

RESOLUTION NO. R-98- 1810

RESOLUTION APPROVING ZONING PETITION PDD98-23
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF Southeast Shopping Center
BY KILDAY & ASSOCIATES, AGENT
(PRATT & ORANGE 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 petitions relating to zoning; and

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

WHEREAS, Zoning Petition PDD98-23 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; and,

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD98-23, the petition of Southeast Shopping Center by Kilday & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with Daycare, general (200 children); Restaurant, fast food; Financial Institution with drive thru and Water Plant (requested uses) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

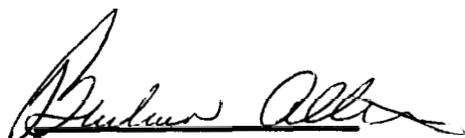
Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

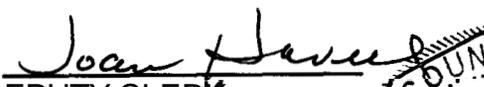
The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

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

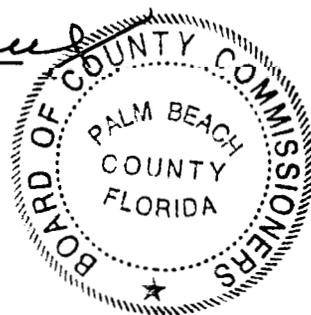


EXHIBIT A

LEGAL DESCRIPTION

TRACT AG-417 (WARRANTY DEED O.R.B. 8512, PG. 1953)

THE SOUTH 239 FEET OF THE NORTH 5169 FEET OF THE WEST 239 FEET OF THE EAST 4211 FEET OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE EAST 30 FEET AND THE NORTH 30 FEET.

TOGETHER WITH TRACT AG-418

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID SECTION 30 BEING AS SURVEYED, MONUMENTED, AND CERTIFIED CORNER RECORDS FILED WITH THE FLORIDA DEPARTMENT OF NATURAL RESOURCES - BUREAU OF SURVEY AND MAPPING BY THE PALM BEACH COUNTY SURVEYING DEPARTMENT; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, BEAR SOUTH 03° 12' 04" WEST ALONG THE EASTERLY LINE OF SAID SECTION 30 (THE EAST LINE OF SAID SECTION 30 IS ASSUMED TO BEAR SOUTH 03° 12' 04" WEST AND ALL OTHER BEARINGS STATED HEREIN ARE RELATIVE THERETO), A DISTANCE OF 5169.00 FEET; THENCE BEAR NORTH 89° 29' 24" WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 3972.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO BEAR NORTH 89° 29' 24" WEST, A DISTANCE OF 239.00 FEET; THENCE BEAR SOUTH 03° 12' 04" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 30, A DISTANCE OF 590.73 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SECTION 30, SAID SOUTH LINE OF SECTION 30 ALSO BEING THE CENTERLINE OF AN 80.00 FOOT EASEMENT KNOWN AS ORANGE BOULEVARD AS NOW LAID OUT AND IN USE; THENCE BEAR NORTH 87° 37' 21" EAST ALONG THE SAID SOUTH LINE OF SECTION 30 AND THE CENTERLINE OF ORANGE BOULEVARD, A DISTANCE OF 239.87 FEET MORE OR LESS TO A LINE PARALLEL AND 3972.00 FEET (SAID 3972.00 FEET BEING AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 30) WEST OF THE EAST LINE OF SAID SECTION 30; THENCE BEAR NORTH 03° 12' 04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 578.63 FEET MORE OR LESS TO THE POINT OF BEGINNING:

SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO THE INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTHERLY 40 FEET THEREOF, AND OVER THE EASTERLY 30 FEET THEREOF.

TOGETHER WITH TRACT AG-419

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID SECTION 30 BEING AS SURVEYED, MONUMENTED, AND CERTIFIED CORNER RECORDS FILED WITH THE FLORIDA DEPARTMENT OF NATURAL RESOURCES - BUREAU OF SURVEY AND MAPPING BY THE PALM BEACH COUNTY SURVEYING DEPARTMENT; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, BEAR SOUTH 03° 12' 04" WEST ALONG THE EASTERLY LINE OF SAID SECTION 30 (THE EAST LINE OF SAID SECTION 30 IS ASSUMED

EXHIBIT A

LEGAL DESCRIPTION

TO BEAR SOUTH 03°12'04" WEST AND ALL OTHER BEARINGS STATED HEREIN ARE RELATIVE THERETO), A DISTANCE OF 5169.00 FEET; THENCE BEAR NORTH 89°29'24" WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 4211.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO BEAR NORTH 89°29'24" WEST, A DISTANCE OF 209.00 FEET; THENCE BEAR SOUTH 03°12'04" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 30, A DISTANCE OF 601.31 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SECTION 30, SAID SOUTH LINE OF SECTION 30 ALSO BEING THE CENTERLINE OF AN 80.00 FOOT EASEMENT KNOWN AS ORANGE BOULEVARD AS NOW LAID OUT AND IN USE; THENCE BEAR NORTH 87°37'21" EAST ALONG THE SAID SOUTH LINE OF SECTION 30 AND THE CENTERLINE OF ORANGE BOULEVARD, A DISTANCE OF 209.76 FEET MORE OR LESS TO A LINE PARALLEL AND 4211.00 FEET (SAID 4211.00 FEET BEING AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 30) WEST OF THE EAST LINE OF SAID SECTION 30; THENCE BEAR NORTH 03°12'04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 590.73 FEET MORE OR LESS TO THE POINT OF BEGINNING;

SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO THE INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTHERLY 40 FEET THEREOF.

TOGETHER WITH AG-420 (WARRANTY DEED O.R.B. 8231, PG. 1093)

THE SOUTH 239 FEET OF THE NORTH 5169 FEET OF THE WEST 209 FEET OF THE EAST 4420 FEET OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE NORTH 30 FEET,

TOGETHER WITH **AG-461** (WARRANTY DEED O.R.B. 8462, PG. 1464)

THE SOUTH 239 FEET OF THE NORTH 5169 FEET OF THE WEST 209 FEET OF THE EAST 4629 FEET OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE NORTH 30 FEET.

TOGETHER WITH AG-462

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID SECTION 30 BEING AS SURVEYED, MONUMENTED, AND CERTIFIED CORNER RECORDS FILED WITH THE FLORIDA DEPARTMENT OF NATURAL RESOURCES-BUREAU OF SURVEY AND MAPPING BY THE PALM BEACH COUNTY SURVEYING DEPARTMENT; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, BEAR SOUTH 03° 12' 04" WEST ALONG THE EASTERLY LINE OF SAID SECTION 30 (THE EAST LINE OF SAID SECTION 30 IS ASSUMED TO BEAR SOUTH 03° 12' 04" WEST AND ALL OTHER BEARINGS STATED HEREIN ARE RELATIVE THERETO), A DISTANCE OF 5169.00 FEET; THENCE BEAR NORTH 89° 29' 24" WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 4420.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO BEAR NORTH 89° 29' 24" WEST, A DISTANCE OF 209.00 FEET; THENCE BEAR SOUTH 03° 12' 04" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 30, A DISTANCE OF 611.89 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SECTION 30, SAID SOUTH

EXHIBIT A

LEGAL DESCRIPTION

LINE OF SECTION 30 ALSO BEING THE CENTERLINE OF AN 80.00 FOOT EASEMENT KNOWN AS ORANGE BOULEVARD AS NOW LAID OUT AND IN USE; THENCE BEAR NORTH 87° 37' 21" EAST ALONG THE SAID SOUTH LINE OF SECTION 30 AND THE CENTERLINE OF ORANGE BOULEVARD, A DISTANCE OF 209.76 FEET MORE OR LESS TO A LINE PARALLEL AND 4420.00 FEET (SAID 4120.00 FEET BEING AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 30) WEST OF THE EAST LINE OF SAID SECTION 30; THENCE BEAR NORTH 03° 12' 04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 601.31 FEET MORE OR LESS TO THE POINT OF BEGINNING;

SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO THE INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTHERLY 40 FEET THEREOF.

TOGETHER WITH TRACT AG-463

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID SECTION 30 BEING AS SURVEYED, MONUMENTED, AND CERTIFIED CORNER RECORDS FILED WITH THE FLORIDA DEPARTMENT OF NATURAL RESOURCES - BUREAU OF SURVEY AND MAPPING BY THE PALM BEACH COUNTY SURVEYING DEPARTMENT SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, BEAR SOUTH 03° 12' 04" WEST ALONG THE EASTERLY LINE OF SAID SECTION 30 (THE EAST LINE OF SAID SECTION 30 IS ASSUMED TO BEAR SOUTH 03° 12' 04" WEST AND ALL OTHER BEARINGS STATED HEREIN ARE RELATIVE THERETO), A DISTANCE OF 5169.00 FEET; THENCE BEAR NORTH 89° 29' 24" WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 4629.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO BEAR NORTH 89° 29' 24" WEST, A DISTANCE OF 209.00 FEET; THENCE BEAR SOUTH 03° 12' 04" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 30, A DISTANCE OF 622.46 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SECTION 30, SAID SOUTH LINE OF SECTION 30 ALSO BEING THE CENTERLINE OF AN 80.00 FOOT EASEMENT KNOWN AS ORANGE BOULEVARD AS NOW LAID OUT AND IN USE; THENCE BEAR NORTH 87° 37' 21" EAST ALONG THE SAID SOUTH LINE OF SECTION 30 AND THE CENTERLINE OF ORANGE BOULEVARD, A DISTANCE OF 209.76 FEET MORE OR LESS TO A LINE PARALLEL AND 4629.00 FEET (SAID 4629.00 FEET BEING AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 30) WEST OF THE EAST LINE OF SAID SECTION 30; THENCE BEAR NORTH 03° 12' 04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 611.89 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO THE INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTHERLY 40 FEET THEREOF.

TOGETHER WITH AG-464 (WARRANTY DEED O.R.B. 8592, PG. 1061)

THE SOUTH 239 FEET OF THE NORTH 5169 FEET OF THE WEST 209 FEET OF THE EAST 4838 FEET OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE NORTH 30 FEET.

EXHIBIT A
LEGAL DESCRIPTION

TOGETHER WITH AG-505 (QUIT CLAIM DEED O.R.B. 6559, PG. 1665)

THE SOUTH 239 FEET OF THE NORTH 5169 FEET, LESS THE EAST 4838 FEET THEREOF, OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE NORTH 30 FEET AND THE WEST 60 FEET.

TOGETHER WITH TRACT AG-506

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID SECTION 30 BEING AS SURVEYED, MONUMENTED AND CERTIFIED CORNER RECORDS FILED WITH THE FLORIDA DEPARTMENT OF NATURAL RESOURCES - BUREAU OF SURVEY AND MAPPING BY THE PALM BEACH COUNTY SURVEYING DEPARTMENT; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, BEAR SOUTH 03° 12' 04" WEST ALONG THE EASTERLY LINE OF SAID SECTION 30 (THE EAST LINE OF SAID SECTION 30 IS ASSUMED TO BEAR SOUTH 03° 12' 04" WEST AND ALL OTHER BEARINGS STATED HEREIN ARE RELATIVE THERETO), A DISTANCE OF 5169.00 FEET; THENCE BEAR NORTH 89° 29' 24" WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 4838.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO BEAR NORTH 89° 29' 24" WEST, A DISTANCE OF 406.41 FEET TO THE WEST LINE OF SAID SECTION 30, SAID WEST LINE OF SECTION 30 ALSO BEING THE CENTERLINE OF A 120.00 FOOT EASEMENT KNOWN AS SEMINOLE PRATT-WHITNEY ROAD AS NOW LAID OUT AND IN USE; THENCE BEAR SOUTH 01° 28' 11" WEST ALONG THE SAID WEST LINE OF SECTION 30 AND THE CENTERLINE OF SEMINOLE PRATT-WHITNEY ROAD, A DISTANCE OF 641.42 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID SECTION 30, THENCE BEAR NORTH 87° 37' 21" EAST ALONG THE SAID SOUTH LINE OF SECTION 30, SAID SOUTH LINE OF SECTION 30 ALSO BEING THE CENTERLINE OF AN 80.00 FOOT EASEMENT KNOWN AS ORANGE BOULEVARD AS NOW LAID OUT AND IN USE, A DISTANCE OF 388.42 FEET MORE OR LESS TO A LINE PARALLEL AND 4838.00 FEET (SAID 4838.00 FEET BEING AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 30) WEST OF THE EAST LINE OF SAID SECTION 30; THENCE BEAR NORTH 03° 12' 04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 622.46 FEET MORE OR LESS TO THE POINT OF BEGINNING; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTHERLY 40 FEET AND OVER THE WESTERLY 60.00 FEET THEREOF.

CONTAINING 24.67 ACRES MORE OR LESS. (TOTAL)

EXHIBIT B
VICINITY SKETCH

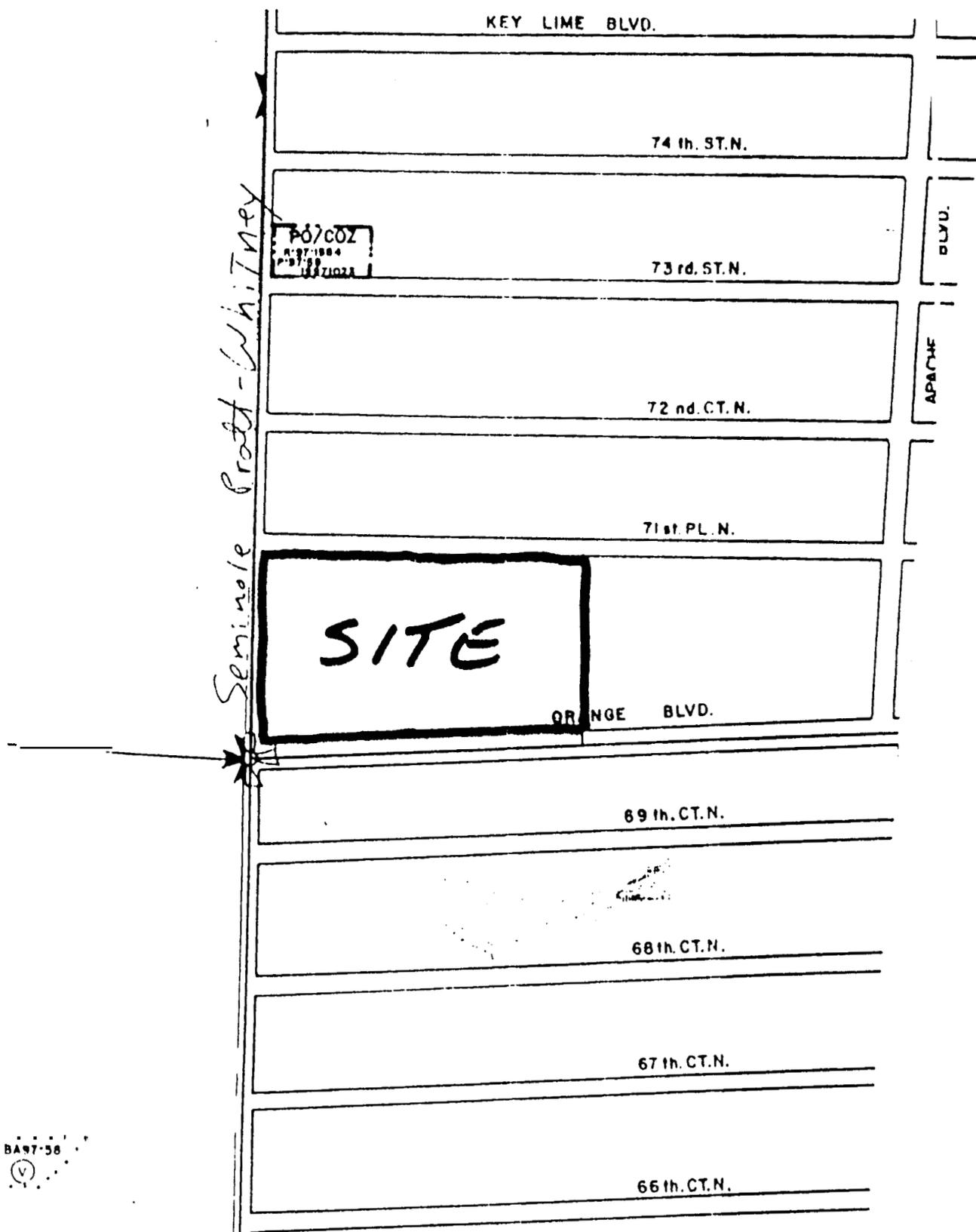


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 28, 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)

B. ARCHITECTURAL CONTROL

1. All proposed buildings and structures shall be designed and constructed with similar architectural styles and materials. (BLDG PERMIT: BLDG-Zoning)
2. All proposed buildings shall be designed and constructed to be consistent with the facade elevations and colored rendering prepared by Wayrie E. Vensel Architect, Inc. dated August 8, 1998 and October 1, 1998. (BLDG PERMIT: BLDG - Zoning)
3. 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. Elevations for each building shall be submitted as part of the certified site plan and the petition file. (BLDG PERMIT: BLDG - Zoning)
4. Prior to final site plan certification by the Development Review Committee (DRC), architectural elevations for each 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)
5. All windows shall utilize muntins for additional architectural treatment. (except the major tenant grocery store windows). (ONGOING: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area for the entire 24.67 acre shall be limited to a maximum of 107,462 square feet with 93,400 square feet commercial uses and 14,062 square feet governmental services. (DRC: ZONING)
2. The maximum building floor area shall not exceed ten percent (10) of the entire 24.67 acre property. (DRC/BLDG PERMIT: ZONING)
3. The maximum height for all structures shall be one story not exceed thirty (30) feet, including all air conditioning and mechanical equipment, measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
4. A maximum of three commercial buildings shall be permitted on site. (DRC: ZONING)
5. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDG PERMIT/CO: BLDG - Zoning)

6. Storage and placement of any paints, chemicals or petroleum based products shall be limited to household size containers (maximum of 5 gallon containers for liquids or dry solids). (ONGOING: CODE ENF)
7. Prior to final certification of the site plan by the Development Review Committee, the petitioner shall amend the plan to indicate a school bus stop/pull off and covered shelter on or adjacent to the subject property if approved by the Palm Beach County School Board and the County Engineer.

If approved by the Palm Beach County School Board and the County Engineer, the school bus stop/pull off lane and covered shelter shall be constructed prior to receipt of the first Certificate of Occupancy for the proposed shopping center. The petitioner shall accommodate the requirement for the school bus stop/pull off lane and covered shelter by dedicating additional right-of-way, if requested by the County Engineer. Provisions for the school bus stop/pull off lane 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. The school bus stop/pull off lane and covered shelter, if located on private property or in common areas shall be the maintenance responsibility of the property owner. (DRC: ZONING -Eng/School Board)

D. DAY CARE

1. The day care center shall be limited to a maximum of 200 children. (ONGOING: HEALTH)
2. The site plan shall be amended to include five (5) drop-off spaces a minimum of twelve (12) feet in width by twenty (20) feet in length along the south facade of the Day Care facility. (DRC: ZONING)
3. The site plan shall be amended to include a continuous paved five (5) foot wide covered walkway from the ten (10) transient spaces located in the rear of the shopping center to the day care entrance covered adjacent to the building area. (DRC: ZONING)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane east approach on Orange Boulevard at the project's middle entrance. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Orange Boulevard and Seminole Pratt Whitney Road to Palm Beach County. Construction by the

applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

3. The Property owner shall construct concurrent with building permits for the main center (other than the out parcels along Seminole Pratt Whitney Road):
 - a. Seminole Pratt Whitney Road as a 3 lane section from 280 feet north of 71st Place, south to Orange Boulevard, plus the appropriate paved tapers. This construction shall also include a pedestrian pathway along the east side of Seminole Pratt Whitney along the projects frontage.
 - b. Right turn lane east approach on Orange Boulevard at the projects middle entrance.
 - c. Orange Boulevard as a 3 lane section from Seminole Pratt Whitney Road east to the projects middle entrance plus the appropriate paved tapers. This construction shall also include a pedestrian pathway along the north side of Orange Boulevard along the projects frontage.
 - d. 71st Place as a paved 2 lane roadway from Seminole Pratt Whitney Road east to the projects east property line subject to approval by the Indian Trail Improvement District. This construction shall also include:
 - 1) pedestrian pathway along the south side of 71st Place along the projects frontage
 - e. All construction shall be concurrent with the paving and drainage improvements for the site. 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.
 - f. Permits required by Palm Beach County and the Indian Trail Improvement District for this construction shall be obtained prior to the issuance of the first Building Permit for the main center. (BLDG PERMIT: MONITORING-Eng)
 - g. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the main center. (CO: MONITORING-Eng)
4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - A. Building Permits for more than 64,000 of commercial area, 3,200 square feet of fast food restaurant, 5000 square foot bank, 10,000 square foot day care center shall not be issued until the contract has been let for Seminole Pratt Whitney as a 4 lane facility from Orange Boulevard south to Orange Boulevard north plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

- B. The mix of allowable commercial uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer 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)
5. The Property owner shall construct concurrent with Building Permits for more than 64,000 of commercial area, 3,200 square feet of fast food restaurant, 5000 square foot bank, 10,000 square foot day care center, Seminole Pratt Whitney Road as a four median divided facility from 280 feet north of Orange Boulevard North, south to a point 280 feet south of Orange Boulevard South plus the appropriate paved tapers. The construction of this section of Seminole Pratt Whitney Road shall include:
- a) a directional median opening on Seminole Pratt Whitney Road at the projects entrance road. The location of this directional median opening shall be subject to Palm Beach County's Access Management Guidelines and shall be approved by the County Engineer prior to certification of the site plan by the Development Review Committee. (BLDG PERMIT: MONITORING-Eng)
 - b) the construction of a left and right turn lane east approach, and a "U" turn lane south approach, on 71st Place at Seminole Pratt Whitney Road.
6. Acceptable surety required for the Seminole Pratt Whitney Road four lining as outlined in the Conditions above shall be posted with the Office of the **Land Development Division** on or before April 22, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)
7. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Seminole Pratt Whitney Road and Orange Boulevard. This shall also include pedestrian signals and crosswalks at this intersection. (ONGOING: ENG)
8. The developer shall install, concurrent with the installation of signalization at the intersection of Seminole Pratt-Whitney Boulevard and Orange Avenue (if warranted per condition E.7.), a flashing signal south of the intersection along Seminole Pratt-Whitney Road notifying vehicular traffic of the upcoming signal. The location of the flashing signal shall be approved by the County Engineer prior to installation. (ONGOING: ENG)

F. DUMPSTERS

1. 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 any perimeter property line and shall be confined to the areas designated on the site plan. (DIRC / ONGOING: ZONING / CODE ENF)

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A 25% upland set-aside preserve shall be depicted on the Site Plan unless an alternative site is approved by the Board of County Commissioners and approved by Environmental Resource Management prior to final site plan certification. (DRC: ERM)

H. HEALTH

1. The proposed onsite water treatment plant must be permitted by the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
2. Approval of the final site plan certification for this project is contingent upon an executed contract with both the City of West Palm Beach and the Indian Trail Water Improvement District for the provision of sanitary sewer for this site. (DRC: HEALTH)
3. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
4. Architectural plans for the day care facility must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Rule 10D-24FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

I. LANDSCAPING - STANDARDS

1. Fifty percent (50%) of all canopy trees required to be planted on site by this approval shall meet the following minimum standards at time of 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)
2. All palms required to be planted on site by this approval shall be banded Sabal Palms and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - 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)
3. All landscaped buffer areas shown on the site plan dated May 28, 1998 shall not be used for pre-treatment or stormwater storage purposes. (ONGOING: LANDSCAPE - Zoning/Eng)

J. LANDSCAPING ALONG NORTH PROPERTY LINE (71st PLACE FRONTAGE)

1. Landscaping and buffering along the entire north property line shall be upgraded to include:
 - a. A minimum seventy (70) foot wide landscape buffer;
 - b. one (1) tree for each three hundred (300) square feet;
 - c. one (1) palm or pine tree for each five hundred (500) square feet with a maximum spacing of sixty (60) feet on center between clusters; and
 - d. forty-eight (48) inch high native evergreen shrub material at time of installation spaced no more than five (5) feet on center to be maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE)

K. LANDSCAPING ALONG SOUTH PROPERTY LINE (ORANGE BOULEVARD FRONTAGE)

1. Landscaping and buffering along the entire south property line shall be upgraded to include:
 - a. A minimum fifty-three (53) foot wide landscape buffer;
 - b. one (1) canopy tree for each three hundred (300) square feet;
 - c. one (1) palm or pine tree for each five hundred (500) square feet with a maximum spacing of sixty (60) feet on center between clusters and
 - d. forty-eight (48) inch high native evergreen shrub material at time of installation spaced no more than five (5) feet on center to be maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE)

L. LANDSCAPING ALONG 40% OF THE EAST FOUNDATION PLANTER OF MAIN BUILDING

1. Landscaping and buffering along 40% of the east foundation planter of main building shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape area;
 - b. One (1) canopy tree planted for every twenty (20) linear feet of foundation planter;
 - c. One (1) palm or pine tree planted for every thirty (30) linear feet of foundation planter with maximum sixty (60) feet between clusters;
 - d. Credit may be given for existing or relocated native plant material provided they meet current ULDC requirements. (CO: LANDSCAPE)
2. The property owner shall install forty-eight (48) inch high native evergreen shrub material at time of installation spaced no more than five (5) feet on center in the foundation planter to be maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE)

M. LANDSCAPING ALONG WEST PROPERTY LINE (SEMINOLE PRATT WHITNEY ROAD FRONTAGE)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum sixty-five (65) foot wide landscape buffer;
 - b. one (1) canopy tree for each three hundred (300) square feet;

- c. one (1) palm or pine for each five hundred (500) square feet with a maximum spacing of sixty (60) feet on center between clusters; and
- d. forty-eight (48) inch high native evergreen shrub material at time of installation spaced no more than five (5) feet on center to be maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE)

N. LANDSCAPING - INTERIOR

- 1. Divider medians shall be provided as indicated on the site plan dated May 28, 1998. The minimum width of this median shall be ten (10) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of fifty (50) feet on center. (DRC: ZONING)
- 2. Interior grade-level tree planters shall be required within all applicable parking areas in accordance with Section 7.3.E.2.a.(2)(b) of the ULDC. (CO: LANDSCAPE)
- 3. Foundation plantings or grade level planters shall be provided along three sides of the two small commercial buildings and all sides of the main L-shaped building. The foundation planters shall 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 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade; and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
 - d. Landscaping along the east foundation planter of main building shall be in accordance with Conditions L.1 and L.2.

O. 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. (CO / ONGOING: BLDG / CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 11:30p.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)
- 5. All light poles shall be constructed with house side cut-off shields to direct lighting down and away from adjacent residential properties. (CO: BLDG - Zoning)

P. MASS TRANSIT

1. 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)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO)]. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

Q. MUPD

1. To ensure consistency with the site plan dated May 28, 1998 presented to the Board of County Commissioners, no more than twenty (20) 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)
2. All requested uses shall remain in the locations indicated on the site plan approved by the Board of County Commissioners (exhibit dated May 28, 1998). (DRC: ZONING)
3. Prior to final certification of the site 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 for the commercial portion of the property 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)

R. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF)
2. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas unless the primary tenant has employee cart retrieval during business hours. (DRC: ZONING/CODE: ENF)

S. PLANNING

1. Prior to final site plan certification by the Development Review Committee, the property owner shall provide a recorded copy of a declaration of restrictive covenant on the subject property indicating the provision of public facilities (water and sewer) for the site. As a result, the draft covenant which was attached to the land use amendment, Ordinance 97-47 Exhibit 2: shall be amended. (DRC: PLANNING-County Attorney)
2. Prior to final site plan certification by the Development Review Committee, seven acres of the subject property shall be dedicated to Palm Beach County for fire rescue, park and/or civic purposes. County in its discretion may convey any or all of said dedication to the Indian Trail Water Control District. Said dedication shall be at the discretion of and in a manner and location acceptable to Palm Beach County. (DRC: PREM-Planning)
3. Development of the subject property for commercial purposes shall comply with the provisions contained in the Acreage Neighborhood Plan concerning commercial development in the Acreage (Objective 3 and Recommendations L-8 - L-11). (ONGOING: PLANNING)
4. Prior to final site plan certification, commercial development on subject property shall obtain potable water and sewer service from the Indian Trail Improvement District. (DRC: PLANNING)
5. Prior to final site plan certification, the Indian Trail Improvement District shall provide a written agreement acceptable to the Planning Division and the County Attorney's Office stating that Indian Trail Improvement District will be the sole entity responsible for the maintenance and operation of the water treatment plant. (DRC: PLANNING-County Attorney)
6. If construction of a shopping center on the property that is subject to this amendment has not commenced within two years from the effective date of this ordinance, the County may initiate and adopt a plan amendment removing the commercial land use designation from the property. (ONGOING: PLANNING)
7. Prior to final site plan certification, the petitioner shall provide the Planning Division with proof of the presentation of this subject petition to the Acreage Landowners Association. (DRC: PLANNING)
8. Per Objective 3, page 6 of the Acreage Neighborhood Plan, prior to final site plan certification by the Development Review Committee (DRC) the petitioner shall submit to the Planning Division architectural elevations of the proposed building depicting a design compatible with the rural character of the area. (DRC: PLANNING)

9. Per Recommendation L-9, page 9 of the Acreage Neighborhood Plan, the entire site, including the easternmost seven (7) acres of the site shown as government services on the site plan, is restricted to structure!; not exceeding 10% of the buildable floor area for the entire site. (ONGOING: ZONING-Planning)
10. Per Recommendation L-10, page 10 of the Acreage Neighborhood Plan, the following uses will not be allowed on the site: gas stations, auto/truck repair, junk/salvage yards and auto paint and body shops. (ONGOING: ZONING-Planning)

T. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by November 1, 1999 for a 7 acre civic site, in a location and form acceptable to Facilities Development & Operations Department (FDO), and the County Attorney's office. Developer to Plat and dedicate the Civic site to palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval.
 - b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated as of the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - e. Developer to provide water and sewer stubbed out to the property line if required and approved by Indian Trail Improvement District. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by September 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 - a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by September 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response
- 3) Compensation and Liability Act System
- 4) List (CERCLA)
- 5) Hazardous Waste Data Management System
- 6) List (HWDMS).

- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
- d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
- e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)

4. Palm Beach County shall convey the 7 acre civic site to the Indian Trail Improvement District upon satisfaction of the following preconditions:

- a. A covenant restricting the site to governmental and/or civic uses only shall be recorded in the public record.
- b. Covenant shall include provisions that any uses for the site must first be approved by the Board of County Commissioners at a public hearing.
- c. Preservation area shall be approved at or prior to DRC.
- d. Palm Beach County and Indian Trails Water Control District shall have entered into a lease for the 2.27 acre parcel of property which is the subject of Petition Z/COZ 98-41.
- e. Petition Z/COZ 98-41 shall have been approved to rezone and site plan the property for development of a fire station or use approved by Board of County Commissioners.

- f. Indian Trail Improvement District will have caused, or shall have entered into an agreement to cause, water and sewer service lines to be stubbed out at the boundaries of the fire rescue site without charge to Palm Beach County.
 - g. Palm Beach County shall have the right to connect to water and sewer service upon payment of normal, customary and reasonable connection charges and without payment of any capital charges for construction/installation of water and sewer improvements.
5. Prior to November 15, 1999, Petitioner shall have conveyed to Indian Trails Water Control District said 2.28 acre Fire Rescue site and have complied with all ancillary PREM conditions under petition Z/COZ98-41. (DATE: MONITORING - PREM)

U. SIGNS

- 1. Freestanding point of purchase signs fronting on Seminole Pratt Whitney Road shall be limited as follows:
 - a. One sign ten (10) feet high with one hundred (100) square feet sign face area per side;
 - b. One sign ten (10) feet high with maximum one hundred (100) square feet sign face area per side located a minimum fifty (50) feet north of the intersecting right-of-way lines of Seminole Pratt Whitney Rd and Orange Blvd;
 - c. Maximum number of signs - one (1);
 - d. Styles - monument style only. (CO: BLDG)
- 2. Freestanding point of purchase signs fronting on Orange Boulevard for commercial uses shall be limited as follows:
 - a. Two signs one of eight (8) feet and one of six (6) feet high with eighty (80) square feet sign face area per side. The six (6) feet high sign shall be located at the corner of Orange Avenue and Seminole Pratt Whitney Road;
 - b. Maximum number of signs - two (2);
 - c. Styles - monument style only. (CO: BLDG)
- 3. Freestanding signage fronting on Orange Boulevard for government services shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
- 4. Wall signage for the commercial buildings shall be limited to the west and south facades only. (BLDG PERMIT/DRC: CODE ENF/ZONING)
- 5. Wall mounted signage, with the exception of the major anchor tenant and the two (2) outparcels, shall not be backlit for illumination. Rather, these signs shall be illuminated using exterior light standards which shine directly onto the actual sign face. The colors utilized for wall mounted signage shall be consistent with the color pallet of the main shopping center. The color requirements specified above shall not apply to the major anchor tenant, the two (2) outparcels, and any national tenants utilizing in-line space. (ONGOING/BLDG PERMIT: CODE ENF/BLDG - Zoning)

6. Should an auto parts store be located within the shopping center, said use shall post interior and exterior signage stating that repair of vehicles within the parking area is prohibited. (ONGOING: CODE ENF)

V. UNITY

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

W. USE LIMITATIONS

1. The following uses shall not be permitted on-site;
 - a. Church or Place of Worship
 - b. Convenience store
 - c. Indoor Entertainment
 - d. Pool Supplies
 - e. Vehicle Inspection
 - f. Vocational School
 - g. Funeral Home;
 - h. Cocktail Lounge;
 - i. Broadcasting studio and ancillary equipment
 - j. Cellular communication
 - k. Gas station and chemical supply business (not including paint stores and auto parts stores). (ONGOING: ZONING)
2. Business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 11:00 p.m. daily. The Day Care facility may open at 6:00 a.m. Monday thru Friday. (ONGOING: CODE ENF - Zoning)
3. No auto repair of any kind shall be permitted either as a use or in the parking lot area. (ONGOING: CODE ENF - Zoning)
4. Outdoor retail sales or vendors shall not be allowed on site. (ONGOING: CODE ENF - Zoning)
5. The property shall be restricted to the following uses:
 - Data Processing Services;
 - Daycare Center – General and Limited;
 - Financial Institution (with drive-thru);
 - Fitness Center;
 - Fruit and Vegetable Market;
 - Laundry Services (pick up/drop off only, no chemicals or cleaning on site);
 - Medical/Dental Clinic or Laboratory (Requested Use);
 - Newsstand or Gift Shop;
 - Office, Business or Professional (Requested Use);
 - Personal Services;
 - Pottery Shop;
 - Printing and Copying Services; (small users only)
 - Restaurants (limited to one fast food restaurant (outparcel location) and a maximum 10,000 square feet of in-line space shall be utilized for restaurant purposes);
 - Retail (inclusive of Paint Stores and Auto Parts Stores); and,
 - Veterinary Clinic (Requested Use).

Any use listed above which is classified as a Requested Use must obtain Board of County Commission approval for the specific use pursuant to ULDC requirements. (ONGOING: ZONING)

X. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)