

RESOLUTION NO. R-99- 2251

RESOLUTION APPROVING ZONING PETITION EAC87-024(H)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ROBERT J. AMSDELL, TR
BY ROBERT BASEHART, AGENT
(LANTANA ROAD PCD)

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 EAC87-024(H) was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1999; 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 EAC87-024(H), the petition of Robert J. Amsdell, TR, by Robert Basehart, agent, for a Development Order Amendment/Expedited Application Consideration (DOA/EAC) to modify/delete conditions of approval in Resolution R-97-0011 and reconfigure site plan 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 December 2, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1999.

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

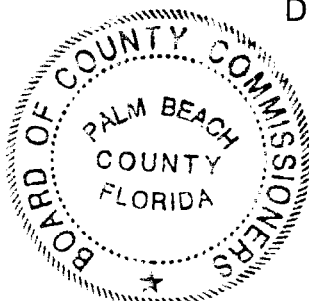


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

A parcel of land being part of Government Lots 3 and 4, Tract 39, of the Hiatus in Township 44 1/2 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northeast corner of said Government Lot 4; thence South 26°29'02" East along the East line of said Government Lot 4 (the East line of Government Lot 4 is assumed to bear South 26°29'02" East and all other bearings stated herein are relative thereto) a distance of 61.21 feet to a point on the South right-of-way line of Lantana Road (also known as County Road No. 8 12) as described in Official Record Book 5571, Page 783, Public Records of Palm Beach County, Florida; thence South 88°23'52" East along said right-of-way line a distance of 447.37 feet to a point of intersection with the East line of the West 10 acres of said Government Lot 3; thence South 26°29'02" East along the East line of the West 10 acres of said Government Lot 3 a distance of 1032.71 feet to a point of intersection with the South line of said Tract 39; thence South 89°15'59" West along the South line of said Tract 39 a distance of 435.59 feet to a point in a line described as Release Parcel 2 (from Allied Parcel) as described in Official Record Book 8681, Page 1364, Public Records of Palm Beach County, Florida; thence North 26°29'02" West along said line a distance of 33.31 feet to a point of intersection with the North line of a 30 foot Lake Worth Drainage District easement as described in Official Record Book 5547, Page 1449, Public Records of Palm Beach County, Florida; thence South 89°15'59" West along said easement line a distance of 218.61 feet to a point in the East line of a parcel of land described as property encumbered by Mortgage No. 3, as described in Official Record Book 8681, Page 1364, Public Records of Palm Beach County, Florida; thence South 26°29'02" East along said East line a distance of 33.31 feet to a point of intersection with the South line of said Tract 39; thence South 89°15'59" West along said Tract line a distance of 195.40 feet; thence North 26°29'02" West parallel with the East line of said Government Lot 4 a distance of 1071.96 feet to a point of intersection with the South right-of-way line of said Lantana Road; thence along the South right-of-way line of Lantana Road the following courses and distances; South 88°23'52" East a distance of 276.40 feet; thence South 01°36'08" West a distance of 12.00 feet; thence South 88°23'52" East a distance of 150.00 feet to a point of intersection with the East line of said Government Lot 4; thence North 26°29'02" West along said East line a distance of 13.60 feet to the POINT OF BEGINNING.

LESS AND EXCEPT a parcel of land conveyed to Palm Beach County as contained in Official Record Book 5692, Page 1783, Public Records of Palm Beach County, Florida.

Containing in all 18.284 acres more or less.

SUBJECT TO restrictions, reservations, rights-of-way, and easements of record.

3
4
5

EXHIBIT B
VICINITY SKETCH

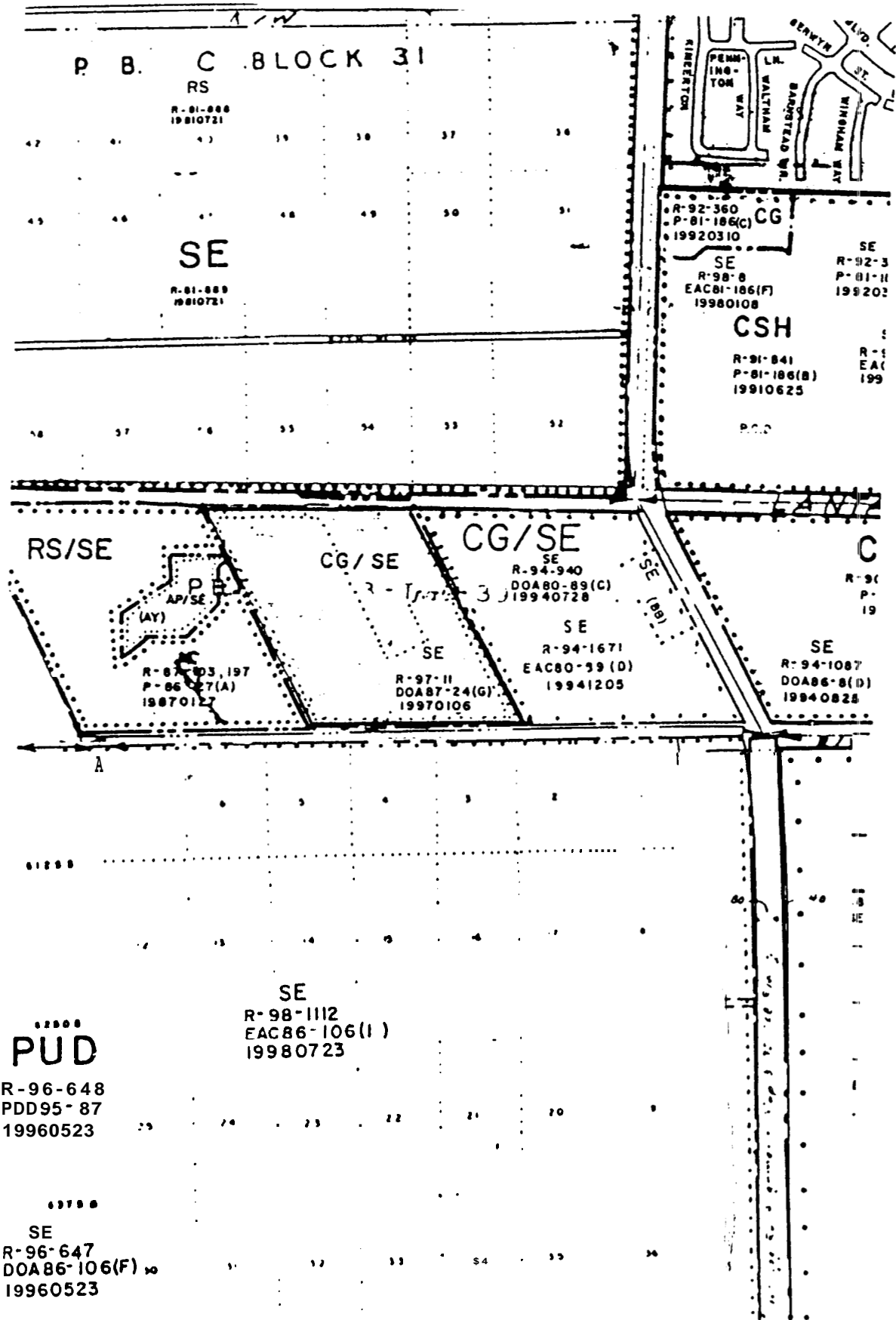


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Previous condition of Resolution R-97-11, Petition 87-24(G), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-90-1442 (Petition 87-24(E)), R-89-1168 (Petition 87-24(C)), R-88-1216 (Petition 87-24(A)), and R-87-1101-A (Petition 87-24), 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 state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-11 (Petition 87-24(G)), 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. Previous condition A.2 of Resolution R-97-11, Petition 87-24(G), 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 October 25, 1996. 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 state:

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 October 28, 1999. 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. Prior to site plan certification, the site plan shall be amended to include the following:
 - a. The required six (6) foot wall along the western property line. (Previously Condition B.1 of Resolution R-97-11, Petition 87024(G)). (DRC: ZONING)

2. Condition B.2 of Resolution R-97-11, Petition 87024(G) which currently states:

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

- a. Required parking for the Service Station/ Convenience Store, Car wash site.
- b. Proposed number of car wash bays.
- c. A maximum of 10,000 square feet for individual buildings, with each buildings' square footage shown on the site plan.
- d. Walkways between the vehicular parking and all office/warehouse buildings a minimum of three (3) feet in width.
- e. Loading space for all office/warehouse buildings free of conflict with vehicular circulation routes.
- f. Elimination of the parking space conflicting with the tank stacking lane.
- g. Right-of-way for the Lake Worth Drainage District L-16 Canal, with landscaping relocated out of it.
- h. A breakdown of the office use square footage (gross and gross leasable) and the warehouse use square footage (gross) within the office/warehouse tabular data.

Is hereby amended to read:

Prior to DRC final certification of the site plan, the petitioner shall revise the site plan to indicate a full five (5) foot landscape buffer along the entire south property line, except for the seventy (70) linear adjacent to the existing road directly south of Building 22. (DRC: ZONING)

3. Condition B.3 of Resolution R-97-11, Petition 87-24(G) which currently states:

Prior to site plan certification the site plan shall be revised to extend the proposed median to the ultimate right-of-way of Lantana Road.

Is hereby deleted. Reason: Completed. Shown on site plan dated October 28, 1999.

4. Condition B.4 of Resolution R-97-11, Petition 87024(G) which currently states:

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

- a. Relocation of the loading space from between buildings R-2 and R-3 to an area that does not conflict with other vehicular uses.
- b. Designation of building R-5, R-6, R-7 and R-8 for the following uses: Auto paint and Body, auto service station (major repairs), Dry Cleaning and Laundry Plant, wholesale uses including

appliances, building supplies, chemicals, furniture, machinery, millwork, woodwork, nurseries and greenhouses and office warehouse uses be permitted to operate in building R-5, R-6, R-7 and R-8.

- c. Designation for buildings R-1, R-2, R-3, R-4, P-1, P-2, S-4, N-3 and N-4 for the following wholesale uses: Appliance, Building Supplies, Chemicals, Furniture, Machinery, Millwork, Nurseries and Greenhouses, woodwork and Office Warehouse uses.

Are hereby deleted. Reason: B. 4.a is completed. B.4.b is replaced by new condition. Petitioner requests to delete B.4.c.

- 5. Appliance, Building Supplies, Chemicals, Furniture, Machinery, Millwork, woodwork and Office Warehouse uses shall be limited to buildings 19, 20, 21, 22 only. (ONGOING: CODE ENF - Zoning)
- 6. Condition B.5 of Resolution R-97-11, Petition 87-24(G) which currently states:

The special exception consumer uses: auto paint and body shop, auto service station (major repairs) and dry cleaning and laundry plant shall be limited to buildings A, 0-1, R-5, R-6, R-7 and R-8, as shown on Exhibit 71, and shall not exceed a maximum total floor area of 27,600 square feet.

Is hereby amended to read:

Automotive paint or body shop and repair maintenance, general uses shall be permitted only in Buildings 23, 24, 25 and 26. (ONGOING: CODE ENF - Zoning)

- 7. Condition B.6 of Resolution R-97-11, Petition 87-24(G) which currently states:

The special exception wholesale uses: appliances, building supplies, chemicals, furniture, machinery, millwork, woodwork, nurseries and greenhouses shall be limited to buildings R-1, R-2, R-3, R-4, P-1, P-2, S-4, N-3 and N-4, as shown on Exhibit 71, shall not exceed a total floor area of 42,975 square feet.

Is hereby deleted. Reason: replaced by Condition B.5.

- 8. Condition B.7 of Resolution R-97-11, Petition 87-24(G) which currently states:

There shall be no retail sales permitted in building R-5, R-7, R-6 or R-8 except as required for services performed on site.

Is hereby amended to read:

Retail sales shall be permitted only in Buildings 1 and 2. (ONGOING: CODE ENF - Zoning)

- 9. Condition B.8 of Resolution R-97-11, Petition 87-24(G) which currently states:

Office/warehouse shall be defined for this petition as: Those uses, commercial in nature, that are related to **office/warehouse** in function, character and trip generation, and those uses defined in Section 500.33

(Office-WarehouseCombinations) in the Zoning Code. These uses shall be permitted in building labeled **N, O, P, R and S** on the approved master plan.

Is hereby deleted. Reason: Request by petitioner

10. Total gross floor area shall be limited to a maximum of 200,500 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)
11. The maximum height for all new structures except for Building 17, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty five (25) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
12. The maximum height for Building 17, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty five (35) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
13. All ground 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)
14. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

C. FAA

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 and/or advisory circulars of the **Palm Beach County Airport Zoning** Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (Previously condition C.1 of Resolution R-97-11, Petition 87-24(G)) (DRC: AIRPORTS)

D. HEALTH

1. 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**. (ONGOING: HEALTH/CODE ENF)(Previously condition D.1 of Resolution R-97-11, Petition 87-24(G))
2. **No** building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system. (ONGOING: HEALTH/CODE ENF)(Previously condition D.2 of Resolution R-97-11, Petition 87-24(G))

3. 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 water and sewer system. (ONGONG: HEALTH/CODE ENF)(Previously condition 0.3 of Resolution R-97-11, Petition 87-24(G))
4. Since sewer and water service are available to the property, neither septic tank or well shall be approved for use on the property. (ONGONG: HEALTH/CODE ENF)(Previously condition D.4 of Resolution R-97-11, Petition 87-24(G))

E. ENGINEERING

1. Condition E.2 of Resolution R-97-11, Petition 87-24(G) which currently states:

The property owner shall convey for the ultimate right-of-way of :

- a. Lantana Road, **54** feet from centerline.
- b. Conveyance for the construction of a right turn lane, west approach on Lantana Road at the project's main entrance. This right of way shall be a minimum of **150** feet in length and **12** Feet in width, within **90** days of the approval of the Resolution approving this project.

is completed.

2. The property owner shall construct a left turn lane, east approach at the project's east entrance and a right turn lane, west approach at the project's west entrance on Lantana Road at the project's entrance road concurrent with onsite paving and drainage improvements. (Previously condition E.3 of Resolution R-97-11, Petition 87-24(G))
3. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Lantana Road along the property frontage and for a maximum **400 ft.** distance each side of the property boundary lines along Lantana Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously condition E.4 of Resolution R-97-11, Petition 87-24(G))
4. Condition E.5 of Resolution R-97-11, Petition 87-24(G) which currently states:

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 **\$109,142.00 (4,074 trips x \$26.79 per trip)**.

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$54,571.00 toward Palm Beach County's existing Roadway Improvement program, these total funds of \$163,713.00 to be paid prior to the issuance of the first building permit or prior to October 1, 1987 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 \$54,571.00 shall be credited toward the increased Fair Share Fee.

Is hereby deleted. Reason: Code requirement.

5. The petitioner shall design the drainage system such that storm **water** runoff from the parking areas and paved surface area shall be separate from those areas which may contain hazardous or undesirable **waste** from the proposed site. (Previously condition E.7 of Resolution R-97-11, Petition 87-24(G))

6. Condition E.8 of Resolution R-97-11, Petition 87-24(G) which currently states:

The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" for the additional 625 trips generated by this revision (87-24(C)) as it presently exists or as it may from time to time be amended.

Is hereby deleted. Reason: Code requirement.

7. Condition E.9 of Resolution R-97-11, Petition 87-24(G) which currently states:

In order to comply with the mandatory traffic performance standards the petitioner shall be restricted to the following:

- a. **50%** of the building permits for the remaining unbuilt **structures** of Zoning Petition No. **87-24(C)** identified in the November 1988 applicants Traffic Impact Analysis may be pulled after **January 1, 1989**. Certificates of occupancy for those structures **may** be received after July 1, 1989.
- b. The remaining **50%** of the unbuilt structures may not be eligible for building permits until all construction has begun (4 lane median divided section) for: 1) Lantana Road from **Hagen Ranch Road** to Jog Road; 2) Jog Road from Melaleuca Lane to Lantana Road.

Is completed.

F. LANDSCAPE FOR COMMUNICATION TOWER ONLY

1. The petitioner shall provide a minimum ten (10) foot wide **Alternative 3** landscape buffer around the tower lease parcel, except as permitted in Section 6.4.D.22.h. (**Communication Tower/Landscape and Buffering**) of the ULDC. (DRC: LANDSCAPE - Zoning)(Previously condition F.1 of Resolution R-97-11, Petition 87024(G))

2. **Canopy trees shall be planted twenty (20) feet on center around the tower lease parcel in the landscape buffer.** (CO: LANDSCAPE - Zoning)
(Previously condition F.2 of Resolution R-97-11, Petition 87-24(G))

G. LANDSCAPING - STANDARD

1. All new and replacement canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve (12) feet
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: six (6) 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 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All new and replacement palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. Credit may be given for existing or relocated trees and native understorey provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning)
5. Prior to April 1st, 2000, the petitioner shall submit a landscape plan approved by the landscape inspector for the entire site to the Public Hearing Section, Zoning Division. (DATE: LANDSCAPE - Zoning)
6. Prior to May 1st, 2000, the petitioner shall replace any dead, damaged or missing plant materials in the developed portions of the site. (DATE: LANDSCAPE - Zoning)

H. LANDSCAPING - INTERIOR (AFFECTED AREA ONLY)

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (DRC: ZONING)
3. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) 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)

I. LAKE WORTH DRAINAGE DISTRICT

- 1. The petitioner shall convey to the Lake Worth Drainage District the south **25** feet of the subject property for the required **right-of-way** for Lateral Canal **No. 16**, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the **approval** of the Resolution approving this project. (Previously condition G.1 of Resolution R-97-11, Petition 87-24(G))

J. LIGHTING

- 1. Condition H.1 of Resolution R-97-11, Petition 87-24(G) which currently states:

Outdoor lighting used to illuminate the premises shall be low in intensity and directed away from adjacent properties and streets, shining only on the subject site.

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property 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 outdoor lighting fixtures for the affected area shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

K. SIGNS

- 1. **No** point of purchase or freestanding signs shall be permitted on the lease parcel or parent tract identifying the commercial communication tower or users. (CO: BLDG-Zoning) (Previously condition 1.1 of Resolution R-97-11, Petition 87-24(G))
- 2. No additional new signs shall be permitted. Replacement of existing freestanding point of purchase signs fronting on Lantana Road 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 - 100 square feet;
 - c. Maximum number of signs - three (3); and
 - d. Style - monument style only. (CO: BLDG)
- 3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

L. SWA

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (Previously condition J. 1 of Resolution R-97-11, Petition 87-24(G))

M. TOWER

1. Palm Beach County and the State of Florida shall have the right to co-locate communication equipment on the tower, subject to an acceptable lease agreement, provided that the placement of the equipment does not interfere with the petitioner's equipment operations. (ONGOING: PREM) (Previously condition K.1 of Resolution R-97-11, Petition 87-24(G))
2. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.22.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC: ZONING)(Previously condition K.2 of Resolution R-97-11, Petition 87-24(G))
3. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRC: AIRPORTS)(Previously condition K.3 of Resolution R-97-11, Petition 87-24(G))
4. The communication tower shall be limited to a maximum 100 foot high self support or monopole structure, measured from finished grade to highest point. (DRC: ZONING - Bldg)(Previously condition K.4 of Resolution R-97-11, Petition 87-24(G))
5. The minimum rear setback for the tower shall be one hundred and fifty (150) feet from the south property line. (DRC: ZONING - Bldg)(Previously condition K.5 of Resolution R-97-11, Petition 87-24(G))

N. UNITY

1. Prior to site plan certification, the petitioner shall submit a copy of the executed Unity of Title for inclusion into the official zoning file. (DRC: ZONING - CoAtt)(Previously condition L. 1 of Resolution R-97-11, Petition 87-24(G))
2. Prior to any further site plan certification the property owner shall record a Unity of Title covering the entire site for Zoning Petition 87-24(E), and all subsequent amendments. The Executive Director of Planning, Zoning and Building shall have authority to break the Unity of Title should the property owner desire to subdivide this parcel. Any subsequent subdivision of this subject property shall meet all provisions of Palm Beach County's Subdivision and Required Improvements Regulations and all applicable regulations and ordinances. (DRC: ZONING - CoAtt)(Previously condition L.2 of Resolution R-97-11, Petition 87-24(G))

O. USE LIMITATIONS

1. **No** retail sales shall be permitted in the office-warehouse **combinat** on. (ONGOING: CODE ENF- Zoning)(Previously condition M.1 of Resolution R-97-11, Petition 87-24(G))
2. Condition M.2 of Resolution R-97-11, Petition 87-24(G) which currently states:
No stock loading or dumpster pickup will be permitted between the hours of **8:00 P.M.** and **8:00 A.M.** (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

No stock loading or dumpster pickup except for Building 13-16 (Palm Beach Post Building) will be permitted between the hours of 8:00 P.M. and 8:00 A.M. (ONGOING: CODE ENF - Zoning)
3. The existing well drilling use shall be discontinued upon expiration of the existing lease for the well drilling company. (ONGOING: CODE ENF - Zoning)(Previously condition M.3 of Resolution R-97-11, Petition 87-24(G))
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles shall be **permitted** in landscape areas, rights-of-ways or interior drives. (ONGOING: CODE ENF - Zoning)(Previously condition M.4 of Resolution R-97-11, Petition 87-24(G))
5. There shall be no outside storage of disassembled or inoperative vehicles or parts thereof on site. (ONGOING: CODE ENF - Zoning)(Previously condition M.5 of Resolution R-97-11, Petition 87-24(G))
6. There shall be no outdoor repair of vehicles. (ONGOING: CODE ENF - Zoning)(Previously condition M.6 of Resolution R-97-11, Petition 87-24(G))
7. **No** outdoor loudspeaker system shall be permitted on site. (ONGOING: CODE ENF - Zoning)(Previously condition M.7 of Resolution R-97-11, Petition 87-24(G))

P. 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. Previous condition N.1 of Resolution R-97-11, Petition 87-24(G), which currently states:

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.

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)

It is hereby amended to state:

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; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the 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)