

FILE COPY

RESOLUTION APPROVING ZONING PETITION EAC95-106(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CALLERY-JUDGE GROVE
BY ANNA S. COTTRELL, AGENT
(THE GROVE MARKET)

1/77

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 EAC95-106(A) was presented to the Board of County Commissioners at a public hearing conducted on April 24, 1997; 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 EAC95-106(A), the petition of Callery-Judge Grove, by Anna S. Cottrell, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to modify Conditions C. 1 (maximum tenant square footage) and N.2 (screening **delivery/loading** areas) of Resolution R-96-1355 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 April 24, 1997, subject to the conditions of approval 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	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

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

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

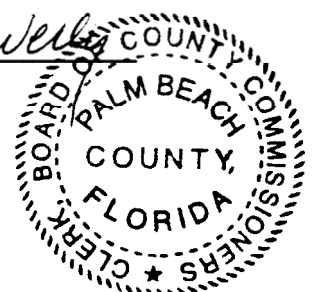


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION

A parcel situate in Section 1, Township 43 South, Range 40 East, **Palm** Beach County, Florida, more particularly described as follows:

Commencing at the intersection of the South **right-of-way** line of Cananal "M" Road (Record **Book 6**, page 141) and the East right-of-way line of Seminole Pratt-Whitney Road (Record Book 4, page 40), [N. 884040.7678, E. 726114.0998, Palm Beach County, Florida Coordinate System] run South $01^{\circ} 42' 54''$ West along said East right-of-way, **3461.15 feet**; **thence leaving said** right-of-way, run South $88^{\circ} 17' 06''$ East, 10.00 feet to the Point of Beginning.

From the Point of Beginning, continue South $88^{\circ} 17' 06''$ East, 371.55 feet; thence South $43^{\circ} 17' 06''$ East, **374.78** feet; thence South $01^{\circ} 42' 54''$ West, 477.98 feet; thence North $88^{\circ} 17' 06''$ West, **556.56** feet; thence North $43^{\circ} 17' 19''$ West, 113.13 feet to a point which is 10.00 feet East of the Seminole Pratt-Whitney Road right-of-way; thence North $01^{\circ} 42' 54''$ East, parallel with and 10.00 feet East of said right-of-way, 663.00 feet to the Point of Beginning.

LESS AND EXCEPT parcels conveyed in Official Records Book 1854, page 1803, of the public records of Palm Beach County, Florida.

All the above situate in Palm Beach County, Florida.

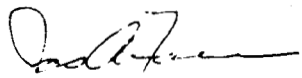
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EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING

95-106A

FILE COPY

FEB 19 1997

SEMINOLE PRUITT-WHITNEY ROAD

I.

AR

RETAIL
SITE

UTILITY
SITE



Petition Number: PDD95-106

Zoning Quad Page _____

Date: _____



NORTH

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.

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject property, **as** contained in Resolutions R-96-1355 (Petition 95-106), 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 March 27, 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. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. **All buildings** and structures shall be designed and constructed **to be** consistent with the Regulating Plan elevations, dated May 29, 1996, prepared by Kenneth **R Carlson**. (Previously Condition B.1 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, such as color, **material** and roof treatment, shall be provided on all sides **of the buildings** (i.e. excluding canopies and awnings in the rear). (Previously Condition 8.2 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: BLDG - Zoning)
3. The architectural design **of** the buildings shall include the **items** specified below.
 - a. **All** structures **shall** be consistent in the use **of** common elements such as colors, architectural details and landscape materials.
 - b. **All** mechanical and electrical equipment shall be screened from view **so** as not to be visible from any property line.
 - c. **Interior** and exterior storage areas shall be screened from view and integrated into the building design **to** make it compatible with the building architecture.
 - d. Roof **and/or trim** color shall be coordinated with base **colors**. Gutters and down spouts shall be integrated into the architectural design of the building. (Previously Condition B.3 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-96-1355, Petition 95-106, which currently states:

Total gross floor area shall be limited to a maximum of **89,557** square feet, The gross floor area of any individual tenant shall be limited to a maximum of **55,000** square feet.

Is hereby amended to read:

Total gross floor area shall be limited to a **maximum** of 89,557 square feet. The **gross** floor area of any individual tenant shall be limited to a **maximum** of 62,000 square feet. (BLDG PERMIT: BLDG - Zoning)

2. **A** maximum of three **(3)** separate free standing buildings **shall** be permitted on-site. **A** maximum of one **(1)** out-parcel may have vehicular circulation on all four **(4)** sides. (Previously Condition C.2 of Resolution R-96-1355, Petition 95-106) (ONGOING/DRC: BLDG - Zoning)
3. The petitioner shall vary the front facade of all structures a minimum depth of ten **(10)** feet per maximum distance of three hundred **(300)** linear feet. (Previously Condition C.3 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: BLDG - Zoning)
4. Prior to final Development Review Committee (DRC) **certification**, the petitioner shall obtain removal agreements for improvements **within** proposed utility easements along the property lines. (Previously Condition C.4 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING)

D. DUMPSTERS AND TRASH COMPACTORS

1. **All** dumpsters and trash compactors shall be located a **minimum** of twenty-five **(25)** feet from all property lines and confined to the **areas** designated on the site plan. (Previously Condition D.1 of Resolution R-96-1355, Petition 95-106) (DRC / ONGOING: ZONING / CODE ENF)
2. **All** dumpsters and trash compactors, shall be screened from **view** on all sides in a manner consistent with the color, character and architectural style of the adjacent building's architecture. (Previously Condition D.2 of Resolution R-96-1355, Petition 95-106) (CO: BLDG - Zoning)
3. The required screening **for** dumpsters and trash compactors **shall** be a minimum six **(6)** foot high opaque enclosure. The height of the enclosure **shall** be measured from the elevation of the asphalt **adjacent to and outside the** enclosed **area** (Previously Condition D.3 of Resolution R-96-1355, Petition 95-106) (CO: BLDG - Zoning)

E. ENGINEERING

1. Prior to the issuance **of** a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way **warranty** deed additional right of way for the construction of a right turn lane on Seminole Pratt Whitney Road at the **project's** main entrance road. This right-of-way shall be a minimum of **280** feet in storage length, twelve feet in **width** and a taper length of **50 feet** (on an **alignment** approved by the County Engineer) **or** as approved **by** the

County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (Previously Condition E.1 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: MONITORING - Eng)

2. The property owner shall convey to the Palm Beach County Land Development Division by road right-of-way warranty deed:

- a) Seminole Pratt Whitney Road, 60 feet from centerline; and
- b) Persimmon Street, 80 feet south of this projects south property line.

This additional right of way shall be conveyed on or before December 1, 1997 or prior to the issuance of the first Building Permit which shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 encumbrance;; and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (Previously Condition E.2 of Resolution R-96-1355, Petition 95-106) (DATE / BLDG PERMIT: MONITORING - Eng)

3. The Property owner shall construct:

- a) Persimmon Street from Seminole Pratt Whitney Road east to the project's west property line. Construction shall be to collector street standard minimum 3 - 12 foot travel lanes. This will provide for a left turn lane east approach on Persimmon Street at Seminole Pratt Whitney Road, and a left turn lane at the project main entrance. The Developer shall also provide adjacent to this commercial site a stormwater management tract for the stormwater runoff of Persimmon Street. The amount of runoff required to be stored in this tract shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (Previously Condition E.3.a of Resolution R-96-1355, Petition 95-106) (DRAINAGE REVIEW: ENG)
- b) left turn lane north approach on Seminole Pratt Whitney Road at the each of the projects entrance roads; and
- c) right turn lane south approach on Seminole Pratt Whitney Road at the projects main entrance road.
- d) separate left and right turn lanes east approach at the projects main entrance road exiting onto Seminole Pratt Whitney Road and Persimmon Street,

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any

additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.3 of Resolution R-96-1355, Petition 95-106) (CO: MONITORING/ENG)

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) No building permits for the site may be issued after **January 1, 1999**. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section **5.8** of the Unified Land Development Code. (Previously Condition E.4 of Resolution R-96-1355, Petition 95-106) (DATE: MONITORING - Eng)

F. HEALTH

1. An engineering report properly addressing the removal and disposal of the asbestos cement piping identified in the Environmental Site Assessment Report dated April **17, 1996**, is required. The report shall be submitted to PBCPHU prior to final site plan approval. (Previously Condition F.1 of Resolution R-96-1355, Petition 95-106) (DRC: HEALTH)

G. LANDSCAPE

1. All shade and canopy trees required to be planted on site by the conditions of approval shall meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (**14**) feet;
 - b. Trunk diameter: **3.5** inches measured **4.5** feet above grade; and
 - 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. (Previously Condition G.1 of Resolution R-96-1355, Petition 95-106) (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by the conditions of approval shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (**12**) feet grey wood;
 - b. Clustering: staggered heights twelve (**12**) to eighteen (**18**) feet; and
 - c. Pruning: minimum six (**6**) fronds, no clipped or spiked cuts. (Previously Condition G.2 of Resolution R-96-1355, Petition 95-106) (CO: LANDSCAPE - Zoning)
3. All perimeter buffers shall be completed prior to the issuance of the first certificate of occupancy for the shopping center. (Previously Condition G.3 of Resolution R-96-1355, Petition 95-106) (DRC / CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG WEST AND SOUTH PROPERTY LINES (SEMINOLE PRATT-WHITNEY ROAD AND PERSIMMON STREET)

1. Landscaping and buffering along the west and south property lines shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip;
 - b. An **undulating** berm having an average height of **2.4** feet measured from the **top** of curb. At no time shall the berm be less than **two (2)** feet in height;
 - c. One **(1)** tree for each twenty **(20)** linear feet of frontage property line with a maximum spacing of thirty **(30)** feet on **center**. A minimum of **50%** of the required trees shall be shade **or** canopy trees;
 - d. One **(1)** palm **or** pine tree for each thirty **(30)** linear feet perimeter property line with a maximum spacing of eighty **(80)** feet; **and**
 - e. Twenty four **(24)** inch high shrub **or** hedge material **installed on** the plateau of the **berm**. Shrub **or** hedge material shall be **spaced** no more than twenty four **(24)** inches **on center** and **maintained** at a minimum height of thirty six **(36)** inches. (Previously **Condition H.1** of Resolution R-96-1355, Petition **95-106**) (DRC / CO / ONGOING: LANDSCAPE - Zoning)

I. 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 fifteen **(15)** foot wide landscape buffer strip;
 - b. Continuous **two (2)** foot high berm with the height of **berm** measured from the top of **curb**; and
 - c. A **six (6)** foot high green vinyl coated chain link fence **on** the plateau of the **berm**. (Previously Condition 1.1 of Resolution **R-96-1355**, Petition **95-106**) (DRC/CO: LANDSCAPE - Zoning)
2. The following landscape requirements shall be installed alternatingly on the interior and exterior side of the required fence:
 - a. One **(1)** canopy tree for each twenty **(20)** linear feet of **perimeter** property line with a maximum spacing of thirty **(30)** feet on center; and
 - b. One **(1)** palm **or** pine tree **for** each thirty **(30)** linear feet perimeter property line **with** a maximum spacing of sixty **(60)** feet **between** clusters. (Previously Condition 1.2 of Resolution **R-96-1355**, Petition **95-106**) (DRC/ CO: LANDSCAPE - Zoning)
3. Along the exterior side of the required fence the property owner shall install on the plateau of the **berm** twenty four **(24)** inch high **shrubs or** hedge material spaced no more than twenty four **(24)** inches on **center** at installation. This shrub or hedge material **shall** be maintained at a minimum height of sixty **(60)** inches. (Previously Condition 1.3 of Resolution **R-96-1355**, Petition **95-106**) (DRC/CO/ONGOING: LANDSCAPE - Zoning)

J. LANDSCAPING - INTERIOR

1. Landscaping shall be provided along the west and southwest facades of the principal structure and meet the following minimum standards:
 - a. The minimum width of this foundation planting shall be ten **(10)** feet;
 - b. The petitioner shall install one tree for each thirty **(30)** linear feet of adjacent building facade with a maximum spacing of forty **(40)** feet on center;
 - c. The petitioner shall install one palm for each twenty **(20)** linear feet of adjacent building facade with a maximum spacing of one hundred **(100)** feet between clusters; and
 - d. The petitioner shall provide appropriate ground cover and shrub material in the foundation planting areas. (Previously Condition **J.1** of Resolution R-96-1355, Petition 95-106) (DRC / CO: LANDSCAPE - Zoning)
2. Foundation plantings shall be provided along the unroofed front and side facades of all structures. The minimum width of this foundation planting shall be five **(5)** feet. The combined length of the landscape area shall be no less than 40% of the total length of the applicable side of the structure. All foundation landscape area plantings shall be planted with a minimum of one **(1)** tree every twenty **(20)** feet on center and appropriate ground cover. (Previously Condition **J.2** of Resolution R-96-1355, Petition 95-106) (DRC / CO: LANDSCAPE - Zoning)
3. Landscaped divider medians shall be provided between all rows of abutting parking and meet the following minimum standards:
 - a. The minimum width of divider medians shall be ten **(10)** feet. The ten feet may be reduced to five feet if the divider median is in excess of the interior landscape requirements;
 - b. One evergreen canopy tree and appropriate ground cover shall be planted for each twenty **(25)** linear feet of the divider median, with a maximum tree spacing of forty **(40)** feet on center; and
 - c. One **(1)** palm or pine tree for each thirty **(30)** linear feet perimeter property line with a maximum spacing of sixty **(60)** feet between clusters. (Previously Condition **J.3** of Resolution R-96-1355, Petition 95-106) (DRC / CO: LANDSCAPE - Zoning)
4. One evergreen canopy tree and appropriate ground cover shall be planted in each interior parking island. (Previously Condition **J.4** of Resolution R-96-1355, Petition 95-106) (DRC / CO: LANDSCAPE - Zoning)
5. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be required in the center of all ingress or egress driveways if over thirty **(30)** feet in width. The minimum width of these entry medians shall be six **(6)** feet with a minimum landscape area width of five **(5)** feet. The minimum length of these entry medians shall be twenty five **(25)** feet. One tree and appropriate ground cover shall be planted for each twenty **(20)** linear feet of the divider median. (Previously Condition **J.5** of Resolution R-96-1355, Petition 95-106) (DRC / CO: LANDSCAPE - Zoning)

K. 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. Low intensity back lighted or interior lighted signs may be permitted. (Previously Condition K.1 of Resolution R-96-1355, Petition 95-106) (ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (Previously Condition L.2 of Resolution R-96-1355, Petition 95-106) (CO BLDG - Zoning)

L. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (Previously Condition L.1 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING - School Board/Eng/Planning)

M. MUPR

1. Total gross floor area shall be limited to a maximum of 89,557 square feet. (Previously Condition M.1 of Resolution R-96-1355, Petition 95-106) (DRC/BLDG PERMIT: BLDG - Zoning)
2. To ensure consistency with the site plan dated August 13, 1996 presented to the Board of County Commissioners, no more than fifteen (15) percent of the total approved square footage shall be administratively relocated. (Previously Condition M.2 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING)
3. Prior to final certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between buildings, elevations and signage for the entire property. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition M.3 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING - Co Att)

4. Prior to final certification of the preliminary development plan by the Development Review Committee, the property owner shall **record** a covenant in the public record indicating that all structures, **uses** and parking areas within the project are part of a single unified **planned** development, regardless of ownership. **The** covenant shall be **recorded** in the **public** record in a manner and **form** acceptable to the County Attorney. The covenant shall not be removed, altered, **changed** or amended **without** written approval from **the** Zoning Director. (Previously Condition M.4 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING - Co Att)

N. PARKING

1. **A maximum of 448** parking spaces shall be allowed on site. (Previously Condition N.1 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING)
2. Condition N.2 of Resolution R-96-1355, Petition 95-106, which currently states:

Delivery and loading areas **for** the principal structure shall be **located** in the rear of the **building**. Screening shall consist of a **depressed** truckwell and an enclosed truck loading dock platform. The **loading** dock platform shall be constructed in a manner consistent with the color, character and architectural **style** of the principal structure.

Is hereby amended to read:

Delivery and **loading** areas for the principal structure shall be located in the rear of the building. Screening shall consist of a grade-level loading **clock** platform with a sixty (**60**) foot long eight (8) foot high screen wall. **The** loading dock platform and screen wall shall **be** constructed in a manner consistent with the color, character and architectural style of the principal structure. (**CO**: BLDG - Zoning)

3. Parking **of** delivery vehicles **or** trucks shall not be **permitted** on site, except within designated loading and delivery areas. (Previously Condition N.3 **of** Resolution R-96-1355, Petition 95-106) (ONGOING: CC DE ENF)
4. **Overnight** storage **or** parking of delivery vehicles **or** trucks shall **not** be permitted on site, except for within designated loading areas in the **rear** of the principal structure. (Previously Condition N.4 of Resolution R-96-1355, Petition 95-106) (ONGOING: CODE ENF)
5. Storage **or** parking of delivery vehicles **or** trucks shall not be **permitted** within fifty (**50**) feet of the north and east property lines. (Previously Condition **N.5** of Resolution R-96-1355, Petition 95-106) (ONGOING: CODE ENF)
6. Prior to final DRC certification, the site plan shall be amended to include effective screening **of** all loading areas from adjacent **rights-of-way** and perimeter property lines. (Previously Condition N.6 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING)
7. The parking aisle located on the west side of the Persimmon **Street** turnout shall be closed. Appropriate exit signs shall be provided to **direct** traffic to the shopping center's main drive. (Previously Condition N.7 of Resolution R-96-1355, Petition 95-106) (DRC: BLDG - Zoning)

8. Prior to site plan certification by the final Development Review Committee (**DRC**), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (Previously Condition N.8 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING)

O. PLANNING

1. The property shall be subject to the restrictive covenant as recorded in the Palm Beach County Public Records (ORBK 94-22 Page 63) for said property and conditions of approval as outlined in Palm Beach County case number SCA 96-S3/SCA 40 COM 1. (ONGOING: PLANNING)

P. SIGNS

1. The main freestanding shopping center sign on Seminole Pratt-Whitney Road shall be limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - fifteen **(15)** feet;
 - b. Maximum sign face area per side - **150** square feet;
 - c. Maximum number of signs - one **(1)**;
 - d. Style - monument style only; and
 - f. Location - maximum fifteen **(15)** feet from edge of pavement. (Previously Condition 0.1 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: BLDG - Zoning)
2. Point of purchase and/or freestanding signs for the **two** outparcell; on **Seminole** Pratt-Whitney Road shall be limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - ten **(10)** feet;
 - b. Maximum sign face area per side - **90** square feet;
 - c. Maximum number of signs - one **(1)** each;
 - d. Style - monument style only; and
 - f. Location - maximum fifty **(50)** feet from outparcel building. (Previously Condition 0.2 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: BLDG - Zoning)
3. Proposed signage on Persimmon Street shall be limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - eight **(8)** feet;
 - b. Maximum sign face area per side - **60** square feet;
 - c. Maximum number of signs - one **(1)**;
 - d. Style - monument style only; and
 - e. Location - maximum fifteen **(15)** feet from edge of pavement. (Previously Condition 0.3 of Resolution R-96-1355, Petition 95-106) (BLDG PERMIT: BLDG - Zoning)

Q. USE LIMITATIONS

1. Development of the site is limited to the uses and site design on the preliminary development plan/site plan dated August 13, 1996 approved by the Board of County Commissioners. 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 or conditions of approval. (Previously Condition A.1 of Resolution R-96-1355, Petition 95-106) (DRC: ZONING)

R. COMPLIANCE

1. Condition P.1 of Resolution R-96-1355, Petition 95-106, which currently states:

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 non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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.

It is hereby amended to read:

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 non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to **code** enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or 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 provide³ 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)