

RESOLUTION NO. R-2011- 0564

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2010-03026
(CONTROL NO. 1989-00127)
a Development Order Amendment
APPLICATION OF Bridgestone Retail Operations
BY Urban Design Kilday Studios, AGENT
(Waterford Crossing MUPD)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/R-2010-03026 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2011; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/R-2010-03026, the petition of Bridgestone Retail Operations, by Urban Design Kilday Studios, agent, for a Development Order Amendment to reconfigure the site plan, add square footage and modify Conditions of Approval (Landscape) in the Multiple Use Planned Development (MUPD) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 28, 2011, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	- AYE
Commissioner Shelley Vana, Vice Chair	- AYE
Commissioner Paulette Burdick	- AYE
Commissioner Steven L. Abrams	- AYE
Commissioner Burt Aaronson	- AYE
Commissioner Jess R. Santamaria	- AYE
Commissioner Priscilla A. Taylor	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 2011.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

OVERALL LEGAL DESCRIPTION WATERFORD CROSSING MUPD

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 B
VICINITY SKETCH

SEC. 27 & 28 TWP. 43 RNG. 42

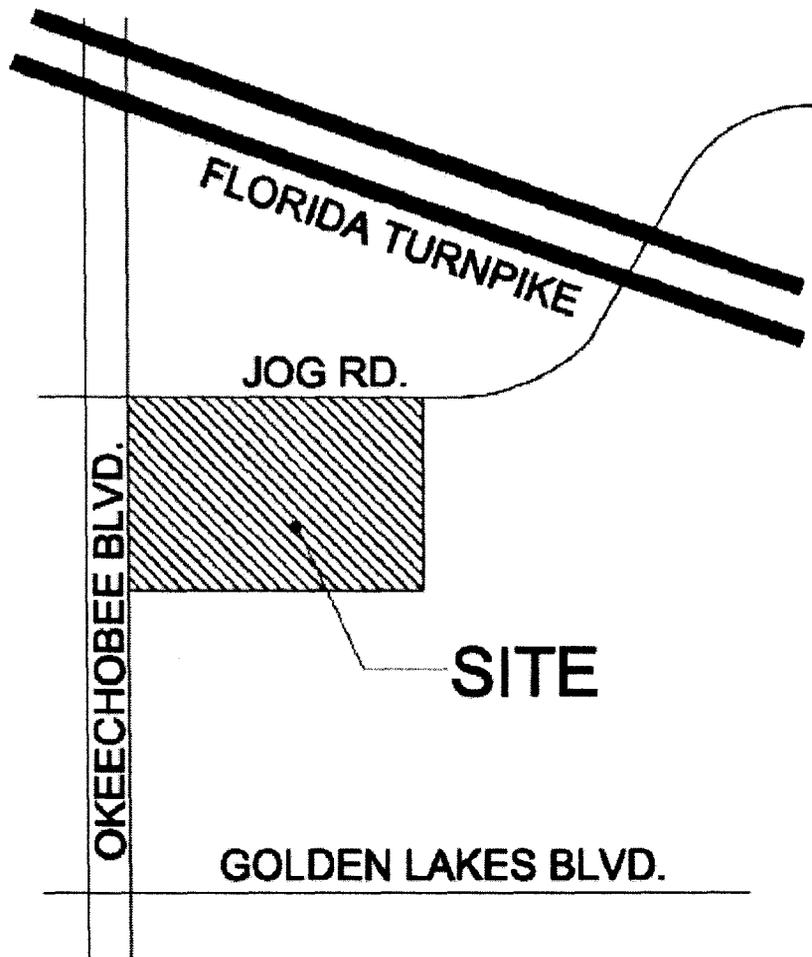


EXHIBIT C-1

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous All Petitions Condition A.1 of Resolution R-2004-0717, Control No. 1989-127 which currently states:

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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1999-1153, Control No. 1989-127, R-2004-0717, Control No. 1989-127 and R-2004-1646, Control No. 1989-127, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous All Petitions Condition A.2 of Resolution R-2004-0717, Control No. 1989-127 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 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)

Is hereby amended to read:

The preliminary site plan is dated February 17, 2011. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous Architectural Review Condition B.1 of Resolution R-2004-0717, Control No. 1989-127, which currently states:

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)

Is hereby amended to read:

All future development shall be consistent with Article 5.C of the ULDC, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BUILDING PERMIT: ARCH REVIEW - Zoning)

2. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building 1 shall be submitted simultaneously with the site plan

for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

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)

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)

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 E1 of Resolution R-2004-717, Control No. 1989-127)

[Note: COMPLETED]

2. 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)

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)

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 E2 of Resolution R-2004-717, Control No. 1989-127)

[Note: COMPLETED]

3. 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 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)

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 E1 of Resolution R-2004-717, Control No. 1989-127)

[Note: COMPLETED]

4. The Property Owner shall construct median modifications on Jog Road at the south project entrance to restrict the entrance to left-in, right-in and right-out only. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for the Repair and Maintenance Use or Retail Buildings. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the Repair and Maintenance or Retail Buildings. (CO: MONITORING-Eng)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD AND JOG ROAD)

1. Landscaping and buffering along the north and east property line, of the affected area, 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 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) (Previous Condition F.1 Resolution R-2004-1646, Control No. 1989-127)

LANDSCAPE - INTERIOR

2.Divider and vehicular medians shall be planted a minimum of one (1) tree per twenty (20) feet on center. (CO: LANDSCAPE Zoning) (Previous Landscape Interior Condition G.1 of Resolution R-2004-0717, Control No. 1989-127)

3.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: LANDSCAPE Zoning) (Previous Landscape Interior Condition G.2 of Resolution R-2004-0717, Control No. 1989-127)

4.Previous Landscape Interior Condition G.3 of Resolution R-2004-0717, Control No. 1989-127 which currently states:

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. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the pedestrian amenities/trellis indicated between Buildings 1 and 2 as indicated on the preliminary site plan dated February 17, 2011, shall be subject to review and approval by the Architectural Review Section and to be generally consistent with the detail provided on the preliminary regulating plan dated February 17, 2011. (DRO: ARCH REVIEW Zoning)

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. (ONGOING: CODE ENF Zoning) (Previous Lighting Condition H.1 of Resolution R-2004-0717, Control No. 1989-127)

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 Lighting Condition H.2 of Resolution R-2004-0717, Control No. 1989-127)

3.All outdoor lighting shall be extinguished no later than one half () hour after the closing of each individual use, excluding security lighting only. (ONGOING: CODE ENF Zoning) (Previous Lighting Condition H.3 of Resolution R-2004-0717, Control No. 1989-127)

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 Lighting Condition H.4 of Resolution R-2004-0717, Control No. 1989-127)

PALM TRAN

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 Mass Transit Condition I.1 of Resolution R-2004-0717, Control No. 1989-127)

2. Previous Condition Mass Transit I.2 of Resolution R-2004-0717, Control No. 1989-127, which currently states:

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)

Is hereby amended to read:

Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG -Palm Tran) [Note: COMPLETED]

SIGNS

1. Sign Condition L.1 of Resolution R-2004-0717, Control No. 1989-127 which currently states:

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:

- 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)

Is hereby amended to read:

Ground mounted freestanding 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:

- 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)

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 Sign Condition L.2 of Resolution R-2004-0717, Control No. 1989-127)

3. Sign Condition L.4 of Resolution R-2004-0717, Control No. 1989-127 which currently states:

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)

Is hereby amended to read:

Ground mounted freestanding 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)

SITE DESIGN

1. Previous Building and Site Design Condition C.1 of Resolution R-2004-0717, Control No. 1989-127 which currently states:

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: ZONING Zoning)

Is hereby amended to read:

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 3 and 4. The canopies or architectural facade shall be designed consistent with the color and architectural design of the principal buildings. (DRO: ZONING Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land

Development Code (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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)