

RESOLUTION NO. R-97- 1581

RESOLUTION APPROVING ZONING PETITION DOA86-54(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF THE SENECA GROUP
BY KERIAN KILDAY, AGENT
(MILITARY TRAIL 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA86-54(B) was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with **Article 11** (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that zoning **Petition DOA/R86-54(B)**, the petition of The **Seneca Group**, by **Kerian Kilday, agent**, for a Development Order **Amendment** (DOA) to modify previous approval to allow a self-service storage facility (requested use) with accessory retail, outdoor storage and vehicle rental (5 spaces) (requested use) and increase in square footage (+40,149 s.f.) 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 October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

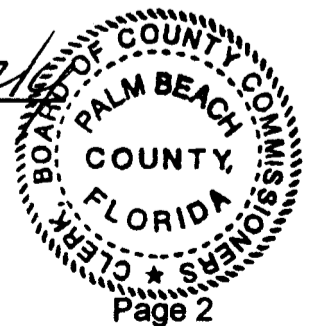


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHWEST ONE-QUARTER, (**SW 1/4**), OF THE NORTHWEST ONE-QUARTER, (**NW 1/4**), OF THE NORTHEAST ONE-QUARTER, (**NE 1/4**), SECTION **25**, TOWNSHIP **44** SOUTH, RANGE **42** EAST, PALM BEACH COUNTY, FLORIDA. EXCEPTING THE WEST **53.00 FEET AS** RIGHT-OF-WAY FOR MILITARY TRAIL, (STATE ROAD **809**). **SAID** PARCEL ALSO **BEING** BOUNDED AS FOLLOWS:

BOUNDED ON **THE** SOUTH BY THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8003, PAGE 956; BOUNDED ON THE NORTH BY THE **SOUTH** RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, RECORDED IN OFFICIAL RECORDS BOOK **589**, PAGE 369. PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; **AND**, BOUNDED ON THE EAST BY THE EAST LINE OF **SAID** SOUTHWEST ONE-QUARTER.

CONTAINING 3.59 ACRES, **MORE** OR **LESS** .

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

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 1 of **Resolution R-90-1284**, Petition **86-54(A)** which currently states:

The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

AND

Condition 1 of **Resolution R-94-5**, Status Report **86-54A**, which currently states:

The property owner shall comply with all previous conditions of approval unless expressly modified herein.

Are hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-1373 (Petition 86-54), R-90-1284 (Petition 86-54(A)) and R-94-5 (Status Report 86-54A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated **June 27, 1997**. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGDING: ZONING)
3. The petitioner shall have three (3) years, from adoption of the resolution approving Zoning Petition **DOA86-54(B)**, to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING)

B. **ARCHITECTURAL CONTROL**

1. **The proposed self-service storage buildings shall be designed and constructed to be consistent with the facade elevations by Kuoppala & Associates, P.A dated July 23, 1997. Additional architectural features or modifications to the north, south and east facades of the limited access building and the rear elevation of the multi-access buildings may be used to meet or exceed the conditions of approval or are in accordance with the ULDC. These changes will be used to reduce the massing, scale down the height and to add visual detail and shall include, but are not limited to the following:**

- a. Additional horizontal **smooth** stucco banding (kneewall), styrofoam trim, reveal, **and/or score** lines;
 - b. Additional **pilasters**, false columns, **or** quoins from **the** west elevation to **be** repeated; **and**,
 - c. False **window** openings, recessed stucco **features**, **or** glass block. (BLDG PERMIT: BLDG-Zoning)
2. 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**, adjacent to perimeter property **lines**. (BLDG PERMIT: BLDG - Zoning)
 3. **The** maximum **height** for **all** structures within the **Multiple Use Planned Development (MUPD)** measured from finished grade to highest point, shall not exceed **thirty-five (35)** feet except **as** permitted **by** provisions of **the** ULDC. (BLDG PERMIT: BLDG - Zoning)
 4. **There** shall **be** no external ladders mounted **on** any building. (BLDG PERMIT: BLDG - Zoning)

C. **BUILDING AND SITE DESIGN**

1. **Condition 1 of Resolution R-86-1373, Petition 86-54, which currently states:**

Prior to site plan certification, the site plan shall be amended to **reflect** the following:

- a) required number of trees
- b) terminal and optional interior island dimensions.
- c) sign setbacks
- d) delete the words "**or** buffer from site plan

Is hereby deleted. [Reason: no longer applicable]

2. Condition 18 of Resolution R-90-1284, Petition 86-54(A), which currently states:

Prior to site plan approval by the Site Plan Review **Committee** the property owner shall record:

- a) **a** Unity of **Title**; and
- b) **cross** access easement with the property Owner to the **south** of **the subject property** subject to approval by **the** County **Attorney**.

Is hereby deleted. (**Reason:** Completed - **Unity of T** / previously **re eased** by Zoning Director]

3. Condition 2 **of** Resolution R-94-5, Status Report **86-54A, which** currently states:

Prior to Site Plan Review submittal, the site plan shall be **amended** to indicate:

- A** Compliance **with** minimum Zoning Code requirements and Property Development Regulations.

- B. Relocation of trash dumpsters from east of Building "F" to east of Building "C" with a minimum distance of fifty (50) feet from the east property line.
- F. **All trash** dumpsters shall be enclosed by a six (6) foot high solid wooden fence.
- G. **The color of all** building exteriors shall be muted hues. No florescent colors shall be permitted

Is hereby amended to read:

All areas or receptacles for the storage and disposal of trash, garbage, **recyclable material or** vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the east property line. (BLDG PERMIT: BLDG - Zoning)

- 4. **All air conditioning and** mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)
- 5. **Total gross floor** area shall be limited to a maximum of 77,176 square feet. **Gross floor area may be increased an additional 5% up to 1000 square feet,** whichever is less, subject to Development Review Committee (DRC) approval. (DRC: ZONING)
- 6. A maximum of **one (1)** satellite dish antenna shall be allowed if completely screened from view of all right-of-ways and adjacent residential zoning districts. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
- 7. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

D. HEALTH

- 1. Condition 11 of Resolution R-90-1284, **Petition 86-54(A)**, which currently states:

Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by tenants or owners generating such effluent.

Is hereby amended to read:

Generation and disposal of any hazardous effluent into sanitary swage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and Agency responsible for sewage works are constructed and used by tenants or owners generating such effluent. (ONGOING: CODE ENF/HEALTH)

- 2. Condition 12 of Resolution R-90-1284, **Petition 86-54(A)**, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby amended to read:

Sewer service is available to ~~the~~ property. Therefore, ~~no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Rule 10D-6FAC and Palm Beach County ECR-I. (ONGOING: CODE ENF/HEALTH)~~

3. Condition 13 of Resolution R-90-1284, Petition 86-54(A), which currently **states:**

Water service **is** available to the property. Therefore, ~~no well shall be permitted on the site to provide potable water.~~

Is hereby amended to read:

Water **service** is available to ~~the~~ property. **Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (ONGOING: CODE ENF/HEALTH)**

4. Condition 20 of Resolution R-90-1284, Petition 86-54(A), ~~whii~~ currently states:

The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.

~~Is~~ hereby deleted. [Reason: no longer applicable]

E. ENGINEERING

1. Condition 4 of Resolution R-86-1373, Petition 86-54 ~~with~~ currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

~~Is~~ hereby deleted. [REASON: Code requirement]

2. The property **owner shall convey for the ultimate right-of-way of Military Trail, 53 feet from centerline (approximately and additional 13 feet) within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (Previously Condition 5 of Resolution R-86-1373, Petition 86-54) (NOTE: condition has been satisfied)**

3. **Condition 6 of Resolution R-86-1373, Petition 86-54, which currently states:**

The property owner shall **construct:**

- a. **Military Trail as a 3 lane section, including tapes, from a point 150 feet north of the project's north property line, south to the project's south entrance.**
- b. **Right turn lane, south approach at both project's entrance roads concurrent with onsite paving and drainage improvements.**

Is hereby deleted. [REASON: no longer applicable]

4. ~~Condition 7 of Resolution R-86-1373, Petition 86-54, which currently states:~~

~~Prior to this developer receiving a paving and drainage permit from the office of the County Engineer, Palm Beach County may at its option request the monies required for this 3-lane section of Military Trail. These funds shall be based upon an approved certified cost estimate from the developer's engineer.~~

Is hereby deleted. [REASON: no longer applicable]

5. ~~Condition 8 of Resolution 86-1373, Petition 86-54 which currently states:~~

~~The developer shall pay a "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$14,627 (546 trips X \$26.79 per trip).~~

Is hereby deleted. [REASON: superseded by new condition]

6. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute and additional \$3,657 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$18,284 are to be paid prior to the issuance of a Building Permit, or prior to January 1, 1987, whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,657 shall be credited toward the increased Fair Share Fee. (Previously Condition 9 of Resolution R-86-1373, Petition 86-54) (NOTE: condition satisfied)

7. The petitioner shall convey to the Lake Worth Drainage District the north 25 fee of the subject property for the required right-of-way for Lateral Canal 12 by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners. (Previously Condition 10 of Resolution R-86-1373, Petition 86-54) (NOTE: condition satisfied)

8. ~~condition 11 of Resolution R-86-1373, Petition 86-54 which currently states:~~

~~Only one entrance shall be permitted until Military Trail is constructed as a 4 lane median divided section.~~

Is hereby deleted. [REASON: Military Trail is six (6) lane]

9. Condition 14 of Resolution R-90-1284, Petition 86-54(A), which currently states:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land

Development Division. In the event that the subject site ~~at~~ **ut**s a Department of Transportation maintained roadway, **concurrent** approval from the Florida Department of Transportation will **also be** required. The drainage system shall be maintained in **an acceptable** condition **as** approved by the **County** Engineer. **In the** event that **the** drainage system **is** not adequately **maintained as** determined **by** the County Engineer, **this** matter **will** be referred to the Code **Enforcement Board** for enforcement

Is hereby deleted. (Reason: Code requirement]

10. Condition **15 of** Resolution R-90-1284, Petition **86-54(A)**, which **currently** states:

The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable **waste shall be** separate from **stormwater runoff** from the remainder of **the** site.

Is hereby deleted. [Reason - **no longer applicable**]

11. Condition **16 of** Resolution R-90-1284, Petition **86-54(A)**, which **currently** states:

The property owner ~~shall~~ pay a Fair Share Fee **in the** amount and manner required by the "Fair Share Contribution **for** Road Improvements Ordinance" as it presently exists or **as it may from time to time be** amended. The Fair Share Fee for this project **presently is** \$66,000.00 (1,200 trips X \$55.00 per trip).

Is hereby deleted. [Reason: Code requirement]

12. Condition **17 of** Resolution R-90-1287, Petition **86-54(A)**, which **currently** states:

The project shall be restricted ~~to~~ the following:

- a) A minimum of **9,616** square feet **of** this project shall **remain** as office.
- b) A maximum ~~of~~ **11,000** square feet ~~of~~ this project shall **be** general commercial.
- c) A minimum of **9,616** square feet **of** this project **shall be** as warehouse.
- d) A maximum ~~of~~ **14** auto service bays shall be permitted.

Is hereby deleted. (Reason: **no longer applicable**]

13. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

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~~ **Military Trail**. **When permitted by Palm Beach County Department of Engineering and Public Works**, landscaping **shall, at a minimum, consist of the "Low Cost Planting Concept"** outlined in the **Palm Beach County**

Engineering and Public Works Department March 1994 Streetscape Standards. 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 owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)**
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)**

F. LANDSCAPING - STANDARD

- 1. Condition 2 of Resolution R-86-1373, Petition 86-54, which currently states:**

Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed at a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from the Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer services.

Is hereby deleted. [Reason: Code requirement and superseded in part by later conditions]

2. Condition ~~6~~ of Resolution R-~~86~~-1373, Petition 86-54, which currently states:

The petitioner shall submit an Alternative Landscape ~~Betterment~~ Plan at the time of Site Plan Review Committee submittal to ~~allow~~ for the relocation of native vegetation ~~on~~ site to the perimeter buffers.

Is hereby deleted. [Reason: No substantial native vegetation to be preserved per ERM and addressed in part by new site plan]

3. Condition 3 of Resolution R-94-5, Status Report 86-54A ~~which~~ currently states:

The ~~landscape~~ buffer adjacent to Military Trail ~~shall~~ meet the ~~star~~ dards of Section 73E3a of the Unified Land Development Code, Per meter Landscape Buffer Adjacent To A Street, and supplemented with ~~one~~ (1) native palm tree for each ~~thirty~~ (30) linear feet of frontage. A group of ~~three~~ (3) or more palm trees may supersede the requirement for a native canopy tree in that location.

Is hereby deleted. [REASON: superseded by new condition]

4. Condition 4 of Resolution R-95-4, Status Report 86-54A which currently states:

To insure buffering for adjacent uses, landscaping within the required buffer along the north and east property lines shall include:

- a. Relocation of the ~~entire~~ north landscape strip outside and south of the L-12 canal right-of-way and easement.
- b. One (1) native canopy tree planted every twenty (20) feet on center; and
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.

In addition, a six (6) foot high opaque concrete wall shall be installed along the east property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. The thirty (30) inch high hedge shall be planted on the exterior side of the wall.

Is hereby deleted. [REASON: superseded by new condition]

5. Condition 5 of Resolution 94-5, Status Report 86-54A which currently states:

By March 1, 1994, the property owner shall request an administrative amendment to the certified site plan on file in the Zoning Division to reflect the requirements of Conditions 4 and 5.

Is hereby deleted. [REASON: no longer applicable]

6. 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. (CO: LANDSCAPE - Zoning)
7. All palms required to be planted on site by this approval, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet **clear bunk**;
 - b. Clusters: staggered heights **twelve** (12) to eighteen (18) feet; and
 - c. **Credit may be given for existing or relocated palms** provided they meet **current** ULDC requirements. (CO: LANDSCAPE - Zoning)
 8. A group of **three or more palm or pine trees** may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING - INTERIOR

1. Foundation plantings or grade level planters shall be provided along the north and west facades of the two-story, 58,286 square foot, limited multi-access storage building to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure;
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm for every forty (40) linear foot of the two (2) applicable building facades. (DRC/CO: ZONING/LANDSCAPE)

H. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL AND LWDD L-12 CANAL) (PAGE 348-9)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and,
 - b. A continuous one (1) to three (3) foot high berm, with an average height of two (2) feet, measured from the top of the curb;
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - e. Thirty (30) 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 forty-eight (48) inches. (CO: LANDSCAPE)
2. The required landscaping shall not be within the LWDD L-12 canal easement and the berm shall meet the LWDD slope requirements. (DRC/CO: ZONING - LWDD/LANDSCAPE)
3. The width of the buffer along the north property line may be reduced by the Development Review Committee (DRC) subject to provisions of Section 6.8.A.23 of the ULDC. (DRC: ZONING)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING MILITARY TRAIL)

1. Landscaping and buffering along the west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide along Military Trail;
 - b. One (1) canopy tree planted every twenty (20) feet on center
 - c. One (1) palm or pine tree for each thirty (20) linear feet of frontage;
 - d. A continuous one (1) to three (3) foot high berm, with an average height of two (2) feet, measured from the top of the curb; and
 - e. Thirty (30) inch high shrub or hedge material located on the plateau of the berm, 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)

J. LIGHTING

1. Condition 5 of Resolution R-90-1284, Petition 86-54(A), which currently states:

Security lighting shall be shielded, low intensity and directed away from nearby residences and rights-of-way.

Is hereby deleted. [Reason: superseded with new condition]

2. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
3. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
5. 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)
6. Wall mounted lighting shall be hooded and mounted at a maximum height of eight (8) feet, measured from finished grade. This condition will apply only if wall mounted lighting is proposed for the project. (CO: BLDG - Zoning)

K. MAINTENANCE

1. All loading areas and berths shall be clean and well maintained. (ONGOING: CODE ENF - Zoning)

L. MUPD

1. Condition 9 of Resolution R-90-1284, Petition 86-54(A), which currently states:

Loading shall be limited to designated areas within the interior of the site.

Is hereby **amended** to read:

Overnight ~~storage~~ or parking of delivery vehicles, ~~trucks~~ or trailers shall not be permitted on site, except within designated storage, rental or delivery areas. (CODE ENF)

2. To ensure consistency with the site plan dated June 27, 1997 presented to the Board of County Commissioners, no more than **ten (10) 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)
3. All outdoor and vehicle rental storage areas shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated June 27, 1997). (DRC: ZONING)
4. Prior to 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 and signage. 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)
5. Prior to 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)

M. PARKING

1. Condition 8 of Resolution R-90-1284, Petition 86-54(A), which currently states:

The parking of vehicles shall be limited to designated display areas only. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted.

~~Is hereby deleted.~~ [Reason: Code requirement]

2. A maximum of twenty-one (21) parking spaces shall be allowed on site. (DRC: ZONING)

N. SIGNS

1. Condition 7 of Resolution R-90-1284, Petition 86-54(A), which currently states:

No banners, flags, balloons, snip signs, etc., shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code.

Is hereby **amended** to read:

No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon my building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message board(s), etc., shall not be permitted on-site. (ONGOING: CODE ENF)

2. Condition 10 of Resolution R-90-1284, Petition 86-54(A), which currently states:

No off-premise signs shall be permitted on the site.

is hereby *mended* to read:

No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

3. Wall mounted signs shall only be permitted on the west facades of the history, 58,286 square foot, limited/multi-access storage building and shall be limited to 100 square feet in sign area. (ONGOING/BLDG PERMIT: CODE ENF/BLDG-Zoning)
4. All freestanding signs, including entrance wall signs, shall be limited as follows:
- Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - Maximum sign face area per side - 80 square feet;
 - Maximum number of signs - one (1); and,
 - Style - monument style only. (CO: BLDG)

O. USE LIMITATION

1. Condition 3 of Resolution R-90-1284, Petition 86-54(A) which currently states:

Use of the site shall be limited to 16,027 square feet of office/warehouse, 10,000 square feet of automotive repair/service and 11,000 square feet of retail.

Is hereby amended to read:

Use of the site shall be limited to the following:

- 16,390 square feet of multi-access storage use;
 - 58,286 square feet of multi/limited access storage use;
 - 1,500 square feet of caretaker's quarters use;
 - 400 square feet of accessory retail (mail/package/service) use; and
 - 600 square feet of vehicle rental office use. (DRC: ZONING)
 - 6,547 square feet of outdoor storage; and,
 - five (5) vehicle rental spaces. (DRC: ZONING)
2. Condition 4 of Resolution R-90-1284, Petition 86-54(A), which currently states:

No storage or placement of any materials, refuse equipment or accumulated debris shall be permitted outside the structure.

Is hereby amended to read:

Storage ~~or placement~~ of any material, refuse, equipment ~~or debris~~ shall not be permitted in the rear of buildings, parking lots ~~or access ways~~ of the facility. (ONGOING: CODE ENF - Zoning)

3. **Condition 3 of Resolution R-90-1284, Petition 86-54(A), which currently states:**

Outside storage of ~~disassembled~~ vehicles, parts ~~or~~ inventory shall not be permitted on site.

Is hereby amended to read:

Repair ~~or~~ maintenance of vehicles and outside storage of ~~disassembled~~ vehicles, parts ~~or~~ inventory shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

4. **Hours of operation, including deliveries, shall be limited to 6:00 a.m. to 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)**
5. No outdoor ~~retail business~~ activities shall be allowed on site, except deliveries. (ONGOING: CODE ENF - Zoning)

P. COMPLIANCE

1. Condition 21 of Resolution R-90-1284, Petition 86-54(A) ~~which~~ currently states:

As provided in the Palm Beach County Zoning Code, Sections ~~400.2~~ and ~~4026~~, failure to comply with any of these conditions of approval at any time may result in:

- a. **The denial ~~or~~ revocation of a building permit; the issuance) of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or**
- b. **The revocation of the Special Exception and any zoning which was approved concurrently with the special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or**
- c. **A requirement of the development to conform with updated standards of development, applicable 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.**

Appeals of any ~~departmental-administrative actions~~ hereunder may be taken to the Palm Beach County Board of Adjustment ~~or as otherwise provided in the Palm Beach County Zoning Code.~~ Appeals of any revocation of Special Exception, Rezoning, 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:

1. Failure **to** comply with **any** of **the** conditions of approval for the subject property at any time **may** result in:
 - a. The issuance of a stop work order, the issuance of a cease and desist order, ~~the~~ denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise 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)