

RESOLUTION NO. R-2008- 0126

RESOLUTION APPROVING ZONING APPLICATION DOA2007-737
(CONTROL NUMBER 1986-008)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF WOOLBRIGHT PINWOOD LLC
BY LAND DESIGN SOUTH, INC., AGENT
(PINWOOD 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 DOA2007-737 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 DOA2007-737, the application of Woolbright Pinewood, LLC, by Land Design South, Inc., agent, for a Development Order Amendment to add square footage and reconfigure the site plan 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 Aaronson 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

LAND DESCRIPTION:

Parcels 1 through 8, inclusive, PINWOOD SQUARE, according to the Plat thereof as recorded in Plat Book 84, Page 129, of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and containing 1,135,247 square feet (26.0617 acres) more or less.

TOGETHER WITH

A parcel of land in Tract 39 of Hiatus, Township 44 1/2 South, Range 42 East, Palm Beach County, Florida, described as follows:

Commencing at the quarter section corner in the south line of Section 34, Township 44 South, Range 42 East, Palm Beach County, Florida; thence S88°32'23"E, along the centerline of Lantana Road and south line of said Section 34, a distance of 196.00 feet; thence S01°27'37"W, a distance of 54.00 feet to the Point of Beginning and intersection with the south right of way line of said Lantana Road, said south right of way line lying 54.00 feet south of and parallel with said south line of Section 34; thence S88°32'23"E, along the south right of way line of said Lantana Road, a distance of 378.50 feet; thence S01°27'37"W, a distance of 165.00 feet to the intersection with a line 165.00 feet southerly of and parallel with the south right of way line of said Lantana Road; thence N88°32'23"W, along said parallel line a distance of 348.37 feet to a non-radial intersection with a curve concave to the northeast having a radius of 1577.02 feet and a tangent bearing of S23°18'47"E, thence northwesterly along the arc of said curve and easterly right of way line of Jog Road through a central angle of 05°09'56", a distance of 142.18 feet to a non-radial intersection; thence N36°39'26"E, a distance of 40.87 feet to the Point of Beginning.

Less and except additional right-of-way for Jog Road as described in Deed recorded in Official Records Book 6334, Page 1216, public records of Palm Beach County, Florida.

57,889 square feet (1.3289 acres) more or less.

TOGETHER WITH

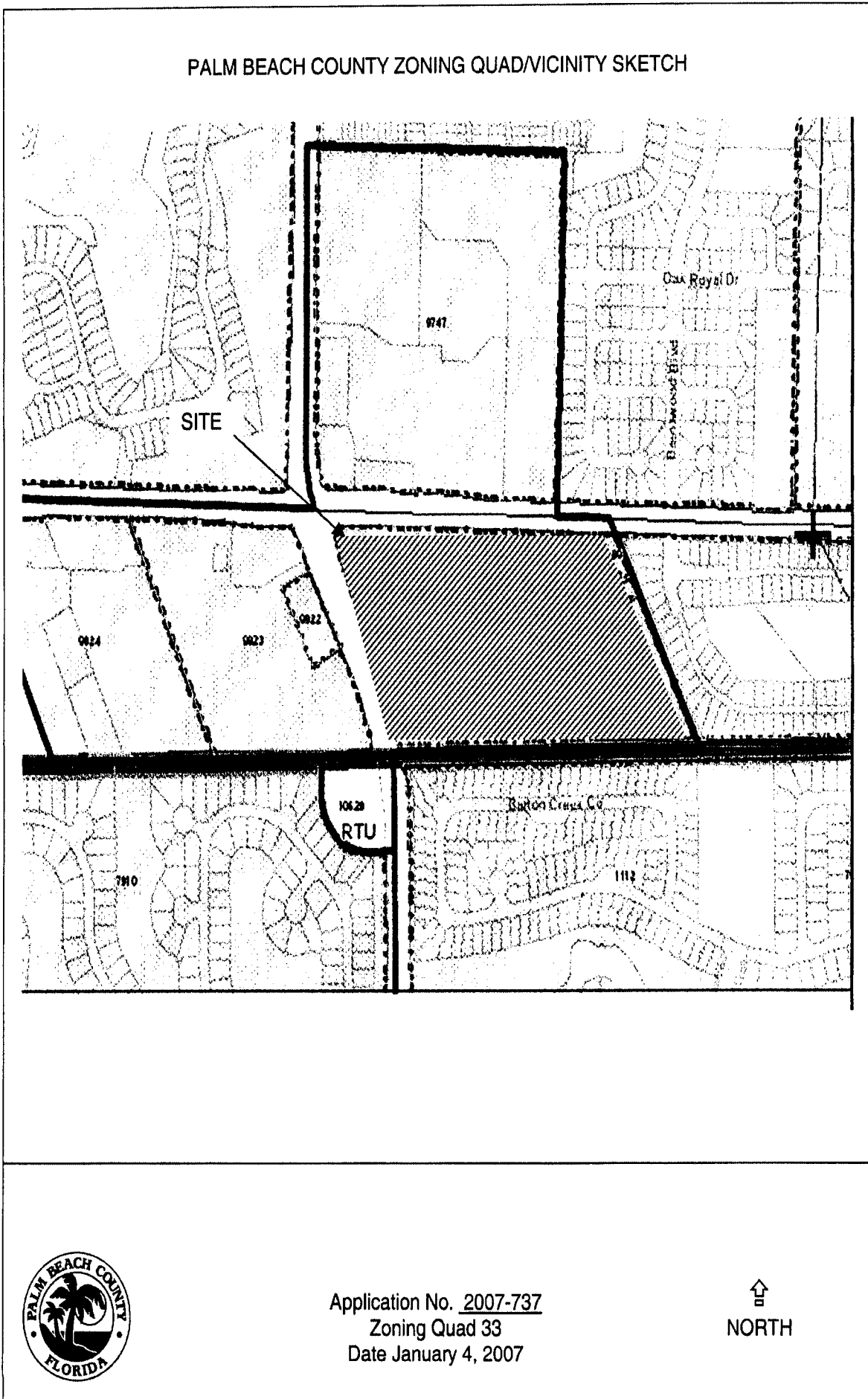
A parcel of land lying within Lot 2, Tract 39, of the "Hiatus" Township 44 1/2 South, Range 42 East, Palm Beach County, Florida according to the original Government Plat of "Hiatus" otherwise known as Township 44 1/2 South, Range 42 East, (between Townships 44 South and 45 South) and being more particularly described as follows:

Commence at the south one-quarter corner of Section 34, Township 44 South, Range 42 East, Palm Beach County, Florida; thence S88°32'23"E, (assumed bearing) along the south line of said Section 34, said south line also being the centerline of Lantana Road, a distance of 869.00 feet; thence S01°27'37"W, at right angles to the previous course, a distance of 54.00, to a point on the southerly right-of-way line of said Lantana Road and the Point of Beginning of the following described parcel; thence continue S01°27'37"W, a distance of 194.90 feet; thence N88°32'23"W, a distance of 223.50 feet; thence N01°27'37"E, a distance of 194.90 feet to a point on said southerly right-of-way line of Lantana Road; thence S88°32'23"E, along said southerly right-of-way line of Lantana Road, a distance of 233.50 feet, to the Point of Beginning.

43,560 square feet (1.0 acres) more or less.

TOTAL AREA 28.3906 ACRES

EXHIBIT B
VICINITY SKETCH



Application No. 2007-737
Zoning Quad 33
Date January 4, 2007



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All Petitions Condition 1 of Resolution R-2006-1190, Control No. 86-08 which currently states:

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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-1190 (Control 1986-008), 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 Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All Petitions Condition 2 of Resolution R-2006-1190, Control No. 86-08 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 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)

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 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-Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final DRO approval of the site plan, the architectural elevations for the proposed retail building shall be submitted simultaneously with the site plan for final architectural review and approval. All future development shall be designed to be consistent with Article 5.C. of the ULDC and the approved DRO site plan. (DRO: ZONING Architecture 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. (BLDG PERMIT: BLDG- Zoning) (Previous Architectural Review Condition 2 of Resolution 2006-1190, Control 1986-008)

3. The six (6) foot high wall shall be given architectural treatment on both sides consistent with the front of the center. (BLDG PERMIT: BLDG - Arch Review) (Previous Architectural Review Condition 1 of Resolution R-2006-1190, Control No. 86-08)
4. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Type I 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) (Previous Architectural Review Condition 4 of Resolution 2006-1190, Control 1986-008)
5. Architectural Review Condition 3 of Resolution 2006-1190, Control 1986-008 which currently states:

All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted [REASON: superseded by current code requirements]

BUILDING AND SITE DESIGN

1. 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. (DRO: LANDSCAPE - Zoning) (Previous Building and Site Design Condition 5 of Resolution 2006-1190, Control 1986-008)
2. The outdoor seating area of the restaurant on Parcel K shall not be covered with a solid roof. (BLDG. PERMIT:BUILDING-Zoning) (Previous Site Design Condition 7 of Resolution 2006-1190, Control 1986-008)

ENGINEERING

1. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 2 of Resolution 2006-1190, Control 1986-008).
2. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 4 of Resolution 2006-1190, Control 1986-008). [Note: Complete]
3. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 5 of Resolution 2006-1190, Control 1986-008). [Note:Complete]
 4. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 7 of Resolution 2006-1190, Control 1986-008)..

5. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 10 of Resolution 2006-1190, Control 1986-008).
6. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 11 of Resolution 2006-1190, Control 1986-008). 008. Note: Complete
7. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 12 of Resolution 2006-1190, Control 1986-008).Note: Complete
8.
 - 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 15 of Resolution 2006-1190, Control 1986-008).

- 9. 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. (ONGOING: ENG- Eng) (Previously Engineering Condition 18 of Resolution 2006-1190, Control 1986-008).
- 10. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
 - a. No Building Permits for the site may be issued after January 1, 2013. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
- 11. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lantana Road 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)
- 12. Construct a right turn lane west approach on Lantana Road at the project's middle entrance. This 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.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

13. Landscape Within the Median of both Lantana Road and Jog Road

- a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road and Jog Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING)
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING)
- e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lantana Road and Jog Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING)

HEALTH

1. 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 sewage works are provided and used. (ONGOING: CODE ENF - Health) (Previous Health Condition 4, of Resolution R-2006-1709, Control 1986-008)

LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING-ALTERNATIVE LANDSCAPE PLAN

2. 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 PERMIT: LANDSCAPE - Zoning) (Previous Landscaping - Alternative Landscape Plan 1 of Resolution 2006-1190, Control 19886-008)

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

3. 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) (Previous Landscape North Property Line of Parcel K 1, of Resolution 2006-1190, Control 1986-008)

LANDSCAPING EAST PROPERTY LINE OF PARCEL K, (ABUTTING RESIDENTIAL)

4. 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) (Previous Landscape East Property Line of Parcel K 1 of Resolution 2006-1190, Control 1986-008)

LANDSCAPING-SOUTH PROPERTY LINE (ABUTTING CANAL)

5. In addition to the existing landscaping, landscaping along the south property line, abutting the canal, shall be upgraded to include:
 - a. a six (6) foot high chain link fence shall be installed along the property line, subject to approval of the easement holder.
 - b. the existing hedge shall be maintained at a minimum six (6) feet in height. (BLDG PERMIT: 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. (BLDG PERMIT: BLDG -Zoning) (Previous Lighting Condition 1 of Resolution 2006-1190, Control 1986-008)
2. Security lighting shall be directed away from nearby residences. (ONGOING: CODE ENF -Bldg) (Previous Lighting Condition 2 of Resolution 2006-1190, Control 1986-008)

SIGNS

1. Prior to the issuance of a building permit, the master sign program shall be amended for the replacement of any ground-mounted signs. Replacement ground-mounted signs shall meet code requirements in effect at the time of building permit. (BLDG. PERMIT: BLDG - 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 Towers Condition 1 of Resolution 2006-1190, Control 1986-008) (ONGOING: AIRPORTS-Zoning)
2. All accessory electrical equipment shall be screened with a six (6) foot high concrete panel wall. (Previous Towers Condition 2 of Resolution 2006-1190, Control 1986-008) (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. (DRO: ZONING - Zoning) (Previous Towers Condition 3 of Resolution 2006-1190, Control 1986-008)
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. (DRO: ZONING - Zoning) (Previous Towers Condition 4 of Resolution 2006-1190, Control 1986-008)
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. (BLDG PERMIT: BLDG-Zoning)(Previous Towers Condition 5 of Resolution 2006-1190, Control 1986-008)
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. (ONGOING: HEALTH- Bldg) (Previous Towers Condition 6 of Resolution 2006-1190, Control 1986-008)
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. (CO: BLDG - Airports) (Previous Towers Condition 7 of Resolution 2006-1190, Control 1986-008)

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 Unity of Control condition 1 of Resolution R-2006-1190, Control 86-08) (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. (ONGOING: CODE ENF- Zoning) (Previous Use Limitations Condition 1 of Resolution 2006-1190, Control 1986-008)

2. No outdoor loudspeaker system shall be permitted on site. (ONGOING: CODE ENF -Zoning) (Previous Use Limitations Condition 2 of Resolution 2006-1190, Control 1986-008)
3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure. (ONGOING: CODE ENF -Zoning)(Previous Use Limitations Condition 3 of Resolution 2006-1190, Control 1986-008)
4. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces and unloading areas. (ONGOING: CODE ENF -Zoning) (Previous Use Limitations Condition 4 of Resolution 2006-1190, Control 1986-008)

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. 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) (Previous Compliance Condition 1 of Resolution 2006-1190, Control 1986-008)
2. Compliance Condition 2 of Resolution R-2006-1190, Control 8196-08, 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 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)

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)