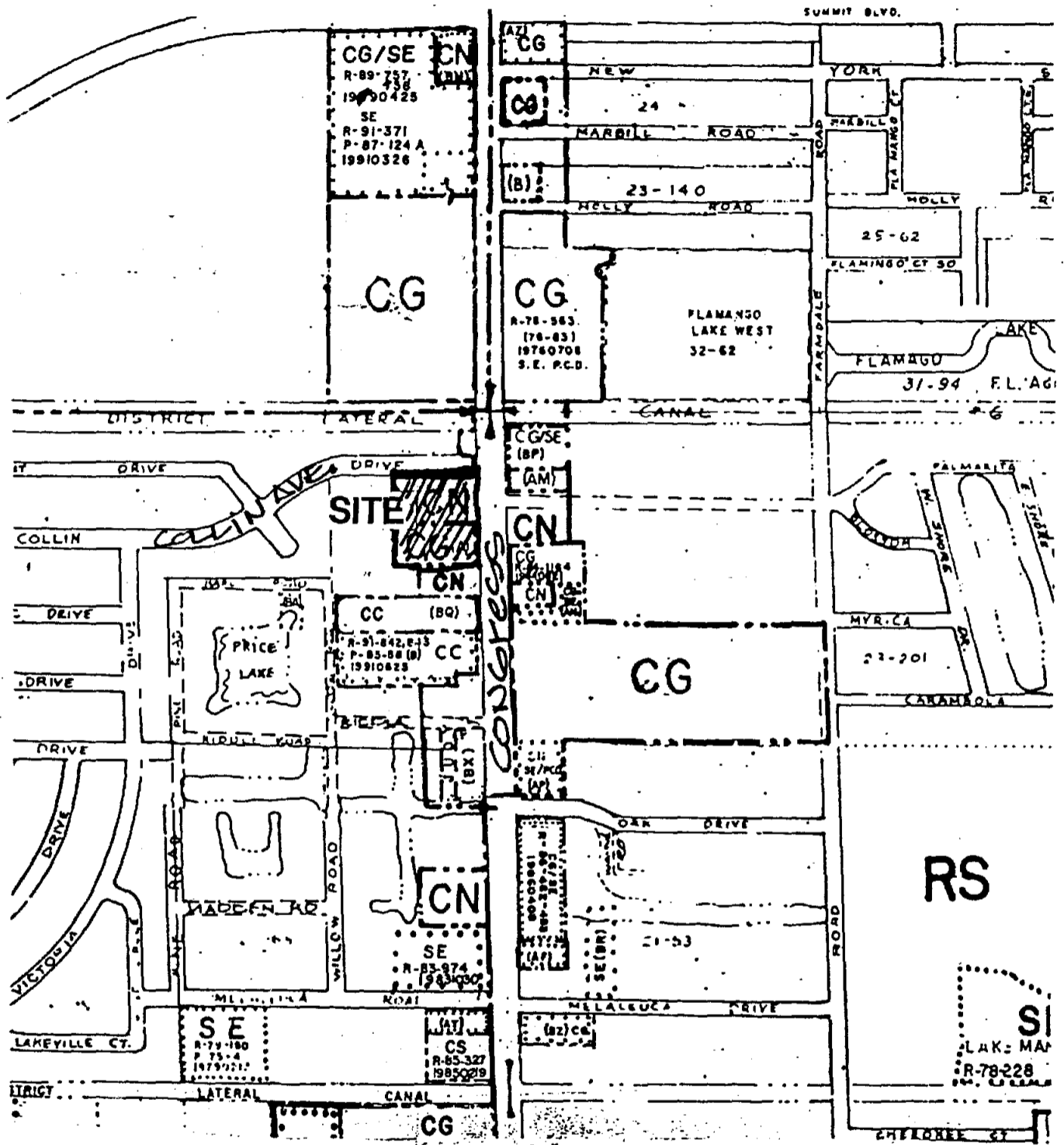


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. Prior to final site plan certification by the Development Review Committee (DRC), the final site plan shall be revised to indicate access to the south parking area from the western entrance on Collin Avenue subject to approval by the Zoning Division and the County Engineer. (ZONING/ENGINEERING)

B. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (BUILDING-Zoning)

C. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BUILDING-Zoning)
2. The following landscaping requirements shall be installed on the interior side of the required wall:
 - a. One (1) native canopy tree planted every twenty (20) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location.
 - b. A twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (BUILDING-Zoning)
3. Landscaping along the west property line may be installed on the east side of the abutting dry detention area. (BUILDING-Zoning)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip.

B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before the issuance of a Certificate of Occupancy. (BUILDING-Engineering)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (BUILDING-County Attorney)

4. This property owner shall provide the property owner to the south with a cross access easement subject to the approval of the County Attorney. This access easement shall be recorded prior to DRC approval. (COUNTY ATTORNEY)

F. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)

G. PARKING

1. The parking area located at the northwestern area of the site shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (BUILDING)

H. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper plastic, metal and glass products. (SWA)

I. SIGNS

1. Freestanding signs fronting on Congress Avenue and Collin Avenue shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - one (1) per frontage;
- d. Style - monument style only. (BUILDING)

J. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or

- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)