

RESOLUTION NO. R-2001- 0006

RESOLUTION APPROVING ZONING PETITION EAC88-127(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SCOT A. JOHNSON
BY KILDAY & ASSOCIATES, AGENT
(THOUSAND PINES PLAZA)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC88-127(B) was presented to the Board of County Commissioners at a public hearing conducted on January 4, 2001; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

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

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition EAC88-127(B), the petition of Scot A. Johnson, by Kilday & Associates, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to reconfigure site plan, modify/delete conditions of approval and add building square footage 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 4, 2001**, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty	-	Aye
Burt Aaronson		Absent
Tony Masilotti		Aye
Addie L. Greene		Absent

The Chair thereupon declared that the resolution was duly passed and adopted on January 4, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

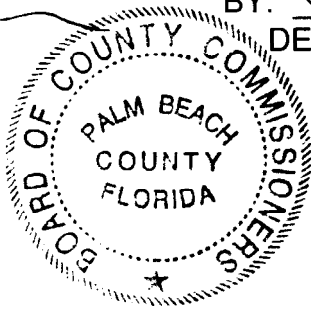


EXHIBIT A
LEGAL DESCRIPTION

A portion of Lot A, OKEE PARK, according to the plat thereof as recorded in Plat Book 82, Page 125 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of said Lot A; thence **S.87°46'06"E.**, along the North line of said plat, a distance of 584.49 feet; thence departing said North line **S.00°00'00"E.**, a distance of 161.83 feet; thence **N.90°00'00"W.**, along a line that is coincident with the North line of Tract "B" of said OKEE PARK plat, a distance of 383.93 feet; thence **S.00°00'00"E.**, a distance of 2.70 feet; thence **N.90°00'00"W.**, a distance of 200.12 feet to a point on the West line of said Lot A, thence **N.00°00'00"W.**, along said West line of Lot A, a distance of 187.29 feet to the Point of Beginning.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 2.335 acres / 101,705.61 square feet, more or less.

EXHIBIT B

VICINITY SKETCH

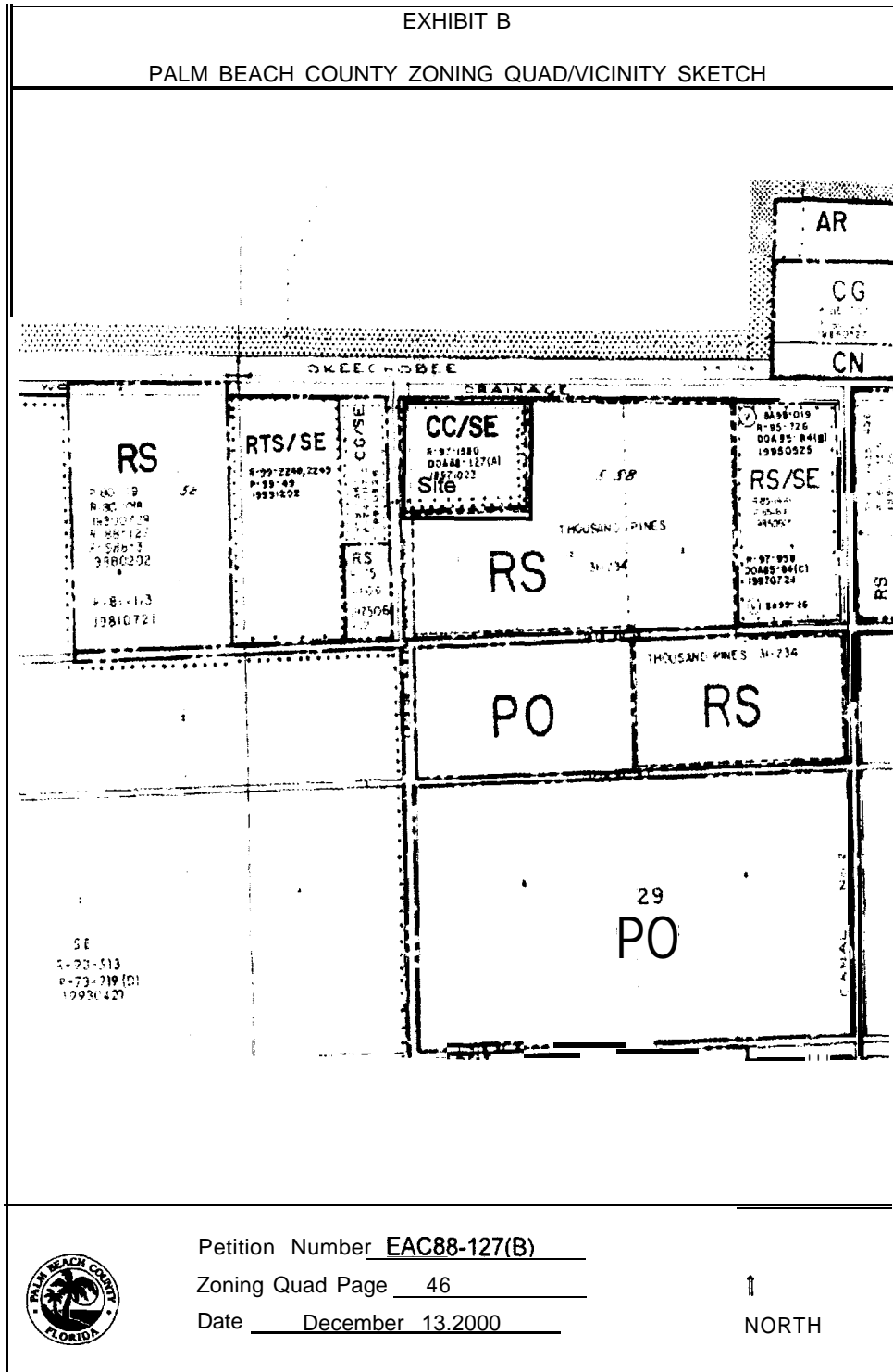


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A. 1 of Resolution R-97-I 580, Petition DOA88-127(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-1079, R-94-1080 (Petition 88-127) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-I 079, R-94-I 080 (Petition 88-I 27) and Resolution R-97-I 580 (Petition **88-127A**) 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-97-I 580, Petition DOA88-127(A) 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 July 3, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 21, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)

2. Prior to the issuance of the first building permit of the restaurant/retail building, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (BLDG PERMIT - Zoning)

3. Condition 1 of Resolution 89-I 079, Petition 88-I 27 which currently states:

Prior to Site Plan Review Committee Submittal, the site plan shall be amended to indicate the following:

- a. **The required Landscape Perimeter Buffer Option 1 or Option 2 between the self-service storage facility and perimeter property lines;**
- b. **The required handicap parking spaces for Parcel No. 1 and the self-service storage facility;**
- c. **The incorporation, into the site development plan, of a minimum five (5) foot landscape strip and safety barriers subject to approval by the County Engineer.**
- d. **The location of dumpsters to service the various uses proposed on site; and**
- e. **Minimum three (3) acre delineation for the proposed self-service storage facility.**

Is hereby deleted. Reason: [Not applicable.]

4. Condition B.3 of Resolution R-97-I 580, Petition DOA88-127(A) which currently states:

Total gross floor area shall be limited to a maximum of 101,532 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less provided parking requirements are met pursuant to Section 7.2.B of the ULDC. (DRC: ZONING)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 104,425 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)

5. Condition B.4 of Resolution R-97-I 580, Petition DOA88-127(A) which currently states:

The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty five (25) feet except for the Self-service storage Building B, the Gas station canopy and the Financial institution. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty five (25) feet except for the Self-service storage Building B. (BLDG PERMIT: BLDG - Zoning)

6. Condition B.5 of Resolution R-97-I 580, Petition DOA88-127(A) which currently states:

The maximum height for the Self-service storage Building B, the Gas station canopy and the Financial institution, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height for the Self-service storage Building B measured from finished grade to highest point shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning)

7. Condition B.6 of Resolution R-97-I 580, Petition DOA88-127(A) which currently states:

All mechanical and air conditioning equipment shall be roof mounted and screened with parapets and be contained within enclosed loading and service areas except for the Self-service storage buildings. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

All ground or roof mounted air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

C. DUMPSTER

1. **All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the residential property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF) (Previous Condition C. 1 of Resolution R-97-I 580, Petition DOA88-127(A))**

D. HEALTH

1. **The Health Department shall have sole authority to determine sewage disposal. (ONGOING:HEALTH) (Previous Condition D. 1 of Resolution R-97-1580, Petition DOA88-127(A)).**
2. **Water service is available to the property. Therefore, no well water shall be permitted on the site to provide potable water. (ONGOING:HEALTH) (Previous Condition D.2 of Resolution R-97-I 580, Petition DOA88-127(A)).**

E. ENGINEERING

1. Condition 16 of Resolution R-89-I 079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).
2. **The petitioner shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.** (Previous Condition E.2 of Resolution R97-1580, Petition DOA88-127(A).
3. Condition 12 of Resolution R-89-I 079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).
4. Condition 13 of Resolution R-89-I 079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).
5. **The petitioner shall pay a Fair Share Fee in the amount and manner required by the “Fair Share Contribution for Road Improvements Ordinance” as it presently exists for as it may from time to time be amended. The Fair Share Fee for this project, based upon the number of approved trips, is \$201,246.00 (7,512 trips x \$26.79 per trip).** (Previous Condition E.5 of Resolution R97-1580, Petition DOA88-127(A))
[Is hereby deleted. Reason: Impact fees are code requirement.]
6. Condition 18 of Resolution R-89-1079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).
7. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.** (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.7 of Resolution R97-1580, Petition DOA88-127(A))
[Completed]
8. LANDSCAPE WITHIN MEDIAN OF STATE ROADS
 - a. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Okeechobee Boulevard. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the “Low Cost Planting Concept” outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall**

be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng) (Previous Condition E.8.a of Resolution R97-1580, Petition DOA88-127(A))
[Completed]

b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng) (Previous Condition E.8.b of Resolution R97-1580, Petition DOA88-127(A))
[Completed]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a certificate of occupancy. (CO:MONITORING- Eng) (Previous Condition E.8.c of Resolution R97-1580, Petition DOA88-127(A))
[Completed]

9. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lyons Road, 76 feet from centerline. This additional right of way shall be dedicated prior to September 1, 1998 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall in accordance with Palm Beach County's Typical Expanded Intersection Detail and shall be free of all encumbrances and encroachments. The 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 E.9 of Resolution R97-1580, Petition DOA88-127(A))
[Completed]

F. LANDSCAPING - STANDARD

1. Condition F.I of Resolution R97-1580, Petition DOA88-127(A) which currently states:

All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

Fifty percent (50%) of the canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. **Tree height: fourteen (14) feet.**
- b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

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 or grey wood, whichever is greater;**
- 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. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R97-1580, Petition DOA88-127(A))**

3. Prior to the first building permit, the petitioner shall replace any dead, damaged, or missing trees, shrubs or other required improvements along the south, east and 210 foot west property lines in accordance with the ULDC and conditions of approval as modified. (BLDG PERMIT: LANDSCAPING -Zoning) (Previous Condition B.2 of Resolution R-97-I 580, Petition DOA88-127(A))

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD)

1. Landscaping and buffering along the north property line shall include:

- a. **A minimum ten (10) foot wide landscape buffer strip;**
- b. **One (1) canopy tree planted every thirty (30) feet on center;**
- c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and**
- d. **Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previous Condition G.I of Resolution R97-1580, Petition DOA88-127(A))**

H. LANDSCAPING ALONG THE NORTHERN 370 FEET WEST PROPERTY LINE (ABUTTING SANSBURY'S WAY)

1. **Landscaping and buffering along the above property line shall include:**
 - a. **A minimum twenty (20) foot wide landscape buffer strip;**
 - b. **One (1) canopy tree planted every thirty (30) feet on center;**
 - c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for 25% canopy trees in that location; and**
 - d. **Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE) (Previous Condition H.I of Resolution R97-1580, Petition DOA88-127(A))**

I. LANDSCAPING - INTERIOR

1. **One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linearfeet. (DRC: ZONING) (Previous Condition I. 1 of Resolution R97-1580, Petition DOA88-127(A))**

2. Condition 1.2 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

Foundation planter strip shall be provided along the front and side facades of all new buildings. The minimum width of the required foundation planterstrip shall be five (5) feet. The combined length of the required foundation planter strip shall be no less than 40% of the accumulative length of the structure. All required foundation planter strips shall be planted with a minimum of one (1) tree or palm every twenty (20) feet and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the front and side facades of the proposed structures (affected area) to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. 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. (DRC / CO: ZONING / LANDSCAPE)
3. **A minimum five (5) foot landscape strip, three hundred and sixty (360) foot long and safety barriers along the north side of the existing detention lakeshall be provided. (DRC: ZONING/ENG) (Previous Condition 1.3 of Resolution R97-1580, Petition DOA88-127(A))**

J. LIGHTING

1. Condition J.2 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

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. (CO / ONGOING: BLDG / CODE ENF - Zoning)

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property (affected area) and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF -Zoning)

2. **All new outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition J.3 of Resolution R97-1580, Petition DOA88-127(A))**
3. **All outdoor lighting shall be extinguished no later than 12.00 a.m., excluding security lighting only. (ONGOING: CODE ENF) (Previous Condition J.4 of Resolution R97-1580, Petition DOA88-127(A))**
4. 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)

K. MASS TRANSIT

1. a. **Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previous Condition K.1.a of Resolution R97-1580, Petition DOA88-127(A))**
- b. **Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previous Condition K. 1 .b of Resolution R97-1580, Petition DOA88-127(A))**

2. **All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN) (Previous Condition K.2 of Resolution R97-1580, Petition DOA88-127(A))**
3. **Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN) (Previous Condition K.3 of Resolution R97-1580, Petition DOA88-127(A))**

L. MUPD

1. Condition L.1 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

To ensure consistency with the site plan dated July 3, 1997 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)

Is hereby amended to read:

To ensure consistency with the site plan dated November 21, 2000 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)

M. SIGNS

1. **Off-premise sign shall not be allowed on site. (ONGOING: CODE ENF) (Previously Condition M. 1 of Resolution R97-1580, Petition DOA88-127(A))**
2. Condition M.2 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

New freestanding signs (except for the existing sign) fronting on Okeechobee Boulevard shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point - one (1) sign at fifteen (15) feet and one (1) sign at ten (10) feet;**
- b. **Maximum sign face area per side -one (1) sign at 100 square feet and one (1) sign at 70 square feet;**
- c. **Maximum number of signs - two (2); and**
- d. **Style - monument style only. (CO: BLDG)**

Is hereby amended to read:

New freestanding signs fronting on Okeechobee Boulevard shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;**

- b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Maximum number of signs - two (2) (including the existing sign); and
 - d. Style - monument style only; and,
 - e. Should the existing sign be replaced or relocated, the new sign shall comply with Condition M.2.a through M.2.d. (CO: BLDG)
3. **New freestanding signs fronting on Sansbury's Way shall be limited as follows:**
- a. **Maximum sign height, measured from finished grade to highest point - ten (10) feet;**
 - b. **Maximum sign face area per side - 70 square feet;**
 - c. **Maximum number of signs - one (1); and**
 - d. **Style - monument style only.** (CO: BLDG) (Previous Condition M.3 of Resolution R97-1580, Petition DOA88-127(A))
4. Total number of freestanding signs for the entire site is limited to three (3). (CO:BLDG)

N. UNITY OF CONTROL

1. **Prior to Site Plan Certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.** (ONGOING: COUNTYATTY) (Previous Condition N.I of Resolution R97-1580, Petition DOA88-127(A))

O. USE LIMITATIONS

1. **No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted within the Planned Commercial Development.** (ONGOING: CODE ENF) (Previous Condition 0.4 of Resolution R97-1580, Petition DOA88-127(A))

2. Condition 0.5 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

There shall be no outdoor service of food or liquor permitted on site.
(ONGOING: CODE ENF)

Is hereby deleted. Reason: [outdoor restaurant use is proposed]

3. **No commercial use shall commence business activities (including deliveries and stocking operations) prior to 6:00 a.m. nor continue activities later than 12:00 p.m.** (ONGOING: CODE ENF) (Previous Condition 0.6 of Resolution R97-1580, Petition DOA88-127(A))

4. Condition 0.7 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

Delivery to the Fast-food restaurant shall be limited to the Loading area designated on the site plan dated July 3, 1997. (DRC: ZONING)

Is hereby amended to read:

Prior to final certification of the DRC, the site plan shall be revised to indicate the loading area. The requirement of the loading area shall be subject to DRC approval. (DRC: ZONING)

P. COMPLIANCE

1. **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; and/or**
 - b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
 - c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
 - d. **Referral to code enforcement; and/or**
 - e. **Imposition of entitlement density or intensity.**

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition P.I of Resolution R97-1580, Petition DOA88-127(A))

2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)