

RESOLUTION APPROVING ZONING PETITION Z/COZ97-27  
OFFICIAL ZONING ~~MAP~~ AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF CONCORDE INVESTEMENTS, INC.  
BY ROBERT BASEHART, AGENT  
(BEAL PROPERTY)

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 notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ97-27 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 1997; 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 recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for ~~the~~ land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of ~~the~~ Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Petition Z/COZ97-27, the petition of Concorde Investments, Inc. by Robert Basehart, agent, for an Official Zoning Map Amendment (Z) from Residential Single-family (RS) to Community Commercial (CC) with a CONDITIONAL OVERLAY ZONE (COZ) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 24, 1997, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 1997.

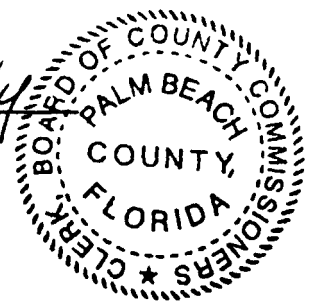
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Altman*  
COUNTY ATTORNEY

BY: *Joan Hawerty*  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION:**

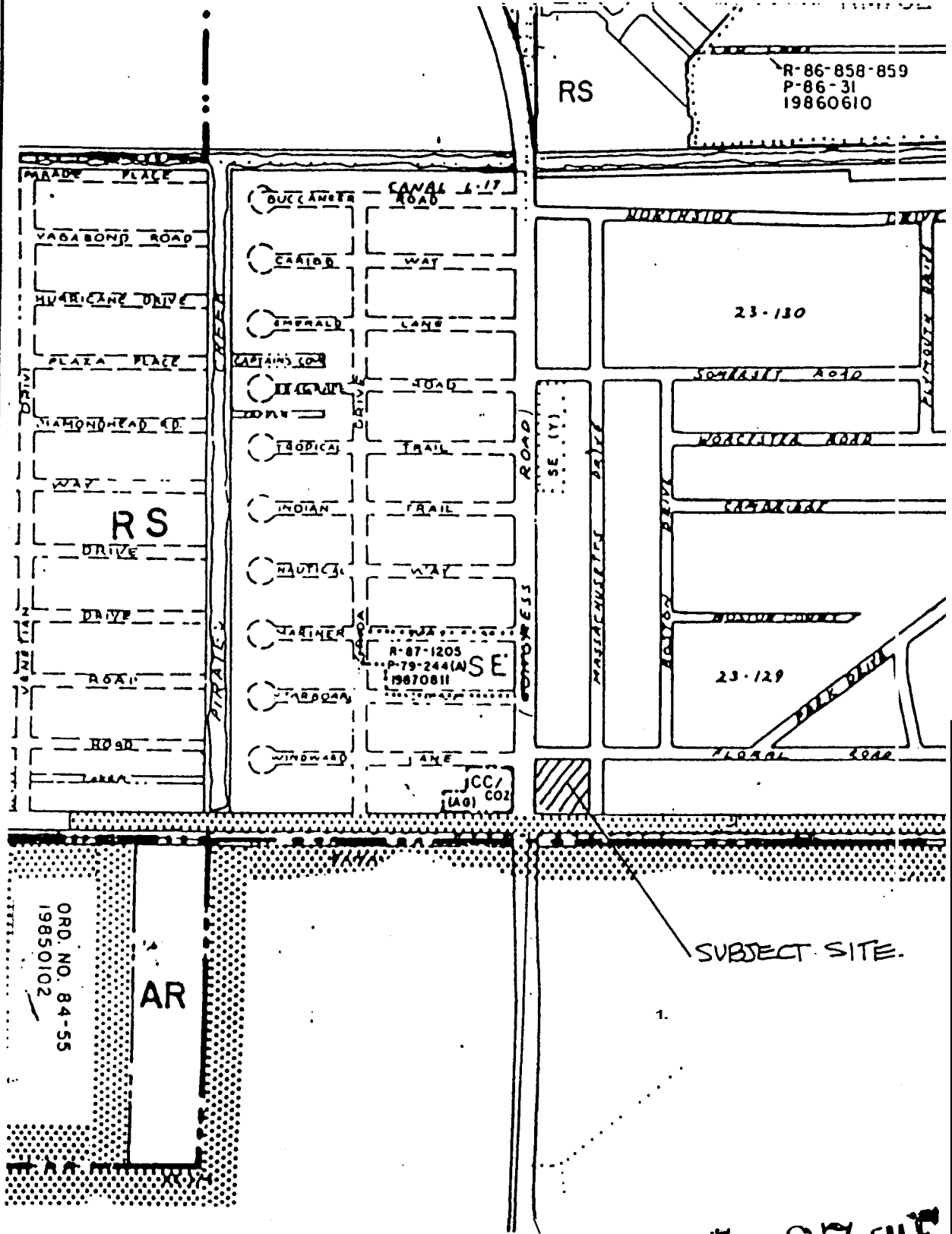
**A parcel of land being all of Lots 2, 3, 4, and 5 plus portions of Lots 1 and 6 Block 1 of FLORAL PARK SUBDIVISION, according to the plat thereof as recorded in Plat Book 23 Pages 129-130 of the public records of Palm Beach County, Florida said parcel being more fully described as follows:**

Beginning at the **Northeast** corner of the aforesaid **Lot 4**; thence **run** Southerly along the Easterly **boundary of Lots 3 and 4, 220.04** feet being also the West right-of-way line of Massachusetts Drive, **to the Southeast corner of Lot 3 and also a point in the Northerly right-of-way line of Hypoloxo Road**; thence with an interior angle of **91 07'45"** measured **North to West, run along** said North line being also the Southerly boundaries of **Lots 3, 2, and 1, 179.40** feet **to a point of curve** said curve having a radius of **30.00** feet; thence **run** Northwesterly along said curve with an angle of **91 07'45". 47.72** feet along said curve **to the point of tangency**; thence **run** Northerly **along** the existing Easterly right-of-way line of Congress Avenue, being parallel with but **10.00 foot East of the** Westerly boundary line of **Lots 1 and 6, 189.44** feet **to a point in the** Northerly **boundary of Lot 6** being also the South right-of-way line of Floral Road; thence with an interior angle of **91 07'45"** measured **South to East, run along** said South line being **also** the Northerly boundary of the aforementioned **Lots 4, 5, and 6 210.00** feet **to the Northeast corner of Lot 4, and also the Point of Beginning.**

Containing 1.0560 Acres and subject to easements and **rights-of-way of record.**

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 97-27  
 Zoning Quad Page \_\_\_\_\_  
 Date: March 19, 1997



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 25, 1997. 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. (ONGC ING: ZONING)

#### B. BUILDING AND SITE DESIGN

1. Similar architectural character and treatment shall be provided on all sides of the building including roof treatment. (BLDG PERMIT: BLDG - Zoning)
2. Total gross floor area shall be limited to a maximum of 9,000 square feet. (DRC: ZONING)
3. The maximum height of the building shall be one story and not exceed twenty five (25) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
4. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)

#### C. DUMPSTER

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 twenty five (25) feet of ~~the~~ residential property line and shall be confined to the area designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)

#### D. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 10D-6 and Palm Beach County ECR-1 must be submitted to the Palm Beach County Health Department prior to final site plan review. DRC: HEALTH

#### E. ENGINEERING

1. Prior to **January 1, 1998** ~~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 road right-of-way warranty deed for:
  - a) Congress Avenue, **64** feet from centerline and
  - b) Hypoluxo Road, an additional 12 feet of right-of-way:

This additional right of way shall **be** along the project's entire frontage, 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATUBLDG PERMIT: MONITORING-Eng)

2. Prior to the issuance of a building the property owner shall convey a roadway construction easement along the projects entire frontage of Hypoluxo Road and Congress Avenue to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards (E L DG PERMIT: MONITORING-Eng)
3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng.)
4. The Developer shall abandon the existing utility easement on the subject site prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng.)

F. LANDSCAPING - STANDARD

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.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clustering: 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. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip; and
  - b. A six (6) foot high opaque concrete wall on the inside edge of the required landscape buffer along the north and east sides and connecting through the safe corner triangle/corner clip of the property. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DRC / CO: ZONING / LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
  - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (DRC / CO: ZONING / LANDSCAPE)
3. Along the interior side of the required wall, **the** property owner shall install the following:
- 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.

H. LANDSCAPING - INTERIOR

- 4. Foundation landscape planter strip shall be provided along the south and west facades of the building. The minimum width of the required planter shall be five (5) feet with a combined length shall be of no less than 40% of the total length of the applicable side of the building. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING / LANDSCAPE)

I. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
- 2. All outdoor light poles over six (6) feet in height shall be located a minimum of thirty (30) feet from any residential property line. (CO: BLDG - Zoning)
- 3. All outdoor lighting, except security lighting, shall be extinguished no later than 10:00 p.m. daily. (ONGOING: CODE ENF)

J. SIGNS

- 1. Freestanding point of purchase signs on Congress Avenue and Hypoluxo Road 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 - 60 square feet;
  - c. Maximum number of signs - one (1) each on Congress Avenue and Hypoluxo Road; and
  - d. Style - monument style only. (CO: BLDG)
- 2. Wall signs shall be limited to the south and west facades of the building. (CO: BLDG)

K. USE LIMITATIONS

- 1. The subject property shall be limited to the following:
  - a. 9,000 square foot building of retail or financial institution use. (BLDG PERMIT/ ONGOING: ZONING/BUILDING)

2. Hours of business operation (open to the public) shall be limited to 8:00 a.m. to 9:00 p.m. daily. (ONGOING: ZONING/CODE ENF)
3. Prior to final site plan certification, the petitioner shall list the uses permitted in the CC district on the mylar submitted to Palm Beach County. (DIRC: ZONING)

L. COMPLIANCE

1. 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; 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 noncompliance, 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 majority vote of the Code Enforcement Board 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 5.8 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. (MONITORING)