

RESOLUTION NO. R-2012- 0605

RESOLUTION APPROVING ZONING APPLICATION EAC-2011-02912
(CONTROL NO. 2003-00098)

an Expedited Application Consideration
APPLICATION OF Robert Malt
BY Land Research Management, Inc., AGENT
(Orleans Court Industrial)

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 EAC-2011-02912 was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2012; 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 an Expedited Application Consideration.

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 EAC-2011-02912, the petition of Robert Malt, by Land Research Management, Inc., agent, for an Expedited Application Consideration to delete a Condition of Approval (Landscaping) in the Light Industrial with a Conditional Overlay Zone (IL/COZ) 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 April 26, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair

- Aye

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 26, 2012.

Filed with the Clerk of the Board of County Commissioners on May 4th, 2012.


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

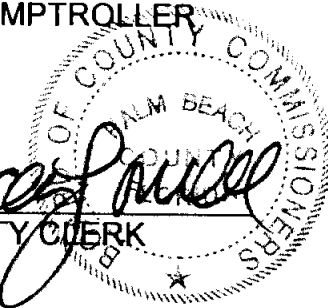


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: PARCEL B

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE **REPLAT OF WESTOVER**, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS CONVEYED TO THE STATE OF FLORIDA, AS RECORDED IN OFFICIAL RECORD BOOK 664, PAGE 360, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING A LINE 53 FEET WEST OF AND PARALLEL WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 36, AND THE NORTH LINE OF ORLEANS COURT, FORMERLY KNOWN AS HAZARD STREET, A RIGHT-OF-WAY 60 FEET IN WIDTH, AS SHOWN ON THE PLAT OF **WESTOVER**, AS RECORDED IN PLAT BOOK 4, AT PAGE 2, OF THE AFORESAID PUBLIC RECORDS, SAID INTERSECTION BEING THE SOUTHEAST CORNER OF THE CLEAR SIGHT CORNER IN OFFICIAL RECORD BOOK 9909, PAGE 33 OF SAID PUBLIC RECORDS; THENCE NORTH 88°36'23" WEST ALONG SAID NORTH LINE OF ORLEANS COURT, A DISTANCE OF 400.52 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 88°36'23" WEST ALONG SAID NORTH LINE OF ORLEANS COURT, A DISTANCE OF 247.06 FEET TO THE SOUTHERLY PROLONGATION OF THE EAST LINE OF FOREST GLEN, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 40, PAGE 85 OF THE AFORESAID PUBLIC RECORDS; THENCE NORTH 01°28'27" EAST, ALONG SAID EAST LINE OF FOREST GLEN AND ITS SOUTHERLY PROLONGATION, A DISTANCE OF 253.94 FEET TO THE NORTHEAST CORNER OF SAID FOREST GLEN AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EVANS LANE (FORMERLY KNOWN AS GREEN STREET); THENCE SOUTH 88°34'43" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 297.00 FEET TO A LINE 12.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF LOT 156 OF SAID PLAT OF **WESTOVER**; THENCE SOUTH 01°28'27" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 126.90 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOTS 156 AND 157 OF SAID PLAT OF **WESTOVER**; THENCE NORTH 88°35'33" WEST, ALONG SAID SOUTH LINE OF LOTS 156 AND 157 AND ITS EASTERLY PROLONGATION, A DISTANCE OF 49.94 FEET; THENCE SOUTH 01°28'29" WEST A DISTANCE OF 126.91 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 69061 SQUARE FEET OR 1.58542 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

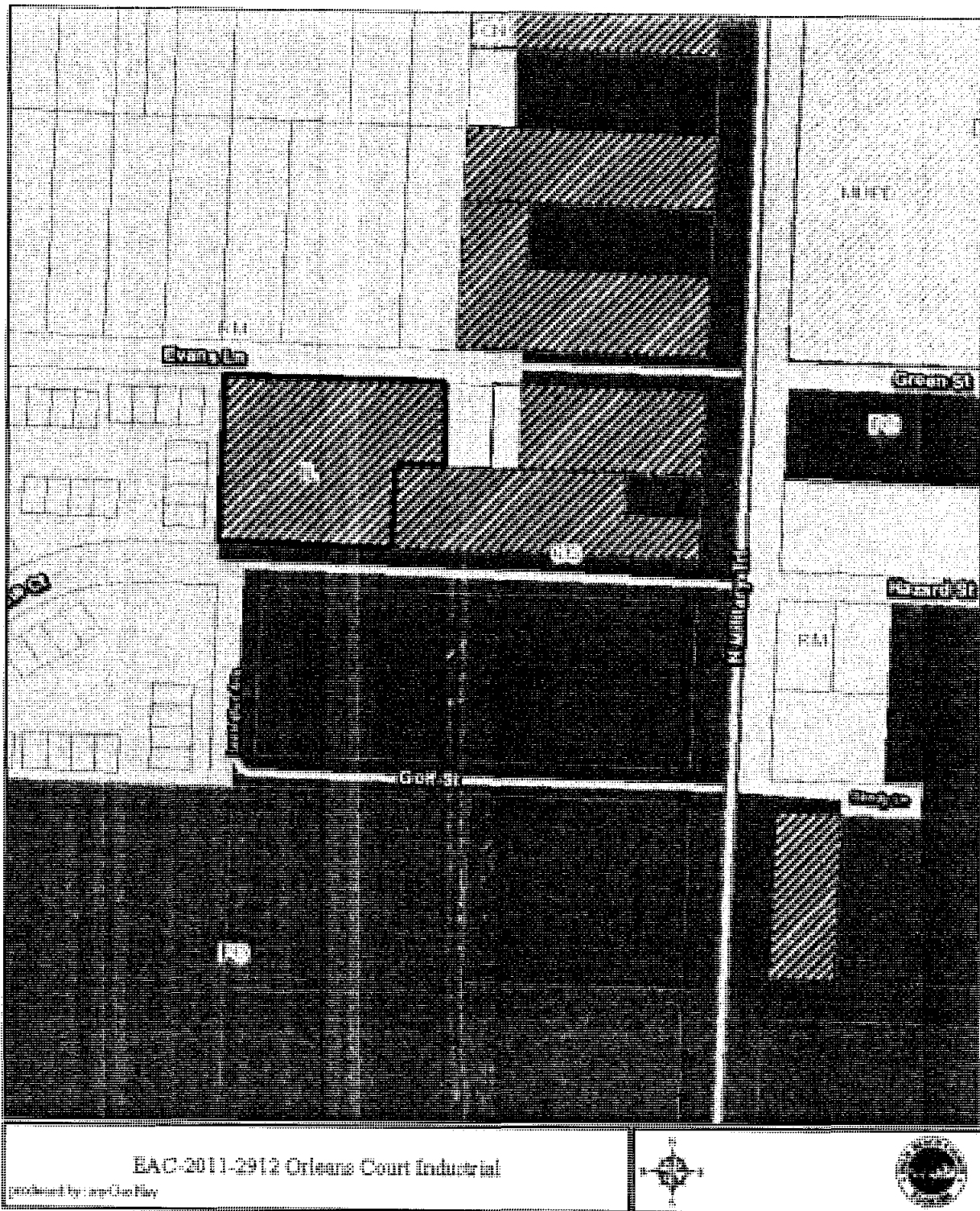


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2004-2274 (Control 2003-098), 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. Condition ALL PETITIONS 1 of Resolution R-2004-2274, Control 2003-098 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 24, 2004. 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:

The approved Preliminary Site Plan is dated March 15, 2012. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ACCESS

1. Vehicular access shall be prohibited from Evans Lane (f.k.a. Green Street). (DRO/ONGOING: ZONING/CODE ENF - Zoning) (Previous Condition ACCESS 1 of Resolution R-2004-2274, Control 2003-098)

ARCHITECTURAL REVIEW

1. Condition ARCH REVIEW 1 of Resolution R-2004-2274, Control 2003-098 which currently states:

At time of submittal for final DRO approval, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sections 6.6.C., 6.6.E. and 6.7.E.8.j. of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ARCH REVIEW - Zoning)

Is hereby amended to read:

At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations, the DRO approved Final Site Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2.The maximum height for all buildings shall be thirty-five (35) feet including air conditioning, mechanical equipment, satellite dishes and architectural features. All heights shall be measured from finished grade to highest point. (DRO/BLDG PERMIT: ZONING/BLDG - Zoning) (Previous Condition ARCH REVIEW 2 of Resolution R-2004-2274, Control 2003-098)

3.All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier that is consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDG PERMIT/CO: ARCH REVIEW/LANDSCAPE - Zoning) (Previous Condition ARCH REVIEW 3 of Resolution R-2004-2274, Control 2003-098)

4.Design of gutters and downspouts shall be integrated into the architectural design of the buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (BLDG PERMIT: ARCH REVIEW - Zoning) (Previous Condition ARCH REVIEW 4 of Resolution R-2004-2274, Control 2003-098)

ENGINEERING

1.Previous Condition ENGINEERING 1 of Resolution R-2004-2274, Control 2003-098, which currently states:

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 October 28, 2007. 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)

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, 2012. 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)

2.Prior to issuance of a Building Permit, the property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng) (Previous Condition ENGINEERING 2 of Resolution R-2004-2274, Control 2003-098)

3.Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by plat or road right-of-way warranty deed for Orleans Court an additional 4 feet of right of way for that portion of the existing side walk encroachment adjacent to the site. This additional right of way shall be free of all encumbrances and encroachments. The 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition ENGINEERING 3 of Resolution R-2004-2274, Control 2003-098)

4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING- Eng) (Previous Condition ENGINEERING 4 of Resolution R-2004-2274, Control 2003-098)

HEALTH

1. The property owners or operators of the 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: HEALTH/CODE ENF - Health) (Previous Condition HEALTH 1 of Resolution R-2004-2274, Control 2003-098)

LANDSCAPE - GENERAL-STANDARD

1. A minimum of fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Tree diameter: Three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE STANDARD 1 of Resolution R-2004-2274, Control 2003-098)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE STANDARD 2, of Resolution R-2004-2274, Control 2003-098)

3. All shrub and/or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches - large shrub; and,

This condition does not apply to five (5) foot wide compatibility buffers or where a single row of shrub or hedge is required on one or both sides of a wall. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Conditions LANDSCAPE STANDARD 3 of Resolution R-2004-2274, Control 2003-098)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE STANDARD 4 of Resolution R-2004-2274, Control 2003-098)

5. A group of three (3) or more palm trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE STANDARD 5 of Resolution R-2004-2274, Control 2003-098)

6. All canopy trees to be planted within an overhead utilities easement shall be consistent with FP&L's tree list as suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE STANDARD 6 of Resolution R-2004-2274, Control 2003-098)

7. Field adjustment of berm and plant material location may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easement crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE STANDARD 7 of Resolution R-2004-2274, Control 2003-098)

8. Berm height shall be measured from the nearest top of the curb, the crown of the nearest road, or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE STANDARD 8 of Resolution R-2004-2274, Control 2003-098)

LANDSCAPE – INTERIOR

9. Foundation planting or grade level planters shall be provided as follows:

- a. along the north, south and east facades of building A;
- b. along the north, south and west facades of building B;
- c. the minimum width of the required landscape areas shall be five (5) feet along the east facade of building A and the south and west facades of building B;
- d. the minimum width of the required landscape areas shall be eight (8) feet along the north and south facades of building A and the north facade of building B;
- e. the length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each applicable building facade; and,
- f. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO/BLDG PERMIT: ZONING/LANDSCAPE - Zoning) (Previous Condition LANDSCAPE INTERIOR 1 of Resolution R-2004-2274, Control 2003-098)

10. Landscaping for terminal and interior landscape islands in the parking area shall consist of the following:

- a. a minimum of one (1) canopy tree;
- b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty-six (36) inches; and;
- c. appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE INTERIOR 2 of Resolution R-2004-2274, Control 2003-098)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST 247.06 FEET OF THE SOUTH PROPERTY LINE (FRONTAGE OF ORLEANS COURT)

11. Landscaping and buffering along the west 247.06 feet of the south property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum one and one-half (1.5) to two and one-half (2.5) foot high undulating berm with an average height of two (2) feet;
- c. one (1) canopy tree for each twenty-five (25) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT: LANDSCAPE -

Zoning) (Previous Condition LANDSCAPE G.1 of Resolution R-2004-2274, Control 2003-098)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH 126.91 FEET OF THE EAST PROPERTY LINE AND THE EAST 49.94 FEET OF THE SOUTH PROPERTY LINE (ABUTTING COMMERCIAL PROPERTY)

12.Landscaping and buffering along the south 126.91 feet of the east property line and the east 49.94 feet of the south property line shall be upgraded to include:

- a. a minimum five (5) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) canopy tree for each twenty-five (25) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE H.1 of Resolution R-2004-2274, Control 2003-098)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH 126.90 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL PROPERTY)

13.Landscaping and buffering along the north 126.90 feet of the east property line shall be to include the following, unless an alternative planting program is approved by the Board of Adjustment:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm;
- c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE I.1 of Resolution R-2004-2274, Control 2003-098)

14.The following landscaping requirements shall be installed on the exterior side of the required wall, unless an alternative planting program is approved by the Board of Adjustment:

- a. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- b. one (1) medium shrub for each two (2) linear feet of the property line, to be planted as a continuous hedge. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE I.2 of Resolution R-2004-2274, Control 2003-098)

15.Along the interior side of the required wall, the petitioner shall install thirty (30) 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 at maturity. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE I.3 of Resolution R-2004-2274, Control 2003-098)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING EVANS LANE)

16.Landscaping and buffering along the north property line shall be upgraded to

include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm;
- c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE J.1 of Resolution R-2004-2274, Control 2003-098)

17. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE J.2 of Resolution R-2004-2274, Control 2003-098)

18. Along the interior side of the required wall, the petitioner shall install thirty (30) 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 at maturity. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition LANDSCAPE J.3 of Resolution R-2004-2274, Control 2003-098)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL PROPERTY)

19. Condition LANDSCAPE K.1 of Resolution R-2004-2274, Control 2003-098, which currently states:

Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twelve (12) foot wide landscape buffer strip, as permitted by BA 2004-00152. No width reduction or easement encroachment shall be permitted;
- b. a continuous one and one-half (1.5) foot high berm;
- c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall; and,
- f. a continuous row of medium shrub between all trees and palms. Shrub shall be a minimum height of thirty (30) inches at installation, and to be planted on both sides of the wall. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby deleted. REASON: on site conditions already have easement overlap in buffer area.

20. Prior to Final Site Plan approval, the applicant shall submit and receive approval from the Landscape Section for a landscape plan for the west property line. Landscape proposed within a drainage easement serving a County road is subject to approval from the Land Development Division. (DRO: LANDSCAPE/ENG - Zoning)

LIGHTING

1.All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy ULDC requirements, low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG PERMIT/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition LIGHTING 1 of Resolution R-2004-2274, Control 2003-098)

2.All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Condition LIGHTING 2 of Resolution R-2004-2274, Control 2003-098)

3.All outdoor, freestanding lighting fixtures shall be setback a minimum distance of thirty (30) feet from the north, east and west property lines. (BLDG PERMIT: BLDG - Zoning) (Previous Condition LIGHTING 3 of Resolution R-2004-2274, Control 2003-098)

4.All outdoor lighting shall be extinguished no later than one half (1/2) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Condition LIGHTING 4 of Resolution R-2004-2274, Control 2003-098)

5.The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Condition LIGHTING 5 of Resolution R-2004-2274, Control 2003-098)

SIGNS

1.Freestanding point of purchase signs fronting on Orleans Court shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side - thirty-six (36) square feet;
- c. maximum number of signs - one (1) for the entire site, unless off-site signage for a tenant(s) of this property is authorized by the Board of Adjustment (B of A), in which case no freestanding signage shall be permitted on the site;
- d. style - monument style only; and,
- e. location - to the east of the ingress/egress on Orleans Court only;
- f. Signs shall be limited to identification of tenants and/or project name only. (CO: BLDG - Zoning) (Previous Condition SIGNS 1 of Resolution R-2004-2274, Control 2003-098)

2.Wall signs shall be limited as follows:

- a. along the south and east facades of building A;
- b. along the south and west facades of building B;
- c. individual lettering size shall be limited to a maximum of twenty-four (24) inches high; and,
- d. wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning) (Previous Condition SIGNS 2 of Resolution R-2004-2274, Control 2003-098)

USE LIMITATIONS

1.Use of the site shall be limited to the following, subject to compliance with ULDC regulations:

- a. Broadcast Studio;
- b. Building Supplies;
- c. Contractor Storage Yard;
- d. Data Information Processing;
- e. Dispatching Office;
- f. Landscape Service;
- g. Warehouse; and,
- h. Wholesaling, General. (ONGOING: ZONING/CODE ENF - Zoning) (Previous Condition

USE LIMITATION 1 of Resolution R-2004-2274, Control 2003-098)

2. Hours of business operation, including deliveries and loading, shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday. Sunday operations shall be prohibited. (ONGOING: CODE ENF - Zoning) (Previous Condition USE LIMITATION 2 of Resolution R-2004-2274, Control 2003-098)

3. Overnight storage or parking of delivery vehicles or trucks shall be limited to the drive aisle and parking spaces located between buildings A and B only. (ONGOING: CODE ENF - Zoning) (Previous Condition USE LIMITATION 3 of Resolution R-2004-2274, Control 2003-098)

4. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Condition USE LIMITATION 4 of Resolution R-2004-2274, Control 2003-098)

5. No outdoor speaker or public address systems shall be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Condition USE LIMITATION 5 of Resolution R-2004-2274, Control 2003-098)

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)