

RESOLUTION NO. R-98- 1794

RESOLUTION APPROVING ZONING PETITION **EAC95-106(B)**
 DEVELOPMENT ORDER AMENDMENT
 PETITION **OF** GROVE SHOPPING PARTNERS, LTD
 BY BRADLEY MILLER, AGENT
 (THE GROVE MARKET)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter **163** and Chapter 125, Florida Statutes, 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 **EAC95-106(B)** was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; 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 EAC95-106(B), the petition of Grove Shopping Partners, Ltd, by Bradley Miller, agent, for a Development Order Amendment (DOA) to Add Medical Office and Veterinary Clinic (requested uses) 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 October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

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

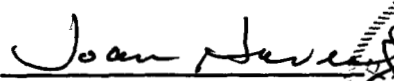
The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

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

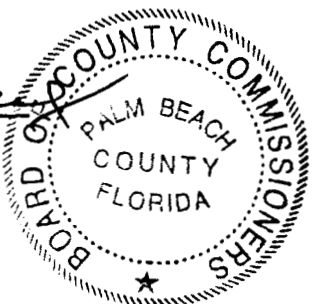


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

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

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

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

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

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

THENCE NORTH 88°17'06"W A DISTANCE OF 556.56 FEET;

THENCE N43°17'19"W A DISTANCE OF 113.13 FEET TO A POINT WHICH IS 10.00 FEET EAST OF THE SEMINOLE PRATT-WHITNEY ROAD RIGHT-OF-WAY;

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

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

EXHIBIT B
VICINITY SKETCH

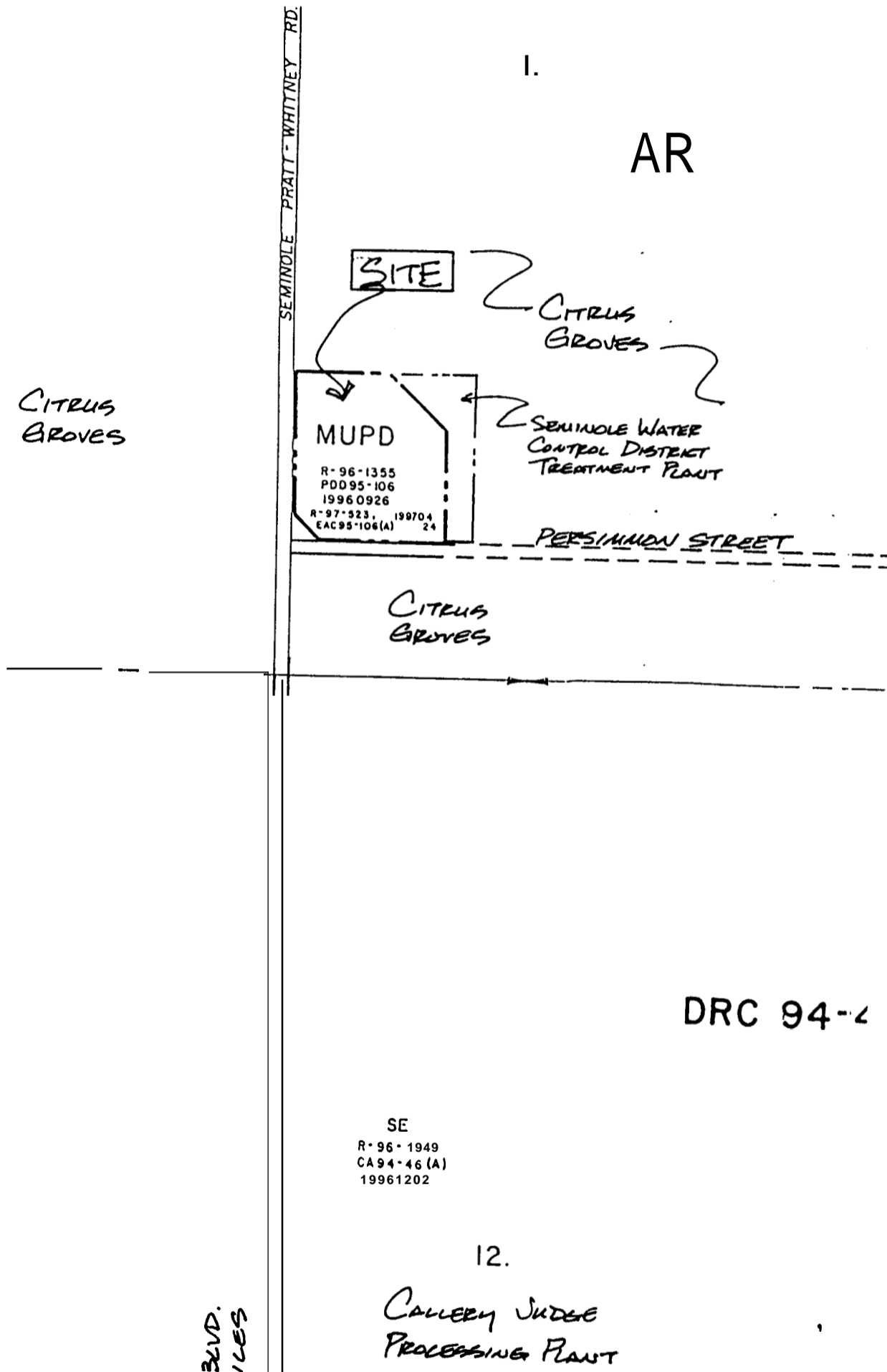


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1355 (Petition 95-106) and R-97-523 (Petition 95-106(A)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 8, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. All buildings and structures shall be designed and constructed to be consistent with the Regulating Plan elevations, dated May 29, 1996, prepared by Kenneth R. Carlson. (Previously Condition 6.1 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: BLDG - Zoning))
2. Similar architectural character and treatment, such as **color**, material and roof treatment, shall be provided on all sides of the buildings (i.e. excluding canopies and awnings in the rear). (Previously Condition B.2 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: BLDG-Zoning))
3. The architectural design of the buildings shall include the items specified below.
 - a. All structures shall be consistent in the use of common elements such as colors, architectural details and landscape material;
 - b. All mechanical and electrical equipment shall be screened from view so as not to be visible from any property line.
 - c. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture.
 - d. Roof and/or trim color shall be coordinated with base colors. Gutters and down spouts shall be integrated into the architectural design of the building. (Previously Condition B.3 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: BLDG - Zoning))

C. BUILDING AND SITE DESIGN

1. Total gross **floor** area shall be limited to a maximum of **89,557** square feet. The gross **floor** area of any individual tenant shall be limited to a maximum of **62,000** square feet. (BLDG PERMIT: BLDG - Zoning)(Previously Condition C. 1 of Resolution R-97-523, Petition 95-106(A))
2. A maximum of three (3) separate free standing buildings shall be permitted on-site. A maximum of one (1) out-parcel may have vehicular circulation on all four (4) sides. (Previously Condition C.2 of Resolution R-97-523, Petition 95-106(A) (ONGOING/DRC: BLDG - Zoning))
3. The petitioner shall vary the front facade of all structures a minimum depth of ten (10) feet per maximum distance of three hundred (300) linear feet. (Previously Condition C.3 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: BLDG - Zoning))
4. Prior to final Development Review Committee (DRC) certification, the petitioner shall obtain removal agreements for improvements within proposed utility easements along the property lines. (Previously Condition C.4 of Resolution R-97-523, Petition 95-106(A) (DRC: ZONING))

D. DUMPSTERS AND TRASH COMPACTORS

1. All dumpsters and trash compactors shall be located a minimum of twenty-five (25) feet from all property lines and confined to the areas designated on the site plan. (Previously Condition D.1 of Resolution R-97-523, Petition 95-106(A) (DRC / ONGOING: ZONING / CODE ENF))
2. All dumpsters and trash compactors, shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the adjacent building's architecture. (Previously Condition D.2 of R-97-523, Petition 95-106(A) (CO: BLDG - Zoning))
3. The required screening for dumpsters and trash compactors shall be a minimum six (6) foot high opaque enclosure. The height of the enclosure shall be measured from the elevation of the asphalt adjacent to and outside the enclosed area. (Previously Condition D.3 of Resolution R-97-523, Petition 95-106(A) (CO: BLDG - Zoning))

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by a right-of-way warranty deed additional right of way for the construction of a right turn lane on Seminole Pratt Whitney Road at the project's main entrance road. This right-of-way shall be a minimum of **280** feet in storage length, twelve feet in width and a taper length of **50** feet (on an alignment approved by the County Engineer) or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (Previously Condition E.1 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: MONITORING - Eng))

2. The property owner shall convey to the Palm Beach County Land Development Division by road right-of-way warranty deed:
 - a) Seminole Pratt Whitney Road, **60** feet from centerline; and
 - b) Persimmon Street, **80** feet south of this projects south property line.

This additional right of way shall be conveyed on ~~or~~ before December **1, 1997** ~~or~~ prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Comer Clips" where appropriate as determined by the County Engineer. (Previously Condition E.2 of Resolution R-97-523, Petition 95-106(A) (DATE / BLDG PERMIT: MONITORING - Eng)

3. The Property owner shall construct:
 - a) Persimmon Street from Seminole Pratt Whitney Road east to the project's west property line. Construction shall be to collector street standard minimum **3 - 12** foot travel lanes. This will provide for a left turn lane east approach on Persimmon Street at Seminole Pratt Whitney Road, and a left **turn** lane at the project main entrance. The Developer shall also provide adjacent to this commercial site a stormwater management tract for the stormwater runoff of Persimmon Street. The amount of runoff required to be stored in this tract shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (Previously Condition E.3.a of Resolution R-97-523, Petition 95-106(A) (DRAINAGE REVIEW: ENG)
 - b) left turn lane north approach on Seminole Pratt Whitney Road at the each of the projects entrance roads; and
 - c) right turn lane south approach on Seminole Pratt Whitney Road at the projects main entrance road.
 - d) separate left and right turn lanes east approach at the projects main entrance road exiting onto Seminole Pratt Whitney Road and Persimmon Street.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.3 of Resolution R-97-523, Petition 95-106(A) (CO: MONITORING/ENG)

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

- a) No building permits for the site may be issued after January **1, 1999**. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section **5.8** of the Unified Land Development Code. (Previously Condition **E.4** of Resolution R-97-523, Petition 95-106(A) (DATE: MONITORING- Eng)

F. HEALTH

1. An engineering report properly addressing the removal and disposal of the asbestos cement piping identified in the Environmental Site Assessment Report dated April **17, 1996**, is required. The report shall be submitted to PBCPHU prior to final site plan approval. (Previously Condition F.1 of Resolution R-97-523, Petition 95-106(A) (DRC: HEALTH)
2. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC. (ONGOING: HEALTH/CODE ENF)
3. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

G. LANDSCAPE

1. All shade and canopy trees required to be planted on site by the conditions of approval shall meet the following minimum standards at time of installation:
 - a. Tree height: fourteen **(14)** feet;
 - b. Trunk diameter: **3.5** inches measured **4.5** feet above grade; and
 - c. Canopy diameter: seven **(7)** feet. Diameter shall be determined by the average canopy radius at **3** points measured from the trunk to the outermost branch tip. Each radius shall measure at least **3.5** feet in length. (Previously Condition G.1 of Resolution R-97-523, Petition 95-106(A) (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by the conditions of approval shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve **(12)** feet grey wood;
 - b. Clustering: staggered heights twelve **(12)** to eighteen **(18)** feet; and
 - c. Pruning: minimum six **(6)** fronds, no clipped or spiked cuts. (Previously Condition G.2 of Resolution R-97-523, Petition 95-106(A) (CO: LANDSCAPE - Zoning)
3. All perimeter buffers shall be completed prior to the issuance of the first certificate of occupancy for the shopping center. (Previously Condition G.3 of Resolution R-97-523, Petition 95-106(A) (DRC / CO: LANDSCAPE - Zoning)

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

1. Landscaping and buffering along the west and south property lines shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip;
 - b. An undulating berm having an average height of **25** feet measured from the top of curb. At no time shall the berm be less than two **(2)** feet in height;
 - c. One **(1)** tree for each twenty **(20)** linear feet of frontage property line with a maximum spacing of thirty **(30)** feet on center. A minimum of **50%** of the required trees shall be shade ~~or~~ canopy trees;
 - d. One **(1)** palm ~~or~~ pine tree for each thirty **(30)** linear feet perimeter property line with a maximum spacing of eighty **(80)** feet; and
 - e. Twenty four **(24)** inch high shrub ~~or~~ hedge material installed on the plateau of the berm. Shrub ~~or~~ hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six **(36)** inches. (Previously Condition **H.1** of Resolution R-97-523, Petition 95-106(A) (DRC / CO / ONGOING: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. A minimum fifteen **(15)** foot wide landscape buffer strip;
 - b. Continuous two **(2)** foot high berm with the height of berm measured from the top of curb; and
 - c. A six **(6)** foot high green vinyl coated chain link fence on the plateau of the berm. (Previously Condition **1.1** of Resolution R-97-523, Petition 95-106(A) (DRC/CO: LANDSCAPE - Zoning)
2. The following landscape requirements shall be installed alternating on the interior and exterior side of the required fence:
 - a. One **(1)** canopy tree for each twenty **(20)** linear feet of perimeter property line with a maximum spacing of thirty **(30)** feet on center; and
 - b. One **(1)** palm ~~or~~ pine tree for each thirty **(30)** linear feet perimeter property line with a maximum spacing of sixty **(60)** feet between clusters. (Previously Condition **12** of Resolution R-97-523, Petition 95-106(A) (DRC/ CO: LANDSCAPE - Zoning)
3. Along the exterior side of the required fence the property owner shall install on the plateau of the berm twenty four **(24)** inch high shrub ~~or~~ hedge material spaced no more than twenty four **(24)** inches on center at installation. This shrub ~~or~~ hedge material shall be maintained at a minimum height of sixty **(60)** inches. (Previously Condition **1.3** of R-97-523, Petition 95-106(A) (DRC/ CO/ ONGOING: LANDSCAPE - Zoning)

J. LANDSCAPING - INTERIOR

1. Landscaping shall be provided along the west and southwest **facades** of the principal structure and meet the following minimum standards:
 - a. The minimum width of this foundation planting shall be **ten (10)** feet;
 - b. The petitioner shall install one tree for each thirty (**30**) linear feet of adjacent building facade with a maximum spacing of **forty (40)** feet on center;
 - c. The petitioner shall install one palm for each twenty (**20**) linear feet of adjacent building facade with a maximum spacing of **one hundred (100)** feet between clusters; and
 - d. The petitioner shall provide appropriate ground cover and **shrub** material in the foundation planting areas. (Previously Condition J.1 of Resolution R-97-523, Petition 95-106(A) (DRC/CO: LANDSCAPE - Zoning))

2. Foundation plantings shall be provided along the unroofed front and side facades of all structures. The minimum width of this foundation planting shall be five (**5**) feet. The combined length of the landscape area shall be no less than **40%** of the total length of the applicable side of the structure. **All** foundation landscape areas plantings shall be planted with a minimum of one (**1**) tree every twenty (**20**) feet on center and appropriate ground cover. (Previously Condition J.2 of Resolution R-97-523, Petition 95-106(A) (DRC / CO: LANDSCAPE - Zoning))

3. Landscaped divider medians shall be provided between all rows of abutting parking and meet the following minimum standards:
 - a. The minimum width of divider medians shall be **ten (10)** feet. **The** ten feet may be reduced to five feet if the divider median **is** in excess of the interior landscape requirements;
 - b. One evergreen canopy tree and appropriate ground cover shall be planted for each twenty (**25**) linear feet of the divider median, with a maximum tree spacing of **forty (40)** feet on center; **and**
 - c. One (**1**) palm **or** pine tree for each thirty (**30**) linear feet **perimeter** property line with a maximum spacing of **sixty (60)** feet between clusters. (Previously Condition J.3 of Resolution R-97-523, Petition 95-106(A) (DRC / CO: LANDSCAPE - Zoning))

4. One evergreen canopy tree and appropriate ground cover shall be planted in each interior parking island. (Previously Condition J.4 of Resolution R-97-523, Petition 95-106(A) (DRC / CO: LANDSCAPE-Zoning))

5. Landscaped divider medians with at grade bicycle and pedestrian **cuts** shall be required in the center **of** all ingress **or** egress driveways if **over** thirty (**30**) feet in width. The minimum width of these entry **medians** shall be six (**6**) feet with a minimum landscape area width of five (**5**) feet. The minimum length of these entry medians shall be twenty **five (25)** feet. One tree and appropriate ground cover shall be planted **for** each twenty (**20**) linear feet of the divider median. (Previously Condition J.5 of R-97-523, Petition 95-106(A) (DRC / CO: LANDSCAPE - Zoning))

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. **Low** intensity back lighted **or** interior lighted signs may be permitted. (Previously Condition **K.1** of Resolution R-97-523, Petition 95-106(A) (ONGOING: BLDG / CODE **ENF** - Zoning)
2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (Previously condition **K.2** of Resolution R-97-523, Petition 95-106(A) (CO: BLDG - Zoning)

L. MASS TRANSIT

1. Prior to final certification of the master plan **or** site plan by the Development Review Committee, whichever occurs **first**, the petitioner shall amend the plan to indicate bus access **and/or** a bus stop(s) **on or** adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County **Engineer**.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, **if** required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property **or** use, and bicycle rack. (Previously Condition L.1 of Resolution R-97-523, Petition 95-106(A) (DRC: ZONING - School Board/Eng/Planning)

M. MUPD

1. Total gross **floor** area shall be limited to a maximum of **89,557 square** feet. (Previously Condition M.1 of Resolution R-97-523, Petition 95-106(A) (DRC/BLDG PERMIT: BLDG - Zoning)
2. To ensure consistency with the site plan dated August **13, 1996** presented to the Board of County Commissioners, no more than fifteen (**15**) percent of the total approved square footage shall be administratively relocated. (Previously Condition M.2 of Resolution R-97-523, Petition 95-106(A) (DRC: ZONING)
3. Prior to final certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between buildings, elevations and signage for the entire property. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed **or** amended without written approval from the Zoning Director. (Previously Condition M.3 of R-97-523, Petition 95-106(A) (DRC: ZONING - Co Att)
4. Prior **to** final certification of the preliminary development plan by **the** Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses **and** parking areas within the project are part of a single unified **planned** development, regardless of ownership. The covenant shall be **recorded** in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed **or** amended without written approval from **the** Zoning Director. (Previously Condition M.4 of R-97-523, Petition 95-106(A) (DRC: ZONING - Co Att)

N. PARKING

1. A maximum of 448 parking spaces shall be allowed on site. (Previously Condition N.1 of Resolution R-97-523, Petition 95-106(A) (DRC: ZONING))
2. Delivery and loading areas for the principal structure shall be located in the rear of the building. Screening shall consist of a grade-level loading dock platform with a sixty (**60**)foot long eight (**8**) foot high screen wall. The loading dock platform and screen wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning) (Previously Condition N.2 of Resolution R-97-523, Petition 95-106(A))
3. Parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (Previously Condition N.3 of Resolution R-97-523, Petition 95-106(A) (ONGOING: CODE ENF))
4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except for within designated loading areas in the rear of the principal structure. (Previously Condition N.4 of Resolution R-97-523, Petition 95-106(A) (ONGOING: CODE ENF))
5. Storage or parking of delivery vehicles or trucks shall not be permitted within fifty (**50**)feet of the north and east property lines. (Previously Condition N.5 of Resolution R-97-523, Petition 95-106(A) (ONGOING: CODE ENF))
6. Prior to final DRC certification, the site plan shall be amended to include effective screening of all loading areas from adjacent rights-of-way and perimeter property lines. (Previously Condition N.6 of Resolution R-97-523, Petition 95-106(A) (DRC: ZONING))
7. The parking aisle located on the west side of the Persimmon Street turnout shall be closed. Appropriate exit signs shall be provided to direct traffic to the shopping center's main drive. (Previously Condition N.7 of Resolution R-97-523, Petition 95-106(A) (DRC: BLDG - Zoning))
8. Prior to site plan certification by the final Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (Previously Condition N.8 of Resolution R-97-523, Petition 95-106(A) (DRC: ZONING))

O. PLANNING

1. The property shall be subject to the restrictive covenant as recorded in the Palm Beach County Public Records for said property, ORB 9422 pg. 63 and ORB 9484 pg. 154-157, and conditions of approval as outlined in Palm Beach County case number **SCA 96-S3/SCA 40 COM 1**. (ONGOING: PLANNING)

P. SIGNS

1. The main freestanding shopping center sign on Seminole Pratt-Whitney Road shall be limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - fifteen (**15**) feet;
 - b. Maximum sign face area per side - **150** square feet;

- c. Maximum number of signs - one **(1)**;
 - d. Style - monument style only; and
 - f. Location - maximum fifteen **(15)** feet from edge of pavement. (Previously Condition P.1 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: BLDG - Zoning))
2. Point of purchase **and/or** freestanding signs for the **two** outparcels on Seminole Pratt-Whitney Road shall be limited as **follows**:
- a. Maximum sign height, measured from top of curb to highest point - ten **(10)** feet;
 - b. Maximum sign face area per side - **90** square feet;
 - c. Maximum number of signs - one **(1)** each;
 - d. Style - monument style only; and
 - f. Location - maximum fifty **(50)** feet from outparcel building. (Previously Condition P.2 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: BLDG - Zoning))
3. Proposed signage on Persimmon Street shall be limited **as** follows:
- a. Maximum sign height, measured from top of curb to highest point - eight **(8)** feet;
 - b. Maximum sign face area per side - **60** square feet;
 - c. Maximum number of signs - one **(1)**;
 - d. Style - monument style only; and
 - e. Location - maximum fifteen **(15)** feet from edge of pavement. (Previously Condition P.3 of Resolution R-97-523, Petition 95-106(A) (BLDG PERMIT: **BLDG** - Zoning))

Q. USE LIMITATIONS REQUESTED USES

- 1. The commercial center shall be limited to a maximum of 4,000 square feet for the medical offices. (DRC: ZONING)
- 2. The commercial center shall be limited to a maximum of 1,200 square feet for the veterinary clinic. (DRC: ZONING)
 - a. Overnight boarding of animals shall be limited to hospitalization and associated medical services. (ONGOING: CODE ENF)

R. COMPLIANCE

- 1. 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)
- 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; 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)



**Department of Planning,
Zoning & Building**

100 Australian Avenue
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(561) 233-5000

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**Palm Beach County
Board of County
Commissioners**

Burt Aaronson, Chairman
Maude Ford Lee, Vice Chair
Karen T. Marcus
Carol A. Roberts
Warren H. Newell
Mary McCarty
Ken L. Foster

County Administrator

Robert Weisman PE

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: October 30, 1998 *by r/c*
RE: Amended Conditions from the October 22, 1998 BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on October 22, 1998.

The following petitions were amended:

EAC95-106(B)	The Grove Market
PDD98-44	Palm Beach Plaza MUPD
PDD98-23	Pratt & Orange MUPD
Z/COZ98-41	Pratt & Orange PO
PDD/DOA93-21(A)	Village Center aka Floral Acres
DOA81-109(F)	Atlantic Square
DOA89-63(B)	Sherbrooke Center

The following petition will be brought back for adoption at the December 3, 1998 BCC Hearing:

CA78-231(A)	Wash Depot VII
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