

RESOLUTION NO. R-98-1311

RESOLUTION APPROVING ZONING PETITION DOA95-02(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MACY'S REAL ESTATE, INC.
BY ROBERT BASEHART, AGENT
(BONVIE MUPD - BURDINES)

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 DOA95-02(A) was presented to the Board of County Commissioners at a public hearing conducted on August 27, 1998; 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 DOA95-02(A), the petition of Macy's Real Estate, Inc., by Robert Basehart, agent, for a Development Order Amendment (DOA) to Redesignate land uses, redesign site plan and reduce building square footage 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 August 27, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 27, 1998.

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

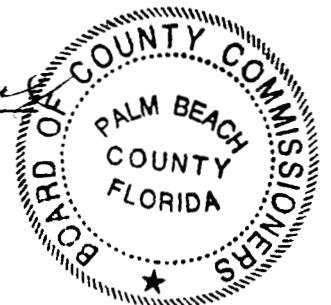


EXHIBIT A
LEGAL DESCRIPTION

May 11,1998
Job No. 84-2-238

DESCRIPTION:

Sketch of survey of Tract **70**, less the North **39.6** feet thereof, Block **77**, and Tract **91**, less **65'** road right-of-way, **Block 77, PALM BEACH FARMS COMPANY PLAT NUMBER 3**, as recorded in Plat **Book 2**, Pages **45-54**, of the public records of Palm Beach County, Florida

Containing **9,208** Acres, more or less, and subject to easements, rights-of-way, and reservations of record

AREA SUBJECT TO COMPREHENSIVE PLAN AMENDMENT REQUEST

A portion of Tract **91** Block **77** of **PALM BEACH FARMS COMPANY PLAT NO. 3**, a plat of which is on file in **Plat Book 2** at Page **s 45-54** inclusive, of the public records of Palm Beach County, Florida, said portion being more fully described as **follows**: Commence at the Southwest corner of the aforesaid Tract **91** said Point lying **15** foot **North** of the Centerline of State Road **808** a k a . Glades Road; thence run **N 00 02'47" W** along the Westerly boundary of said Tract **91**, an assumed bearing, **65.00** feet to a point in the existing Northerly right-of-way of State Road **808**; thence continue along the previous course, **N 00 02'47" W, 413.23** feet to the Point of Beginning of the herein described parcel; thence continue along the Westerly boundary of **N 00 02'47" W, 181.77** feet to the Northwest corner of said Tract **91**; thence run **N 89 57'40" E**, along the common boundary line between Tracts **70** and **91,330.00** feet to the Northeast corner of said Tract **91**; thence run **S 00 02'47" E**, along the Easterly boundary of Tract **91; 595.00** feet to a point lying in the aforementioned North right-of-way line of State Road **808**; thence **S 89 57'40" W** along said North line, **130.00** feet to a point; thence leaving said North line run **N 00 02'47" W**, parallel with but **200** feet East of the aforementioned Westerly boundary of said Tract **91,413.23** feet to a point; thence **S 89 57'40" W, 200.00** feet to a point in the Westerly boundary of Tract **91** and the Point of Beginning.

Containing **113,704** Square Feet

PREPARED BY:

WALTER A. CORNELL, **FLS 1757**

EXHIBIT B
VICINITY SKETCH

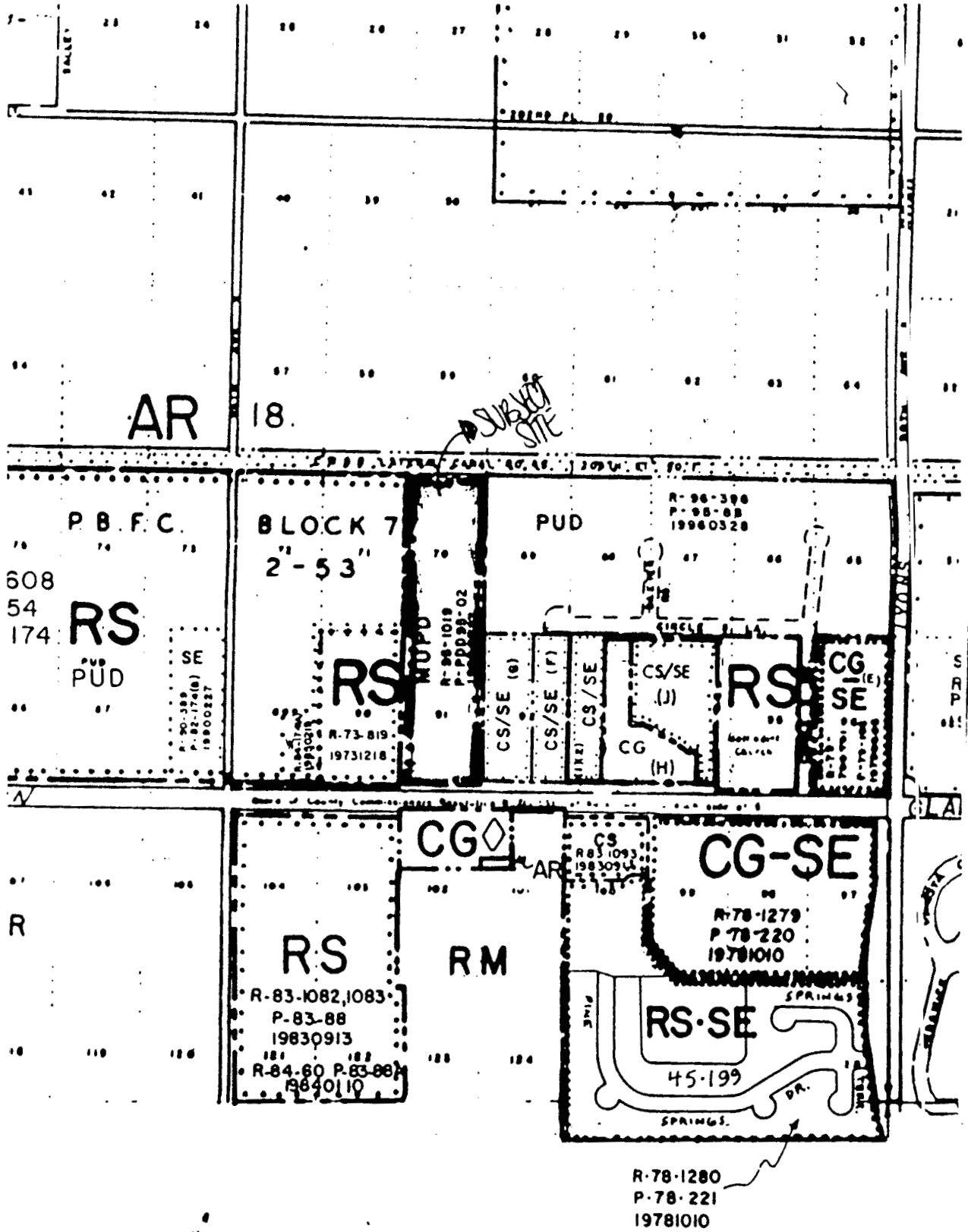


EXHIBIT C

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. **Resolution R-87-206 (Petition 86-63) is hereby revoked.** (MONITORING)
(Previously Condition A.I of Resolution R-95-1019, Petition 95-02)
2. **All** previous conditions of approval applicable to the subject property, as contained in Resolution R-95-1019 (Petition 95-02), 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)
3. 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 July 7, 1998. 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)
4. The petitioner shall have three (3) years, from adoption of the resolution approving Zoning Petition DOA95-02(A), 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 exterior elevations of the medical office building shall include the following:
 - a. Full pitched roof or a hip-on-deck roof with varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet;
 - b. Varied building materials and textures;
 - c. Varied building colors by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc..). Roof and trim colors shall be coordinated with base colors;
 - d. Combination architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
 - e. Integrated design of gutters and downspouts into the architectural design of the building;
 - f. **All** building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG ZONING)

2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
3. Prior to building permit issuance for the medical office building, architectural elevations for that building shall be approved by the Zoning Division. The approved elevations shall be made a part of the certified site plan and the petition file. (DRC: ZONING)
4. The proposed 50,000 square foot furniture sales building shall be designed and constructed to be consistent with the facade elevations by Dorsky Hodgson & Partners, Inc. Architects/Planners dated August 21, 1998. In addition, the following shall be required:
 - a. Additional pilasters a maximum of fifty (50) feet on center on the north and west facades;
 - b. Painted with earthtone or neutral colors; and,
 - c. The roof treatment as shown for the south and east elevations shall be incorporated on all facades.

These additional items shall be incorporated in the approved elevations of Condition B.3 above: (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-95-1019, Petition 95-02, which currently states:

Total gross floor area on the south portion of the site, designated CL by the Comprehensive Plan, shall be limited to a maximum of 28,950 square feet. (BUILDING-Planning)

It is hereby amended to read:

Total gross floor area on the south portion of the site, designated CL by the Comprehensive Plan, shall be limited to a maximum of 50,000 square feet. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)

2. Condition B.2 of Resolution R-95-1019, Petition 95-02, which currently states:

All buildings shall not exceed a maximum of two (2) stories in height. (BUILDING-Zoning)

It is hereby amended to read:

The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)

3. Previously Condition B.3 of Resolution R-95-1019, Petition 95-02, which currently states:

No windows, except glass block, shall be permitted on the second floor on the west side of any building within the CLO portion of the site. (BUILDING-Zoning)

Is hereby amended to read:

No windows, except glass block, shall be permitted on the second floor on the east and west sides of the medical office building within the CLO portion of the site. (BLDG PERMIT: ZONING/BLDG)

4. Condition B.4 of Resolution R-95-1019, Petition 95-02, which currently states:

All buildings within the CLO portion of the site shall be setback a minimum of 125 feet from the west property line. (BUILDING-Zoning)

Is hereby amended to read:

All buildings within the CLO portion of the site shall be setback a minimum of 100 feet from the east and west property lines. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)

5. 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. (BUILDING-Zoning) (Previously Condition 6.5 of Resolution R-95-1019, Petition 95-02)

6. Condition B.6 of Resolution R-95-1019, Petition 95-02, which currently states:

Buildings located within the CL portion of the site shall not exceed the minimum front setback from Glades Road. (ZONING/Building)

Is hereby deleted. [Reason: New uses and reconfigured site plan]

7. Condition B.7 of Resolution R-95-1019, Petition 95-02, which currently states:

The main entrance to all uses within the CL portion of the site shall face toward the north or east only. (ZONING/Building)

Is hereby deleted. [Reason: New uses and reconfigured site plan]

8. 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 thirty (30) feet of the property line and shall be confined to the areas designated on the site plan dated July 7, 1998. (DRC /ONGOING: ZONING/CODE ENF)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition C.I of Resolution R-95-1019, Petition 95-02, which currently states:

A management plan for the preserve area must be submitted to and receive approval from ERM prior to DRC certification of the preliminary development plan. (ERM)

Is hereby deleted. [Reason: Preservation area on site is no longer required]

E. ENGINEERING

1. Condition **E.1** of Resolution R-95-1019, Petition 95-02, which currently states:

Prior to **DRC** approval, the property owner shall obtain a recorded cross access easement with the property owner to the west. Location and content of the access easement should be subject to the approval of the County Engineer and County Attorney. (ENGINEERING - County Attorney)

~~Is~~ hereby deleted.

2. Condition E.2 of Resolution R-95-1019, Petition 95-02, 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, Zoning Petition Number **95-02**, to be paid at the time of issuance of the Building Permit presently is **\$162,855.00 (296 trips X \$55.00 per trip)**. (IMPACT FEE COORDINATOR)

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

3. Use of the 50,000 square foot structure onsite shall be limited to a furniture store or equivalent use(s) as permitted by the Zoning Division based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING-Eng)

F. HEALTH

1. Generation and disposal of hazardous effluent into sanitary **sewage** system shall be prohibited unless adequate pretreatment **facilities** approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (HEALTH) (Previously Condition D.1 of Resolution R-95-1019, Petition 95-02)
2. Medical facilities will be required to contract for hazardous waste handling at the site. (HEALTH) (Previously Condition 0.2 of Resolution R-95-1019, Petition 95-02)
3. **Any** biomedical waste which may **be** generated at this site shall be properly handled and disposed of in accordance with Rule 10D-104 FAC. (ONGOING: HEALTH/CODE ENF)
4. **Any** toxic or hazardous waste which may be generated at this site shall **be** handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

G. LANDSCAPING - GENERAL

1. Condition F.1 of Resolution R-95-1019, Petition 95-02, which currently states:

The required landscape buffer along Glades Road shall be supplemented with a minimum of one **(1)** native palm tree for every thirty **(30)** linear feet of frontage. (BUILDING - Zoning)

Is hereby amended to read:

The required landscape buffer along Glades Road shall be supplemented with the following:

- a. A minimum of one (1) native palm tree for every thirty (30) linear feet of frontage. The palms may be clustered provided that the maximum spacing of sixty (60) feet on center between clusters is maintained; and,
 - b. A one (1) to three (3) foot undulating berm, with an average height of (2) feet, measured from the top of the curb. (DRC/CO: ZONINGILANDSCAPE-Zoning)
2. The width of the landscape buffers shall not be reduced by the Development Review Committee (DRC). (DRC: ZONING) (Previously Condition F.2 of Resolution R-95-1019, Petition 95-02)

3. Condition F.3 of Resolution R-95-1019, Petition 95-02, which currently states:

Prior to final certification by the Development Review Committee (DRC) the preliminary development plan shall be amended to:

- a) provide one **(1)** landscape terminal island for every eight **(8)** parking spaces adjacent to the building along Glades Road; and,
- b) include a five **(5)** foot wide landscape strip adjacent to the south facade of the building along Glades Road. This area shall be planted with one **(1)** tree for every fifty **(50)** square feet of required landscape area. Trees may be planted in **groups** spaced no more than forty **(40)** feet on center. (ZONING-Building)

Is hereby amended to read:

Prior to final certification by the Development Review Committee (DRC) the preliminary development plan shall be amended to:

- a. Provide one (1) landscape island for every eight **(8)** parking spaces for the parking area, south of the 50,000 square foot furniture sales building, along Glades Road. The width of the islands shall comply with ULDC requirements;
- b. Include a minimum ten (10) foot wide landscape strip adjacent to the north, east, south facades of the 50,000 square foot furniture sales building and the south, east and west facades of the 45,000 square foot medical office building. The length of the landscape strips shall be equal to or greater than that which is shown on the site plan dated July 7, 1998. Planting materials within these strips shall include one (1) canopy tree for every twenty (20) linear feet of building facade and

appropriate ground cover. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. Trees and palms may be planted in groups spaced no more than forty (40) feet on center; and,

- c. One (1) palm or canopy tree for every twenty linear feet of the length of each side of the loading area for the furniture sales building. The trees shall be equally distributed on both sides of the dock, exterior to the screen walls. (DRC/CO: ZONING/LANDSCAPE)

H. LANDSCAPING ALONG THE NORTHEAST AND NORTHWEST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

- 1. Condition G.1 of Resolution R-95-1019, Petition 95-02, which currently states:

The landscape buffer along the northeast property line shall be upgraded to include a minimum six (6) foot high opaque concrete wall. (BUILDING/Zoning)

Is hereby deleted. [Reason: New site plan and incorporation of this requirement in new condition]

- 2. Condition G.2 of Resolution R-95-1019, Petition 95-02, which currently states:

The landscape buffer along the northwest property line shall be upgraded to include the following:

- a) **minimum six (6) foot high opaque concrete wall, installed in the center of the buffer;**
- b) **minimum buffer width of thirty (30) feet; and,**
- c) **four (4) foot high berm on the west side of the required wall.**

All required landscaping shall be installed on the exterior side of the opaque wall. (BUILDING-Zoning)

Is hereby amended to read:

In addition to the tree requirements, the incompatible landscape buffer along the northern 620' portions of the east and west property lines shall be upgraded to include the following:

- a. **Minimum six (6) foot high opaque concrete wall, installed in the center of the buffer and measured from finished grade;**
- b. **Minimum buffer width of thirty (30) feet;**
- c. **Four (4) foot high berm on the exterior side of the required wall, measured from finished grade; and,**
- d. **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 and located on the exterior side of the required wall.**

All required landscaping shall be installed on the exterior side of the opaque wall. (CO: LANDSCAPE)

3. Along the interior side of the required wall of Condition H.2, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.** (BUILDING/CODE ENFORCEMENT-Zoning) (Previously Condition H.1 of Resolution R-95-1019, Petition 95-02)

2. Condition H.2 of Resolution R-95-1019, Petition 95-02, which currently states:

All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)

Is hereby amended to read:

All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

3. All outdoor lighting shall be extinguished no later than 10:30 p.m., excluding security lighting only. (ONGOING: CODE ENF)
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)

J. 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)
 - B. 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 the issuance of the first certificate of occupancy. 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)

K. MUPD

1. Condition ~~K.3~~ of Resolution R-95-1019, Petition 95-02, which currently states:

Total gross floor area shall be limited to a maximum of 105,950 square feet. Expansion by the DRC within the CLO portion of the site shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (BUILDING/ZONING)

Is hereby amended to read:

Total gross floor area shall be limited to ~~the~~ following:

- a. A maximum of 45,000 square feet for the CLO portion. Expansion by the DRC within the CLO portion of the site shall be limited to five per cent (5%) or 1,000 square feet, whichever is less;
 - b. A maximum of 50,000 square feet for the CL portion. Expansion will be subject to the Board of County Commissioners' approval. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
2. Condition ~~K.4~~ of Resolution R-95-1019, Petition PDD95-02, which currently states:

To ensure consistency with the site plan dated 7/27/95 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 administratively relocated by the DRC to portions of the site not previously covered. (ZONING)

Is hereby amended to read:

To ensure consistency with the site plan dated July 7, 1998 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 administratively relocated by the DRC to portions of the site not previously covered. (DRC: ZONING)

3. 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, 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)
4. 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)

L. SECURITY

1. Condition I.1 of Resolution R-95-1019, Petition 95-02, which currently states:

Access to the office area located north of the required preserve shall be limited to tenants and employees only between **6:00 PM** and **6:00 AM** Monday through Saturday and all day Sunday. At a minimum, a security gate with electronic access shall be provided. (BUILDING-Zoning)

~~Is~~ hereby deleted. [Reason: New site plan and deletion of preserve area]

M. SIGNS

1. Condition J.1 of Resolution R-95-1019, Petition PDD95-02, which currently states:

Freestanding point of purchase signs shall be limited as follows:

- a) Maximum sign height, measured from finished grade to highest point, - **ten (10)** feet.
- b) Maximum total sign face area per side - **100** square feet.
- c) Maximum number of signs - **one (1)**.
- d) Style - monument style only. (BUILDING-Zoning)

Is hereby amended to read:

Freestanding signs (including entrance wall, point of purchase, directional signage) fronting on Glades Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - Eight (8) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - One (1);
 - d. Location - Within twenty-five (25) feet of the entrance; and,
 - e. Style - Monument style only. (DRC/CO: ZONING/BLDG - Zoning)
2. Wall signs mounted on the building facades shall be limited to the following:
- a. Maximum sign area - 150 square feet for the 50,000 square foot furniture sales building and 30 square feet for the 45,000 square foot medical office building;
 - b. Maximum number of signs - Two (2) for the furniture sales building and One (1) for the medical office building; and,
 - c. Location - South facade of the medical office building and south and east facades of the furniture sales building only. (DRC/CO: ZONING/BLDG - Zoning)
3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING IDRC: CODE ENF/ZONING)

N. USE LIMITATION

1. Condition K.1 of Resolution R-95-1019, Petition 95-02, which currently states:

The **1.9** acre area of the site, designated **CL** by the Comprehensive Plan, shall be limited to office use, bookstore, or high quality restaurant

as defined by the County Engineer and the ITE Manual. (BUILDING-Zoning/Engineering)

Is hereby deleted. [Reason: New engineering condition]

2. Condition **K. 2** of Resolution R-95-1019, Petition 95-02, which currently states:

No outdoor seating, twenty-four (**24**) hour operation, fast food or drive through service shall be permitted within the portion of the site designated CL by the Comprehensive Plan. (BUILDING/CODE ENFORCEMENT-Zoning)

Is hereby amended to read:

Retail business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

O. COMPLIANCE

1. Condition L. 1 of Resolution R-95-1019, Petition PDD95-02, which currently states:

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; cease and desist 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 Conditional Use and **any/or** zoning which was approved concurrently with the Conditional Use;
- 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided **in** the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (MONITORING)

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 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)

- 2. 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)



SEP 15 1998

Department of Planning,
Zoning & Building

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

110 Australian Avenue
Palm Beach, Florida 33480

http://www.palmbeachfla.gov

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director

DATE: September 3, 1998

RE: Amended Conditions from the August 27, 1998
and September 1, 1998 BCC

**Palm Beach County
Board of County
Commissioners**

- Mayor: Don Johnson
- Mayor Pro Tem: John Chab
- Karen T. Marcus
- Carol A. Roberts
- Warren H. Newell
- Mary McCarty
- Ken L. Foster

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on August 27, 1998. The following petitions were amended:

- | | |
|--------------|----------------------------|
| DOA96-85A | RECIO REZONING |
| CA97-110 | AL PACKER FORD USED TRUCKS |
| DOA95-02(A) | BONVIE MUPD - BURDINES |
| PDD98-13 | MILITARY & LANTANA MUPD |
| Z98-42 | SOUTHERN RETAIL |
| CA98-43 | MERKERT FAMILY MAUSOLEUM |
| PDD98-10 | TURNER MUPD |
| DOA81-152(D) | BOYNTON TRAIL CENTRE |

County Administrator

Robert Weisman, Esq.

The conditions of this resolution are true and correct and reflect the changes approved by the Board of County Commissioners on September 1, 1998. The following petition was amended:

- | | |
|---------|------------------|
| CA98-34 | COUNTRY PURSUITS |
|---------|------------------|

Please contact me at 233-5234 if you have any questions.

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