

RESOLUTION NO. R-2004-0156

RESOLUTION APPROVING ZONING PETITION DOA1996-087B
DEVELOPMENT ORDER AMENDMENT
PETITION OF AURORA INVESTMENTS IV, INC.
BY LAND DESIGN SOUTH, AGENT
(ABBAY PARK MUPD)

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 DOA1996-087B was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2004; 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 has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Development Amendment No. 2003-0005 SCA;
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 DOA1996-087B, the petition of Aurora Investments IV, Inc., by Land Design South, agent, for a Development Order Amendment to reconfigure site plan, add square footage and modify/delete conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 29, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Nay
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Nay
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 2003-0005 SCA (ABBEY PARK III) a.k.a. ABBEY PARK MUPD) is effective.

Filed with the Clerk of the Board of County Commissioners on 18 day of March, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF ABBEY PARK PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGES 180 AND 181, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 01E29'54" WEST, DEPARTING THE BOUNDARY OF SAID PLAT, A DISTANCE OF 16.00 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, AS RECORDED IN OFFICIAL RECORDS BOOK 6624, PAGE 1024, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, FOR A POINT OF BEGINNING.

THENCE, SOUTH 88E30'06" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, A DISTANCE OF 653.83 FEET; THENCE, SOUTH 45E00'06" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID FOREST HILL BOULEVARD, A DISTANCE OF 55.07 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 6624, PAGE 1024, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 01E30'06" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, AND ALONG A LINE 54.50 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 226.29 FEET; THENCE, SOUTH 02E18'44" WEST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, A DISTANCE OF 172.89 FEET; THENCE, SOUTH 01E30'06" EAST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, AND ALONG A LINE 66.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 160.00 FEET; THENCE, SOUTH 88E29'54" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, A DISTANCE OF 76.91 FEET; THENCE, SOUTH 75E55'26" WEST, A DISTANCE OF 222.97 FEET; THENCE, NORTH 80E30'06" WEST, A DISTANCE OF 307.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.49 FEET; THENCE, WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23E50'00", A DISTANCE OF 41.80 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 56E40'06" WEST, A DISTANCE OF 66.05 FEET; THENCE, NORTH 14E01'12" WEST, A DISTANCE OF 14.66 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 239.00 FEET, AND WHOSE RADIUS POINT BEARS NORTH 63E45'58" WEST; THENCE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35E17'08", A DISTANCE OF 147.19 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 09E03'06" WEST, A DISTANCE OF 187.15 FEET; THENCE, NORTH 01E29'54" EAST, A DISTANCE OF 226.77 FEET TO THE POINT OF BEGINNING.

CONTAINING: 9.88 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

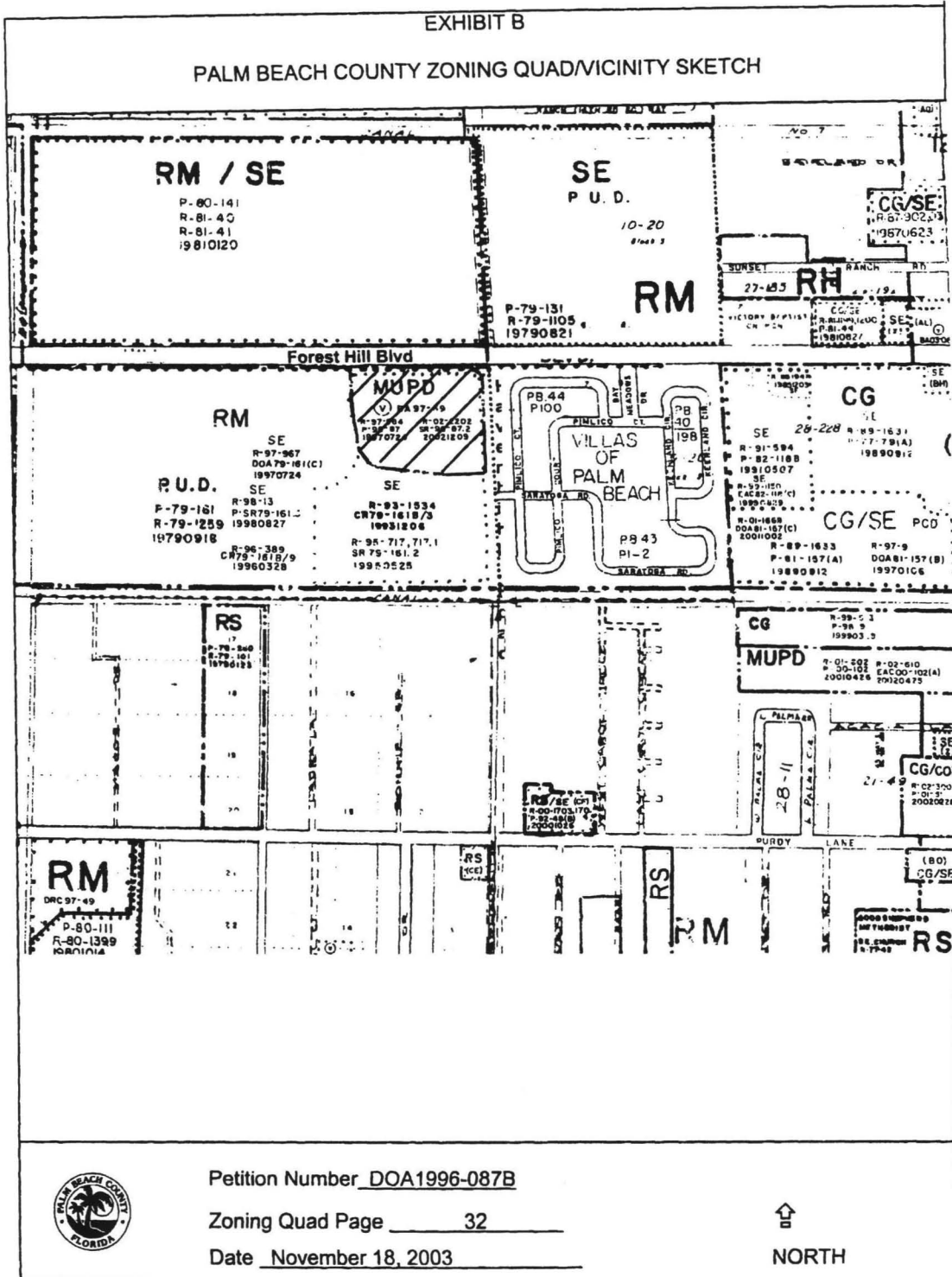


EXHIBIT C

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-97-0964 (Petition PDD1996-087), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.1 of Resolution R-1997-0964, Petition PDD1996-087, 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 June 20, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved site plan is dated December 10, 2003. 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)

3. Condition A.2 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

Prior to final DRC certification the petitioner shall obtain Board of Adjustment approval to allow bay doors to be oriented towards residential property lines. (DRC/BofA: ZONING-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

4. The petitioner shall have three (3) years from adoption of the resolution approving Petition 1996-087(B) to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING-Zoning)
5. Prior to final DRC approval of the site plan, the petitioner shall either meet parking requirements for an MUPD or provide justification/seek alternatives for the reduction in the number of required parking spaces. (DRC:ZONING-Zoning)
6. Phase 1 development of the site shall include, at a minimum, the pharmacy. The phasing shall also be labeled on the final DRC approved site plan. (DRC/ONGOING:ZONING/MONITORING-Zoning)

B. ARCHITECTURAL CONTROL

1. Condition B.1 Resolution R-1997-0964, Petition PDD1996-087 which currently states:

The proposed self service storage building shall be designed and constructed to be consistent with the facade elevations by Stephan A. Yerkes dated August 6, 1996. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

At time of submittal for final Development Review Committee (DRC) approval, architectural elevations for the buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be consistent with the plans shown to the Board of County Commissioners dated January 29th 2004, and shall also be designed to meet the requirements of Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and the DRC approved site plan. (DRC: ARCH REVIEW - Zoning)

2. Condition B.2 of Resolution R-1997-0964, Petition PDD1996-087 Is hereby amended to read:

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

Is hereby deleted. [REASON: No longer applicable.]

3. **All air conditioning and mechanical equipment that are roof mounted shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure (Previous Condition B.3 of Resolution R-1997-0964, Petition PDD1996-087) (BLDG PERMIT: BLDG - Zoning)**

C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

The proposed self service storage building shall limited to a maximum of 130,000 square feet. (DRC: ZONING-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

2. Condition C.2 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

The minimum setback for the proposed self service storage building shall be one hundred (100) feet from the north and ninety (90) feet from the west property lines, one hundred eighty (180) feet from the east property line and three hundred (300) feet from the south property line. (DRC: ZONING)

Is hereby deleted. [REASON: No longer applicable.]

3. **The proposed self service storage building shall be limited to a two story structure with a maximum height, measured from finished grade to highest point, not to exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning) Previous Condition C.3 of Resolution R-1997-0964, Petition PDD1996-087**

4. Prior to final DRC approval of the site plan, the petitioner shall revise the plan to show the following:
 - a. revise parking spaces east of the pharmacy to meet ULDC distance requirement between terminal islands. The maximum spacing between landscape islands shall not exceed one hundred and ten (110) linear feet.
 - b. the landscape median adjacent to the 15 parking spaces north of Buildings 3 and 4 of the self-service storage facility shall be a minimum of nine (9) feet including curbs. (DRC:ZONING/ENG-Zoning/Eng)

D. HEALTH

1. **Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent.** (Previous Condition D.1 of Resolution R-1997-0964, Petition PDD1996-087) (ONGOING: HEALTH/CODE ENF-HEALTH)

E. ENGINEERING

1. **The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for an expanded intersection at the intersection of Forest Hill Boulevard and Haverhill Road,**
 - a) **Forest Hill Boulevard 76 feet from centerline and**
 - b) **Haverhill Road 54 ½ feet from centerline,**

This additional right of way shall be dedicated prior to the issuance of the first Building Permit or prior to January 1, 2000 whichever shall first occur. Right of way conveyance shall be as defined in Palm Beach County's Typical Expanded Intersection drawings. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (Previous Condition E.1 of Resolution R-1997-0964, Petition PDD1996-087) (DATE/BLDG PERMIT: MONITORING/Eng-Eng) [NOTE: a & b complete]

2. **Prior to issuance of a building permit the property owner shall convey a 10 foot "Temporary Construction Easement" to Palm Beach County for Forest Hill Boulevard and for Haverhill Road along the entire projects frontage.** (Previous Condition E.2 of Resolution R-1997-0964, Petition PDD1996-087) (BLDG PERMIT: MONITORING - Eng)
3. **Prior to approval of the site plan by the DRC the property owner shall:**
 - a) **Obtain all drainage easements and agreements to provide for an acceptable drainage connection from this site, to the existing outfall under Abbey Road East south to the Lake Worth Drainage District L-8 Canal. All easements and agreements shall be approved by the County Engineer.** (Previous Condition E.3.a of Resolution R-1997-0964, Petition PDD1996-087) (DRC:ENG-Eng)
 - b) **Provide for an access onto Haverhill Road from the site subject to the approval of County Engineer.** (Previous Condition E.3.b of Resolution R-1997-0964, Petition PDD1996-087) (DRC:ENG-Eng)

4. **Prior to the issuance of the first building permit the property owner shall revise the Conceptual Drainage Permit from the South Florida Water Management District to reflect deletion of this 9.8 acre site from the Abbey Park PUD. (Previous Condition E.4 of Resolution R-1997-0964, Petition PDD1996-087) (BLDG PERMIT: ENG- Eng)**
5. **The developer of Pine Glen at Abbey Park Plat One (aka New Pine Glen) shall reconstruct the drainage system for Abbey Park East to provide legal positive outfall through the Abbey Park PUD drainage system. This construction shall be completed on or before November 30, 1997. No building permits or certificates of occupancy shall be issued after November 30, 1997 unless this construction is complete. Certification of completion by the developers engineer shall be provided to the County Engineer. (Previous Condition E.5 of Resolution R-1997-0964, Petition PDD1996-087) (DATE/BLDG PERMIT/CO: MONITORING/ENG - Eng) [NOTE: complete]**
6. **Condition E.6.A of Resolution R-1997-0964, Petition PDD1996-087) which currently states:**

LANDSCAPE WITHIN MEDIAN

- a) **Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by the Land Development Division Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. Also, any existing trees within the median shall be incorporated into this projects overall design. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)**

Is hereby amended to read:

LANDSCAPE WITHIN THE MEDIAN OF FOREST HILL BOULEVARD

- A. **The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Forest Hill Boulevard. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Oniy Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.**

Condition E.6.B of Resolution R-1997-0964, Petition PDD1996-087) which currently states:

- b) **All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All**

landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

Is hereby amended to read:

- B. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

Condition E.6.C of Resolution R-1997-0964, Petition PDD1996-087) which currently states:

- c) **Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)**

Is hereby amended to read:

- C. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

Condition E.6.D of Resolution R-1997-0964, Petition PDD1996-087) which currently states:

- d) **At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING-ENGINEERING)**

Is hereby amended to read:

- D. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those

medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING-ENGINEERING)

- E. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Forest Hill Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG)
7. Prior to DRC approval, the Final Site Plan shall be revised to provide for an additional bus shelter easement on Haverhill Road subject to the approval of the County Engineer and Pam Tran. (DRC:ENG-ENG)
8. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENG-Eng)
9. 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 December 31, 2006. 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. (DATE:MONITORING-Eng)
- b) Building Permits for more than
- 104,000 square feet of self service storage
 - 12 truck rental spaces
 - Manager's apartment
 - 40 space vehicle storage
 - one pharmacy not exceeding 16,000 square feet
- shall not be issued until the contract has been let for the 5 lane widening of Haverhill Road from Purdy Lane to Tenth Avenue North. (DATE: MONITORING-Eng)
10. Prior to March 1, 2004 the property owner shall convey a temporary roadway construction easement along Forest Hill Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING-Eng)
11. **ADVANCE CONSTRUCTION FUNDING OF HAVERHILL ROAD**
- a. Pursuant to the terms of the Traffic Performance Ordinance, the Developer agrees to advance funding to Palm Beach County in the amount of \$1,000,000 to accelerate the construction widening of Haverhill Road from Tenth Avenue North to Purdy Lane. The Developer agrees to complete this funding by providing surety to the Land Development Division prior to July 8, 2004 or prior to the issuance of the first building permit whichever shall first occur. (DATE/BUILDING PERMIT: MONITORING-Eng)
- b. Palm Beach County may draw on this \$1,000,000 surety at any time thereafter for the construction plans, right of acquisition costs, or widening of Haverhill Road from Tenth Avenue to Purdy Lane. This \$1,000,000 shall then be repaid to the Developer less any monies owed to Palm Beach County for Traffic Impact Fees associated with

the building permits for this project. Repayment shall be available to the developer in Palm Beach County's fiscal year 2006. Payment of this \$1,000,000 does not vest the Developer, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. If the Developers Impact Fees are greater than the \$1,000,000 advanced contribution, then the Developer, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with Unified Land Development Code, Article 13.

- c. Also, the Developer agrees to provide to Palm Beach County an additional \$100,000 to be used for roadway improvements in the project area.

This money may not be used as credit toward the road impact fee. The Developer agrees to complete this funding by providing surety to the Land Development Division prior to July 8, 2004 or prior to the issuance of the first building permit whichever shall first occur. (DATE/BUILDING PERMIT: MONITORING-Eng)

Palm Beach County may draw on this \$100,000 surety at any time thereafter for any roadway improvements in the area. A Developer's agreement shall be executed and approved by Palm Beach County with the Developer prior to final site plan approval for this Petition.

- 12. The property owner shall construct a non-mountable concrete traffic separator within Haverhill Road from Forest Hill Boulevard south to a point 100 feet south of the project's north entrance so as to prevent left turns in and out of this entrance. All 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.
 - a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. ENVIRONMENTAL

- 1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM)

G. LANDSCAPING - GENERAL

- 1. **All trees required to be planted on site by this 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.**

- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements.** (Previous Condition F.1 of Resolution R-1997-0964, Petition PDD1996-087) (CO: LANDSCAPE - Zoning)
2. **All palms required to be planted on site by this approval shall be native species and meet the following minimum standards at time of installation:**
- a. **Palm heights: twelve (12) feet clear trunk;**
 - b. **Clustering: staggered heights twelve (12) to eighteen (18) feet; and**
 - c. **Pruning: minimum six (6) fronds, no clipped or spiked cuts.**
 - d. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements.**
 - e. **a group of three (3) palms shall not be substituted for a perimeter canopy tree** (Previous Condition F.2 of Resolution R-1997-0964, Petition PDD1996-087) .(CO: LANDSCAPE - Zoning)
3. Condition F.3 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:
- All perimeter landscaping shall be located on the exterior side of the proposed six (6) foot high screen wall.** (DRC/CO: LANDSCAPE CODE ENF - Zoning)
- Is hereby deleted. [REASON: not applicable.]
4. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
- a. **eighteen (18) to twenty-four (24) inches – groundcover and small shrub;**
 - b. **twenty-four (24) to thirty-six (36) inches – medium shrub;**
 - c. **forty-eight (48) to seventy-two (72) inches – large shrub; and,**
 - d. **this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall.** (CO: LANDSCAPE - Zoning)
5. **All trees and palms shall be planted in a meandering and naturalistic pattern.** (CO: LANDSCAPE - Zoning)
6. **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)
7. **Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings.** (CO: LANDSCAPE - Zoning)
- H. Condition G.1 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

LANDSCAPING ALONG PERIMETER PROPERTY LINES

- 1. **Landscaping and buffering along all perimeter property lines shall be upgraded to include:**
 - a. **a minimum forty (40) foot wide landscape buffer strip;**

- b. **An continuous six (6) foot high berm measured from the top of curb;**
- c. **an six (6) feet high screen wall shall be located on the plateau of the berm**
- d. **one (1) canopy tree for each three hundred (300) square feet of buffer area with a maximum spacing of twenty (20) feet on center;**
- e. **one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters; and**
- f. **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 forty-eight (48) inches. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (FOREST HILL BOULEVARD AND HAVERHILL ROAD FRONTAGES)

- 1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted on the north property line. A maximum of five (5) foot utility easement encroachment may be permitted along the east property line;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) native canopy tree for each thirty (30) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABBEY ROAD EAST FRONTAGE)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum forty (40) foot wide landscape buffer strip for the south property line. No width reduction shall be permitted. A maximum of five (5) foot utility easement encroachment may be permitted;
 - b. a minimum four (4) to five (5) foot high undulating berm with an average height of four and one half (4.5) feet measured from top of curb;
 - c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;

- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABBEY ROAD FRONTAGE)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

K. LANDSCAPING - INTERIOR

- 1. Condition H.1 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

A landscape foundation planting area shall be provided on the north facade of the building to consist of the following:

- a. **The landscape foundation planting area shall be centrally located on the building's facade and directly opposite the project's entrance on Forest Hill Boulevard.**
- b. **The length of the landscape foundation planting area shall be no less than 40% of the total length of the building's north facade;**
- c. **The minimum width of the required foundation planting areas shall be seven (7) feet; and**
- d. **shall be planted at the equivalent of one (1) palm for each twenty-five (25) linear feet of facade with a maximum spacing of forty (40) feet on center between clusters and planted with appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)**

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the north, east and west facades of the retail building, and the north, south and east facades of the pharmacy 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 fifty (50) percent 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 - Zoning)

- 2. Foundation planting or grade level planters shall be provided along the all exterior facades of the self-service storage facility 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 fifty (50) percent 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. Trees may be exempt from the south facade.
 - d. landscape requirements pursuant to K.4 may be credited towards foundation planting along the north facade of the Self-service storage facility. (DRC/CO: ZONING/LANDSCAPE-Zoning)

- 3. Landscaping for terminal islands in all parking areas shall consist of the following:
 - a. one (1) canopy tree for each island; and,
 - b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

- 4. Prior to final DRC approval of the site plan, the petitioner shall revise the site plan to show the following:
 - a. provide a minimum of eight (8) feet landscape median (excluding curb(s)) on both sides of the driveway. The minimum cumulative length of the median shall be approximately 450 feet;
 - b. one (1) flowering or canopy tree for each thirty (30) linear feet of the median;
 - c. one (1) palm for each twenty-five (25) linear feet of the median; and
 - d. a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

- 5. Special planting treatment shall be provided on both sides of the northern and southern access points on Haverhill Road and Abbey Road. Planting shall consist of the following:
 - a. a minimum of three (3) Royal Palms or any species acceptable to the Landscape Section;
 - b. a minimum of three (3) flowering trees along the access drive; and
 - c. shrub or hedge materials. (CO: LANDSCAPE - Zoning)

- 6. Special planting treatment shall be provided at the intersection of Forest Hill Boulevard and Haverhill Road. Planting shall consist of the following:
 - a. a minimum of three (3) specimen palm acceptable to the Landscape Section;
 - b. a minimum of five (5) flowering trees;
 - c. shrub or hedge materials; and,

- d. an architectural design feature. The details of the design feature shall be submitted to the architectural Review Section for review and approval prior to final DRC approval of the site plan. (DRC/CO:ARCH REVIEW/LANDSCAPE - Zoning)
7. Landscaping along divider medians along the west side of the Pharmacy loading area shall be landscaped with the following:
- a. one set of trellis/shaded structure shall be provided. The structure shall have a minimum of ten (10) feet in width and eighty (80) feet in length. Vines shall be planted adjacent to the structure;
 - b. a minimum of five (5) foot wide pedestrian walkway paved with decorative pavers shall be provided under the structure, and shall be combined and connected to the sidewalk leading to the north parking area;
 - c. one shrub for each two (2) linear feet of the length of the median shall be planted on the east side of the structure. Shrub shall be a minimum height of eighteen (18) inches at installation, and shall be maintained at a maximum height of forty-eight (48) inches; and,
 - d. prior to final DRC approval of the site plan, the petitioner shall revise the plan to reflect the location of the required trellis/shaded structures. (DRC/CO:ZONING/LANDSCAPE – Zoning)

L. LIGHTING

1. Condition I.1 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

All outdoor light poles shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

Is hereby amended to read:

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)

2. Condition I.2 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

Wall mounted lighting shall be hooded and mounted at a height below the top of the proposed screen wall. This condition will apply only if wall mounted lighting is proposed for the project. (CO: BLDG - Zoning)

Is hereby deleted. [REASON: no longer applicable.]

3. **All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only.** (Previous Condition I.3 of Resolution R-1997-0964, Petition PDD1996-087) (ONGOING: CODE ENF)

4. Condition I.4 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from

adjacent properties and streets. (CO/ONGOING: BLDG/ CODE ENF - Zoning)

5. All outdoor, freestanding lighting fixtures shall be setback one hundred (100) feet from the south and west property lines. (CO: BLDG - Zoning)
6. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

M. SIGNS

1. Condition K.1 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

The Freestanding signs shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point -eight (8) feet;**
- b. **Maximum sign face area per side - Sixty (60) square feet;**
- c. **Maximum number of signs - two (2);**
- d. **Style - monument style only;**
- e. **Location - within fifty (50) feet of entrance on Forest Hill Boulevard and Haverhill Road. (BLDG PERMIT: BLDG - Zoning)**

Is hereby amended to read:

Freestanding signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet along the Haverhill Road and Abbey Road; frontages;
 - b. maximum sign face area per side - sixty (60) square feet;
 - c. maximum number of signs – one (1) for each road frontage;
 - d. style - monument style only;
 - e. location - within fifty (50) feet of each road entrance. (BLDG PERMIT: BLDG - Zoning)
2. Freestanding signs shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point – ten (10) feet along the Forest Hill Boulevard frontage;
 - b. maximum sign face area per side - eighty (80) square feet;
 - c. maximum number of signs – one (1); and
 - d. style - monument style only.
(BLDG PERMIT: BLDG - Zoning)

3. Condition K.2 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

No wall signs shall be permitted on the west or south facades of the building. (ONGOING: BLDG / CODE ENF)

Is hereby amended to read:

Wall signs shall be limited to the north and east facades of the pharmacy and self-storage facility, and the north façade of the retail building. Individual lettering size for the wall sign shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG - Zoning)

4. Prior to final DRC approval of the site plan, the petitioner shall submit a master sign program/plan for review and approval. Development of the signs shall be consistent with approved plan. (DRC:ZONING-Zoning)

N. USE LIMITATIONS – SELF SERVICE STORAGE FACILITY

1. Condition L.1 of Resolution R-1997-0964, Petition PDD1996-087 which currently states:

Parking and storage shall be limited to the areas designated on the site plan only. Outdoor storage spaces shall be limited to the fifteen (15) rental trucks on the west side of the building and eighty two (82) recreational vehicle spaces shown on the south side of the building. Parking/Loading spaces shall be provided at each entry point to the limited access storage. (ONGOING: CODE ENF - Zoning)

Is hereby deleted.[REASON: replaced by Condition A.2.]

2. **Repair or maintenance of vehicles, boats or trailers shall not be permitted on site at any time. (Previous Condition L.2 of Resolution R-1997-0964, Petition PDD1996-087) (ONGOING: CODE ENF - Zoning)**
3. **There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (Previous Condition L.3 of Resolution R-1997-0964, Petition PDD1996-087) (BLDG PERMIT: BLDG)**
4. **No barbed wire or hazardous topping shall be installed on the proposed six (6) feet high screen wall. (Previous Condition L.4 of Resolution R-1997-0964, Petition PDD1996-087) (ONGOING: CODE ENF)**
5. **The self service storage facility and outdoor storage area shall be limited to the business hours from 7:00 a.m. to 9:00 p.m. daily. (Previous Condition L.5 of Resolution R-1997-0964, Petition PDD1996-087) (ONGOING: CODE ENF - Zoning)**
6. **No outdoor loudspeaker systems shall be permitted. (Previous Condition L.6 of Resolution R-1997-0964, Petition PDD1996-087) (ONGOING: CODE ENF - Zoning)**

O. COMPLIANCE

1. Condition M.1 of R-1997-0964, Petition PDD1996-087 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.**

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)

Is hereby amended to read:

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 Code Enforcement Special Master 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. (ONGOING: MONITORING - Zoning)

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