

RESOLUTION NO. R-94-1087

RESOLUTION APPROVING ZONING PETITION DOA86-08(D)
REQUESTED (R) USE
PETITION OF MDN LANTANA LTD.

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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition DOA86-08(D) was presented to the Board of County Commissioners at a public hearing conducted on August 25, 1994; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, of the Palm Beach County 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 DOA86-08(D), the petition of MDN Lantana Ltd. for a REQUESTED USE allowing a communication tower, commercial in the General Commercial (CG) 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 August 25, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of August, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

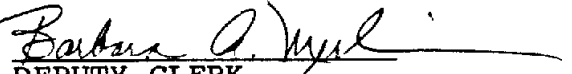
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

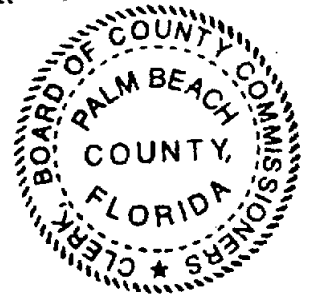


EXHIBIT A

LEGAL DESCRIPTION

PARENT TRACT

DESCRIPTION.

A PARCEL OF LAND IN TRACT 39 OF THE HIATUS, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34 TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°32'23" EAST ALONG THE CENTERLINE OF LANTANA ROAD AND SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 1349.87 FEET; THENCE SOUTH 29°44'06" EAST, A DISTANCE OF 63.13 FEET TO THE POINT OF BEGINNING AND INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT OF WAY LINE LYING 54.0 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE CONTINUE SOUTH 29°44'06" EAST, A DISTANCE OF 97.56 FEET; THENCE SOUTH 60°15'54" WEST, A DISTANCE OF 129.83 FEET; THENCE SOUTH 29°44'06" EAST, A DISTANCE OF 328.78 FEET; THENCE SOUTH 0°48'17" EAST, A DISTANCE OF 116.95 FEET; THENCE NORTH 89° 11'43" EAST, A DISTANCE OF 212.98 FEET; THENCE SOUTH 29° 44'06" EAST, A DISTANCE OF 288.70 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 16, SAID NORTH RIGHT OF WAY LYING 35.0 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE SOUTH 89° 11'43" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1299.36 FEET; THENCE NORTH 28° 30'38" WEST, A DISTANCE OF 14.22 FEET TO THE NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 1697.02 FEET AND A TANGENT BEARING OF SOUTH 16°02'46" EAST AT SAID INTERSECTION; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT OF WAY OF JOG ROAD THROUGH A CENTRAL ANGLE OF 12°27'53", A DISTANCE OF 369.10 FEET TO POINT OF TANGENCY; THENCE NORTH 28°30'38" WEST ALONG SAID EASTERLY, RIGHT OF WAY, A DISTANCE OF 227.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 1577.02 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT OF WAY OF JOG ROAD, THROUGH A CENTRAL ANGLE OF 10°21'47", A DISTANCE OF 285.23 FEET; THENCE NORTH 36°39'26" EAST, A DISTANCE OF 40.87 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID LANTANA ROAD; THENCE SOUTH 88°32'23" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1186.57 FEET TO THE POINT OF BEGINNING.

LESS: (BARNETT BANK PER O.R.B. 5601 PG. 1 173)

A PARCEL OF LAND IN TRACT 39 OF HIATUS, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88° 32' 23" EAST ALONG THE CENTERLINE OF LANTANA ROAD AND SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 196.00 FEET; THENCE SOUTH 01°27' 37" WEST, A DISTANCE OF 54.00 FEET TO THE POINT OF BEGINNING AND INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT OF WAY LINE LYING 54.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE SOUTH 88°32'23" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID LANTANA ROAD, A DISTANCE OF 378.50 FEET; THENCE SOUTH 01°27'37" WEST, A DISTANCE OF 165.00 FEET TO THE INTERSECTION WITH A LINE 165.00 FEET SOUTHERLY OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF SAID LANTANA ROAD; THENCE NORTH 88°32'23" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 348.37 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1577.02 FEET AND A TANGENT BEARING OF SOUTH 23° 18'47" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT OF WAY LINE OF JOG ROAD THROUGH A CENTRAL ANGLE OF 05°09'56", A DISTANCE OF 142.18 FEET TO A NON-RADIAL INTERSECTION; THENCE NORTH 36°39'26" EAST, A DISTANCE OF 40.87 FEET TO THE POINT OF BEGINNING.

POINT OF BEGINNING
COMM. NO. 3560.42 LESS SHEET 2 OF 2

EXHIBIT A

LEGAL DESCRIPTION

PARENT TRACT CONT, FROM SHEET 2 OF 2

LESS: (MCDONALD'S PER O.R.B. 5805. PG. 1336)

A PARCEL OF LAND LYING WITHIN LOT 2, **TRACT 39, OF** THE "HIATUS" TOWNSHIP 44 1/2 SOUTH, **RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA** ACCORDING TO THE ORIGINAL GOVERNMENT PLAT OF "HIATUS" OTHERWISE KNOWN AS TOWNSHIP 44 1/2 SOUTH, **RANGE 42 EAST, (BETWEEN TOWNSHIPS 44 SOUTH AND 45 SOUTH)** AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SECTION 34, TOWNSHIP 44 SOUTH, **RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;**
THENCE SOUTH **88° 32' 23" EAST, (ASSUMED BEARING)** ALONG THE SOUTH LINE OF SAID SECTION 34, SAID SOUTH LINE ALSO BEING THE CENTERLINE OF LANTANA ROAD, A DISTANCE OF **869.00 FEET;** THENCE SOUTH **01° 27' 37" WEST,** AT RIGHT ANGLES TO THE PREVIOUS COURSE. A DISTANCE OF 54.00 FEET, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID LANTANA ROAD AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE SOUTH **01° 27' 37" WEST,** A DISTANCE OF 194.90 FEET;
THENCE NORTH **88° 32' 23" WEST,** A DISTANCE OF **223.50 FEET;**
THENCE NORTH **01° 27' 37" EAST,** A DISTANCE OF **194.90 FEET;** TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD;
THENCE SOUTH **88° 32' 23" EAST,** ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD, A DISTANCE OF **223.50 FEET** TO THE POINT OF BEGINNING.

LESS

A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES LYING SOUTH OF LAN-J-ANA ROAD AND EAST OF JOG ROAD **WITHIN THE BOUNDARIES** OF TRACT 39 OF THE PALM BEACH FARMS COMPANY, **PLAT NO. 13,** AMENDMENT TO SHEET NO. 4 OF PLAT NO. 3, PLAT BOOK 6, PAGES 98 AND 99 OF **THE** PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY **DESCRIBED AS** FOLLOWS;

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 34; THENCE **SOUTH 88° 32' 23" EAST** (BEARINGS HEREIN **ARE** BASED ON ASSUMED BEARING OF SOUTH **86° 32' 23" EAST** ALONG THE SOUTH LINE OF SECTION 34) ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF **196.00 FEET;** THENCE SOUTH **01° 27' 37" WEST,** A DISTANCE OF **54.00 FEET** TO A POINT ON THE SOUTH LINE OF LANTANA ROAD; THENCE SOUTH **36° 39' 26" WEST,** A DISTANCE OF 40.87 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS **1,577.02 FEET** AND OF TANGENT BEARING OF NORTH **18° 08' 51" WEST;** THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD **THROUGH A CENTRAL ANGLE OF -05' 09";** A DISTANCE OF **142.18 FEET** TO A POINT ON A CURVE HAVING A TANGENT BEARING OF NORTH **23° 18' 47" WEST,** BEING THE POINT OF BEGINNING; THENCE SOUTH **88° 32' 23" EAST,** A DISTANCE OF 25.37 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF **1,554.02 FEET** AND A CENTRAL ANGLE OF **02° 39' 44",** A RADIAL AT THIS POINT BEARS NORTH **66° 17' 42" EAST;** THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.21 FEET TO A POINT ON A NON-TANGENT LINE, A RADIAL AT THIS POINT BEARS NORTH **63° 33' 58" EAST;** THENCE SOUTH **24° 30' 53" EAST** ALONG SAID NON-TANGENT LINE, A DISTANCE OF 405.08 FEET TO A POINT OF CUSP, A RADIAL FOR THE NEXT CURVE BEARS SOUTH **65° 29' 07" WEST;** THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF **1,697.02 FEET** AND A CENTRAL ANGLE OF **03° 59' 34"** A DISTANCE OF **118.26 FEET;** THENCE NORTH **28° 30' 27" WEST,** A DISTANCE OF 227.93 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF **1,577.02 FEET,** A CENTRAL ANGLE OF **05° 11' 39"** AND A DISTANCE OF **142.96 FEET** TO THE POINT OF BEGINNING.

CONTAINING: **852,963.37** SQUARE FEET OR 19.5813 ACRES MORE OR LESS.

EXHIBIT A

LEGAL DESCRIPTION

LEASE SITES

EQUIPMENT ROOM LEGAL DESCRIPTION

A PARCEL OF LAND IN TRACT 39 OF THE HIATUS, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE S.88°32'23"E. ALONG THE CENTERLINE OF LANTANA ROAD AND THE SOUTH LINE OF SAID SECTION 34, 1349.87 FEET; THENCE S.29°44'06"E., 63.13 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT-OF-WAY LINE LYING 64.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE CONTINUE S.29°44'06"E., 97.66 FEET; THENCE S.60°15'54"W., 129.83 FEET; THENCE S.29°44'06"E., 328.78 FEET; THENCE S.00°48'17"E., 116.96 FEET; THENCE N.89°11'43"E., 212.98 FEET; THENCE S.29°44'06"E., 288.70 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 16, SAID NORTH RIGHT-OF-WAY LYING 36.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE N.63°59'06"W., 381.62 FEET; THENCE S.89°15'47"W., 100.30 FEET TO THE POINT OF BEGINNING; THENCE N.00°44'13"W., 69.96 FEET; THENCE S.89°15'47"W., 9.50 FEET; THENCE S.00°44'13"E., 69.95 FEET; THENCE N.89°15'47"E., 9.50 FEET TO THE POINT OF BEGINNING.
CONTAINING 664.63 SQUARE FEET OR 0.02 ACRES MORE OR LESS.

MONOPOLE TOWER SITE LEGAL DESCRIPTION

A PARCEL OF LAND IN TRACT 39 OF THE HIATUS, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE S.88°32'23"E. ALONG THE CENTERLINE OF LANTANA ROAD AND THE SOUTH LINE OF SAID SECTION 34, 1349.87 FEET; THENCE S.29°44'06"E., 63.13 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, SAID SOUTH RIGHT-OF-WAY LINE LYING 64.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 34; THENCE CONTINUE S.29°44'06"E., 97.66 FEET; THENCE S.60°15'54"W., 129.83 FEET; THENCE S.29°44'06"E., 328.78 FEET; THENCE S.00°48'17"E., 116.95 FEET; THENCE N.89°11'43"E., 212.98 FEET; THENCE S.29°44'06"E., 288.70 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 16, SAID NORTH RIGHT-OF-WAY LYING 36.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE N.63°59'06"W., 381.62 FEET; THENCE S.89°15'47"W., 97.66 FEET TO THE POINT OF BEGINNING; THENCE S.00°44'13"E., 26.00 FEET; THENCE S.89°15'47"W., 15.00 FEET; THENCE N.00°44'13"W., 25.00 FEET; THENCE N.89°15'47"E., 15.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 376.00 SQUARE FEET OR 0.009 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

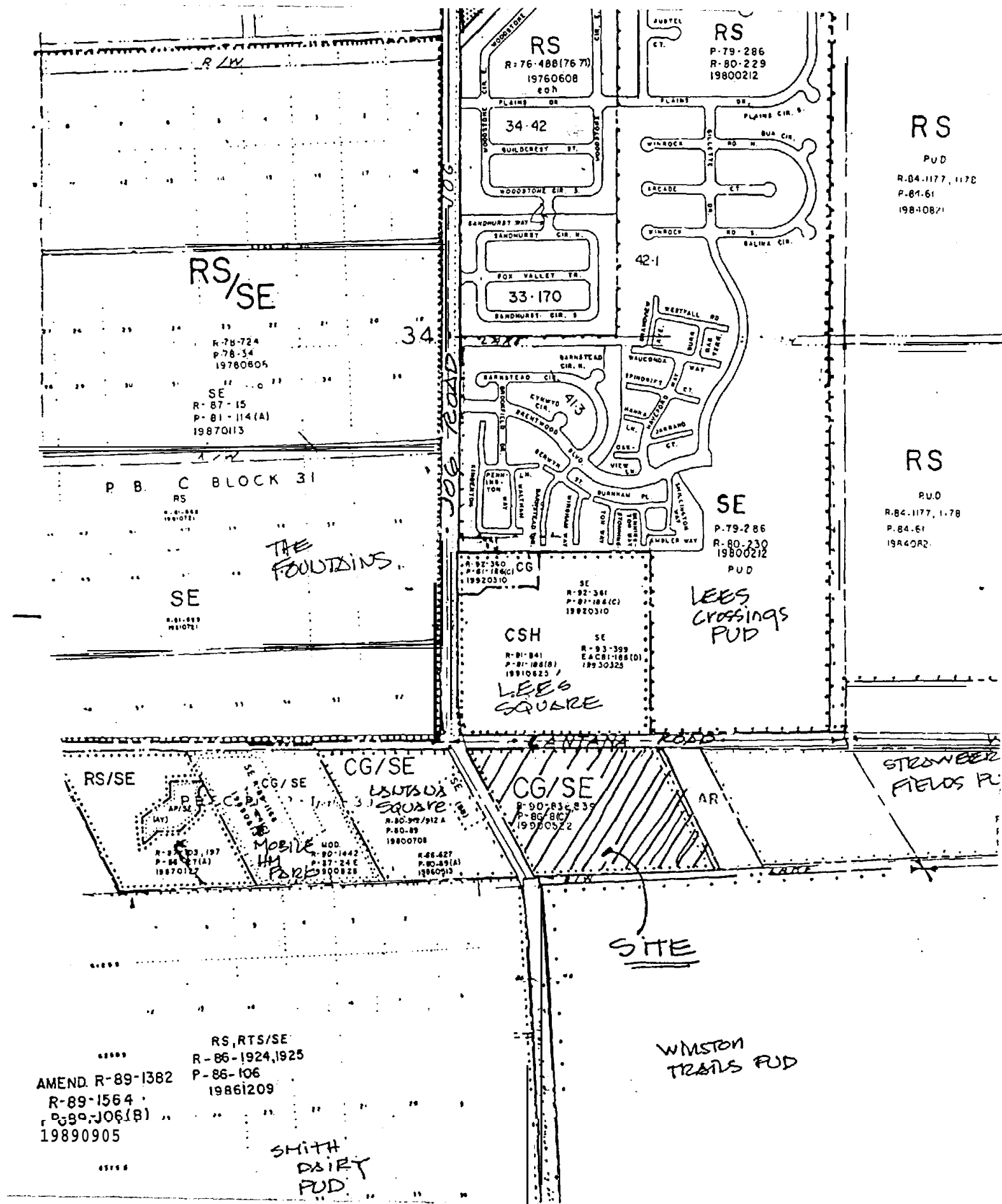


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. GENERAL

1. Previous Condition No. **1 of** Resolution R-90-839, Petition 86-a(c) which states:

The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-573, R-88-1187, and R-90-839 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless **expressly** modified. (MONITORING)

2. Previous Condition No. 1. of Resolution No. R-88-1187, Petition No. 86-8(A) which states:

The developer shall comply with all previous **condition:** of approval unless expressly modified herein.

Is hereby deleted [Reason: Duplicate Condition]

3. Prior to certification, the site plan shall be **amended** to indicate the following:

- a.** Minimum of two (2) loading berths, (12 feet to 30 **feet** each) as required for building **M** (Retail).
- b.** Required five car stacking distance for the **proposed** 4,000 **square** feet financial institution.
- C.** Handicap parking stalls for each use.
- d.** A minimum 25 foot wide landscape strip shall be maintained along the eastern property line.
- e.** Landscape alternative number 1 shall be provided along the east property line, with 12 foot canopy trees **planted** 20 feet on center on the outside of the wall. This **shall** be supplemented with a hedge thirty six inches (**36"**) on center. Additionally, 10 foot tall canopy trees shall be placed 30 feet on center on the inside of the wall.
- f.** Self storage facility, on the south, west and north sides shall provide for the supplemental landscape **requirements** as stated by subsection D.5 A and B of Section 500.3) of the Zoning code.
- g.** The number of storage bays for the self storage facility shall be indicated on the plan.
- h.** Parking requirements for the self-storage facility **shall** meet the minimum requirements of Subsection D.4 of Section 500.38 of the Zoning Code. (Previously **Condition** No. A.2. of Resolution R-90-839, Petition **86-8(C)**. (ZONING)

B. ENVIRONMENTAL RESOURCE MANAGEMENT

1. Reasonable measures shall be employed during **site** development to insure that no pollutants from **this** property shall enter adjacent or nearby surface **waters**. (Previously Condition No. 9. of Resolution No. R-86-573, Petition 86-8). (ERM)
2. The owner of the facility will participate in an oil recycling **program** which insures proper reuse or **disposal** of waste oil. (Previously Condition No. 10. of Resolution No. R-86-573, Petition 86-8). (ERM)
3. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and **Agency** responsible for sewage works are constructed and used by project tenants or owners generating such **effluents**. (Previously Condition No. A.8. of Resolution R-90-339, Petition 86-8(C)). (ERM)
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures prsper re-use or disposal of waste oil. (Previously Condition No. A.11. of Resolution R-90-839, Petition 86-8(C)). (ERM)

C. HEALTH

1. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing **septic tanks** are to be abandoned in accordance with Chapter 10D-6 F.A.C. (Previously Condition No. A.12. of Resoluticn R-90-839, Petition 86-8(C)). (HEALTH)
2. Sewer service is available to the property. **Therefore**, no septic tank shall be permitted on the site. (Previcusly Condition No. A.9. of Resolution R-90-839, Petition 86-8(C)). (HEALTH)
3. Water service is available to the property. **Therefore**, no well shall be permitted on the site to provide potable water. (Previously Condition No. A.10. of Resoluticn R-90-839, Petition 86-8(C)). (HEALTH)
4. Generation and disposal of haeardous effluents into sanitary sewerage system shall be prohibited **urless** adequate pretreatment facilities approved by the **Florida** Department of **Environmental** Regulation (FDER) and **Agency** responsible for sewage works, are constructed and **usod** by project tenants or owners generating such effluents. (Previously Condition No. 5. of Resolution No. R-88-1187, Petition 86-8(A)). (HEALTH)
5. Any toxic or harardous waste geaerated at this site rhall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C. (Previously Condition No. 7. of Resolution No. R-86-573, Petition 86-8). (HEALTH)
6. Any fuel or chemical storage tanks shall be **installed** in accordance with Chapter 17-61, Florida **Administrative** code. The design and installation plans **wil**. be submitted to the Health Department for approval **prior** to installation. (Previously Condition No. 6. of Resolution No. R-86-573, Petition 86-8). (HEALTH)

5. No building permit shall be issued for the **subject** property until such a time that the site is **connected** to a public sewer system. (Previously Condition No. 6. of Resolution No. R-88-1187, Petition 86-8(A)). (HEALTH)
6. There shall be no repair, oil change, car **wash** or maintenance of mechanical equipment conducted on the property until the facility is connected to the **public sewer system**. (Previously Condition No. 7. of Resolution No. R-88-187, Petition 86-8 (A)). (HEALTH/CODE ENFORCEMENT)
7. Previous Condition No. 8. of Resolution No. R-88-1187, Petition 86-8(A) which states:

Since sewer and water is available to the property, **neither septic tank nor well shall be approved for use** on the property.

Is hereby deleted [Reason: Duplication]
8. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a **nuisance** to neighboring properties. (Previously Condition No. E. of Resolution No. R-86-573, Petition 86-8). (HEALTH)

E. ENGINEERING

1. The Developer shall provide *discharge* control and treatment for the storm water runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain **onsite** the storm water **runoff** generated by a three (3) year-one (1) hour storm **with** a total rainfall of 3 inches as required by the **Permit** Section, Land Development Division. In the event that the subject site abuts a Department of **Transportation** maintained roadway, concurrent approval from the **Florida** Department of Transportation will also be required. The drainage system shall be maintained in an **acceptable** condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement **Board** for enforcement. (Previously Condition No. A.13 of Resolution R-90-839, Petition 86-8(C)). (ENGINEERING)
2. Prior to March 1, **1990** or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lantana Road, 54 feet from centerline, plus **right-of-way** for Jog Road as indicated on Palm Beach **County's Project #87-518**, Parcel 135, free of all encumbrances and encroachments as shown. Property owner shall **provide** Palm Beach County with sufficient **documentation** acceptable to the Right of Way Acquisition **Section** to ensure that the property is free of all **encumbrances** and encroachments. Right-of-way conveyances shall also include **"Safe Sight Corners"** where **appropriate** at intersections as determined by the County **Engineer**. (Previously Condition No. A.14. of Resolution R-90-839, Petition 86-8(C)). (ENGINEERING)

3. The petitioner shall pay a Fair **Share** Fee in the **asouat** and **manner** required by *the* "**Fair** share Coatributiom for Road Improvements **Ordinance**" as it presently exists **(r** as it may from time to time be amended. The **Fair Share** Fee for the additional square footage presently is **\$47,375.00** (865 additional trips X \$55.00 per trip). (Previously Condition No. A.15. of Resolution R-90-839, Petitiior 86-8(C). (ENGINEERING))

4. *In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:*

Building Permits **for** more than Phase *One* which shall **consist of** 133,487 square feet of retail, a 6,000 square foot tire store and 20,000 square feet **of** mini **warehouse**, or a combination of uses which will not **exceed** 10,381 vehicle trips per day, shall not be issued until construction *has* been begun for:

 - a. Jog Road from Melaleuca Lane to Hypoluxo **Road** as a **4** lane median divided section plus the appropriate paved tapers.

 - b. Lantaaa Road from **Hagen** Ranch Road to Military Trail as a 4 lane median divided section plus the appropriate paved **tapers**. (Previcusly Condition No. A.16. of Resolution R-90-839, Petition 86-8(C). (ENGINEERING))

5. The Developer shall plat the subject property **in** accordance with provisions of Palm Beach **County's** Subdivision Platting Ordinance **73-4** as amended prior to building permits Phase 2 as defined above. (Previcusly Condition No. **A.17** of Resolution R-90-839, Petition 86-8(C). (ENGINEERING))

6. The development shall retain **onsite 85%** o f the storm water runoff generated by a three **(3)** year-one hour storm per requirements of the Permit Section, Land **Development** Division. (Previously Condition No. 11. of Resolution No. R-86-573, Petition 86-8). (ENGINEERING))

7. The property owner *shall* **convey** for the ultimate **right-of-way** of:
 - a) Laatana Road, **54** feet from centerline,

 - b) Jog Road per the existing approved alignment mcp **ON** file at the office of the county Engineer.

Conveyance must be accepted by Palm Beach county **prior** to issuance of First Building **Permit**. Right-of-way to be conveyed prior to **March** 15, 1986. (Previously Condition No. 12. of Resolution No. R-86-573, Petition 86-8). (ENGINEERING))

8. The Developer shall pay a Fair Share Fee in the **amount** and manner **required** by the "**Fair** Share **contributiior** for Road Improvements Ordinance" as it presently exists **(R** as it may from time to time be amended. Presently the **Fair** Share Fee for this project is **\$265,730.00**. (Previcusly Condition No. 13. of Resolution No. R-86-573, Petition 86-8). (IMPACT FEE COORIDINATOR/ENGINEERING))

9. Based on the amount of traffic generated by this development, the Developer has agreed to **contribute** an additional **\$132,865.00** towards Palm Beach County's existing Roadway Improvement Program, (total combined funds of **(\$398,595.00)**). Credit shall be received for the **work performed in Condition No. 20, a) and b)**. Surety required **for** the Construction Plans and right of way, shall be posted with the office of the County Engineer prior to the issuance of a Building Permit or prior to October 1, 1986 whichever shall first occur. (Previously Condition No. 14. of Resolution No. R-86-573, Petition 86-8). (IMPACT FEE COORDINATOR/ENGINEERING)
10. The Developer shall align:
 - a) The project's entrance onto Jog Road with Petition # 80-89.
 - b) The project's west entrance onto Lantana Road with Petition # 81-186.
 - c) The project's east entrance onto Lantana Road with the entrance to Homes at Lee's Crossing. (Previously Condition No. 15. of Resolution No. R-86-573, Petition 86-8). (ENGINEERING)
11. The Developer shall construct a left turn lane east approach and a right turn lane south approach on Jog Road at the project's entrance road. (Previously Condition No. 16. of Resolution No. R-86-573, Petition 86-8). (ENGINEERING)
12. The Developer shall construct a left turn lane east approach and a right turn lane west approach on Lantana Road at each of the project's entrance Roads to Lantana Road. (Previously Condition No. R-86-573, Petition 86-8). (ENGINEERING)
13. The Developer shall be permitted only two **turnouts** onto Jog Road per condition No. 15. (Previously Condition No. 18. of Resolution No. R-86-573, Petition 86-8). (ENGINEERING)
14. The Developer shall be permitted only 2 **turnouts** on Lantana Road per condition No. 17. (Previously Condition No. 19. of Resolution No. R-86-573, Petition 86-8). (ENGINEERING)
15. a) The Developer shall fund the Construction **Plans** for Jog Road as a 4 lane median divided **section from** Lake Worth Road south to a point 250 feet south of the centerline of **Melaleuca** Lane plus the appropriate tapers. These construction plans **shall** be per the county Engineers Approval based upon **Palm Beach County's** minimum construction Plan standards as they presently exist or as they may from time to time be amended. The **cost** of providing all plans shall be approved by the **County Engineers Office**.

Palm Beach County shall provide these **construction plans** with all funding provided by the **developer**.

- b) The Developer shall provide Palm Beach county with all associated right of way **Documents**, including but not limited to , surveys, property owners' maps, legal **descriptions** for acquisition, **parcelled** right of way maps, required for the for the acquisition of right ow way for Jog Road from Lake Worth Road to a point 250 feet south of **Melaleuca** Lane plus the appropriate tapers. The **Developer** shall enter into an agreement with Palm **Beach** County's Land **Acquisition** Section for any and all acquisition costs prior to July 1, 1986; for which this Petitioner shall provide all necessary **funds**.
- c) Palm Beach county will then construct Jog Road as a 4 lane median section from Lake Worth Road south to a pint 250 feet south of **Melaleuca** Lane plus the appropriate tapers per the county **Engineers** approval.

It is the intent that this **Construction Contract** shall be let during the fiscal year 1987-1988. Any funds which have not been expended for the work performed under condition No. 20 A & B shall be made available to Palm Beach County 30 days after formerly accepting all right of way documents and construction plans, or on July 1, 1987 whichever shall first occur. (Previously Condition No. 20. of Resolution No. R-86-573, Petition 86-8). (ENGINEERING)

16. If required by the Palm Beach County **Engineering** Department or the South Florida Water **Management** District, the developer shall design the drainage system so that storm water runoff from the parking areas which may contain potentially hazardous or undesirable waste from the proposed site. (Previously Condition No. 3. of Resolution No. R-88-1187, Petition 86-8 (A)). (ENGINEERING)
17. The property owner 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 or as it may from time to time be amended. The Fair Share Fee for this project presently is **\$1,581.00** (59 trips x \$26.79 per trip). (Previously Condition No. 4. of Resolution No. R-88-1187, Petition 86-8(A)). (IMPACT FEE COORDINATOR)

F. TOWER RESTRICTION

1. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations or the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of **Airports**. (AIRPORTS-Zoning)
2. All **accessary** electrical equipment shall be enclosed within the primary structure no additional equipment housing or structure shall be permitted. (BUILDING/ZONING)
3. To minimize the impacts on the surrounding area the tower shall be limited to a maximum height of one **hundred** and fifty feet (150) measured for the natural grade of the site to the highest **point**. (ZONING/BUILDING)
4. To ensure compatibility to the **surrounding** area the site shall be limited to a mono-pole tower design. (BUILDING/CODE ENFORCEMENT-Zoning)

5. Simultaneously with submittal to Site Plan **Review** Committee, the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower. The calculations and tower location shall be subject to approval by the Planning, Zoning & **Building** Department. (ZONING/BUILDING)
6. To minimize visual impacts on the surrounding area the tower shall be limited to the following:
 - A) A maximum of twelve (12) transmission panels with maximum dimensions of **(16" X 48"** each);
 - B) A maximum diameter width of the transmission platform shall be twelve (12) feet; and,
 - C) **A maximum of** four (4) whip **antennas.**
(BUILDING/ZONING)

G. SECURITY LIGHTING

1. **Security** lighting along the western property line shall be low intensity, no greater than twelve (12) feet in height and directed away from surrounding residential properties. (Previously Condition No. A.18. of Resolution R-90-839, Petition 86-8(C). (BUILDING))
2. Security lighting **shall be** directed away from nearby residences. (Previously Condition No. 5. of Resolution No. R-86-573, Petition 86-8). (BUILDING)

H. SITE AND BUILDING DESIGN

1. In order to avoid an incompatible appearance upon east and south lying residential areas, the rear facades of the planned commercial development shall be given architectural treatment consistent with the front of the center. (Previously Condition No. A.3. of **Resolution R-90-839**, Petition 86-8(C). (BUILDING/ZONING))
2. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (Previously Condition No. A.4. of Resolution R-90-839, Petition 86-8(C). (BUILDING))
3. **No** stock loading or dumpsters pickup will be permitted between the **hours of 8:00** PM and 8:00 AM. (Previously Condition No. A.5. of Resolution R-90-839, Petition 86-8(C). (CODE ENFORCEMENT))
4. Prior to site plan certification, the site plan **shall** be amended to reflect the following:
 - a) A minimum access dimension of twenty-five feet.
 - b) 8-10 feet in height canopy **trees** planted 30 **feet** on center along the eastern property line **where** existing vegetation is not sufficient.
 - c) Required and proposed interior **landscape calculations.** (Previously Condition No. 1. of **R-86-573**, Petition 86-8). (ZONING)

5. Prior to site plan certification, a tree survey **shall** be submitted indicating the preservation of **existing** vegetation and the incorporation of said vegetation **into** the project design including the western portion of the site. Parking spaces in **excess** of the required **minimum** shall be utilized to incorporate existing **vegetation** in the overall design. Appropriate measures shall **also** be taken to protect these preservation areas during **site** clearing and construction. (Previously Condition No. 2. of R-86-573, Petition 86-8). (ZONING)
6. The six (6) foot high wall shall be given **architectural** treatment **on** both sides consistent with the front of the center. (Previously Condition No. 21. of Resolution No. R-86-573-23, Petition 86-8). (BUILDING/ZONING)
7. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a) A five (5) care staking distance.
 - b) The required and/or proposed handicap **parking** spaces located on the site plan. (Previously Condition No. R-88-1187, Petition No. **86-8(i)**). (ZONING)

I. USE LIMITATION

1. No outdoor loudspeaker system shall be permitted on s:ite. (Previously Condition No. A.6. of Resolution R-90-1139, Petition 86-8(C). (CODE ENFORCEMENT)
2. No storage or **placement of any** materials, **refuse**, equipment or accumulated debris shall be permitted **behind** the structure. (Previously Condition No. 3. of **Resolution** No. R-86-573, Petition 86-8). (CODE ENFORCEMENT)
3. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated **spaces** and unloading areas. (Previously Condition No. 4. of Resolution No. R-86-573, Petition 86-8). (CODE ENFORCEMENT)

J. UNITY OF CONTROL

1. At the time of Site Plan Review Committee **application**, the petitioner shall submit two copies of a unity of control. This document shall be approved by the **County** Attorney prior to site plan approval. (Previously Condition No. A.7. of Resolution R-90-839, **Petition 86-8(C)**). (COUNTY ATTORNEY)

K. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, **paper**, plastic, metal and glass products. (SWA)

L. COMPLIANCE

1. Previous Condition No. A.19. of Resolution R-90-839, Petition 86-8(C) which states:

Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or **structure**; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or **user** of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment **or** as otherwise provided in the **Palm** Beach County Zoning Code.

Is hereby amended to state:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, 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)