

RESOLUTION NO. R-2000- 1709

RESOLUTION APPROVING ZONING PETITION EAC86-008(E)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF VERIZON WIRELESS  
BY MARK CIARFELLA/ANDY PAUROWSKI, AGENT  
(PINEWOOD SQUARE)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC86-008(E) was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 EAC86-008(E), the petition of Verizon Wireless, by Mark Ciarfella/Andy Paurowski, agent, for a Development Order Amendment/Expedited Application Consideration (DOA/EAC) to modify/delete conditions of approval 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2000.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN. CLERK

BY: *Barbara C. Allen*  
COUNTY ATTORNEY

BY: *Joan Harvey*  
DEPUTY CLERK

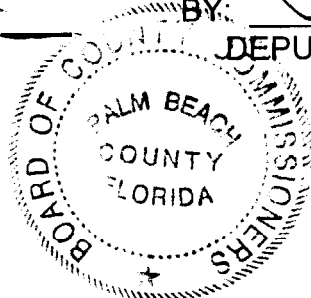


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF PARENT TRACT

A PARCEL OF LAND IN TRACT 39 OF THE HIATUS, TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°32'23" EAST ALONG THE CENTERLINE OF LANTANA ROAD AND SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 1349.87 FEET; THENCE SOUTH 29°44'06" EAST, A DISTANCE OF 63.13 FEET TO THE POINT OF BEGINNING AND INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT-OF-WAY LINE LYING 54.0 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE CONTINUE SOUTH 29°44'06" EAST, A DISTANCE OF 97.56 FEET; THENCE SOUTH 60°15'54" WEST, A DISTANCE OF 129.83 FEET; THENCE SOUTH 29°44'06" EAST, A DISTANCE OF 328.78 FEET; THENCE SOUTH 00°48'17" EAST, A DISTANCE OF 116.95 FEET; THENCE NORTH 89°11'43" EAST, A DISTANCE OF 212.98 FEET; THENCE SOUTH 29°44'06" EAST, A DISTANCE OF 288.70 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 16, SAID NORTH RIGHT-OF-WAY LYING 35.0 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE SOUTH 89°11'43" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1299.36 FEET; THENCE NORTH 28°30'38" WEST, A DISTANCE OF 14.22 FEET TO THE NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 1697.02 FEET AND A TANGENT BEARING OF SOUTH 16°02'46" EAST AT SAID INTERSECTION; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT-OF-WAY OF JOG ROAD, THROUGH A CENTRAL ANGLE OF 12°27'53", A DISTANCE OF 369.10 FEET TO POINT OF TANGENCY; THENCE NORTH 28°30'38" WEST ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 227.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 1577.02 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT-OF-WAY OF JOG ROAD, THROUGH A CENTRAL ANGLE OF 10°21'47", A DISTANCE OF 285.23 FEET; THENCE NORTH 36°39'26" EAST, A DISTANCE OF 40.87 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD; THENCE SOUTH 88°32'23" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1186.57 FEET TO THE POINT OF BEGINNING.

LESS: (BARNETT BANK PER O.R.B. 5601, PG. 1173)

A PARCEL OF LAND IN TRACT 39 OF HIATUS, TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°32'23" EAST ALONG THE CENTERLINE OF LANTANA ROAD AND SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 196.00 FEET; THENCE SOUTH 01°27'37" WEST, A DISTANCE OF 54.00 FEET TO THE POINT OF BEGINNING AND INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT-OF-WAY LINE LYING 54.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE SOUTH 88°32'23" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, A DISTANCE OF 378.50 FEET; THENCE SOUTH 01°27'37" WEST, A DISTANCE OF 165.00 FEET TO THE INTERSECTION WITH A LINE 165.00 FEET SOUTHERLY OF AND PARALLEL WITH THE SOUTH RIGHT-OF-

EXHIBIT A

LEGAL DESCRIPTION

WAY LINE OF SAID LANTANA ROAD; THENCE NORTH 88°32'23" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 348.37 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1577.02 FEET AND A TANGENT BEARING OF SOUTH 23°18'47" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD THROUGH A CENTRAL ANGLE OF 05°09'56", A DISTANCE OF 142.18 FEET TO A NON-RADIAL INTERSECTION; THENCE NORTH 36°39'26" EAST, A DISTANCE OF 40.87 FEET TO THE POINT OF BEGINNING.

LESS: (MCDONALD'S PER O.R.B. 5805, PG. 1336)

A PARCEL OF LAND LYING WITHIN LOT 2, TRACT 39, OF THE "HIATUS", TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA ACCORDING TO THE ORIGINAL GOVERNMENT PLAT OF "HIATUS" OTHERWISE KNOWN AS TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, (BETWEEN TOWNSHIPS 44 SOUTH AND 45 SOUTH) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ¼ CORNER OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°32'23" EAST, (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SECTION 34, SAID SOUTH LINE ALSO BEING THE CENTERLINE OF LANTANA ROAD, A DISTANCE OF 869.00 FEET; THENCE SOUTH 01°27'37" WEST, AT RIGHT ANGLES TO THE PREVIOUS COURSE, A DISTANCE OF 54.00 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LANTANA ROAD AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE SOUTH 01°27'37" WEST, A DISTANCE OF 194.90 FEET; THENCE NORTH 88°32'23" WEST, A DISTANCE OF 223.50 FEET; THENCE NORTH 01°27'37" EAST, A DISTANCE OF 194.90 FEET; TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD; THENCE SOUTH 88°32'23" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD, A DISTANCE OF 223.50 FEET TO THE POINT OF BEGINNING.

LESS:

A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES LYING SOUTH OF LANTANA ROAD AND EAST OF JOG ROAD WITHIN THE BOUNDARIES OF TRACT 39 OF THE PALM BEACH FARMS COMPANY, PLAT NO. 13, AMENDMENT TO SHEET NO. 4 OF PLAT NO. 3, PLAT BOOK 6, PAGES 98 AND 99 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 34; THENCE SOUTH 88°32'23" EAST (BEARINGS HEREIN ARE BASED ON ASSUMED BEARING OF SOUTH 86°32'23" EAST ALONG THE SOUTH LINE OF SECTION 34) ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 196.00 FEET; THENCE SOUTH 01°27'37" WEST, A DISTANCE OF 54.00 FEET TO A POINT ON THE SOUTH LINE OF LANTANA ROAD; THENCE SOUTH 36°39'26" WEST, A DISTANCE OF 40.87 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1577.02 FEET AND A TANGENT BEARING OF NORTH 18°08'51" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD THROUGH A CENTRAL ANGLE OF 05°09'56", A DISTANCE OF 142.18 FEET TO A POINT ON A CURVE HAVING A TANGENT BEARING OF NORTH 23°18'47" WEST, BEING THE POINT OF BEGINNING; THENCE SOUTH 88°32'23" EAST, A DISTANCE OF 25.37 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1554.02 FEET AND A CENTRAL ANGLE OF

EXHIBIT A

LEGAL DESCRIPTION

02°39'44", A RADIAL AT THIS POINT BEARS NORTH 66°17'42" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.21 FEET TO A POINT ON A NON-TANGENT LINE, A RADIAL AT THIS POINT BEARS NORTH 63°37'58" EAST; THENCE SOUTH 24°30'53" EAST ALONG SAID NON-TANGENT LINE, A DISTANCE OF 405.08 FEET TO A POINT OF CUSP, A RADIAL FOR THE NEXT CURVE BEARS SOUTH 65°29'07" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1697.02 FEET AND A CENTRAL ANGLE OF 03°59'34", A DISTANCE OF 118.26 FEET; THENCE NORTH 28°30'27" WEST, A DISTANCE OF 227.93 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1577.02 FEET, A CENTRAL ANGLE OF 05°11'39" AND A DISTANCE OF 142.96 FEET TO THE POINT OF BEGINNING.

CONTAINING: 852,963.37 SQUARE FEET OR 19.5813 ACRES, MORE OR LESS.

DESCRIPTION OF BELL SOUTH MOBILITY TOWER LEASE

A PARCEL OF LAND IN TRACT 39 OF THE HIATUS, TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°32'23" EAST ALONG THE CENTERLINE OF LANTANA ROAD AND THE SOUTH LINE OF SAID SECTION 34, 1349.87 FEET; THENCE SOUTH 29°44'06" EAST, 63.13 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT-OF-WAY LINE LYING 54.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE CONTINUE SOUTH 29°44'06" EAST, 97.56 FEET; THENCE SOUTH 60°15'54" WEST, 129.83 FEET; THENCE SOUTH 29°44'06" EAST, 328.78 FEET; THENCE SOUTH 00°48'17" EAST, 116.95 FEET; THENCE NORTH 89°11'43" EAST, 212.98 FEET; THENCE SOUTH 29°44'06" EAST, 288.70 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 16, SAID NORTH RIGHT-OF-WAY LYING 35.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE NORTH 63°59'06" WEST, 381.62 FEET; THENCE SOUTH 89°15'47" WEST, 97.55 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°44'13" EAST, 25.00 FEET; THENCE SOUTH 89°15'47" WEST, 15.00 FEET; THENCE NORTH 00°44'13" WEST, 25.00 FEET; THENCE NORTH 89°15'47" EAST, 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 375.00 SQUARE FEET OR 0.009 ACRES, MORE OR LESS.

EXHIBIT A

LEGAL DESCRIPTION

**DESCRIPTION OF INGRESS / EGRESS EASEMENT**

A PARCEL OF LAND IN TRACT 39 OF THE HIATUS, TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°32'23" EAST ALONG THE CENTERLINE OF LANTANA ROAD AND THE SOUTH LINE OF SAID SECTION 34, 1349.87 FEET; THENCE SOUTH 29°44'06" EAST, 63.13 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT-OF-WAY LINE LYING 54.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE CONTINUE SOUTH 29°44'06" EAST, 97.56 FEET; THENCE SOUTH 60°15'54" WEST, 128.83 FEET; THENCE SOUTH 29°44'06" EAST, 328.78 FEET; THENCE SOUTH 00°48'17" EAST, 116.95 FEET; THENCE NORTH 89°11'43" EAST, 212.98 FEET; THENCE SOUTH 29°44'06" EAST, 288.70 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 16, SAID NORTH RIGHT-OF-WAY LYING 35.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE NORTH 63°59'06" WEST, 381.62 FEET; THENCE SOUTH 89°15'47" WEST, 97.55 FEET; THENCE SOUTH 00°44'13" EAST, 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°44'13" EAST, 88.00 FEET; THENCE NORTH 89°11'43" WEST, 343.00 FEET; THENCE NORTH 43°35'02" WEST, 65.36 FEET; THENCE SOUTH 89°11'43" WEST, 479.00 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 1697.02 FEET AND A TANGENT BEARING OF SOUTH 16°02'46" EAST AT SAID INTERSECTION; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD, THROUGH A CENTRAL ANGLE OF 00°31'32", AN ARC DISTANCE OF 15.57 FEET; THENCE NORTH 89°11'43" EAST, 476.85 FEET; THENCE NORTH 43°35'02" EAST, 65.36 FEET; THENCE NORTH 89°11'43" EAST, 334.32 FEET; THENCE NORTH 00°44'13" WEST, 73.02 FEET; THENCE NORTH 89°15'47" EAST, 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 14,436.9 SQUARE FEET OR 0.33 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

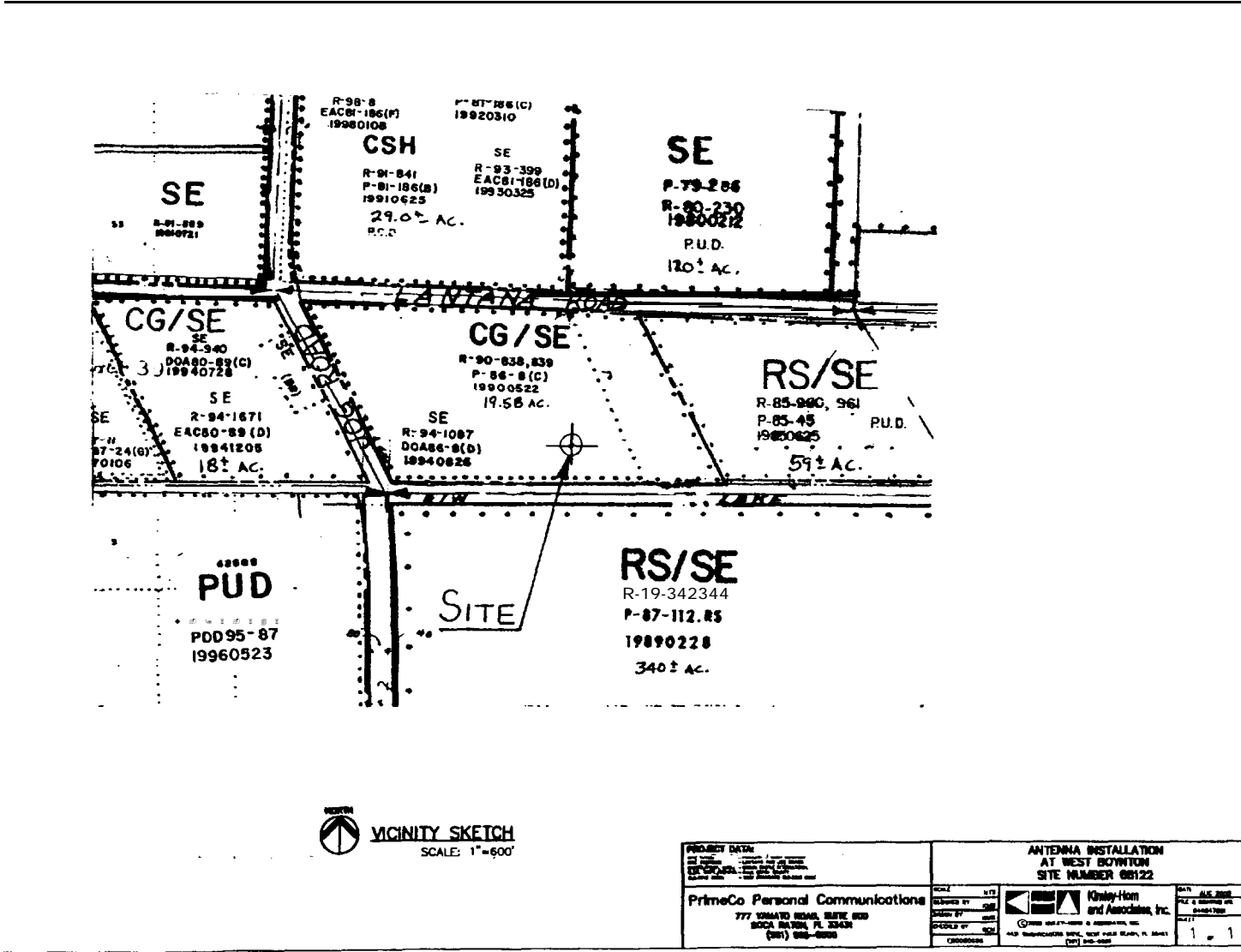


EXHIBIT C

CONDITIONS OF APPROVAL

**NOTE:** All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

A. GENERAL

1. Condition A.1 of Resolution R-94-1087, Petition 86-08(D) which currently states:

**All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-573, R-88-1187, and R-90-839 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions Resolution R-94-I 087, Petition 86-08(D) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. 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 August 16, 2000. 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. (ONGOING: ZONING)
3. **Prior to certification, the site plan shall be amended to indicate the following:**
  - a. **Minimum of two (2) loading berths, (12 feet to 30 feet each) as required for building M (Retail).**
  - b. **Required five car stacking distance for the proposed 4,000 square feet financial institution.**
  - c. **Handicap parking stalls for each use.**
  - d. **A minimum 25 foot wide landscape strip shall be maintained along the eastern property line.**
  - e. **Landscape alternative number 1 shall be provided along the east property line, with-1 2 foot canopy trees planted 20 feet on center on the outside of the wall. This shall be supplemented with a hedge thirty six inches (36") on center. Additionally, 10 foot tall canopy trees shall be placed 30 feet on center on the inside of the wall.**



- f. **Self storage facility, on the south, west and north sides shall provide for the supplemental landscape requirements as stated by subsection D.5 A and B of Section 500.38 of the Zoning Code.**
- g. **The number of storage bays for the self storage facility shall be indicated on the plan.**
- h. **Parking requirements for the self-storage facility shall meet the minimum requirements of Subsection 0.4 of Section 500.38 of the Zoning Code. (ZONING) (Previously Condition A.3 of Resolution R-94-1087, Petition 86-08(D))**

B. ENVIRONMENTAL RESOURCE MANAGEMENT

- 1. **Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ERM) (Previously Condition B. 1 of Resolution R-94-1087, Petition 86-08(D))**
- 2. **The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil. (ERM) (Previously Condition B.2 of Resolution R-94-I 087, Petition 86-08(D))**
- 3. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ERM) (Previously Condition B.3 of Resolution R-94-I 087, Petition 86-08(D))**
- 4. **The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ERM) (Previously Condition B.4 of Resolution R-94-I 087, Petition 86-08(D))**

C. HEALTH

- 1. **No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 1 OD-6 F.A.C. (HEALTH) (Previously Condition C. 1 of Resolution R-94-I 087, Petition 86-08(D))**
- 2. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH) (Previously Condition C.2 of Resolution R-94-I 087, Petition 86-08(D))**
- 3. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previously Condition C.3 of Resolution R-94-I 087, Petition 86-08(D))**
- 4. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents. (HEALTH) (Previously Condition C.4 of Resolution R-94-I 087, Petition 86-08(D))**

5. **Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C. (HEALTH) (Previously Condition C.5 of Resolution R-94-I 087, Petition 86-08(D))**
6. **Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative code. The design and installation plans will be submitted to the Health Department for approval prior to installation. (HEALTH) (Previously Condition C.6 of Resolution R-94-I 087, Petition 86-08(D))**
7. **No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system. (HEALTH) (Previously Condition C.5 of Resolution R-94-I 087, Petition 86-08(D)) [erroneously numbered as C.5 under previous condition]**
8. **There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the publicsewersystem. (HEALTH/CODE ENFORCEMENT) (Previously Condition C.6 of Resolution R-94-I 087, Petition 86-08(D)) [erroneously numbered as C.6 under previous condition]**
9. **Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (HEALTH) (Previously Condition C.8 of Resolution R-94-I 087, Petition 86-08(D)) [erroneously numbered as C.8 under previous condition]**

E. ENGINEERING

1. **The Developer shall provide discharge control and treatment for the storm water runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the storm water runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ENG) (Previously Condition E.I of Resolution R-94-1087, Petition 86-08(D))**
2. **Prior to March 1, 1990 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 Lantaña Road, 54 feet from centerline, plus right-of-way for Jog Road as indicated on Palm Beach County's Project #87-518, Parcel 135, free of all encumbrances and encroachments as shown. 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 "Safe Sight**

**Corners” where appropriate at intersections as determined. by the County Engineer. (ENG) (Previously Condition E.2 of Resolution R-94-I 087, Petition 86-08(D))**

3. **The petitioner shall pay a Fair Share Fee in the amount and manner required by the “Fair Share Contribution for Road Improvements Ordinance” as it presently exists or as it may from ‘time to time be amended. The Fair Share Fee for the additional square footage presently is \$47,375.00 (865 additional trips X \$55.00 per trip). (ENG) (Previously Condition E.3 of Resolution R-94-I 087, Petition 86-08(D))**

4. **In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:**

**Building Permits for more than Phase One which shall consist of 133,487 square feet of retail, a 6,000 square foot tire store and 28,000 square feet of mini warehouse, or a combination of uses which will not exceed 10,381 vehicle trips per day, shall not be issued until construction has been begun for:**

- a. **Jog Road from Melaleuca Lane to Hypoluxo Road as a 4 lane median divided section plus the appropriate paved tapers.**
  - b. **Lantana Road from Hagen Ranch Road to Military Trail as a 4 lane median divided section plus the appropriate paved tapers. (ENGINEERING) (Previously Condition E.4 of Resolution R-94-I 087, Petition 86-08(D))**
5. **The Developer shall plat the subject property in accordance with provisions of Palm Beach County’s Subdivision Platting Ordinance 73-4 as amended prior to building permits Phase 2 as defined above. (ENGINEERING) (Previously Condition E.5 of Resolution R-94-1087, Petition 86-08(D))**
  6. **The development shall retain onsite 85% o f the storm water runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. (ENG) (Previously Condition E.6 of Resolution R-94-I 087, Petition 86-08(D))**
  7. **The property owner shall convey for the ultimate right-of-way of:**
    - a) **Lantana Road, 54 feet from centerline,**
    - b) **Jog Road per the existing approved alignment map on file at the office of the county Engineer.**

**Conveyance must be accepted by Palm Beach county prior to issuance of First Building Permit. Right-of-way to be conveyed prior to March 15, 1986. (ENG) (Previously Condition E.7 of Resolution R-94-I 087, Petition 86-08(D))**

8. **The Developer shall pay a Fair Share Fee in the amount and manner required by the “Fair Share contribution for Road Improvements Ordinance” as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$265,730.00. (IMPACT FEE COORDINATOR/ENG) (Previously Condition E.8 of Resolution R-94-I 087, Petition 86-08(D))**
9. **Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$132,865.00 towards Palm Beach County’s existing Roadway Improvement Program, (total combined funds of (\$398,595.00). Credit shall be received for the work performed in Condition No. 20, a) and b). Surety required for the Construction Plans and right of way, shall be posted with the office of the County Engineer prior to the issuance of a Building Permit or prior to October 1, 1986 whichever shall first occur. (IMPACT FEE COORDINATOR/ENG) (Previously Condition E.9 of Resolution R-94-I 087, Petition 86-08(D))**
10. **The Developer shall align:**
  - a) **The project’s entrance onto Jog Road with Petition # 80-89.**
  - b) **The project’s west entrance onto Lantana Road with Petition # 81-186.**
  - c) **The project’s east entrance onto Lantana Road with the entrance to Homes at Lee’s Crossing. (ENG) (Previously Condition E. 10 of Resolution R-94-I 087, Petition 86-08(D))**
11. **The Developer shall construct a left turn lane east approach and a right turn lane south approach on Jog Road at the project’s entrance road. (ENG) (Previously Condition E. 11 of Resolution R-94-I 087, Petition 86-08(D))**
12. **The Developer shall construct a left turn lane east approach and a right turn lane west approach on Lantana Road at each of the project’s entrance Roads on to Lantana Road. (ENG) (Previously Condition E.12 of Resolution R-94-I 087, Petition 86-08(D))**
13. **The Developer shall be permitted only two turnouts onto Jog Road per condition No. 15. (ENG) (Previously Condition E. 13 of Resolution R-94-I 087, Petition 86-08(D))**
14. **The Developer shall be permitted only 2 turnouts on Lantana Road per condition No. 17. (ENG) (Previously Condition E. 14 of Resolution R-94-I 087, Petition 86-08(D))**

15. a) **The Developer shall fund the Construction Plans for Jog Road as a 4 lane median divided section from Lake Worth Road south to a point 250 feet south of the centerline of Melaleuca Lane plus the appropriate tapers. These construction plans shall be per the county Engineers Approval based upon Palm Beach County's minimum construction Plan standards as they presently exist or as they may from time to time be amended. The cost of providing all plans shall be approved by the County Engineers Office. Palm Beach County shall provide these construction plans with all funding provided by the developer.**
- b) **The Developer shall provide Palm Beach county with all associated right of way Documents, including but not limited to, surveys, property owners' maps, legal descriptions for acquisition, parcelled right of way maps, required for the for the acquisition of right ow way for Jog Road from Lake Worth Road to a point 250 feet south of Melaleuca Lane plus the appropriate tapers. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition Section for any and all acquisition costs prior to July 1, 1986; for which this Petitioner shall provide all necessary funds.**
- c) **Palm Beach county will then construct Jog Road as a 4 lane median section from Lake Worth Road south to a pint 250 feet south of Melaleuca Lane plus the appropriate tapers per the County Engineers approval.**

**It is the intent that this Construction Contract shall be let during the fiscal year 1987-1988. Any funds which have not been expended for the work performed under condition No. 20 A & B shall be made available to Palm Beach County 30 days after formerly accepting all right of way documents and construction plans, or on July 1, 1987 whichever shall first occur. (ENG) (Previously Condition E.15 of Resolution R-94-1087, Petition 86-08(D))**

16. **If required by the Palm Beach County Engineering Department or the South Florida Water Management District, the developer shall design the drainage system so that storm water runoff from the parking areas which may contain potentially hazardous or undesirable waste from the proposed site. (ENG) (Previously Condition E. 16 of Resolution R-94-I 087, Petition 86-08(D))**
17. **The property owner shall pay a Fair share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$1,581.00 (59 trips x \$26.79 per trip). (IMPACT FEE COORDINATOR) (Previously Condition E. 1 7.of Resolution R-94-I 087, Petition 86-08(D))**

**F. TOWER RESTRICTION**

1. **Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations or the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval**

**by the Palm Beach County Department of Airports. (AIRPORTS-Zoning)**  
(Previously Condition F. 1 of Resolution R-94-I 087, Petition 86-08(D))

2. Condition F.2 of Resolution R-94-1087, Petition 86-08(D) which currently states:

**All necessary electrical equipment shall be enclosed within the primary structure no additional equipment housing or structure shall be permitted. (BUILDING/ZONING)**

Is hereby amended to read:

All accessory electrical equipment shall be screened with a six (6) foot high concrete panel wall. (BUILDING/ZONING)

3. Condition F.3 of Resolution R-94-1087, Petition 86-08(D) which currently states:

**To minimize the impacts on the surrounding area the tower shall be limited to a maximum height of one hundred and fifty feet (150) measured for the natural grade of the site to the highest point. (ZONING/BLDG)**

Is hereby amended to read:

The communication tower shall be limited to a monopole structure, a maximum of one hundred and fifty (150) feet in height measured from finished grade to highest point. Only one tower shall be permitted on the subject property. (DRC: ZONING - Bldg)

4. Condition F.4 of Resolution R-94-1087, Petition 86-08(D) which currently states:

**To ensure compatibility to the surrounding area the site shall be limited to a mono-pole tower design. (BLDG/CODE ENF-Zoning)**

Is hereby deleted. Reason: [replaced by revised condition F.3]

5. **Simultaneously with submittal to Site Plan Review Committee, the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower. The calculations and tower location shall be subject to approval by the Planning, Zoning & Building Department. (ZONING/BLDG)** (Previously Condition F.5 of Resolution R-94-1087, Petition 86-08(D))

6. Condition F.6 of Resolution R-94-1087, Petition 86-08(D) which currently states:

**To minimize visual impacts on the surrounding area the tower shall be limited to the following:**

**A) A maximum of twelve (12) transmission panels with maximum dimensions of (16" X 48" each);**

**B) A maximum diameter width of the transmission platform shall be twelve (12) feet; and,**

**C) A maximum of four (4) whip antennas. (BLDGIZONING)**

Is hereby amended to read:

The communication tower shall be limited to the following:

- a. a maximum of twenty-one (21) transmission panels with maximum dimensions of (16" X 48" each);
  - b. a maximum diameter width of the transmission platform shall be twelve (12) feet; and,
  - c. a maximum of four (4) whip antennas. (BLDGIZONING)
7. Should the requisite authority, such as the FCC or OSHA, having jurisdiction over the same, determine that the Tower and/or facilities are dangerous to the public's health, safety and welfare, Palm Beach County shall have the right to require the tower and/or facilities to be removed or made safe within sixty (60) days written notice. (ONGOING: FIRE/ERM/HEALTH)
  8. If tower lighting is required by the FAA, the lighting shall include a screening device to direct light away from the ground. The lighting shall also include a dual lighting system consisting of red lights for nighttime and high or medium intensity flashing white lights for daytime and twilight. (CO: BLDG -Zoning/FAA)

**G. SECURITY LIGHTING**

1. **Security lighting along the western property line shall be low intensity, no greater than twelve (12) feet in height and directed away from surrounding residential properties.** (BLDG) (Previously Condition G.1 of Resolution R-94-I 087, Petition 86-08(D))
2. **Security lighting shall be directed away from nearby residences.** (BLDG) (Previously Condition G.2 of Resolution R-94-I 087, Petition 86-08(D))

**H. SITE AND BUILDING DESIGN**

1. **In order to avoid an incompatible appearance upon east and south lying residential areas, the rear facades of the planned commercial development shall be given architectural treatment consistent with the front of the center.** (BLDGIZONING) (Previously Condition H.1 of Resolution R-94-1087, Petition 86-08(D))
2. **All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.** (BLDG) (Previously Condition H.2 of Resolution R-94-I 087, Petition 86-08(D))
3. **No stock loading or dumpsters pickup will be permitted between the hours of 8:00 PM and 8:00 AM.** (CODE ENF) (Previously Condition H.3 of Resolution R-94-I 087, Petition 86-68(D))
4. **Prior to site plan certification, the site plan shall be amended to reflect the following:**
  - a) **A minimum access dimension of twenty-five feet.**

- b) **8-10 feet in height canopy trees planted 30 feet on center along the eastern property line where existing vegetation is not sufficient.**
  - c) **Required and proposed interior landscape calculations. (ZONING) (Previously Condition H.4 of Resolution R-94-I 087, Petition 86-08(D))**
5. **Prior to site plan certification, a tree survey shall be submitted indicating the preservation of existing vegetation and the incorporation of said vegetation into the project design including the western portion of the site. Parking spaces in excess of the required minimum shall be utilized to incorporate existing vegetation in the overall design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ZONING) (Previously Condition H.5 of Resolution R-94-I 087, Petition 86-08(D))**
  6. **The six (6) foot high wall shall be given architectural treatment on both sides consistent with the front of the center. (BLDG/ZONING) (Previously Condition H.6 of Resolution R-94-I 087, Petition 86-08(D))**
  7. **Prior to site plan certification, the site plan shall be amended to indicate the following:**
    - a) **A five (5) care staking distance.**
    - b) **The required and/or proposed handicap parking spaces located on the site plan. (ZONING) (Previously Condition H.7 of Resolution R-94-I 087, Petition 86-08(D))**

I. USE LIMITATION

1. **No outdoor loudspeaker system shall be permitted on site. (CODE ENF) (Previously Condition 1.1 of Resolution R-94-1087, Petition 86-08(D))**
2. **No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure. (CODE ENF) (Previously Condition 1.2 of Resolution R-94-I 087, Petition 86-08(D))**
3. **No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces and unloading areas. (CODE ENF) (Previously Condition 1.3 of Resolution R-94-1087, Petition 86-08(D))**

J. UNITY OF CONTROL

1. **At the time of Site Plan Review Committee application, the petitioner shall submit two copies of a unity of control. This document shall be approved by the County Attorney prior to site plan approval. (CO ATTY) (Previously Condition J. 1 of Resolution R-94-I 087, Petition 86-08(D))**

K. 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) (Previously Condition K.I of Resolution R-94-1087, Petition 86-08(D))**



L. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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 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) (Previously Condition L.1 of Resolution R-94-I 087, Petition 86-08(D))**