

RESOLUTION NO. R-99-1151

RESOLUTION APPROVING ZONING PETITION PDD99-021
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF THE MILLER CO. INC.
BY KIERAN KILDAY, AGENT
(VIA ADDISON)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Petition PDD99-021 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 1999; and,

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

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

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

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD99-021, the petition of The Miller Co. Inc. by Kieran Kilday, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 29, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
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 June 29, 1999.

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

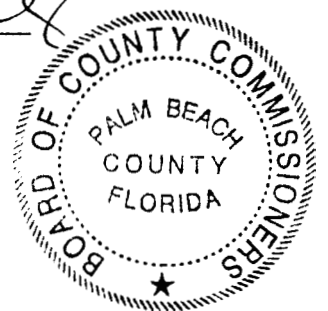


EXHIBIT A

LEGAL DESCRIPTION

**PARCEL "C" OR 5
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
MORIKAMI PARK CIVIC CENTER
WATER RETENTION PARCEL**

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 27,
TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; BEING:

THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST
ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, LESS THE WEST 50.00 FEET
OF ROAD RIGHT OF WAY, SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST (5
ACRES, MORE OR LESS); BEING PARCEL "C", RECORDED IN OFFICIAL RECORD
BOOK 3163, PAGE 1677, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO BEING THE SAME AS DESCRIBED AS FOLLOWS.

FOR THE PURPOSE OF THIS DESCRIPTION THE BEARING VALUE SOUTH 89°23'50"
WEST BEING THE SOUTH BOUNDARY OF "THE PLAT OF POLO CLUB EQUESTRIAN
CENTER, AS RECORDED IN PLAT BOOK 61, PAGE 166, PUBLIC RECORDS OF PALM
BEACH COUNTY, FLORIDA.

THE POINT OF COMMENCEMENT BEING THE SOUTHWEST BOUNDARY PLAT OF
THE POLO CLUB EQUESTRIAN CENTER RECORDED IN PLAT BOOK 61, PAGES 166
THRU 167, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH
00°34'58" EAST ALONG THE EASTERLY RIGHT OF WAY OF JOG ROAD PER RIGHT
OF WAY MAP (PALM BEACH COUNTY ENGINEERS OFFICE DRAWING NUMBER
86093) A DISTANCE OF 680.65 FEET TO THE "POINT OF BEGINNING"; THENCE
CONTINUE SOUTH 00°34'58" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE
A DISTANCE OF 680.50 FEET, INTERSECTING THE WESTERLY PROLONGATION OF
THE NORTH BOUNDARY PLAT OF SAN MICHEL OF THE POLO CLUB RECORDED IN
PLAT BOOK 54, PAGES 124 THRU 131, PUBLIC RECORDS OF PALM BEACH
COUNTY, FLORIDA; THENCE N.89°25'34" E. ALONG SAID WESTERLY
PROLONGATION PLAT OF SAN MICHEL OF POLO CLUB A DISTANCE OF 252.15
FEET; TO THE NORTHWEST BOUNDARY OF SAID PLAT OF SAN MICHEL OF THE
POLO CLUB; THENCE NORTH 00°18'40" WEST A DISTANCE OF 680.58 FEET; TO
THE NORTH BOUNDARY PARCEL "C" OR 5 RECORDED IN OFFICIAL RECORD BOOK
3163, PAGE 1677, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE
SOUTH 89°24'42" WEST ALONG SAID NORTH BOUNDARY PARCEL "C" OR 5, A
DISTANCE OF 255.38 FEET INTERSECTING THE EASTERLY RIGHT OF WAY, SAID
JOG ROAD, BEING THE POINT OF BEGINNING.

LESS AND EXCEPTING THE NORTHERLY 25.00 FEET FOR RIGHT OF WAY IN FAVOR
OF THE BOARD OF COUNTY COMMISSIONERS, RECORDED IN OFFICIAL RECORD
BOOK 3372, PAGE 0128, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO RIGHT OF WAYS AND EASEMENTS, RECORDED OR UNRECORDED.

CONTAINS 3.81± ACRES.

EXHIBIT B
VICINITY SKETCH

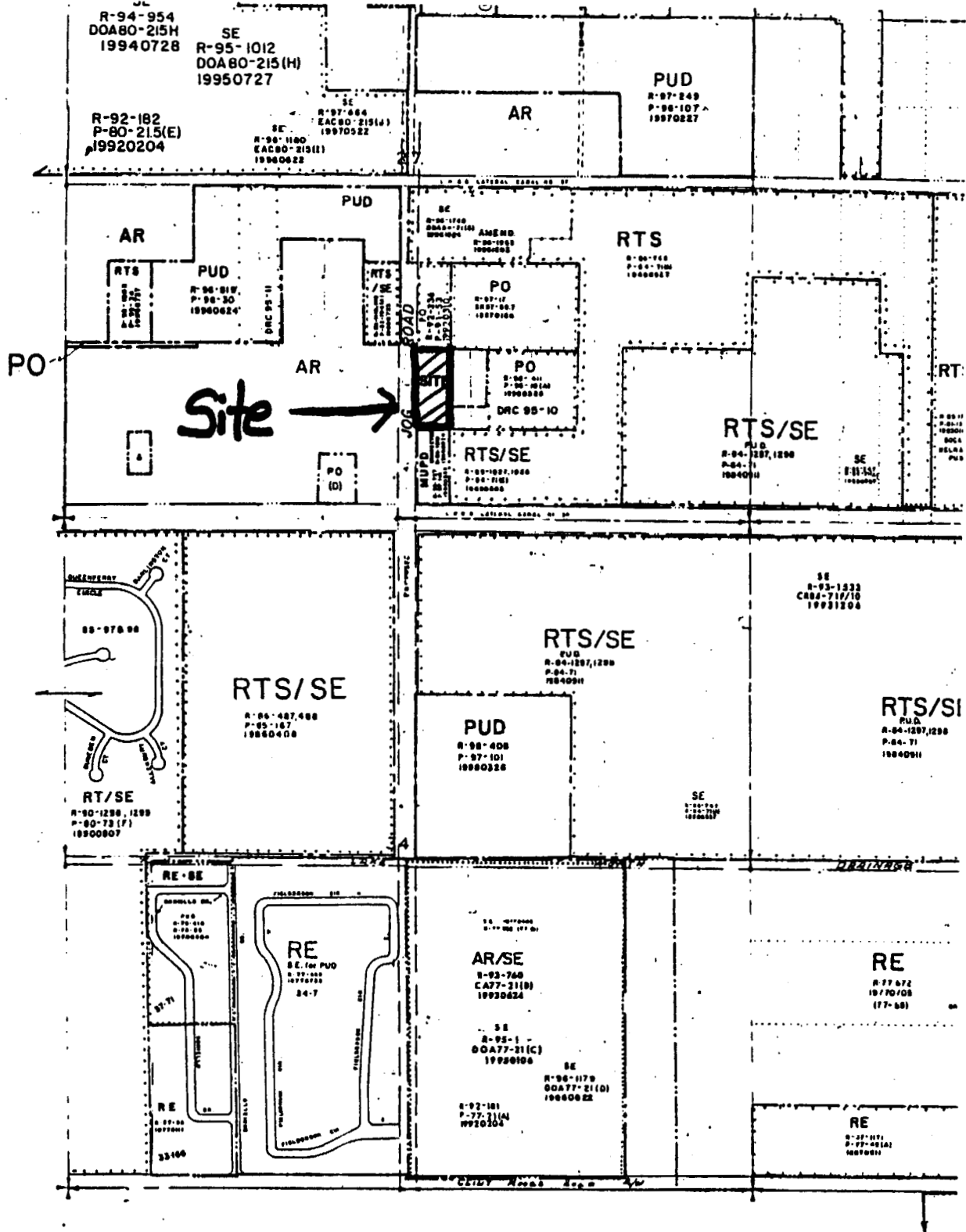


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 19, 1999. 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)
2. Prior to the June 29, 1999 Board of County Commissioners Public Hearing, the petitioner shall submit architectural renderings as part of the application and shall be made part of the record. Approvals for this project shall be based on conformity with these renderings. (DRC/ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum 28,000 square feet. (DRC: ZONING)
2. All structures shall be limited to one story and the maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof treatment, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
5. Prior to final site plan approval by the Development Review Committee (DRC), the petitioner shall submit architectural elevations and renderings of the proposed buildings to the Planning and Zoning Divisions to demonstrate architectural compatibility with the buildings constructed on the Addison Place (Petition 97-118) property immediately to the south. (DRC/ONGOING: PLANNING-Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements; and,
 - e. A maximum fifty (50) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters. (CO: LANDSCAPE - Zoning)
2. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall indicate cross sections which provide for shade trees with a minimum 2 1/2" trunk diameter installed a minimum of 50 foot on center along exterior pedestrian paths and sidewalks and along interior pedestrian paths and sidewalks (excluding covered arcades and canopies) to be shown on the site plan. Pedestrian pathways to be shown on the site plan shall provide adequate pedestrian access from this site to all abutting properties. (DRC:LANDSCAPE-Planning)

E. ENGINEERING

I. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF JOG ROAD

- 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 provide for landscape cutouts within the concrete median of Jog Road Rights-of-way for the area contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG.PERMIT:MONITORING - Eng.)
- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material and paver block shall be funded at the property owners expense. All new landscape and paver block material shall also be the perpetual maintenance obligation of the petitioner and its successors, or assignees or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO:MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit. (BLDG.PERMIT:MONITORING - Eng.)

F. LANDSCAPING ALONG WEST PROPERTY LINE (JOG ROAD FRONTAGE2

1. Landscaping and buffering along the west property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - c. One (1) palm for each twenty-five (25) linear feet of property line with no maximum spacing between clusters. A group of three (3) palms may not be substituted for a perimeter canopy tree and;
 - d. Twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH AND SOUTH PROPERTY LINES (ABUTTING ROAD EASEMENT)

1. Landscaping and buffering along the north and south property lines shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - c. One (1) palm for each thirty (30) linear feet of property line with no maximum spacing between clusters. A group of three (3) palms may be substituted for a perimeter canopy tree and;
 - d. Twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG EAST PROPERTY LINE

1. Landscaping and buffering along the east property line shall include:
 - a. a minimum ten (10) foot wide buffer strip;
 - b. one canopy tree per thirty (30) linear feet on center ; and
 - c. twenty-four (24) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center at time of installation, to be maintained at a height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING - INTERIOR

1. Foundation planter strip shall be provided along the front and side facades of all structures. The minimum width of the required foundation planter strip shall be five (5) feet. The combined length of the required foundation planter strip shall be no less than 40% of the accumulative length of the structure. All required foundation planter strips shall be planted with a minimum of one (1) tree or palm every 20 feet and appropriate ground cover. (DRC/CO: ZONING /LANDSCAPE)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property shall be of low intensity, shielded and directed down and away from adjacent properties and streets. Any ground lighting used to illuminate project identification signage shall be directed toward the sign face and away from adjacent residential properties. (CO / ONGOING: BLDG / CODE ENF - Zoning)

2. All outdoor lighting poles, with the exception of those placed on the east side of proposed building, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. All outdoor light poles placed on the east side of the proposed building shall not exceed twenty (20) feet in height. (CO: BLDG - Zoning)
3. All outdoor light poles shall be located a minimum of twelve (12) feet from the property lines, with house-side cutoff shields to prevent lighting from spilling into residential areas.
4. All outdoor lighting shall be extinguished no later than 11:00 p.m. Sunday through Thursday, and no later than 12:30 a.m. Friday and Saturday, excluding security lighting only. (ONGOING: CODE ENF)

K. SIGNS

1. Freestanding signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height - (12) feet measured from the finished grade to the highest point;
 - b. Maximum sign face area (single face only) - one hundred (100) square feet;
 - c. Maximum number of signs - one (2);
 - d. Monument style only. (CO: BLDG)
2. Freestanding sign fronting on Jog Road at entrance to financial institution shall be limited as follows:
 - a. Maximum sign height - eight (8) feet; measured from adjacent sidewalk to the highest point;
 - b. Maximum sign face area per side - ninety six (96) square feet
 - c. Maximum number of signs - one (1);
 - d. Monument style only. (CO: BLDG)
3. Wall signs shall be limited to the northern, southern, and western facade of the buildings. (CO: BLDG)

L. USE LIMITATIONS

1. The property shall be restricted to the following uses:
 - a. Financial institution;
 - b. Office, business or professional;
 - c. Medical office or dental clinic;
 - d. Florist;
 - e. Personal services;
 - f. General retail;
 - g. Laundry services;
 - h. Newsstand or gift shop;
 - i. Printing or copying services;
 - j. Restaurant;
 - k. Veterinary clinic (no outdoor runs).
(DRC/ONGOING: PLANNING)
2. Hours of operation for retail business activities, including deliveries, shall be 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday to Saturday. (ONGOING: CODE ENF - Zoning)

3. Outdoor retail and associated business activities shall not be allowed on site with the exception of approved restaurants. (ONGOING: CODE ENF - Zoning)
4. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space as shown on the approved site plan dated May 19, 1999. (ONGOING: CODE ENF)
5. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)
6. No uses such as auto parts stores, marine supply sales and sales of bulky household goods such as lawnmowers, mopeds, motorcycles and golf carts shall be permitted on the site. (ONGOING: CODE ENF - Zoning)

M. 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 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; revocation of any concurrency; 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 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)

RESOLUTION NO. R-99- 2072

RESOLUTION APPROVING ZONING PETITION Z/COZ99-046
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF BOMBAY HOLDINGS INC.
BY KILDAY & ASSOCIATES, AGENT
(BOMBAY PARKING LOT)

08 - 2599

88 - 028

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Petition Z/COZ99-046 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1999; and

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

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

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

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition Z/COZ99-046, the petition of Bombay Holdings Inc. by Kilday & Associates, agent, for an Official Zoning Map Amendment (Z) Rezoning from Residential High Density (RH) to General Commercial (CG) with a Conditional Overlay Zone (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 28, 1999, subject to the conditions of the Conditional Overlay Zone (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 28, 1999.

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

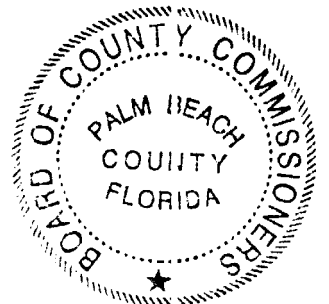


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LAND IN SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST; COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF THE STATE HIGHWAY NO. 5 (U.S. HIGHWAY NO. 1) AS NOW LAID OUT AND IN USE, WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 16 DEGREES 51 MINUTES 25 SECONDS EAST ALONG THE CENTERLINE OF SAID STATE ROAD NO. 5, A DISTANCE OF 1450.00 FEET; THENCE NORTH 85 DEGREES 12 MINUTES 05 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 61.35 FEET TO THE WESTERLY RIGHT-OF-WAY OF SAID STATE ROAD NO. 5, AS NOW LAID OUT AND IN USE, THE POINT OF BEGINNING; THENCE CONTINUING NORTH 85 DEGREES 12 MINUTES 05 SECONDS WEST, AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 229.27 FEET, THENCE NORTH 04 DEGREES 47 MINUTES 55 SECONDS EAST, A DISTANCE OF 97.79 FEET; THENCE SOUTH 85 DEGREES 12 MINUTES 05 SECONDS EAST AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, A DISTANCE OF 250.22 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 5; THENCE SOUTH 16 DEGREES 51 MINUTES 25 SECONDS WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 5, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, AND

PARCEL 2:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST; THENCE PROCEED NORTH 14 DEGREES 49 MINUTES 50 SECONDS EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1550.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 14 DEGREES 49 MINUTES 50 SECONDS EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET; THENCE NORTH 75 DEGREES 10 MINUTES 10 SECONDS WEST, A DISTANCE OF 78.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 26 DEGREES 18 MINUTES 40 SECONDS AND A RADIUS OF 175.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 80.36 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 14 DEGREES 15 MINUTES 00 SECONDS AND A RADIUS OF 485.04 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 120.63 FEET TO THE POINT OF TANGENCY; THENCE DUE SOUTH, A DISTANCE OF 97.91 FEET; THENCE SOUTH 87 DEGREES 13 MINUTES 50 SECONDS EAST, PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 250.40 FEET TO THE POINT OF BEGINNING, AND

PARCEL 3:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1) WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST AND RUN THE LINE NORTHEAST ALONG THE CENTERLINE OF SAID HIGHWAY, 1350.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE CENTERLINE OF SAID HIGHWAY, 100.00 FEET; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH

EXHIBIT A

LEGAL DESCRIPTION

LINE OF SAID QUARTER SECTION, A DISTANCE OF 351.14 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE INTERSECTION OF A LINE FROM THE POINT OF BEGINNING AND PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EAST ALONG SAID LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING.

LESS AND ACCEPT THAT PART LYING WITHIN THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1

TOGETHER WITH:

LOT "A":

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF STATE ROAD No. 5 (U.S. HIGHWAY No. 1) AS NOW LAID OUT AND IN USE, AND THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE NORTH 14 DEGREE;; 49 MINUTES 50 SECONDS EAST, ALONG THE CENTERLINE OF SAID STATE ROAD No. 5, A DISTANCE OF 1550.00 FEET; THENCE NORTH 87 DEGREES 13 MINUTE 50 SECONDS WEST, A DISTANCE OF 61.35 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD No. 5; THENCE CONTINUE 87 DEGREES 13 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF THE LOUISE KIMMISE UNRECORDED SUBDIVISION, A DISTANCE OF 250.22 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 13 MINUTES 50 SECONDS WEST, A DISTANCE OF 206.63 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 97.91 FEET; THENCE SOUTH 87 DEGREES 13 MINUTE;; 50 SECONDS EAST, A DISTANCE OF 201.95 FEET; THENCE NORTH 02 DEGREE;; 44 MINUTES 15 SECONDS EAST, A DISTANCE OF 97.79 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 100,764.27 SQUARE FEET OR 2.31 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

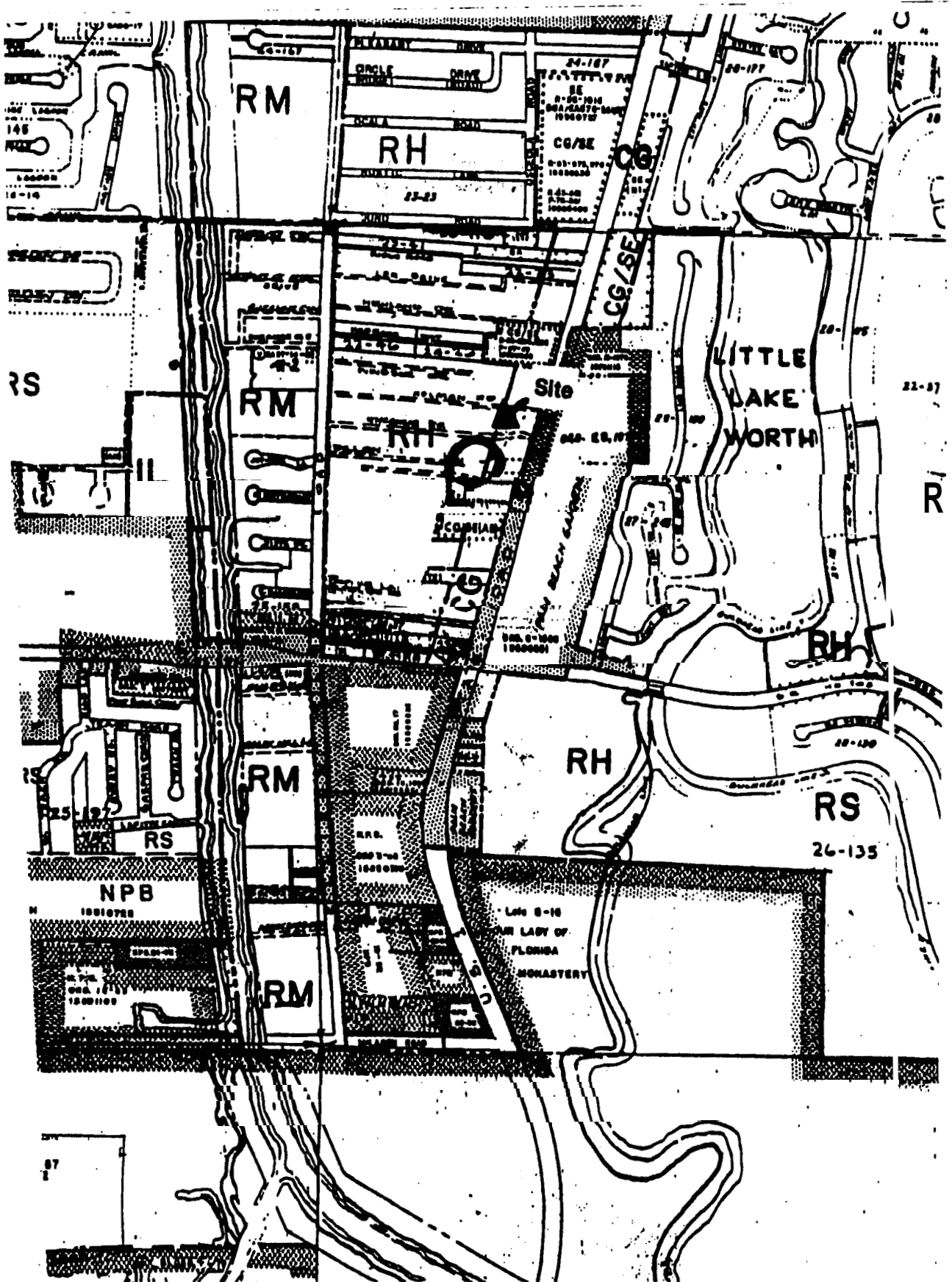


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the use and site design as approved by the Board of County Commissioners. The approved site plan is dated July 28, 1999. 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. ACCESS

1. Vehicular access to the site shall be prohibited from Dillone Lane. (DFIC : ZONING)

C. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. The following landscaping requirements shall be installed on the exterior side of the required wall (where adequate space exists):
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm for each twenty five (25) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center or one vine spaced five (5) feet on center at time of installation. (CO:LANDSCAPE)

D. CURRENT LANDSCAPING

1. The petitioner shall replace existing wall along Kathy Lane with a hedge to be maintained at thirty six (36) inches. (CO:LANDSCAPE)
2. The petitioner shall be responsible for the maintenance of the landscaping on the exterior side of the wall only if access is provided by adjacent property owner.

E. ENGINEERING

1. The property owner shall construct a four foot wide sidewalk on the south side of Kathy Lane from the U.S. Highway 1 west 275 feet to the west property line. This construction shall be done concurrent with the widening of Kathy Lane by the developer of the City Mattress property or with the construction of the additional parking spaces, whichever shall first occur. (ENG)
2. The Property Owner shall install a "No Outlet" sign meeting the standards outlined within the Manual on Uniform Traffic Control Devices for Streets and Highway on Kathy Lane at U.S. Highway 1. The installation of the sign shall be completed prior to January 1, 2000. (DATE: MONITORING-Eng)
3. The property owner shall perpetually maintain Kathy Lane abutting the site from U.S. 1 to the west property line. (ONGOING)

F. LIGHTING

1. All outdoor lighting used to illuminate the subject property shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent residential properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
3. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

G. UNITY

1. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public records a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

H. USE LIMITATION (0.46 acre parcel only)

1. Use of the site shall be limited to accessory parking, landscaping, and water retention only. (DRC: ZONING)
2. No outside storage or storage of vehicles shall be permitted on site. (ONGOING: CODE ENF)

I. 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 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; revocation of any concurrency; 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 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)