

RESOLUTION NO. R-97- 656

RESOLUTION APPROVING ZONING PETITION DOA96-04(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF DOUBLE A INDUSTRIES PROPERTIES INC.
BY ELLEN C. SMITH, AGENT
(COMMUNITY HOCKEY/LAKE WORTH SELF-STORAGE)

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 DOA96-04(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 DOA96-04(A), the petition of Double A Industries Properties Inc., by Ellen C. Smith, agent, for a Development Order Amendment (DOA) to allow indoor entertainment (roller skating/ice hockey rinks); redesign site plan; add square footage (+17,395) and modify conditions B.7 (hours of operation) and K.3 (security lighting) of R-96-650 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 Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

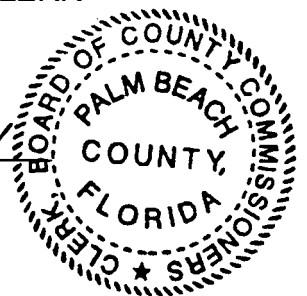
DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



**LAKE WORTH SELF STORAGE
PROPERTY DESCRIPTION**

PARCEL #1

TRACT 50, BLOCK 25, THE PALM BEACH FARMS CO., PLAT NO. 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL #2

BEGINNING AT THE NORTHWEST (NW) CORNER OF TRACT 49, BLOCK 24, THE PALM BEACH FARMS CO., PLAT NO 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE RUN SOUTHERLY ALONG THE WEST LINE OF SAID TRACT 49 TO THE SOUTHWEST (SW) CORNER OF SAID TRACT 49, THENCE RUN EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 49, A DISTANCE OF 329.28 FEET TO A POINT; THENCE RUN NORTHERLY A DISTANCE OF 660.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF TRACT 49, WHICH IS 329.01 FEET FROM THE NORTHWEST (NW) CORNER OF SAID TRACT 49; THENCE RUN WESTERLY ALONG THE NORTH LINE OF TRACT 49, A DISTANCE OF 329.01 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM PARCEL #1 AND PARCEL #2 THE FOLLOWING DESCRIBED PROPERTY TO WIT:

A TRACT OF LAND LYING IN PALM BEACH COUNTY IN TRACTS 49 AND 53, BLOCK 24, THE PALM BEACH FARMS CO., PLAT NO. 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGMNTNG AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY AND FURTHER LOCATED NORTH 00 DEGREES 39 MINUTES 11 SECONDS WEST, 72.69 FEET ALONG SAID RIGHT-OF-WAY LINE FROM THE SOUTH BOUNDARY OF TRACT 49, THENCE NORTH 23 DEGREES 09 MINUTES 11 SECONDS WEST, 323.06 FEET TO A POINT; THENCE NORTH 45 DEGREES 39 DEGREES 11 MINUTES WEST 408.39 FEET TO A POINT ON THE NORTH BOUNDARY OF TRACT 50. THENCE NORTH 89 DEGREES 23 MINUTES 44 SECONDS EAST, ALONG SAID NORTHERN BOUNDARY OF TRACT 50 AND TRACT 49, A DISTANCE OF 412.58 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY; THENCE SOUTH 00 DEGREES 39 DEGREES 39 MINUTES 11 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE, 587.31 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL #3

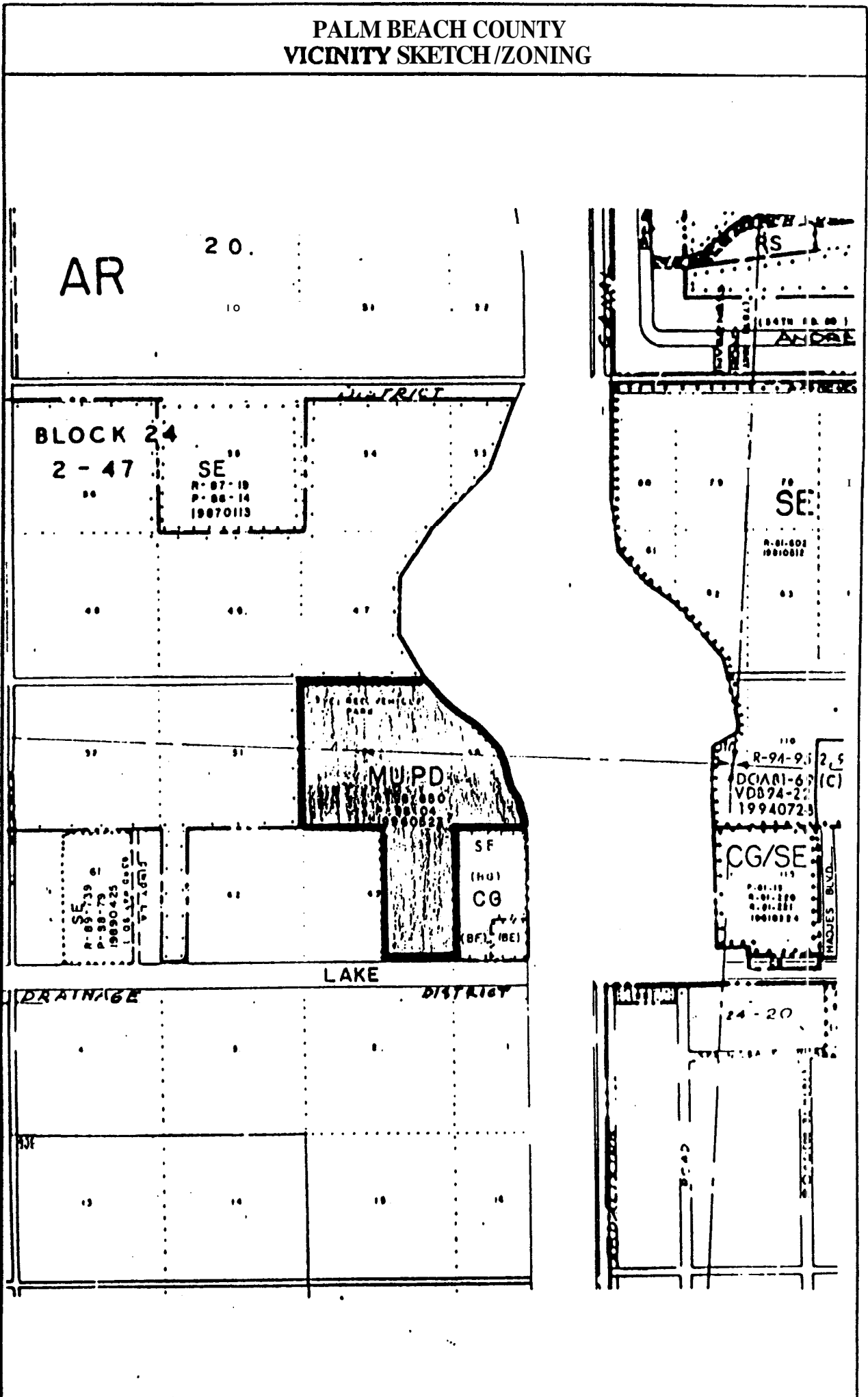
THE EAST ONE-HALF (1/2) OF TRACT 63, BLOCK 24, THE PALM BEACH FARMS CO. PLAT NO. 3., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPTING THEREFROM THE SOUTHERLY 58.23 FEET, MORE OR LESS, HERETOFORE CONVEYED TO COUNTY OF PALM BEACH, STATE OF FLORIDA FOR ROAD RIGHT-OF-WAY PURPOSES IN DEED BOOK 899, PAGE 675, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LESS THAT PART CONVEYED TO THE COUNTY OF PALM BEACH, IN OFFICIAL RECORD BOOK 4349, PAGE 1932, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

CONTAINING 752,725 SQUARE FEET OR 17.280 ACRES MORE OR LESS, 11/19/96

FILE COPY

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 96-04(A)
Zoning Quad Page _____
Date: 1-29-97



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- 83-1106** (Petition **83-94**) are **hereby** revoked. (Previously Condition A. 1 of Resolution R-96-650, Petition **93-04**) (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-96-650, Petition 96-04 which currently states:

Development **of** the site is limited to the uses, phases and **design** in accordance with the supportive exhibits (Preliminary **Development** Plan, Conceptual Development Plan, and Conceptual Landscape Development Plan dated April **17, 1996**) approved by the **Board of** County Commissioners. All modifications must be approved by the Board **of** County Commissioners unless the proposed change; are required to meet conditions **of** approval or in accordance with minor deviations as permitted in the ULDC.

Is hereby amended to read:

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 11, 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)

3. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-650 (Petition 96-04), 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)

4. The phase lines and uses in the phases shall be limited to the Site Development Plan dated April 11, 1997 and shall be constructed in sequence. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. All buildings shall be limited to one story except for the **proposed** Caretaker's Quarter's. (Previously Condition **C.1** of Resolution R-96-650, Petition 96-04) (DRC/BLDG: ZONING)

2. Condition C.2 of Resolution R-96-650, Petition 96-04, which currently states:

The maximum height for the self service storage buildings and the outdoor covered storage areas, measured from finished grade to highest point, shall not exceed fifteen **(15)** feet for self-storage buildings and seventeen **(17)** feet for outdoor storage.

Is hereby amended to read:

The maximum height for the overall buildings as measured from finished grade to the highest point, shall not exceed fifteen (15) feet for self-storage buildings and seventeen (17) feet for the covered outdoor storage spaces and twenty-four (24) feet for the skating rink building. (BLDG PERMIT: BLDG - Zoning)
3. Openings shall not be permitted in the eight **(8) foot high** screen wall or in the perimeter facade of the self service storage buildings, **except** for required emergency exits. (Previously Condition C.3 of Resolution R-96-650, Petition 96-04) (BLDG PERMIT: BLDG)
4. Similar architectural character and treatment shall be provided on building facades facing perimeter property lines and rights of way. (Previously Condition C.4 of Resolution R-96-650, Petition 96-04) (BLDG PERMIT: BLDG - Zoning)
5. **All** air conditioning and mechanical equipment shall be screened from view and not visible from any property line. Screening shall consist of a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (Previously Condition C.5 of Resolution R-96-650, Petition 96-04) (CO: BLDG - Zoning)
6. The minimum setback for the outdoor storage area shall be two hundred **(200)** feet from the north residential property line and two hundred fifty **(250)** feet from the west property line adjacent to Summerchase PUD. (Previously Condition C.6 of Resolution R-96-650, Petition 96-04) (DRC: ZONING)
7. Condition C.7 of Resolution R-96-650, Petition 96-04, which currently states:

The width of the project's entrance on Lake Worth Road shall be reduced to thirty five **(35)** feet.

Is hereby amended to read:

The width of the project's entrance on Lake Worth Road if permissible by DOT shall consist of two (2) one way fifteen (15) foot aisles with a ten (10) foot wide landscape median. (DRC: ZONING)
8. **A** permanent four **(4)** foot chain link, vinyl coated fence shall be installed between the on site lake and the Summer Chase **Boundary** line, prior to site clearing or as soon as possible. Petitioner shall also install a six **(6) foot** chain link, vinyl coated fence to prevent pedestrian access from the south property line along the eastern **E2W** Canal, subject to **LWDD** approval. (Previously Condition C.8 of Resolution R-96-650, Petition 96-04) (BLDG PERMIT: BLDG - Zoning)
9. **All** air conditioning/compressor equipment for the skating facility shall be

ground mounted and located on the east side of the building for rink 1 and the south side of rink 3 adjacent to the dumpster location. (CO: BLDG - Zoning)

C. LANDSCAPING

1. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of installation:

- a. Tree height: fourteen (14) feet along Lake Worth Road and Florida Turnpike and 50% twelve (12) foot and 50% fourteen (14) foot along the remaining perimeter property lines.
- 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. (Previously Condition F.1 of Resolution R-96-650, Petition 96-04) (CO: LANDSCAPE - Zoning)

2. Condition F.2 of Resolution R-96-650, Petition 96-04 which currently states:

All palms required to be planted shall be native, booted, 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.
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements.

Is hereby amended to read:

All palms required to be planted shall be native, booted, 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.
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING AND BUFFERING ALONG ALL PROPERTY LINES

■ - Condition G.1 of Resolution R-96-650, Petition 96-04 which currently states:

Landscaping and buffering along all property lines shall be in accordance with the Preliminary Development Plan, Conceptual Development Plan, and Conceptual Landscape Development Plan dated April 17, 1996. For Development Review Committee purposes, the design minimums shall be as follows:

- a. A minimum thirty (30) foot wide landscape buffer on all property lines except for the eastern property line adjacent to the commercial zoned property.
- b. A minimum fifteen (15) foot wide landscape buffer strip on the east property line.
- c. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
- d. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
- e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches.

Is hereby amended to read:

Landscaping and buffering along all property lines shall be in accordance with the Site Development Plan dated April 11, 1997 modified from the Conceptual Development Plan and Conceptual Landscape Development Plan dated December 26, 1996. For Development Review Committee purposes, the design minimums shall be as follows:

- a. A minimum thirty (30) foot wide landscape buffer on all property lines except for the eastern property line adjacent to the commercial zoned property.
- b. A minimum fifteen (15) foot wide landscape buffer strip on the east and south property lines of Phase IV. The eight (8) foot high perimeter screen wall shall continue to the northeast corner of the retail building in Phase IV.
- c. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
- d. One (1) palm for each thirty (30) linear feet along the perimeter property line with a maximum spacing of eighty (80) feet between clusters.
- e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning;

E. ENGINEERING

1. The use of the proposed 2900 square foot ~~business~~ office shall be limited to an ancillary office use by the self service storage and on site truck rental only. (Previously Condition E.1 of Resolution R-96-650, Petition 96-04) (ONGOING: BLDG)
2. LANDSCAPE WITHIN MEDIAN
 - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994

Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (Previously Condition E.2.a of Resolution R-96-650, Petition 96-04) (BLDG PERMIT: ENG)

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 ~~is~~ successors, heirs; or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (Previously Condition E.2.b of Resolution R-96-650, Petition 96-04) (CO: BLDG - Eng)

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. (Previously Condition E.2.c of Resolution R-96-650, Petition 96-04) (CO: BLDG - Eng)

3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

Building Permits for the 8,320 square feet of retail area, and no more than 42,000 square feet of a hockey rink facility shall not be issued until construction has begun for State Road 7 as a 6 lane facility from Southern Boulevard to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)

4. The mix of allowable uses listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING - Eng)

5. Developer shall construct a right turn lane east approach on Lake Worth Road at the projects entrance road if permitted by the Florida Department of Transportation. If permitted, this property owner shall fund the cost of the required right of way acquisition through the County Engineers office. Construction shall be completed prior to the Certification of Occupancy of the hockey skating rink. This right lane shall be a minimum of 280 feet in length with a taper length of 50 feet. (CO: MONITORING - DOT / Eng)

6. Palm Beach County shall acquire right-of-way, if required through an eminent

domain procedure, for the right turn lane east approach on Lake Worth Road at the projects entrance road required in the condition above. The developer shall prepare and provide to the County all necessary construction plans for said turn lane. The construction plans shall be approved by the Engineer based upon the Palm Beach County Minimum Construction Plans Standards as they exist at the time of submittal. These construction plans shall be submitted prior to July 1, 1997. (DATE: MONITORING - Eng)

7. The Developer shall provide the necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's map legal descriptions for acquisition, and parcel right-of-way maps required for the construction of said right turn lane as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of twenty-five (25) years. The right-of-way documents shall be provided prior to October 1, 1997. (DATE: MONITORING - Eng)
8. The Developer shall provide all funding inherent with the provisions outlined in the Eminent Domain proceedings herein and fund all necessary right-of-way acquisition costs including, but not limited to, the actual cost of right-of-way acquired, all legal costs incurred by the County in the acquisition of said right-of-way, including the costs of all expert witness fees and attorneys' fees. Any funds required to be expended by the County shall be advanced to the County by the Developer. In addition, the Developer shall provide, at the Developer's expense, private legal counsel to initiate and pursue to conclusion the acquisition of said property by eminent domain, as required in the eminent domain proceedings above on behalf of Palm Beach County. (ENG)
9. The property owner shall request from the Florida DOT for a "NO U-TURN" designation for the adjacent median opening on Lake Worth Road to the west of the site (entrance to Summerchase). Concurrent with the request to the Florida DOT, the property owner shall obtain a letter of support for the No U-turn designation from the Office of the County Engineer or his designee. This shall be accomplished prior to July 1, 1997. (DATE: MONITORING - Eng)

F. LANDSCAPING ALONG SOUTH PROPERTY (LAKE WORTH ROAD)

1. **Landscaping and buffering along the south property line shall be upgraded to include:**
 - a. **A minimum thirty (30) foot wide landscape buffer strip.**
 - b. **A continuous three (3) foot high berm with the height of berm measured from the top of curb. (~~CO/DRG: LANDSCAPE - Zoning~~)**
 - c. **One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.**
 - d. **One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.**
 - e. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (Previously Condition H.I of Resolution R-96-650, Petition 96-04) (CO: LANDSCAPE - Zoning)**

G. LANDSCAPING ALONG EAST PROPERTY LINE ADJACENT TO LWDD CANAL

1. Landscaping and buffering along the property lines shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip.
 - b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
 - c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
 - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (Previously Condition 1.1 of R-96-650, Petition 96-04) (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping and buffering along the north and property lines shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip.
 - b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
 - c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
 - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (Previously Condition J.1 of Resolution R-96-650, Petition 96-04) (CO: LANDSCAPE - Zoning)

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. (Previously Condition K.1 of Resolution R-96-650, Petition 96-04) (CO/ONGCING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (Previously Condition K.2 of Resolution R-96-650, Petition 96-04) (CO: BLDG - Zoning)
3. Condition K.3 of Resolution R-96-650, Petition 96-04 which currently states:

All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only.

Is hereby amended to read:

All outdoor lighting for Phase 1 outdoor storage, Phase 2 and 3 self-service storage, shall be extinguished no later than 8:30 p.m. Phase 4 retail and hockey rink parking lot lighting shall be extinguished no later than 10:30 p.m. Sunday thru Thursdays and 12:30 a.m. Friday and Saturdays, excluding security lighting only. (ONGOING: CODE ENF)

J. LAKE WORTH DRAINAGE DISTRICT

1. Condition L.1 of Resolution R-96-650, Petition 96-04, which currently states:

The property owner shall convey to the Lake Worth Drainage District an Easement over the Eastern portion of the subject property lying within forty **(40)** feet of the West top of bank of the existing physical Equalizing Canal No. 2-W (E-2-W), prior to the issuance of building permits.

Is hereby amended to read:

Prior to Final Site Plan Certification the property owner shall convey to the Lake Worth Drainage District a five (5) foot easement over the Eastern portion of the subject property which borders the existing physical LVJDD E2W right of way as recorded in ORB 5717-PG 1712. (DRC: LWDD)

K. SIGNAGE

1. Condition D.1 of Resolution R-96-650, Petition 96-04 which currently states:

Point of ~~purchase~~ **freestanding sign** on the property shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen **(15)** feet;
- b. Maximum sign face area - **100** square feet;
- c. Maximum number of signs - one **(1)**;
- d. Style - monument style only; and,
- e. Location - at the southeast corner of the property on the north side of Lake Worth Road.

Is hereby amended to read:

Point of ~~purchase~~/freestanding sign on the property shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen **(15)** feet;
- b. Maximum sign face area - hundred **(100)** square feet;
- c. Maximum number of signs - one **(1)**;
- d. Style - monument style only;
- e. Location - maximum distance of eighty **(80)** feet from the east property line; and,
- f. Wall signs shall be limited to the east facade of the retail building, and the south facade of the office and hockey rink buildings. (CO: BLDG - Zoning)

L. USE LIMITATIONS

1. Condition B.1 of Resolution R-96-650, Petition 96-04 which currently states:

The retail space shall not be used for a pawn shop, restaurant, entertainment, data processing, daycare, motorized vehicle repair, medical offices, building materials or the sale of food or beverages.

Is hereby amended to read:

The retail space shall not be used for a pawn shop, restaurant, entertainment, data processing, daycare, motorized vehicle repair, medical offices, building materials or the sale of food or beverages. The concession service for the hockey rink shall be limited to soft drinks and pre-prepared food items only. (ONGOING: CODE ENF - Zoning)

2. **No** outside storage of disassembled vehicles or parts shall be permitted on site. (Previously Condition B.2 of Resolution R-96-650, Petition 96-04) (ONGOING: CODE ENF)
3. There shall be no vehicle maintenance or repairs permitted on site. (Previously Condition B.3 of Resolution R-96-650, Petition 913-04) (ONGOING: CODE ENF)
4. **No** advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall except as provided by a Special Permit. (Previously Condition B.4 of Resolution R-96-650, Petition 913-04) (ONGOING: CODE ENF)
5. Condition B.5 of Resolution R-96-650, Petition 96-04 which currently states:

The outdoor storage area shall not exceed thirty five (35) percent of the land area and all outdoor storage spaces shall be entirely covered by a roofed structure. A roofed structure may be optional for to the two (2) rows of parking on either side of the fifty (50) foot wide entrance aisle.

Is hereby amended to read:

The outdoor storage area shall not exceed the land area as show on the Site Plan dated April 11, 1997. The outdoor storage spaces shall be limited to a maximum of 58 covered spaces and 25 uncovered spaces. The rental vehicles shall be stored in the twelve (12) designated spaces as shown in Phase I. (DRC: ZONING)

6. There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (Previously Condition B.6 of Resolution R-96-650, Petition 96-04) (ONGOING: CODE ENF)

7. Condition B.7 of Resolution R-96-650, Petition 96-04 which currently states:

Hours of operation for Phase 1 of the self-service storage may be twenty-four (24) hours but, Phases 2 and 3 shall be limited from 8:00 a.m. to 8:00 p.m. The office/retail hours of operation shall be limited from 7:00 a.m. to 10:00 p.m.

Is hereby amended to read:

Hours of operation for the proposed uses shall be as follows: Phase 1 of the self-service storage and outdoor storage area may be open twenty-four (24) hours; Phases 2 and 3 self-service storage buildings shall be limited from 8:00 a.m. to 8:00 p.m.; the office/retail hours of operation shall be limited from 8:00 a.m. to 10:00 p.m. The hockey rink hours of operation shall also be limited from 8:00 a.m. to 10:00 p.m. Sunday thru Thursday and 8:00 a.m. to 12:00 p.m. Friday and Saturdays. (ONGOING: CODE ENF)

8. Condition B.8 of Resolution R-96-650, Petition 96-04 which currently states:

U-Haul vehicles/trailers are limited to twelve (12) and located as shown on the Preliminary Development Plan dated April 17, 1996.

Is hereby amended to read:

Rental vehicle/trailer spaces are limited to the twelve (12) covered spaces as shown on the Site Development Plan dated April 11, 1997. (ONGOING: CODE ENF)

9. When the hockey rink is closed, the parking lot shall be locked/gated no later than 10:30 p.m. Sunday thru Thursday and 12:30 a.m. Friday and Saturdays. (ONGOING: CODE ENF)
10. Indoorentertainment shall be limited to roller and ice skating. (ONGOING: CODE ENF)
11. All storage buildings within Phases I and II, perimeter landscaping to include ~~the buffering along~~ Lake Worth Road, screen walls, retention lake and ancillary site development shall be completed ~~in numerical sequence with Phases I and II~~ prior to issuance of a building permit for the skating facility. (BLDG PERMIT: LANDSCAPE - Zoning)
12. No alcohol, beer or wine sales or consumption shall be permitted on the property. (ONGOING: CODE ENF/ZONING)
13. The petitioner shall provide on site security for the property. (ONGOING: CODE ENF)

M. COMPLIANCE

1. Condition M.1 of Resolution R-96-650, Petition 96-04 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

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 standard 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 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)**