

RESOLUTION R-98- 307

RESOLUTION AMENDING RESOLUTION R-98-10  
RESOLUTION APPROVING ZONING PETITION OF  
SOUTHERN STORAGE MANAGEMENT  
PETITION DOA76-18(F)

WHEREAS. Southern Storage Management, petitioned the Palm Beach County Board of County Commissioners on January 8, 1998 for Development Order Amendment to reconfigure the site and add one access point; and

WHEREAS. Resolution R-98-10, adopted on January 8, 1998 confirming the action of the Board of County Commissioners inadvertently contained errors in Exhibit C; and

WHEREAS. Exhibit C of Resolution R-98-10 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-98-10 is hereby amended.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on February 26, 1998.

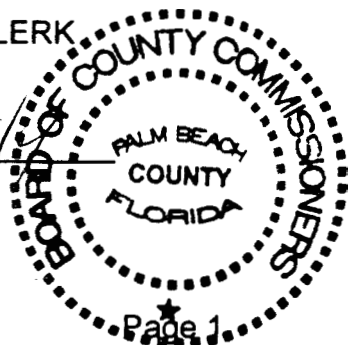
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burt Aaronson*  
COUNTY ATTORNEY

BY: *Jean Hawley*  
DEPUTY CLERK



## 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. Petitions 76-18C and 76-18D were withdrawn.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-76-127 (Petition 76-18), Resolution R-86-93 (Petition 76-18A), Resolution R-87-233 (Petition 76-18B) and Resolution R-87-1200 (Petition 76-18E) have been consolidated 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. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated September 17, 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. (DRC: ZONING)
3. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a) Tabulate the required and graphically show proposed interior landscaping.
  - b) The required buffer or landscape strip along the northeastern property line. (Previous Condition 1 of Resolution R-86-93, Petition 76-18A)
4. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previous Condition 3 of Resolution R-86-93, Petition 76-18A)
5. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting. (Previous Condition 19 of Resolution R-86-93, Petition 76-18A)
6. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioner's public hearings shall be submitted to the Zoning Division for inclusion in the permanent petition file. (Previous Condition 21 of Resolution R-86-93, Petition 76-18A)
7. The petitioner shall comply with all previously approved conditions of Petition **76-18**, except for conditions **5(b)** and **3(b)**. (Previous Condition 8 of Resolution R-86-93, Petition 76-18A)

8. The Developer shall comply with all previously approved conditions to Petition 76-18(A) unless expressly modified herein. (Previous Condition 2 of Resolution R-87-223, Petition 76-18B)
9. The developer shall comply with all previous conditions of approval unless modified herein. (Previous Condition 1 of Resolution R-87-1200, Petition 76-18E)
10. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Labeling of the car wash (and accessory uses), oil change, and other outbuildings within this Planned Commercial Development.
  - b. Elimination of the three (3) southernmost detailing spaces adjacent to the stacking lanes for the car wash.
  - c. Required handicap parking, on the plan and in the data tabular.
  - d. Tabular data for the car wash facility.
  - e. The location of the menu board for the drive through restaurant.
  - f. Required backup distance and isle circulation for the parking stalls.
  - g. Delineate the number of car wash and oil change bays. (Previous Condition 2 of Resolution R-87-1200, Petition 76-18E)

**B. HEALTH**

1. 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. (Previous Condition 4 of Resolution R-86-93, Petition 76-18A)
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previous Condition 5 of Resolution R-86-93, Petition 76-18A)
3. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previous Condition 6 of Resolution R-86-93, Petition 76-18A)
4. Any toxic or hazardous waste generated at this site shall be **properly** handled and disposed of in accordance with Chapter **17-30**, F.A.C. (Previous Condition 7 of Resolution R-86-93, Petition 76-18A)
5. Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property. (Previous Condition 4 of Resolution R-87-223, Petition 76-18B)

6. 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. (Previous Condition 4 of Resolution R-87-1200, Petition 76-18E)
7. **Since sewer service is available to the property, no septic tank shall be installed on the site.** (Previous Condition 5 of Resolution R-87-1200, Petition 76-18E)
8. Because public water service **is** available at the site, **no** well shall be installed to provide potable water on site. (Previous Condition 6 of Resolution R-87-1200, Petition 76-18E)

E. ENGINEERING

1. Developer shall construct the following at the intersection of Lantana Road and Congress Avenue:
  - a. Dual left turn lane, south approach [Completed]
  - b. Right turn lane, west approach. [Completed]  
(Previous Condition 1 of Resolution R-76-127, Petition 76-18)
2. Developer shall construct the following at the intersection of the access Road and Lantana Road:
  - a. Right turn lane, west approach [Lantana Road has now been widened]
  - b. Left turn lane, east approach [Medians have now been established]
  - c. Right and left turn lanes, south approach. (Previous Condition 2 of Resolution R-76-127, Petition 76-18) [Entrance road has now been constructed]
3. Developer shall contribute his fair share, based on **traffic** volume, toward the construction of the following at the intersection of Old Congress and Lantana Road:
  - a) Dual left turn lane, east approach [Lantana Road has now been widened]
  - b) Right turn lane, west approach and south approach [**Old** Congress has now been constructed]
  - c) Traffic signal, if warranted as determined by the County Engineer. (Previous Condition 3 of Resolution R-76-127, Petition 76-18) [Ongoing]
4. Developer shall construct right turn lanes on Old Congress Road and both points of access to the Shopping Center, as warranted. (Previous Condition 4 of Resolution R-76-127, Petition 76-18) [Projects entrances have been constructed.]
5. Developers shall construct the following at both points of access along Congress Avenue:

- a) Right turn lane, south approach [Complete]
  - b) Dual left turn lane, north approach [Ongoing]
  - c) Four **(4)** lane entrances [Complete]
  - d) Traffic signals when warranted, as determined by the County Engineer, with cost to be shared with future development across the street. (Previous Condition 5 of Resolution R-76-127, Petition 76-18) [Ongoing]
6. Developer shall convey to Palm Beach County, twenty **(20)** feet or less, for the Ultimate right-of-way for Congress Avenue. (Previous Condition 6 of Resolution R-76-127, Petition 76-18) [Completed]
  7. All the construction of required improvements listed above shall be phased as warranted by the development of the Shopping Center, and directed by the sole determination of the County Engineer. (Previous Condition 7 of Resolution R-76-127, Petition 76-18)
  8. Developer shall revise the drainage design, giving consideration to water quality as well as quantity. (Previous Condition 8 of Resolution R-76-127, Petition 76-18) [May be deleted: Reason code requirement]
  9. Owners shall execute an "Aviation and Clearance easement" as required by the Departments of Airports. (Previous Condition 9 of Resolution R-76-127, Petition 76-18)
  10. The development shall retain onsite **85%** of the stormwater runoff generated by a three **(3)** year one hour storm per requirements of the Permit Section, Land Development Division. (Previous Condition 9 of Resolution R-86-93, Petition 76-18A) [May be deleted: Reason code requirement]
  11. The property owner shall convey for the ultimate right-of-way of Congress Avenue **60** feet from centerline within ninety **(90)** days of the approval of the resolution approving this project or prior to site plan certification whichever shall first occur. (Previous Condition 3 of Resolution R-87-1200, Petition 76-18E) [Completed]
  12. The property owner shall construct a left turn lane, south approach on Congress Road at the project's northern-most entrance. (Previous Condition 11 of Resolution R-86-93, Petition 76-18A) [Congress Avenue has now been widened and the median openings have been established.]
  13. 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 **\$229,911.00 (8,582 trips x \$26.79 per trips)**. (Previous Condition 12 of Resolution R-86-93, Petition 76-18A)
  14. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional **\$164,956.00** toward Palm Beach County's existing Roadway Improvement Program, these total funds of **(\$394,867.00)** to be paid prior to the issuance of any further Building permits or October 1., 1986 whichever shall first occur.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of **\$164,956.00** shall be credited toward the increased Fair Share Fee. (Previous Condition 13 of Resolution R-86-93, Petition 76-18A)

15. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the application of a Building Permit. (Previous Condition 14 of Resolution R-86-93, Petition 76-18A) [May be deleted: Reason now a requirement of the Building Permit]
16. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Lantana Road, Congress Avenue and Congress Road. (Previous Condition 15 of Resolution R-86-93, Petition 76-18A) [May be deleted: Reason now a requirement of the Building Permit]
17. In order to comply with the mandatory traffic performance standards, the property owner shall be restricted to the following phasing schedule:
  - a) Building Permits for more than **186,792** square feet of additional retail space and **18,208** square feet of office space shall not be issued until construction of the four-laning of Lantana Road between Congress Avenue and **1-95** has begun. (Previous Condition 16 of Resolution R-86-93, Petition 76-18A) [Completed]
18. The property owner shall align the proposed drives along Congress Avenue with the existing median openings. (Previous Condition 18 of Resolution R-86-93, Petition 76-18A) [Driveways have now been constructed.]
19. The property owner shall install signalization **if warranted** by the County Engineer at the project's entrance road(s) and both Congress Avenue and Lantana Road. Should signalization not be warranted after **12** months of the final Certification of Occupancy, this property owner shall be relieved from this condition. (Previous Condition 20 of Resolution R-86-93, Petition 76-18A) [Ongoing]
20. 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 the proposed movie theater is **\$2,465.00**. Note: This impact fee allows for credit which will be paid for the entire shopping center under Petition **76-18 (A)** condition **No. 12** and **13**. (Previous Condition 3 of Resolution R-87-223, Petition 76-18B)

#### F. LANDSCAPING

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a. Required number of trees to be preserved or planted; (Previous Condition 1 of Resolution R-87-223, Petition 76-18B)

G. LIGHTING

1. **Security lighting shall be directed away from nearby residences.**  
(Previous Condition 2 of Resolution R-86-93, Petition 76-18A)

H. USE LIMITATIONS

1. **A minimum of 63,208 square feet of the total project shall remain as office use.** (Previous Condition 17 of Resolution R-86-93, Petition 76-18A)

I. 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 noncompliance, 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)