

RESOLUTION NO. R-2004-0717

RESOLUTION APPROVING ZONING PETITION DOA1989-127D
DEVELOPMENT ORDER AMENDMENT
PETITION OF JOG STORAGE ASSOC. LLC, TROMBLE & CO. INC.
BY KILDAY & ASSOCIATES INC, AGENT
(WATERFORD CROSSING)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1989-127D was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2004; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA1989-127D, the petition of Jog Storage Assoc. LLC, Tromble & Co. Inc., by Kilday & Associates Inc, agent, for a Development Order Amendment to reconfigure site plan, add land area, and allow building supplies 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 22, 2004, 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 McCarty and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Absent
Jeff Koons	- Absent
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 17 day of May, 2004.

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:


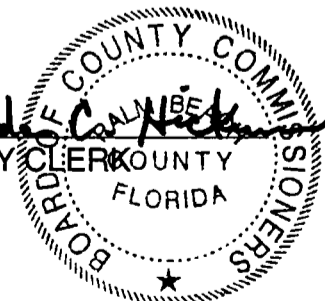

DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

Parcel 1, 2, 3, 4 and 5, **WATERFORD CROSSINGS, A P.C.D.**, according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 66, Page 118.

AND

PARCEL 1

Tract 25, **PALM BEACH FARMS CO. PLAT NO. 9**, according to the Plat thereof on file in Public Records of Palm Beach County, Florida; in Plat Book 5, page 58, less and except there from the following parcel:

A- the East 140 feet thereof, **B-** commencing at the Northeast corner of said Tract 25, thence Westerly along the North line of said Tract 25, a distance of 140 feet to the **POINT OF BEGINNING**; thence Southerly along a line parallel with and 140 feet Westerly from the aforesaid East line of Tract 25, a distance of 616.40 feet; thence Westerly to a point in the West line of aforesaid Tract 25 and 631.40 feet Southerly from Northwest corner of said Tract 25; **THENCE NORTHERLY ALONG THE SAID WEST LINE OF TRACT 25** to Northwest corner thereof; thence Easterly along the North line of said Tract 25, a distance of 520.40 feet to the **POINT OF BEGINNING**; **C-** subject to easements of rights of way of record and subject to an easement for ingress, egress over the dirt road now in use, running diagonally Southwest from Okeechobee Road, said easements to be personal to the grantees and to expire after 60 days written notice from the Grantors or in the event of the voluntary or involuntary disposition of the premises of the grantees, Less the following portion thereof:

A portion of Tract 25, **PALM BEACH FARMS COMPANY'S PLAT NO. 9**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 5, Page 58.

Commencing at the Northeast corner of said Tract 25, thence run Westerly 140.00 feet along the North line of said Tract 25 to a Point; thence run Southerly 616.40 feet along the a line 140.00 feet West of and parallel to the East line of said Tract 25 to the **POINT OF BEGINNING**; thence run Westerly 520.45 feet along a line 298.51 feet North of and parallel with the South line of said Tract 25 to a Point; thence run Northerly 5.09 feet along the West line of said Tract 25 to a point 630.40 feet South of the Northwest corner of said Tract 25; thence run Easterly 520.48 feet to the **POINT OF BEGINNING**

PARCEL 2

A parcel of land lying in Tracts 25 and 26, Block 1, of **PALM BEACH FARMS CO. PLAT NO. 9**, as recorded in Plat Book 5, page 58, of the Public Records of Palm Beach County, Florida, being described as follows:

Commencing at a found Palm Beach County Brass Disk at the Northwest corner of Section 27, Township 43 South, Range 42 East, in said Palm Beach County; thence South 88° 45' 24" East along the North line of said section, a distance of 126.03 feet, to its intersection with the centerline of Jog Road; thence South 00° 56' 48" East, along the said centerline, a distance of 105.04 feet, to its intersection with the South line of lands described in Official Record Book 1994, Page 1610, of the said Public Records; thence North 88° 45' 24" West along said South line a distance of 64.05 feet to the intersection with the West Right-of-Way line of Jog Road; thence South 0° 58' 52" East along said Westerly Right-of-Way line a distance of 482.74 feet to the **POINT OF BEGINNING** and to the beginning of a non-tangent curve, said curve being concave Northeasterly with a radius of 1024.92 feet and a chord bearing of South 17° 42' 23" East; thence Southeasterly along the arc of said curve and along said Westerly Right-of-Way line, a distance of 377.69 feet

through a central angle of 21° 06' 51" to the North line of a 30.00 foot wide platted road Right-of-Way according to the Plat of the **PALM BEACH FARMS CO. PLAT NO. 9**, recorded in Plat Book 5, Page 58, of said Public Records and to the South line of the lands described in Official Record Book 3777, Page 1961 of said Public Records; thence South 89° 03' 03" West along said South line a distance of 108.29 feet to the West line of said lands described in Official Record Book 3777, Page 1961; thence North 0° 58' 52" West along said West line a distance of 359.81 feet to the **POINT OF BEGINNING**.

LESS AND EXCEPT the following described portion thereof:

BEGIN at the Southwest corner of said lands described in Official Record Book 3777, Page 1961; thence North 0° 58' 52" West along the West line of said lands, a distance of 5.00 feet to a point; thence North 89° 03' 37" East, parallel with the South line of said Tract 25, a distance of 65.54 feet to a point; thence North 31° 40' 29" East a distance of 42.12 feet to a point on said Westerly Right-of-Way line of Jog Road and a point on a curve concave to the East, having a radius of 1024.92, a central angle 2° 31' 06" and a radial bearing at this point of North 84° 17' 20" East; thence Southerly along the arc of said curve a distance of 45.05 feet to a point on said South line of Tract 25; thence South 89° 03' 37" West, along said South line, a distance of 108.01 feet to the **POINT OF BEGINNING**.

AND

A portion of Parcel 3, **WATERFORD CROSSINGS, A P.C.D.**, according to the map or plat thereof as recorded in Plat Book 66, Pages 118 and 119, Public Records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Parcel 3; thence South 00 degrees 56 minutes 52 seconds East along the East line of said Parcel 3, for a distance of 41.15 feet to the **POINT OF BEGINNING**; thence South 00 degrees 56 minutes 52 seconds East along the Westerly Right-of-Way line of Jog Road for 304.71 feet to the Southeast corner of said Parcel 3; thence South 89 degrees 03 minutes 08 seconds West for 221.66 feet to the Southwest corner of said Parcel 3; thence North 00 degrees 56 minutes 52 seconds West for 354.34 feet to the Northwest corner of said Parcel 3 said Point being on the Southerly Right-of-Way line of Okeechobee Boulevard; thence South 88 degrees 45 minutes 24 seconds East, along said Southerly Right-of-Way line for 180.67 feet to a point; thence South 44 degrees 50 minutes 06 seconds East for 59.28 feet to the **POINT OF BEGINNING**.

All of the above lying and being in Section 27 and 28, Township 43 South, Range 42 East, Palm Beach County, Florida.

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. Condition A.1 of Resolution R-99-1153, Petition DOA89-127(C), which currently states:

All conditions of approval contained in R-90-853, Petition 89-127, and R-90-1443, Petition 89-127(A), are hereby repealed. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-364, Petition 89-127(B), have been consolidated herein. The approval granted by Resolution R-90-852, Petition 89-127, Resolutions R-90-853, Petition 89-127, and R-90-1443 Petition 89-127(A), however, shall remain in full force and effect.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-1999-1153, Petition 1989-127(C) 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. Condition A.2 of Resolution R-99-1153, Petition DOA89-127(C), which currently states:

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 25, 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.

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 February 17, 2004. 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 – Zoning)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRO approval of the site plan, the architectural elevations for all proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO certified site plan. (DRO: ARCH REVIEW – Arch Review)

C. BUILDING AND SITE DESIGN

1. Prior to final Development Review Officer (DRO) approval, the property owner shall complete the following:
 - a. Revise the site plan to include a decorative canopy or an architectural facade at both the east and west ends of buildings 2 and 3. The canopies or architectural facade shall be designed consistent with the color and architectural design of the principal buildings; and,
 - b. relocate loading zone on the north side of building 1 elsewhere on the site. (DRO/BA: DRO/BA – Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition B.1 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification.

Is hereby deleted: [REASON: Completed.]

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- 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 the adjacent median of Okeechobee Boulevard Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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.**

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material 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. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.1.a Resolution R-99-1153, Petition DOA89-127(C))

- b. **All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner'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 prior to the issuance of a certificate of occupancy. (CO: MONITORING – Eng) (Previous Condition E.1.b Resolution R-99-1153, Petition DOA89-127(C))

- c. **Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.1.c Resolution R-99-1153, Petition DOA89-127(C))**

"CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF OKEECHOBEE BOULEVARD

- 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 Okeechobee Boulevard Rights-of-Way contiguous to the site. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. 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 installation of paver blocks and landscape plantings are permitted by the Florida Department of Transportation, 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) (Previous Condition E.2.a Resolution R-99-1153, Petition DOA89-127(C))**
- b. **All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of the landscape material and paver block shall be funded at the property owner's expense. This new landscape material and paver block shall 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, and irrigation to the cut out areas. All landscape material shall be installed within 90 days of notification to the property owner by the County Engineer that the permit from the Florida Department of Transportation has been issued. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.2.b Resolution R-99-1153, Petition DOA89-127(C))**
- 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) (Previous Condition E.2.c Resolution R-99-1153, Petition DOA89-127(C))**

"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) (Previous Condition E.3.a Resolution R-99-1153, Petition DOA89-127(C))

- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape and paver block material shall be funded at the property owner's expense. All new landscape 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. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.2.b Resolution R-99-1153, Petition DOA89-127(C))
- 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) (Previous Condition E.2.c Resolution R-99-1153, Petition DOA89-127(C))

F. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD AND JOG ROAD)

- 1. Condition C.1 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

Landscaping and buffering along the north and east property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. One (1) canopy tree planted every twenty-five (25) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for 25% percent of the canopy trees in that location;
- d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
- e. 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.
- f. Prior to final certification of the site plan by the DRC, the applicant will contact McDonald's and request permission to install at the applicant's expense, the above-referenced landscaping within the limits of their parcel adjacent to

Okeechobee Boulevard. If McDonald's declines permission, the condition above will not apply to the McDonald's parcel.

Is hereby amended to read:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. One (1) canopy tree planted every twenty-five (25) feet on center. a group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25) percent of the canopy trees in that location;
- d. one (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
- e. 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 – Zoning)

G. LANDSCAPING - INTERIOR

1. **Divider and vehicular medians shall be planted a minimum of one (1) tree per twenty (20) feet on center.** (DRC/CO: ZONING/LANDSCAPE – Zoning) (Previous Condition D.1 Resolution R-99-1153, Petition DOA89-127(C))
2. Prior to final approval of the site plan by the Development Review Officer (DRO), all pedestrian crosswalks within the affected area shall be upgraded to a minimum of seven (7) feet in width and consist of decorative pavers blocks or stamped decorative concrete. (DRO/CO: ZONING/LANDSCAPE – Zoning)
3. Prior to final approval of the site plan by the DRO, a focal point shall be added within the open space, adjacent to the north end of building 1 subject to the approval of the Landscape Section. (DRO/CO: ZONING/LANDSCAPE – Zoning)

H. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets.** (CO/ONGOING: BLDG/CODE ENF – Zoning) (Previous Condition F.1 Resolution R-99-1153, Petition DOA89-127(C))
2. **All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point.** (CO: BLDG – Zoning) (Previous Condition F.2 Resolution R-99-1153, Petition DOA89-127(C))
3. **All outdoor lighting shall be extinguished no later than one half (½) hour after the closing of each individual use, excluding security lighting only.** (ONGOING: CODE ENF – Zoning) (Previous Condition F.3 Resolution R-99-1153, Petition DOA89-127(C))
4. **The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant**

material. (ONGOING: CODE ENF – Zoning) (Previous Condition F.4 Resolution R-99-1153, Petition DOA89-127(C))

I. MASS TRANSIT

1. **A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING – Zoning) (Previous Condition G.1 Resolution R-99-1153, Petition DOA89-127(C))**
2. **Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer.**

Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING – Eng) (Previous Condition G.2 Resolution R-99-1153, Petition DOA89-127(C))

J. MUPD

1. Condition H.1 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

Total gross floor area shall be limited to a maximum of 56,024 square feet. Expansion, including requested uses, shall be limited to five percent (5%) or 1,000 square feet, whichever is less subject to Traffic Division approval. (DRC: ZONING – Zoning)

Is hereby deleted: [REASON: Replaced by Condition A.2.]

2. Condition H.2 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

To ensure consistency with the site plan dated March 25, 1999 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING – Zoning)

Is hereby deleted: [REASON: Code requirement.]

3. Condition H.3 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

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 all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. 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. (DRC: ZONING – Co Att)

Is hereby deleted: [REASON: Code requirement.]

4. Condition H.4 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

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. (DRC: ZONING – Co Att)

Is hereby deleted: [REASON: Code requirement.]

K. REQUESTED USES

1. Condition H.4 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

The existing fast food restaurant shall be limited to a maximum of 4,938 square feet of gross floor area and 106 seats.

Is hereby deleted: [REASON: Replaced by revised condition A.2.]

2. Condition H.4 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

The second fast food restaurant shall be limited to a maximum of 2,105 square feet of gross floor area and 80 seats, unless otherwise stated herein.

Is hereby deleted: [REASON: Replaced by revised condition A.2.]

3. Condition H.4 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

The motel shall be limited to a maximum of 33,781 square feet.

Is hereby deleted: [REASON: The motel is eliminated under this request.]

4. Condition H.4 Resolution R-99-1153, Petition DOA89-127(C), which currently states:

All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners March 25, 1999.

Is hereby deleted: [REASON: Replaced by revised condition A.2.]

L. SIGNS

1. **Freestanding point of purchase signs fronting on Okeechobee Boulevard shall be consistent with Signage Program by Kilday and Associates dated June 3, 1999 and shall be limited as follows:** (Previous Condition H.4 Resolution R-99-1153, Petition DOA89-127(C))

- a. **Maximum sign height, measured from finished grade to highest point ten feet (10);**
 - b. **Maximum sign face area per side - 80 square feet sign "A"**
 - c. **Maximum sign face area per side - 100 square feet sign "C";**
 - d. **Maximum number of signs - two (2) and the one (1) existing fast food restaurant sign; and,**
 - e. **Style - monument style only. (CO: BLDG – Zoning) (Previous Condition J.1 Resolution R-99-1153, Petition DOA89-127(C))**
2. **The existing sign for the fast food restaurant fronting on Okeechobee Boulevard shall meet the standards above of a 10 (ten) foot high and eighty (80) square foot monument sign if any alterations on the sign occur. If this condition is not met, then previous Condition B.2. R-91-364, Petition 89-127(B) shall continue to apply which restricts the sign to a maximum sign face area of eighty six (86) square feet and a maximum height of fifteen (15) feet. (CO: BLDG – Zoning) (Previous Condition J.2 Resolution R-99-1153, Petition DOA89-127(C))**
3. Condition J.3 Resolution R-99-1153, Petition DOA89-127(C), which currently states:
- No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING – Zoning)**
- Is hereby deleted: [REASON: Conflicts with the Billboard Settlement Agreement]
4. **Freestanding point of purchase signs fronting on Jog Road shall be limited as follows:**
- a. **Maximum sign height, measured from finished grade to highest point - ten feet (10);**
 - b. **Maximum sign face area per side - 100 square feet;**
 - c. **Maximum number of signs - three (3); and,**
 - d. **Style - monument style only. (CO: BLDG – Zoning) (Previous Condition J.4 Resolution R-99-1153, Petition DOA89-127(C))**

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) (Previous Condition K.1 Resolution R-99-1153, Petition DOA89-127(C))**
2. Condition K.2 Resolution R-99-1153, Petition DOA89-127(C), 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; 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.

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; 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 Code Enforcement Special Master 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. (ONGOING: MONITORING – Zoning)