

RESOLUTION NO. R-2006-1190

RESOLUTION APPROVING ZONING APPLICATION DOA2005-774
(CONTROL NUMBER 1986-008)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF WOOLBRIGHT PINEWOOD LLC
BY CWB ASSOCIATES, AGENT
(PINEWOOD SQUARE)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-774 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; and

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

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA2005-774, the petition of Woolbright Pinewood LLC, by CWB Associates, agent, for a Development Order Amendment to add square footage to an approved Special Exception for a Planned Commercial Development 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 June 22, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 22nd day of June, 2006.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

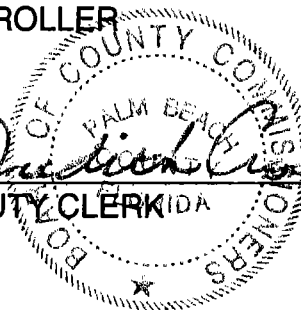


EXHIBIT A
LEGAL DESCRIPTION

Parcel 6 and 7 of PINWOOD SQUARE, a subdivision according to the Plat thereof, as recorded in Plat Book 84, Pages 129 through 134, inclusive, of the Public Records of Palm Beach County, Florida.

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous condition A.1 of Resolution R-2000-1709, Control No. 86-08(E) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions Resolution R-94-1087, Petition 86-08(D) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-86-573, Control No. 86-8; R-88-1187, Control No. 86-8(A); R-90-839, Control No. 86-8(C); Resolution R-94-1087, Control No. 86-08(D); Resolution 2000-1709, Control No. 86-08(E); Resolution 2000-1710, Status Report SR 86-8C.8; and Resolution 2002-1239, Status Report SR 1986-008C.9 have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous condition A.2 of Resolution R-2000-1709, Control No. 86-08(E) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 16, 2000. 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)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 5, 2006. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

3. Previous condition 1 Resolution No. R 2002-1239, Status Report No. SR 1986 008C.9, which currently states:

All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING: MONITORING- Zoning)

Is hereby deleted. [REASON: no longer applicable, conditions are consolidated]

4. Previous condition 2 Resolution No. R 2002-1239, Status Report No. SR 1986 008C.9, which currently states:

Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING Zoning)

Is hereby deleted [REASON: code requirement]

5. Previous condition 1 Resolution No. R 2000-1710, Status Report No. SR 1986 008C.8, which currently states:

All previously approved conditions of approval continue to apply unless expressly amended herein. (ONGOING: MONITORING - Zoning)

Is hereby deleted [REASON: no longer applicable, conditions are consolidated]

ARCHITECTURAL REVIEW

1. The six (6) foot high wall shall be given architectural treatment on both sides consistent with the front of the center. (Previous condition H.6 of Resolution R-2000-1709, Petition 86-08(E)) (BLDG PERMIT: BLDG Arch Review)
2. In order to avoid an incompatible appearance upon east and south lying residential areas, the rear facades of the planned commercial development shall be given architectural treatment consistent with the front of the center. (Previous condition H.1 of Resolution R-2000-1709, Petition 86-08(E)) (BLDG PERMIT: BLDG- Zoning)
3. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. Previous condition H.2 of Resolution R-2000-1709, Petition 86-08(E) (BLDG PERMIT: BLDG - Zoning)
4. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Type 1 Restaurant on Parcel K shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Condition E1 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

The Developer shall provide discharge control and treatment for the storm water 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 onsite the storm water 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 abuts 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. (ONGOING: ENG-Eng)

Is hereby deleted. - REASON: Drainage is now a code requirement

2. Prior to March 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lantana Road, 54 feet from centerline, plus right-of-way for Jog Road as indicated on Palm Beach County's Project #87-518, Parcel 135, free of all encumbrances and encroachments as shown. 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. Right-of-way

conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previous Condition E.2 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: ENG-Eng)

3. Condition E3 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

The petitioner 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 the additional square footage presently is \$47,375.00 (865 additional trips X \$55.00 per trip). (ONGOING: ENG-Eng)

Is hereby deleted. - REASON: Impact fees are now a code requirement

4. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

Building Permits for more than Phase One which shall consist of 133,487 square feet of retail, a 6,000 square foot tire store and 28,000 square feet of mini warehouse, or a combination of uses which will not exceed 10,381 vehicle trips per day, shall not be issued until construction has been begun for:

- a. Jog Road from Melaleuca Lane to Hypoluxo Road as a 4 lane median divided section plus the appropriate paved tapers. Note: Complete
- b. Lantana Road from Hagen Ranch Road to Military Trail as a 4 lane median divided section plus the appropriate paved tapers. (Previous Condition E.4 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: ENG-Eng) Note: Complete

5. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended prior to building permits Phase 2 as defined above. (Previous Condition E.5 of Resolution R-2000-1709, Petition 86-08(E)). (ONGOING: ENG-Eng)

6. Condition E6 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

The development shall retain onsite 85% of the storm water runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. (ONGOING: ENG-Eng)

Is hereby deleted. - REASON: Drainage is now a code requirement

7. The property owner shall convey for the ultimate right-of-way of:

- a) Lantana Road, 54 feet from centerline, Note: Complete
- b) Jog Road per the existing approved alignment map on file at the office of the county Engineer. Note: Complete

Conveyance must be accepted by Palm Beach County prior to issuance of First Building Permit. Right-of-way to be conveyed prior to March 15, 1986. (Previous Condition E.7 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: ENG-Eng)

8. Condition E8 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

The Developer 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. Presently the Fair Share Fee for this project is \$265,730.00. (IMPACT FEE COORDINATOR/ENG)

Is hereby deleted. - REASON: Impact fees are now a code requirement

9. Condition E9 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$132,865.00 towards Palm Beach County's existing Roadway Improvement Program, (total combined funds of (\$398,595.00). Credit shall be received for the work performed in Condition No. 20, a) and b). Surety required for the Construction Plans and right of way, shall be posted with the office of the County Engineer prior to the issuance of a Building Permit or prior to October 1, 1986 whichever shall first occur. (IMPACT FEE COORDINATOR/ENG)

Is hereby deleted. - REASON: Impact fees are now a code requirement

10. The Developer shall align:

- a) The project's entrance onto Jog Road with Petition # 80-89. Note: Complete
- b) The project's west entrance onto Lantana Road with Petition # 81-186. Note: Complete
- c) The project's east entrance onto Lantana Road with the entrance to Homes at Lee's Crossing (Previous Condition E.10 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: ENG-Eng)

11. The Developer shall construct a left turn lane east approach and a right turn lane south approach on Jog Road at the project's entrance road. (Previous Condition E.11 of Resolution R-2000-1709, Petition 86-08(E)). (ONGOING: ENG-Eng) Note: Complete

12. The Developer shall construct a left turn lane east approach and a right turn lane west approach on Lantana Road at each of the project's entrance Roads on to Lantana Road (Previous Condition E.12 of Resolution R-2000-1709, Petition 86-08(E)). (ONGOING: ENG-Eng) Note: Complete

13. Condition E13 of Resolution R-94-1087, Zoning Petition Number 86-08(D), which currently states: The Developer shall be permitted only two turnouts onto Jog Road per condition No. 15. (Previous Condition E.13 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: ENG-Eng)

Is hereby deleted. – [REASON: Turnouts are now shown on the approved site plan.]

14. Condition E14 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

The Developer shall be permitted only 2 turnouts on Lantana Road per condition No. 17. (ONGOING: ENG-Eng)

Is hereby deleted. – [REASON: Turnouts are now shown on the approved site plan.]

15. a) The Developer shall fund the Construction Plans for Jog Road as a 4 lane median divided section from Lake Worth Road south to a point 250 feet south of the centerline of Melaleuca Lane plus the appropriate tapers. These construction plans shall be per the county Engineers Approval based upon Palm Beach County's minimum construction Plan standards as they presently exist or as they may from time to time be amended. The cost of providing all plans shall be approved by the County Engineers Office. Palm Beach County shall provide these construction plans with all funding provided by the developer. Note: Complete
- b) The Developer shall provide Palm Beach county with all associated right of way Documents, including but not limited to, surveys, property owners' maps, legal descriptions for acquisition, parceled right of way maps, required for the

for the acquisition of right of way for Jog Road from Lake Worth Road to a point 250 feet south of Melaleuca Lane plus the appropriate tapers. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition Section for any and all acquisition costs prior to July 1, 1986; for which this Petitioner shall provide all necessary funds. , Note: Complete

- c) Palm Beach County will then construct Jog Road as a 4 lane median section from Lake Worth Road south to a point 250 feet south of Melaleuca Lane plus the appropriate tapers per the County Engineers approval. Note: Complete

It is the intent that this Construction Contract shall be let during the fiscal year 1987-1988. Any funds which have not been expended for the work performed under condition No. 20 A & B shall be made available to Palm Beach County 30 days after formerly accepting all right of way documents and construction plans, or on July 1, 1987 whichever shall first occur. (Previous Condition E.15 of Resolution R-2000-1709, Petition 86-08(E)). (ONGOING: ENG-Eng)

16. Condition E16 of Resolution R-2000-1709, Petition 86-08(E), which currently states:

If required by the Palm Beach County Engineering Department or the South Florida Water Management District, the developer shall design the drainage system so that storm water runoff from the parking areas which may contain potentially hazardous or undesirable waste from the proposed site. (ONGOING: ENG-Eng)

Is hereby deleted. - REASON: Drainage is now a code requirement

17. Condition E17 of Resolution R-2000-1709, Petition 86-08(E), 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 \$1,581.00 (59 trips x \$26.79 per trip). (IMPACT FEE COORDINATOR)

Is hereby deleted. – [REASON: Impact fees are now a code requirement.]

18. No building permits shall be issued until the contract is let for construction of Jog Road from Hypoluxo Road to Melaleuca Lane to a 6-lane divided cross section. (Previous Condition 2 of Resolution 2000-1710) (BLDG PERMIT: MONITORING – Eng)

ENVIRONMENTAL

1. Condition #B.1. of R-2000-1709, Petition EAC1986-008(E), which currently states:

Reasonable measures shall be employed during site development to ensure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: ERM-ERM)

Is hereby deleted. [Reason: No longer applicable, covered by state regulations]

2. Condition #B.2. of R-2000-1709, Petition EAC1986-008(E), which currently states:

The owner of the facility will participate un an oil recycling program which ensures proper reuse or disposal of waster oil. (ONGOING: ERM-ERM)

Is hereby deleted. [Reason: No longer applicable, covered by state regulations]

3. Condition #B.3. of R-2000-1709, Petition EAC1986-008(E), which currently states:
Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewerage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: ERM-ERM)

Is hereby deleted. [Reason: No longer applicable, covered by state regulations]

4. Condition #B.4. of R-2000-1709, Petition EAC1986-008(E), which currently states:
The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper reuse or disposal of waste oil. (ONGOING: ERM-ERM)

Is hereby deleted. [Reason: No longer applicable, covered by state regulations]

HEALTH

1. Condition Health C.1 of Resolution R-2000-1709, Petition 86-08(E) which currently states:
No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C. (ONGOING: HEALTH -Health)

Is hereby deleted. [REASON: Code requirement].

2. Condition Health C.2 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH -Health)

Is hereby deleted. [REASON: Code requirement].

3. Condition Health C.3 of Resolution 2000-1709, Petition 86-08(E) which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH -Health)

Is hereby deleted. [REASON: Code requirement].

4. Condition Health C.4 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

Generation and disposal of hazardous effluents into sanitary sewerage 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 project tenants or owners generating such effluents. (ONGOING: HEALTH -Health)

Is hereby amended to read:

Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewerage works are provided and used. (ONGOING: CODE ENF - Health)

5. Condition Health C.5 of Resolution 2000-1709, Petition 86-08(E) which currently states:

Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C. (ONGOING: HEALTH - Health)

Is hereby deleted. [REASON: Code requirement].

6. Condition Health 6 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative code. The design and installation plans will be submitted to the Health Department for approval prior to installation. (ONGOING: HEALTH-Health)

Is hereby deleted. [REASON: Not applicable. Not a Health Department requirement].

7. Condition Health C.7 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system. (ONGOING: HEALTH -Health) [erroneously numbered as C.5 under previous condition]

Is hereby deleted. [REASON: No longer applicable. The site is connected to the sewer system].

8. Condition Health C.8 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public sewer system. (ONGOING:CODE ENF – Health) [erroneously numbered as C.6 under previous condition]

Is hereby deleted. [REASON: No longer applicable. The site is connected to a public sewer system].

9. Condition Health C.9 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: CODE ENF – Health) [erroneously numbered as C.8 under previous condition]

Is hereby deleted. [REASON: Code requirement].

ZONING - LANDSCAPING-NORTH PROPERTY LINE OF PARCEL K (FRONTAGE OF LANTANA ROAD)

1. In addition to code requirements, landscaping along the north property line of Parcel K shall be upgraded to include:

- a. No width reduction or easement encroachment shall be permitted.
- b. a minimum one (1) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet.

- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING – LANDSCAPING ALONG EAST PROPERTY LINE OF PARCEL K, ABUTTING RESIDENTIAL

1. In addition to code requirements, landscaping along the east property line of Parcel K shall be upgraded to include one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING – LANDSCAPE – ALTERNATIVE LANDSCAPE PLAN

1. For purposes of meeting foundation planting requirements, the south face of the proposed Parcel K restaurant shall be considered the front. Prior to issuance of the Building Permit for the restaurant, the required foundation plantings on the east and west sides shall be provided, or an Alternative Landscape Plan shall be reviewed and approved by the Landscape Section in accordance with the ULDC. (BLDG: LANDSCAPE - Zoning)

LIGHTING

1. Security lighting along the western property line shall be low intensity, no greater than twelve (12) feet in height and directed away from surrounding residential properties. (Previous condition G.1 of Resolution R-2000-1709, Petition 86-08(E)) (BLDG PERMIT: BLDG -Zoning)
2. Security lighting shall be directed away from nearby residences. (Previous condition G.2 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: CODE ENF -Bldg)

SITE DESIGN

1. Previous condition A.3 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

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

- a. Minimum of two (2) loading berths, (12 feet to 30 feet each) as required for building M (Retail).
- b. Required five car stacking distance for the proposed 4,000 square feet financial institution.
- c. Handicap parking stalls for each use.
- d. A minimum 25 foot wide landscape strip shall be maintained along the eastern property line.
- e. Landscape alternative number 1 shall be provided along the east property line, with 12 foot canopy trees planted 20 feet on center on the outside of the wall. This shall be supplemented with a hedge thirty six inches (36") on center. Additionally, 10 foot tall canopy trees shall be placed 30 feet on center on the inside of the wall.
- f. Self storage facility, on the south, west and north sides shall provide for the supplemental landscape requirements as stated by subsection D.5 A and B of Section 500.38 of the Zoning Code.
- g. The number of storage bays for the self storage facility shall be indicated on the plan.

- h. Parking requirements for the self-storage facility shall meet the minimum requirements of Subsection D.4 of Section 500.38 of the Zoning Code. (DRO: ZONING - Zoning)

Is hereby deleted [REASON: no longer applicable, there is no longer a storage facility]

- 4. Previous condition H.4 of Resolution R-2000-1709, Petition 86-08(E) which currently states:

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

- a) A minimum access dimension of twenty-five feet.
- b) 8-10 feet in height canopy trees planted 30 feet on center along the eastern property line where existing vegetation is not sufficient.
- c) Required and proposed interior landscape calculations. (DRO: ZONING-Zoning)

Is hereby deleted [REASON: superseded by current code]

- 5. Prior to site plan certification, a tree survey shall be submitted indicating the preservation of existing vegetation and the incorporation of said vegetation into the project design including the western portion of the site. Parking spaces in excess of the required minimum shall be utilized to incorporate existing vegetation in the overall design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previous condition H.5 of Resolution R-2000-1709, Petition 86-08(E)) (DRO: LANDSCAPE -Zoning)

- 6. Previous condition H.7 of Resolution R-2000-1709, Petition 86-08(E), which currently states:

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

- a) A five (5) car stacking distance.
- b) The required and/or proposed handicap parking spaces located on the site plan. (DRO: ZONING- Zoning)

Is hereby deleted [REASON: superseded by current code]

- 7. The outdoor seating area of the restaurant on Parcel K shall not be covered with a solid roof. (BLDG. PERMIT:BUILDING-Zoning)

TOWERS

- 1. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations or the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (Previous condition F.1 of Resolution R-2000-1709, Petition 86-08(E). (ONGOING: AIRPORTS-Zoning)
- 2. All accessory electrical equipment shall be screened with a six (6) foot high concrete panel wall. (Previous condition F.2 of Resolution R-2000-1709, Control No. 86-08(E) (BLDG PERMIT: BUILDING-Zoning)
- 3. The communication tower shall be limited to a monopole structure, a maximum of one hundred and fifty (150) feet in height measured from finished grade to highest point. Only one tower shall be permitted on the subject property. (Previous condition F.3 of Resolution R-2000-1709, Petition 86-08(E)) (DRO: ZONING Zoning)

4. Simultaneously with submittal to Site Plan Review Committee, the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower. The calculations and tower location shall be subject to approval by the Planning, Zoning & Building Department. (Previous condition F.5 of Resolution R-2000-1709, Control No. 86-08(E)) (DRO: ZONING - Zoning)
5. The communication tower shall be limited to the following:
 - a. a maximum of twenty-one (21) transmission panels with maximum dimensions of (16" X 48" each);
 - b. a maximum diameter width of the transmission platform shall be twelve (12) feet; and,
 - c. a maximum of four (4) whip antennas. (Previous condition F.6 of Resolution R-2000-1709, Petition 86-08(E)) (BLDG PERMIT: BLDG- Zoning)
6. Should the requisite authority, such as the FCC or OSHA, having jurisdiction over the same, determine that the Tower and/or facilities are dangerous to the public's health, safety and welfare, Palm Beach County shall have the right to require the tower and/or facilities to be removed or made safe within sixty (60) days written notice. (Previous condition F.7 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: HEALTH- Bldg)
7. If tower lighting is required by the FAA, the lighting shall include a screening device to direct light away from the ground. The lighting shall also include a dual lighting system consisting of red lights for nighttime and high or medium intensity flashing white lights for daytime and twilight. (Previous condition F.8 of Resolution R-2000-1709, Petition 86-08(E)) (CO: BLDG - Airports)

UNITY OF CONTROL

1. At the time of Site Plan Review Committee application, the petitioner shall submit two copies of a unity of control. This document shall be approved by the County Attorney prior to site plan approval. (Previous condition J.1 of Resolution R-2000-1709, Petition 86-08(E)) (DRO: ZONING Cty Atty)

USE LIMITATIONS

1. No stock loading or dumpsters pickup will be permitted between the hours of 8:00 PM and 8:00 AM. (Previous condition H.3 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: CODE ENF- Zoning)
2. No outdoor loudspeaker system shall be permitted on site. (Previous condition I.1 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: CODE ENF -Zoning)
3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure. (Previous condition I.2 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: CODE ENF -Zoning)
4. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces and unloading areas. (Previous condition I.3 of Resolution R-2000-1709, Petition 86-08(E)) (ONGOING: CODE ENF -Zoning)
5. Previous condition K.1 of Resolution R-2000-1709, Petition 86-08(E), which currently states:

The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: CODE ENF - Zoning)

Is hereby deleted [REASON: code requirement]

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications.

COMPLIANCE

1. Previous condition L.1 of Resolution R-2000-1709, Petition 86-08(E), which currently states:

In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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)

Is here by amended to read

In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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. Previous condition L.2 of Resolution R-2000-1709, Petition 86-08(E), 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. (ONGOING: MONITORING -Zoning)

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

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

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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