

RESOLUTION NO. R-2011- 0961

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2010-02568
(CONTROL NO. 1995-00106)
a Development Order Amendment
APPLICATION OF West Palm Land Group LLC
BY Land Design South, Inc., AGENT
(The Grove Market)

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

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

WHEREAS, Zoning Application DOA/R-2010-02568 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2011; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.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/R-2010-02568, the petition of West Palm Land Group LLC, by Land Design South, Inc., agent, for a Development Order Amendment (DOA) to reconfigure the site plan and modify uses in the Multiple Use Planned Development (MUPD) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 27, 2011, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Absent
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 27, 2011.

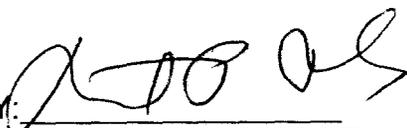
Filed with the Clerk of the Board of County Commissioners on Juen 29th, 2011.

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 R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

GROVE MARKET MUPD

LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF CANAL "M" ROAD (RECORD BOOK 6, PAGE 141) AND THE EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT-WHITNEY ROAD (RECORD BOOK 4, PAGE 40);

THENCE S01'42'54"W ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 3461.15 FEET;

THENCE S88'17'06"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S88'17'06"E A DISTANCE OF 371.55 FEET;

THENCE S43'17'06"E A DISTANCE OF 374.78 FEET;

THENCE S01'42'54"W A DISTANCE OF 477.98 FEET;

THENCE N88'17'06"W A DISTANCE OF 556.56 FEET;

THENCE N43'17'20"W A DISTANCE OF 113.13 FEET TO A POINT WHICH IS 10.00 FEET EAST OF THE SEMINOLE PRATT-WHITNEY ROAD RIGHT-OF-WAY;

THENCE N01'42'54"E ALONG A LINE PARALLEL WITH AND 10.00 FET EAST OF SAID RIGHT-OF-WAY, 663.00 FEET TO THE POINT OF BEGINNING;

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING 9.98 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

N.T.S.

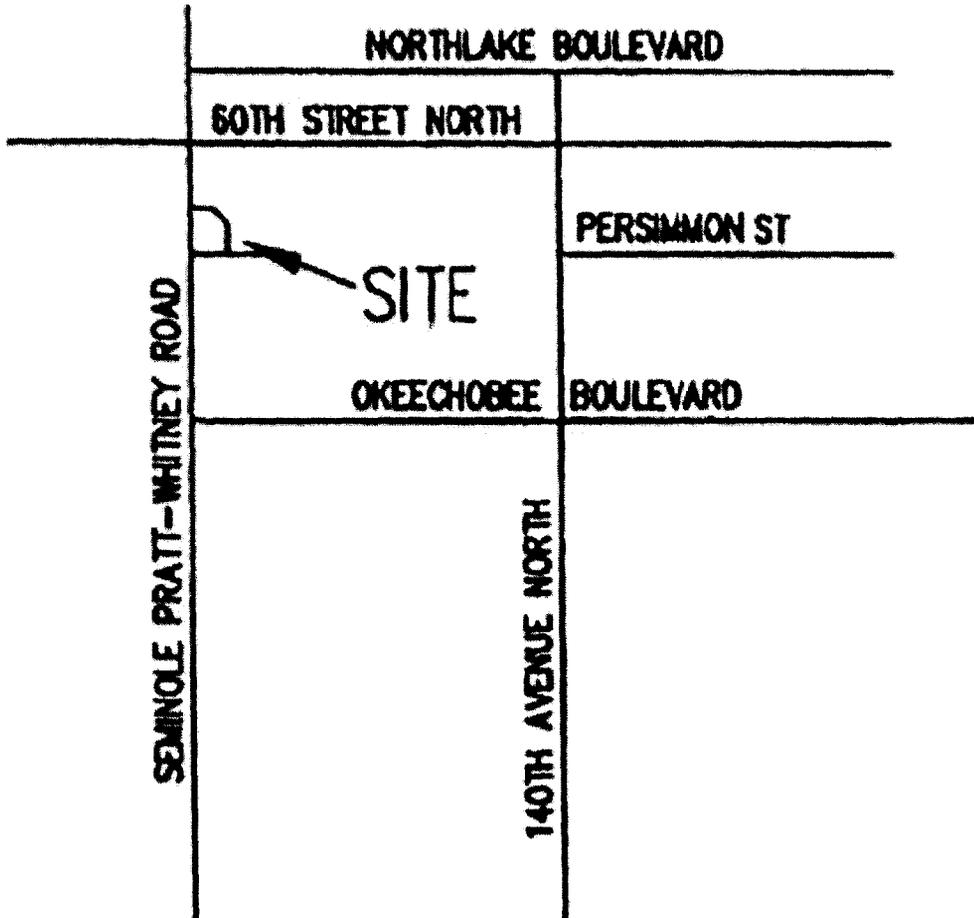


EXHIBIT C-1

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-1998-1794, Control No. 95-106, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1355 (Control No. 95-106) and R-97-523 (Control No. 95-106(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:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1355 (Control No. 95-106) and R-97-523 (Control No. 95-106(A)), R-1998-1794, (Control No. 95-106(B)), 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)

2. Condition A.2 of Resolution R-1998-1794, Control No. 95-106, 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 September 8, 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:

The approved Preliminary Site Plan is dated April 18, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. All buildings and structures shall be designed and constructed to be consistent with the Regulating Plan elevations, dated May 29, 1996, prepared by Kenneth R. Carlson. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1 of Resolution R-98-1794, Control No. 95-106)

2. Similar architectural character and treatment, such as color, material and roof treatment, shall be provided on all sides of the buildings (i.e. excluding canopies and awnings in the rear). (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.2 of Resolution R-1998-1794, Control No. 95-106)

3. The architectural design of the buildings shall include the items specified below.

a. All structures shall be consistent in the use of common elements such as colors, architectural details and landscape materials.

b. All mechanical and electrical equipment shall be screened from view so as not to be visible from any property line.

c. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture.

d. Roof and/or trim color shall be coordinated with base colors. Gutters and down spouts shall be integrated into the architectural design of the building. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.3 of Resolution R-1998-1794, Control No. 95-106)

DRO-DUMPSTERS AND TRASH COMPACTORS

1.Previous Condition D.1 of Resolution R-98-1794, Control No. 95-106, which currently states:

All dumpsters and trash compactors shall be located a minimum of twenty-five (25) feet from all property lines and confined to the areas designated on the site plan. (ONGOING: ZONING / CODE ENF)

Is hereby deleted [REASON: Code Requirement, pursuant to ULDC Article 5.B.1.A.8, Dumpsters]

2.Previous Condition D.2 of Resolution R-98-1794, Control No. 95-106, which currently states:

All dumpsters and trash compactors, shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the adjacent building's architecture. (CO: BLDG - Zoning)

Is hereby deleted [REASON: Code Requirement, pursuant to ULDC Article 5.B.1.A.8, Dumpsters]

3.Previous Condition D.3 of Resolution R-98-1794, Control No. 95-106, which currently states:

The required screening for dumpsters and trash compactors shall be a minimum six (6) foot high opaque enclosure. The height of the enclosure shall be measured from the elevation of the asphalt adjacent to and outside the enclosed area. (CO: BLDG - Zoning)

Is hereby deleted [REASON: Code Requirement, pursuant to ULDC Article 5.B.1.A.8, Dumpsters]

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 on Seminole Pratt Whitney 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 (on an alignment approved by the County Engineer) or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E1 of Resolution R-1998-1794, Control No. 1995-106) [Note: COMPLETED]

2.The property owner shall convey to the Palm Beach County Land Development Division by road right-of-way warranty deed:

- a. Seminole Pratt Whitney Road, 60 feet from centerline; and
- b. Persimmon Street, 80 feet south of this projects south property line.

This additional right of way shall be conveyed on or before December 1, 1997 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E2 of Resolution R-1998-1794, Control No. 1995-106) [Note: COMPLETED]

3. The Property owner shall construct:

- a. Persimmon Street from Seminole Pratt Whitney Road east to the project's west property line. Construction shall be to collector street standard minimum 3 - 12 foot travel lanes. This will provide for a left turn lane east approach on Persimmon Street at Seminole Pratt Whitney Road, and a left turn lane at the project main entrance. The Developer shall also provide adjacent to this commercial site a stormwater management tract for the stormwater runoff of Persimmon Street. The amount of runoff required to be stored in this tract shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements.
- b. left turn lane north approach on Seminole Pratt Whitney Road at the each of the projects entrance roads; and
- c. right turn lane south approach on Seminole Pratt Whitney Road at the projects main entrance road.
- d. separate left and right turn lanes east approach at the projects main entrance road exiting onto Seminole Pratt Whitney Road and Persimmon Street.

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. 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 E3 of Resolution R-1998-1794, Control No. 1995-106)

[Note: COMPLETED]

4. Previous Condition E4 of Resolution R-1998-1794, Control No. 1995-106, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No building permits for the site may be issued after January 1, 1999. A time extension for this condition may be approved by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

Is hereby amended to read:

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 December 31, 2015. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

b. No Building Permits shall be issued until either:

- i) a contract has been awarded for the construction of Seminole Pratt Whitney Road as a 4 lane facility from 60th Street to Orange Blvd. plus the appropriate paved tapers, or
- ii) the Property Owner enters into a Proportionate Fair Share Agreement with Palm Beach County and makes the required contribution specified in that agreement to mitigate their

impacts to Seminole Pratt Whitney Road, or

iii) The Property Owner makes a cash payment to Palm Beach County pursuant to Article 12.B.2.F.1 in an amount determined by the County Engineer as sufficient to construct an exclusive west approach right turn lane, an exclusive south approach left turn lane, and a span wire traffic signal at the 60th Street/Seminole Pratt Whitney intersection. The cost estimate shall include but not be limited to design, utility relocations, acquisition of any additional required right-of-way, and CEI services. (BLDG PERMIT: MONITORING-Eng)

HEALTH

1. Previous condition F.1 of Resolution R-98-1794; Control 95-106A which states:

An engineering report properly addressing the removal and disposal of the asbestos cement piping identified in the Environmental Site Assessment Report dated April 17, 1996, is required. The report shall be submitted to PBCPHU prior to final site plan approval. (DRC: HEALTH)

Is hereby deleted – [REASON: Code Requirement]

2. Previous condition F.2 of Resolution R-98-1794; Control 95-106a which currently states:

Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16, FAC (ONGOING: HEALTH/CODE ENF Health)

Is hereby deleted – [REASON: Code Requirement]

3. Previous condition F.3 of Resolution R-98-1794; Control 95-106A which currently states:

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)

Is hereby deleted – [REASON: Code Requirement]

LANDSCAPE - GENERAL

1. All shade and canopy trees required to be planted on site by the conditions of approval shall meet the following minimum standards at time of installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and
- 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 G.1 Condition of Resolution R-98-1794, Control No. 95-106)

2. All palms required to be planted on site by the conditions of approval shall be native species and meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet grey wood;
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts. (CO: LANDSCAPE - Zoning) (Previous G.2 Condition of Resolution R-98-1794, Control No. 95-106)

3. All perimeter buffers shall be completed prior to the issuance of the first certificate of occupancy for the shopping center. (CO: LANDSCAPE - Zoning) (Previous G.3 Condition of Resolution R-98-1794, Control No. 95-106)

LANDSCAPE - GENERAL-LANDSCAPING ALONG WEST AND SOUTH PROPERTY LINES (SEMINOLE PRATT-WHITNEY ROAD AND PERSIMMON STREET)

4. Landscaping and buffering along the west and south property lines shall be upgraded

to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. An undulating berm having an average height of 2.5 feet measured from the top of curb. At no time shall the berm be less than two (2) feet in height;
- c. One (1) tree for each twenty (20) linear feet of frontage property line with a maximum spacing of thirty (30) feet on center. A minimum of 50% of the required trees shall be shade or canopy trees;
- d. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet; and
- e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO / ONGOING: LANDSCAPE - Zoning) (Previous H.1 Condition of Resolution R-98-1794, Control No. 95-106)

LANDSCAPE - GENERAL-LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES

5. Landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. Continuous two (2) foot high berm with the height of berm measured from the top of curb; and
- c. A six (6) foot high green vinyl coated chain link fence on the plateau of the berm. (CO: LANDSCAPE - Zoning) (Previous I.1 Condition of Resolution R-98-1794, Control No. 95-106)

LANDSCAPE - GENERAL

6. The following landscape requirements shall be installed alternating on the interior and exterior side of the required fence:

- a. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center; and
- b. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE - Zoning) (Previous I.2 Condition of Resolution R-98-1794, Control No. 95-106)

7. Along the exterior side of the required fence the property owner shall install on the plateau of the berm twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation. This shrub or hedge material shall be maintained at a minimum height of sixty (60) inches. (CO/ ONGOING: LANDSCAPE - Zoning) (Previous I.3 Condition of Resolution R-98-1794, Control No. 95-106)

LANDSCAPE - INTERIOR

8. Landscaping shall be provided along the west and southwest facades of the principal structure and meet the following minimum standards:

- a. The minimum width of this foundation planting shall be ten (10) feet;
- b. The petitioner shall install one tree for each thirty (30) linear feet of adjacent building facade with a maximum spacing of forty (40) feet on center;
- c. The petitioner shall install one palm for each twenty (20) linear feet of adjacent building facade with a maximum spacing of one hundred (100) feet between clusters; and
- d. The petitioner shall provide appropriate ground cover and shrub material in the foundation planting areas. (CO: LANDSCAPE - Zoning) (Previous J.1 Condition of Resolution R-98-1794, Control No. 95-106)

9. Foundation plantings shall be provided along the unroofed front and side facades of all structures. The minimum width of this foundation planting shall be five (5) feet. The combined length of the landscape area shall be no less than 40% of the total length of the applicable side of the structure. All foundation landscape areas plantings shall be planted

with a minimum of one (1) tree every twenty (20) feet on center and appropriate ground cover. (CO: LANDSCAPE - Zoning) (Previous J.2 Condition of Resolution R-98-1794, Control No. 95-106)

10. Landscaped divider medians shall be provided between all rows of abutting parking and meet the following minimum standards:

a. The minimum width of divider medians shall be ten (10) feet. The ten feet may be reduced to five feet if the divider median is in excess of the interior landscape requirements;

b. One evergreen canopy tree and appropriate ground cover shall be planted for each twenty (25) linear feet of the divider median, with a maximum tree spacing of forty (40) feet on center; and

c. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE - Zoning) (Previous J.3 Condition of Resolution R-98-1794, Control No. 95-106)

11. One evergreen canopy tree and appropriate ground cover shall be planted in each interior parking island. (CO: LANDSCAPE - Zoning) (Previous J.4 Condition of Resolution R-98-1794, Control No. 95-106)

12. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be required in the center of all ingress or egress driveways if over thirty (30) feet in width. The minimum width of these entry medians shall be six (6) feet with a minimum landscape area width of five (5) feet. The minimum length of these entry medians shall be twenty five (25) feet. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (CO: LANDSCAPE - Zoning) (Previous J.5 Condition of Resolution R-98-1794, Control No. 95-106)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. Low intensity back lighted or interior lighted signs may be permitted. (ONGOING: BLDG / CODE ENF - Zoning) (Previous K.1 Condition of Resolution R-98-1794, Control No. 95-106)

2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous K.2 Condition of Resolution R-98-1794, Control No. 95-106)

PARKING

1. Previous N.1 Condition of Resolution R-98-1794, Control No. 95-106 which currently states:

A maximum of 448 parking spaces shall be allowed on site. (DRO: ZONING Zoning)

Is hereby deleted: [REASON: Code Requirement - Pursuant to ULDC Article 3.E., Planned Development District]

2. Delivery and loading areas for the principal structure shall be located in the rear of the building. Screening shall consist of a grade-level loading dock platform with a sixty (60) foot long eight (8) foot high screen wall. The loading dock platform and screen wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning) (Previous Condition N.2 of Resolution R-98-1794, Control No. 95-106)

3. Parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF Zoning) (Previous Condition N.3 of Resolution R-98-1794, Control No. 95-106)

4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on

site, except for within designated loading areas in the rear of the principal structure. (ONGOING: CODE ENF Zoning) (Previous Condition N.4 of Resolution R-98-1794, Control No. 95-106)

5.Storage or parking of delivery vehicles or trucks shall not be permitted within fifty (50) feet of the north and east property lines. (ONGOING: CODE ENF - Zoning) (Previous Condition N.5 of Resolution R-98-1794, Control No. 95-106)

6.Prior to final DRC certification, the site plan shall be amended to include effective screening of all loading areas from adjacent rights-of-way and perimeter property lines. (DRO: ZONING Zoning) (Previous Condition N.6 of Resolution R-98-1794, Control No. 95-106)

7.The parking aisle located on the west side of the Persimmon Street turnout shall be closed. Appropriate exit signs shall be provided to direct traffic to the shopping center's main drive. (DRO: BLDG - Zoning) (Previous Condition N.7 of Resolution R-98-1794, Control No. 95-106)

8.Prior to site plan certification by the final Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (DRO: ZONING Zoning) (Previous Condition N.8 of Resolution R-98-1794, Control No. 95-106)

PLANNED DEVELOPMENT-MUPD

1.Previous M.1 Condition of Resolution R-98-1794, Control No. 95-1061 which currently states:

Total gross floor area shall be limited to a maximum of 89,557 square feet. (DRO/BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. [REASON: Replaced by All Petition Condition 2)

2.Previous M.2 Condition of Resolution R-98-1794, Control No. 95-106 which currently states:

To ensure consistency with the site plan dated August 13, 1996 presented to the Board of County Commissioners, no more than fifteen (15) percent of the total approved square footage shall be administratively relocated. (DRO: ZONING Zoning)

Is hereby deleted - [REASON: Code requirement - Pursuant to the Unified Land Development Code, Article 2.D.1.G.1, Admendments to BCC/ZC Approvals]

3.Prior to final 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 buildings, elevations and signage for the entire property. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Att) (Previous M.3 Condition of Resolution R-98-1794, Control No. 95-106)

4.Prior to final certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Att) (Previous M.4 Condition of Resolution R-98-1794, Control No. 95-106)

PLANNING

1.The property shall be subject to the restrictive covenant as recorded in the Palm

Beach County Public Records for said property, ORB 9422 pg. 63 and ORB 9484 pg. 154-157, and conditions of approval as outlined in Palm Beach County case number SCA 96-S3/SCA 40 COM 1. (Previous Condition PLANNING O.1 of Resolution R-1998-1794, Control 1995-106) (ONGOING:PLANNING-Planning)

2. At such a time a development proposal along the southern boundaries of the subject site or substantial alterations to the overall site plan occurs, then all of the Rural Parkway requirements for the Southern Boundaries of this site shall be required to be implemented. (ONGOING-PLANNING-Planning)

SIGNS

1. Previous Condition P.1 of Resolution R-98-1794, Control No. 95-106 which currently states:

The main freestanding shopping center sign on Seminole Pratt-Whitney Road shall be limited as follows:

- a. Maximum sign height, measured from top of curb to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 150 square feet;
- c. Maximum number of signs - one (1);
- d. Style - monument style only; and
- f. Location - maximum fifteen (15) feet from edge of pavement. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The main Ground Mounted Freestanding sign for the shopping center on Seminole Pratt-Whitney Road shall be limited as follows:

- a. Maximum sign height, measured from top of curb to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 150 square feet;
- c. Maximum number of signs - one (1);
- d. Style - monument style only; and
- f. Location - maximum fifteen (15) feet from edge of pavement. (BLDG PERMIT: BLDG - Zoning)

2. Previous Condition P.2 of Resolution R-98-1794, Control No. 95-106 which currently states:

Point of purchase and/or freestanding signs for the two outparcels on Seminole Pratt-Whitney Road shall be limited as follows:

- a. Maximum sign height, measured from top of curb to highest point - ten (10) feet;
- b. Maximum sign face area per side - 90 square feet;
- c. Maximum number of signs - one (1) each;
- d. Style - monument style only; and
- f. Location - maximum fifty (50) feet from outparcel building. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Ground Mounted Outparcel Identification signs fronting on Seminole Pratt Whitney Road shall comply with the Unified Land Development Code (ULDC) Article 8.2.G.B. (BLDG PERMIT: BLDG - Zoning)

3. Proposed signage on Persimmon Street shall be limited as follows:

- a. Maximum sign height, measured from top of curb to highest point - eight (8) feet;
- b. Maximum sign face area per side - 60 square feet;
- c. Maximum number of signs - one (1);
- d. Style - monument style only; and

e. Location - maximum fifteen (15) feet from edge of pavement. (BLDG PERMIT: BLDG - Zoning) (Previous Condition P.3 of Resolution R-98-1794, Control No. 95-106)

SITE DESIGN

1.Total gross floor area shall be limited to a maximum of 89,557 square feet. The gross floor area of any individual tenant shall be limited to a maximum of 62,000 square feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.1 of Resolution R-98-1794, Control No. 95-106)

2.A maximum of three (3) separate free standing buildings shall be permitted on-site. A maximum of one (1) out-parcel may have vehicular circulation on all four (4) sides (ONGOING: BLDG - Zoning) (Previous Condition C.2 of Resolution R-98-1794, Control No. 95-106)

3.The petitioner shall vary the front facade of all structures a minimum depth of ten (10) feet per maximum distance of three hundred (300) linear feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.3 of Resolution R-98-1794, Control No. 95-106)

4.Prior to final Development Review Committee (DRC) certification, the petitioner shall obtain removal agreements for improvements within proposed utility easements along the property lines. ((DRO: ZONING Zoning) (Previous Condition C.4 of Resolution R-98-1794, Control No. 95-106)

USE LIMITATIONS-REQUESTED USE - MEDICAL OFFICE

1.The commercial center shall be limited to a maximum of 4,000 square feet for the medical offices. (DRO: ZONING Zoning) (Previous Condition Q.1 of Resolution R-98-1794, Control No. 95-106)

USE LIMITATIONS-REQUESTED USE - VETERINARY CLINIC

2.The commercial center shall be limited to a maximum of 1,200 square feet for the veterinary clinic. (DRO: ZONING Zoning)

a. Overnight boarding of animals shall be limited to hospitalization and associated medical services. (ONGOING: CODE ENF) (Previous Condition Q.2 of Resolution R-98-1794, Control No. 95-106)

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)

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

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); 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 Unified Land Development Code (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. (ONGOING: MONITORING - Zoning)