

RESOLUTION NO. R-2008- 0119

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC2007-1619
(CONTROL NUMBER 1995-101)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF PET CALLS ANIMAL HOSPITAL
BY MILLER LAND PLANNING, AGENT
(CHARLESTON 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, as amended, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application DOA/EAC2007-1619 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2008; and

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

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

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

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/EAC2007-1619, the application of Pet Calls Animal Hospital, by Miller Land Planning, agent, for a Development Order Amendment to modify a condition of approval 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 January 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Jeff Koons moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Aye
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 24, 2008.

Filed with the Clerk of the Board of County Commissioners on January 24, 2008.

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

ALL OF CHARLESTON SQUARE SHOPPING CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 80, PAGE 89, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

TRACTS C, D, E, F AND LOTS 31A AND 125A OF CHARLESTON SQUARE SHOPPING CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 80, PAGES 89 THROUGH 91, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

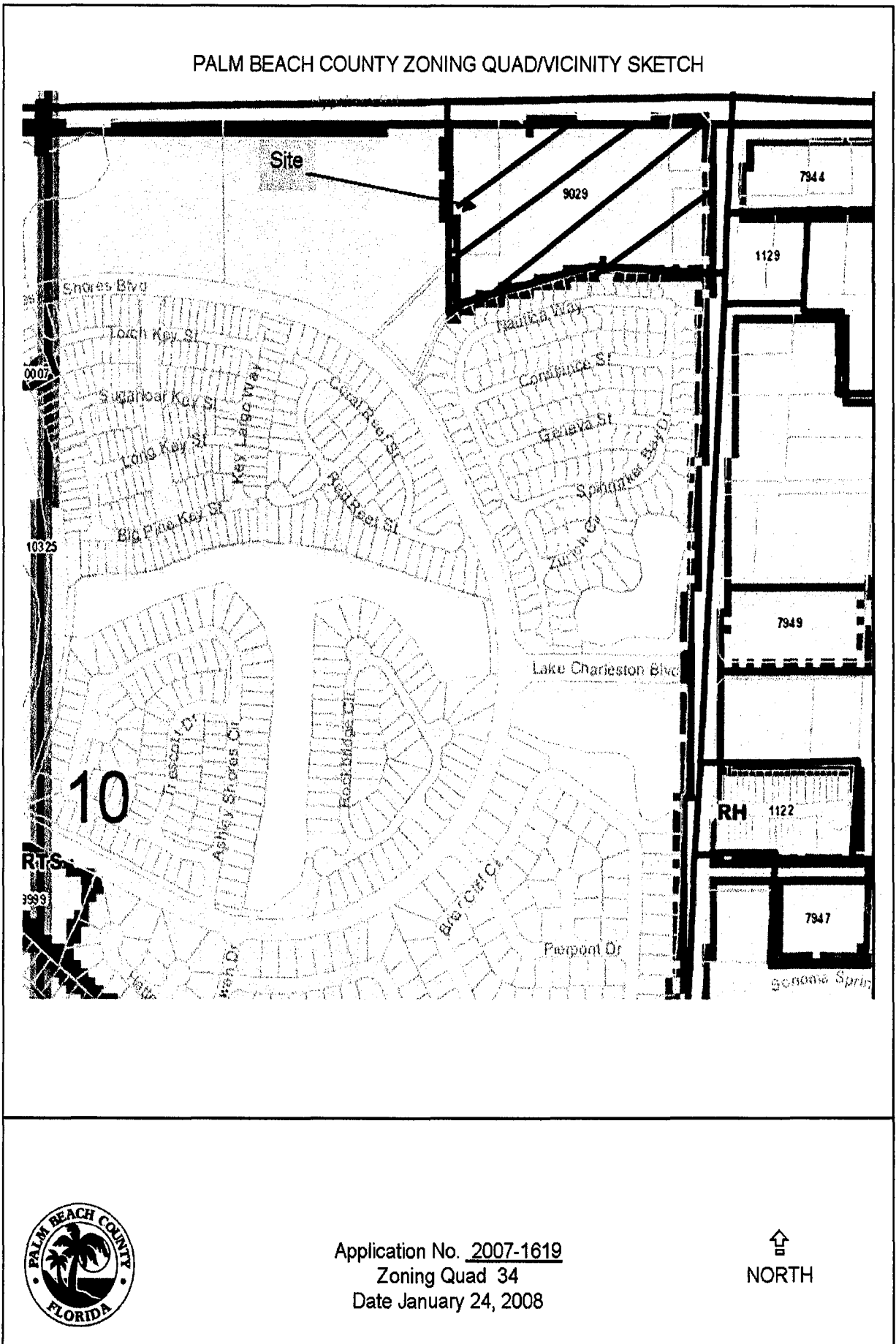


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-98-1504, Control Number 95-101(B), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-865 (Petition 95-101(A)), 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-98-1504, Petition 95-101(B), 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. Condition A.2 of Resolution R-98-1504, Control Number 95-101(B), 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 27, 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)

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners except for permitted uses per the Unified Land Development Code (ULDC). The approved preliminary site plan is dated December 17, 2007. 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)

AUTO SERVICE/GAS SALES

1. The car wash facility shall utilize a 100% water recycling system. (BLDG PERMIT: BLDG) (Previous condition B.1 of Resolution R-98-1504, Petition 95-101(B))
2. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (DRO/ONGOING: ZONING/CODE ENF) (Previous condition B.2 of Resolution R-98-1504, Petition 95-101(B))

HEALTH

1. Previous condition C.1 of Resolution R-98-1504, Petition 95-101(B), which currently states:

Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to

neighboring properties. (ONGOING: HEALTH/ CODE ENF)

Is hereby deleted. [Reason: Addressed in dust control letter.]

2. 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) (Previous condition C.2 of Resolution R-98-1504, Petition 95-101(B)).
3. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF) (Previous condition C.3 of Resolution R-98-1504, Petition 95-101(B))
4. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 10D-104 FAC. (ONGOING: HEALTH/CODE ENF) (Previous condition C.4 of Resolution R-98-1504, Petition 95-101(B)).

LANDSCAPING - STANDARD

1. All trees required to be planted within the perimeter landscape buffers shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 2.75 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.) (CO: LANDSCAPE – Zoning) (Previous condition D.1 of Resolution R-98-1504, Petition 95-101(B))
2. LANDSCAPING - VETERINARY CLINIC EXPANSION

Prior to the issuance of a Certificate of Occupancy for the 2,450 Veterinary Clinic, the property owner shall replace all dead and missing plant materials on the entire subject property. (CO: LANDSCAPE - Zoning)

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 west approach on Hypoluxo Road at the project's main entrance road. 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 r-o-w shall be free of all encumbrances and encroachments and 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) (Previous condition E.1 of Resolution R-98-1504, Petition 95-101(B)) [Note: Database shows this condition as complete.]
2. 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 3200 square feet of gross floor area shall not be issued until construction has begun for Jog Road as a 6 lane facility from Hypoluxo Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [Note: Contract has been let.]

- b) Building Permits for more than 75,000 square feet of gross floor area (excluding the drug store drive thru) shall not be issued until construction has begun for the construction of a right turn lane east approach and a right turn lane west approach on Gateway Boulevard at Military Trail plus the appropriate paved tapers. The square footage listed above may be adjusted by the County Engineer based upon an approved traffic study submitted to and approved by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.2 of Resolution R-98-1504, Petition 95-101(B)) [Note: Database shows condition a and b as complete.]
3. The property owner shall reconstruct the median opening on Hypoluxo Road adjacent to this site to include closing the existing median opening, constructing a new median opening and a left turn lane east approach and a separate right turn lane west approach at the project's middle entrance onto Hypoluxo Road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous condition E.3 of Resolution R-98-1504, Petition 95-101(B)) [Note: Database shows this condition as complete.]
4. Prior to November 23, 1996, the developer shall provide to the County Attorney and the County Engineer a copy of a recorded document of conveyance which shall evidence the transfer of fee simple interest of the property underlying the Project to an individual or entity which is not the "same person" as described in the definition of "Project" in Article 15 of the ULDC. In the event the developer fails to satisfy this condition, a stop work order shall immediately be issued, the traffic capacity reservation evidenced by the Conditional Certificate of Concurrence shall be void until such time as the developer submits an amended traffic impact study, which treats the project and the Lake Charleston PUD as one Project. Thereafter, the Certificate of Occupancy and the Development Order shall be amended to reflect any changes in the conditions required for the project to meet the Traffic Performance Standards in existence at the time of the revised traffic study before the stop work order may be revoked. (DATE: MONITORING - Co Att/Eng) (Previous condition E.4 of Resolution R-98-1504, Petition 95-101(B)) [Note: Database shows this condition as complete.]
5. **LANDSCAPE WITHIN MEDIAN**
- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards, and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material

during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng) (Previous condition E.5 of Resolution R-98-1504, Petition 95-101(B))
6. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule: No building permits for the Veterinary Clinic expansion shall be issued after December 31, 2010. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study, which complies with the mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING – Eng)

LANDSCAPING - INTERIOR

1. Landscape planting areas shall be provided along the front and side facades of the principal retail structure (Parcel 1). The minimum width of the required landscape planting areas shall be five (5) feet with a combined length of no less than 40% of the total length of the applicable side of the structure. A minimum of one (1) tree or palm for every twenty (20) linear feet and appropriate ground cover shall be installed in the planting areas. (CO: LANDSCAPE) (Previous condition F.1 of Resolution R-98-1504, Petition 95-101(B))
2. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided within all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRO / CO: ZONING / LANDSCAPE) (Previous condition F.2 of Resolution R-98-1504, Petition 95-101(B))

LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A six-foot high opaque concrete wall extending from the western corner of the property line to Jog Road. Should the optional access be utilized, the concrete wall will terminate at the access drive and continue along the buffer adjacent to the access drive. The exterior side of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development. (CO: LANDSCAPE - Zoning) (Previous condition G.1 of Resolution R-98-1504, Petition 95-101(B))
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE-Zoning) (Previous condition G.2 of Resolution R-98-1504, Petition 95-101(B))

3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning) (Previous condition G.3 of Resolution R-98-1504, Petition 95-101(B))
4. A three (3) foot high berm shall be located nine (9) feet from the interior side of the landscape buffer. The required concrete wall is to be located on the top of the three (3) foot high berm. (CO: LANDSCAPE - Zoning) (Previous condition G.4 of Resolution R-98-1504, Petition 95-101(B))

LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RIGHT-OF-WAY)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include one (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy or shade tree. (CO: LANDSCAPE) (Previous condition H.1 of Resolution R-98-15004, Petition 95-101(B))

LIGHTING

1. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG-Zoning) (Previous condition I.1 of Resolution R-98-1504, Petition 95-101(B))

PALM TRAN

1. Previous Mass Transit condition J.1 of Resolution R-98-1504, Petition 95-101(B), which currently states:

Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)

Is hereby amended to read:

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval by the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Previous Mass Transit condition J.2 of Resolution R-98-1504, Petition 95-101(B), which currently states:

The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this project's identifiable impacts. This condition shall remain in effect until June 24, 1997. (DATE: MONITORING - Eng)

Is hereby amended to read:

Prior to issuance of a Certificate of Occupancy for the 2,450 square foot Veterinary Clinic, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (CO: BLDG - PalmTran)

MUPD

1. Total gross floor area shall be limited to a maximum of 164,000 square feet. (DRO: ZONING - Zoning) (Previous condition K.1 of Resolution R-98-1504, Petition 95-101(B))

2. Previous condition K.2 of Resolution R-98-1504, Petition 95-101(B), which currently states:

To ensure consistency with the preliminary development plan dated 3/1/96 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRO: ZONING-Zoning)

Is hereby deleted. [Reason: Code requirement.]

3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. (DRO: ZONING-Zoning) (Previous condition K.3 of Resolution R-98-1504, Petition 95-101(B)) [Note: Covenant recorded ORB. 9413 Page 143.]
4. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Executive Director of PZ&B. (DRO: ZONING-Zoning) (Previous condition K.4 of Resolution R-98-1504, Petition 95-101(B)) [Note: Covenant recorded ORB 9413 Page 143.]
5. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (CO: BLDG - Zoning) (Previous condition K.5 of Resolution R-98-1504, Petition 95-101(B))

PARKING

1. All delivery and/or loading areas shall be screened from view from the south property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (CO: BLDG - Zoning) (Previous condition L.1 of Resolution R-98-1504, Petition 95-101(B))
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF) (Previous condition L.2 of Resolution R-98-1504, Petition 95-101(B))

3. Prior to 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 parking areas. (DRO: ZONING - Zoning) (Previous condition L.3 of Resolution R-98-1504, Petition 95-101(B))
4. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be screened from view, shall not be located within fifty (50) feet of the south property line and shall be confined to the areas designated on the certified site plan. (CO: BLDG-Zoning)(Previous condition L.4 of Resolution R-98-1504, Petition 95-101(B))

SIGNS

1. Point of purchase and/or freestanding signs fronting on Hypoluxo Road and Jog Road, excluding out parcels, shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1) per right-of-way;
 - d. Style - monument style only. (CO: BLDG) (Previous condition M.1 of Resolution R-98-1504, Petition 95-101(B))
2. Point of purchase and/or freestanding signs for each out parcel shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - one (1) per out parcel (total of three);
 - d. Style - monument style only. (CO: BLDG-Zoning) (Previous condition M.2 of Resolution R-98-1504, Petition 95-101(B))

USE LIMITATION

1. Previous condition N.1 of Resolution R-98-1504, Petition No. 95-101(B), which currently states:

Prior to final DRC approval, the petitioner shall submit a corrected overall site plan and revise the Concurrency reservation listed under 95-9115005-C to a maximum 164,000 sq. ft. consisting of:

- a. Existing 1,872 sq. ft. Convenience store w/ Gas sales and accessory 648 sq. ft. car wash,
- b. Existing 2,765 sq. ft. Fast-food restaurant,
- c. Main retail building consisting of 86,138 sq. ft. of general retail which includes the 1,400 sq. ft. Veterinary Clinic and the 1,400 sq. ft. Dental Clinic requested uses, two existing accessory Grocery store coolers totaling 1,815 sq. ft. and a future 6,285 sq. ft. grocery store expansion.
- d. The future Self-service storage facility to be located on the western portion of the property shall be limited to a maximum 64,477 sq. ft. consisting of 62,327 sq. ft. storage, a 1,250 sq. ft. Caretakers Quarters and a 900 sq. ft. office. (DRC: BLDG PERMIT/ZONING)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the property owner/applicant shall submit a final site plan reflecting:

- a. Main retail building consisting of 83,688 square feet of general retail, which includes a Dental Clinic and a requested use for a 2,450-square foot Veterinary Clinic, and
 - 1.) Grocery store coolers totaling 1,815 square feet
 - 2.) Future grocery-store expansion 6,285 square foot;
 - b. 1,872 square foot Convenience store w/ Gas sales and accessory 648 square foot car wash;
 - c. 2,765 sq. ft. Fast-food restaurant; and,
 - d. 63,588-square foot Self-service storage facility. The self-storage facility shall be limited to a maximum of 64,477 square feet consisting of: 62,327 square feet of Self-service storage; 1,250 square feet Caretakers Quarters, and, 900 square feet office. (DRO: BLDG PERMIT/ ZONING)
2. Previous condition N.2 of Resolution R-98-865, Petition 95-101(B)), which currently states:
- Overnight boarding of animals shall be limited to hospitalization and associated medical services. (ONGOING: CODE ENF)
- Is hereby amended to read:
- Overnight boarding of animals shall be limited to hospitalization and associated medical services. Outdoor runs are prohibited. (ONGOING: CODE ENF. – Zoning)
3. Open storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF) (Previous condition N.3 of Resolution R-98-1504, Petition 95-101(B))

COMPLIANCE

1. Previous condition O.1 of Resolution R-98-1504, Petition 95-101(B), which currently states:
- 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)
- Is hereby amended to read:
- In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Previous condition O.2 of Resolution R-98-1504, Petition 95-101(B), which currently states:
- 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)

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)