

RESOLUTION NO. R-2004-0510

RESOLUTION APPROVING ZONING PETITION DOA1989-115E  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF HYPOLUXO SOUTH, INC.  
BY RUDEN MCCLOSKEY, AGENT  
(MILITARY 10 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 DOA1989-115E was presented to the Board of County Commissioners at a public hearing conducted on March 25, 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 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 DOA 1989-115E, the petition of Hypoluxo South, Inc., by Ruden McClosky, agent, for a Development Order Amendment to 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 March 25, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 25, 2004.

Filed with the Clerk of the Board of County Commissioners on 14 day of April, 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY


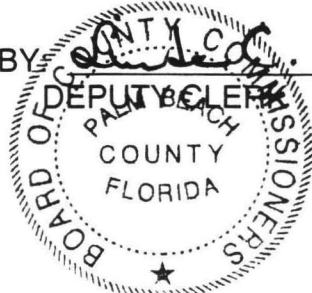
BY:   
DEPUTY CLERK  


EXHIBIT A  
LEGAL DESCRIPTION

Tract A, **Military 10**, according to the Plat thereof as recorded in Plat Book 83, Pages 191 and 192, Public Records of Palm Beach County, Florida.

EXHIBIT B

VICINITY SKETCH  
(Zoning Quad Map 34)

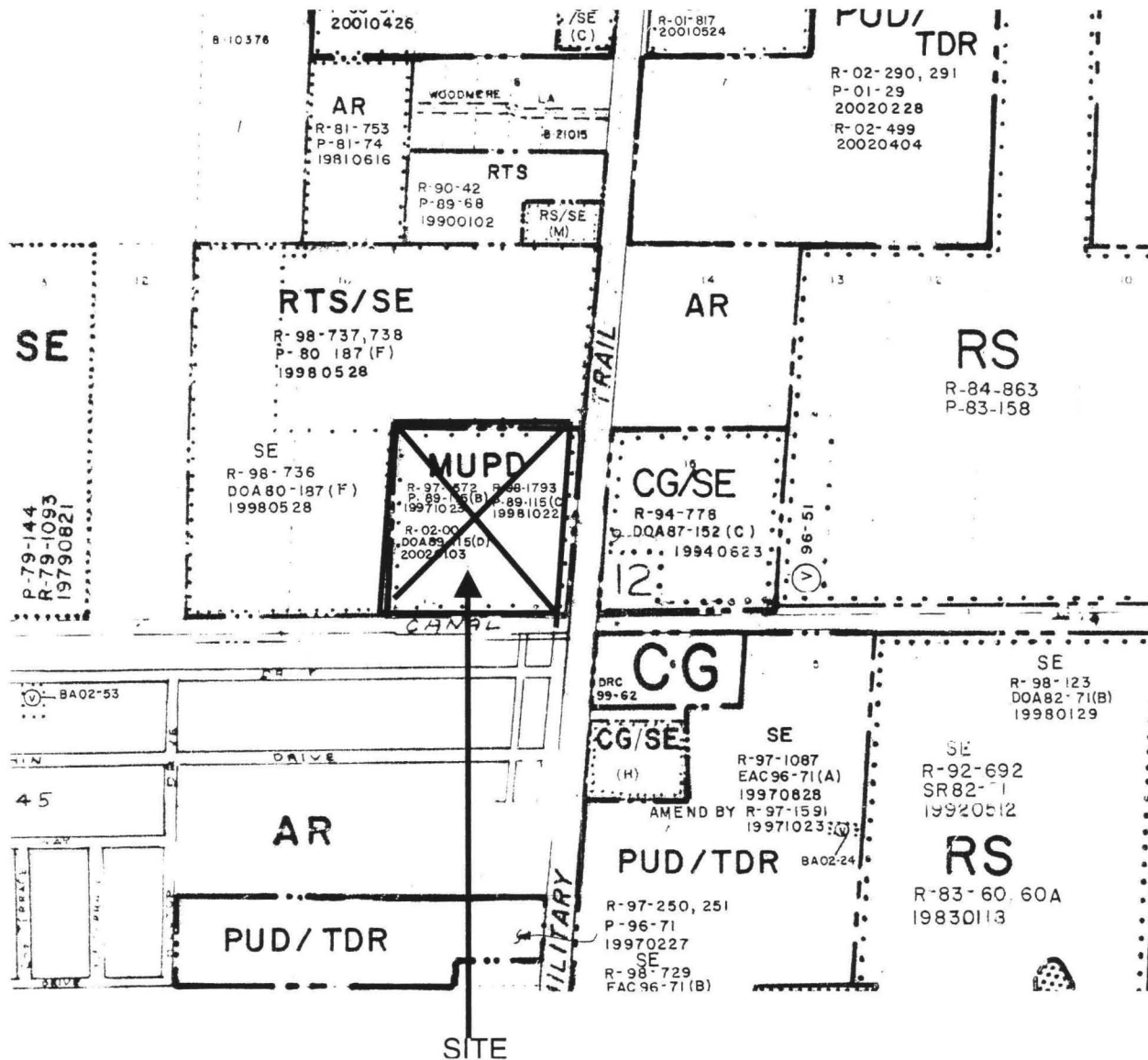


EXHIBIT C

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. **Resolution R-91-989, granting approval of Petition 89-115(A), is hereby revoked.** (ONGOING:MONITORING-Zoning) (Previous Condition A.1 of Resolution R-2002-0001,Petition DOA1989-115(D))

2. Condition A.2 of Resolution R-2002-0001, Petition DOA1989-115(D) which currently states:

**All previous conditions of approval applicable to the subject property, as contained in Resolution R-1998-1993 (Petition 89-115(C)), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.** (ONGOING: MONITORING - Zoning)

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-0001 (Petition 89-115(D)), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning) (Previous Condition A.2 of Resolution R-2002-0001, Petition DOA1989-115(D))

3. Condition A.3 of Resolution R-2002-0001Petition DOA1989-115(D) 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 23, 2001. 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-Zoning)

Is hereby amended to read:

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 January 15, 2004. 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-Zoning)

B. ARCHITECTURAL CONTROL

1. **Similar architectural character, roof treatment, colors, and details shall be provided on all sides of the buildings.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1 of Resolution R-2002-0001, Petition DOA1989-115(D))

2. **All roof top mechanical and electrical equipment shall be screened from view so as not to be visible from any property line.** (BLDG PERMIT: BLDG.-Zoning) (Previous Condition B.2 of Resolution R-2002-0001, Petition DOA1989-115(D))
3. **Interior and exterior storage areas shall be screened from view so as not to be visible from any property line.** (BLDG PERMIT: BLDG.- Zoning) (Previous Condition B.3 of Resolution R-2002-0001, Petition DOA1989-115(D))
4. **The architectural design of the second story for the Self Service Storage building shall maintain a residential appearance and provide false windows on all sides of the second floor.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.4 of Resolution R-2002-0001, Petition DOA1989-115(D))

C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-2002-0001, Petition DOA1989-115(D) which currently states:

**Total gross floor area shall be limited to a maximum of 125,695 square feet.** (DRO: ZONING-Zoning)

Is hereby deleted. [REASON: replaced by Condition A.3.]

2. **The minimum setback for all structures shall be minimum fifty (50) feet from all property lines.** (DRO: ZONING-Zoning) (Previous Condition C.2 of Resolution R-2002-0001 Petition DOA1989-115(D))
3. **The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty-five (25) feet.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.3 of Resolution R-2002-0001, Petition DOA1989-115(D))
4. **Prior to final site plan certification, the site plan shall be amended to indicate minimum twenty-one (21) foot widths for one way vehicular circulation around the multi-access Self-service storage facility.** (DRO: ZONING-Zoning) (Previous Condition C.4 of Resolution R-2002-0001 Petition DOA1989-115(D))[Completed.]
5. **The Retail/Auto Service building shall not have any bay doors on the west or east facades of the building.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.5 of Resolution R-2002-0001, Petition DOA1989-115(D))
6. Condition D.1 of Resolution No. R-2002-0001 Petition DOA1989-115(D) which currently states:  
  
**Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise the project's concurrency to match the uses and square footages as shown on the approved site plan dated October 23, 2001.** (DRO: ZONING-Zoning)

Is hereby deleted. [REASON: completed.]



E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN

- A. Condition E.1 of Resolution No. R-2002-0001 Petition DOA1989-115(D) which currently states:

**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. 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 deleted. [REASON: Military Trail was constructed without a planting area to install landscaping.]

- B. Condition E.1.B of Resolution R-1998-1793, Petition DOA89-115(C) which currently states:

**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 deleted. [REASON: Military Trail was constructed without a planting area to install landscaping.]

- C. Condition E.1.C of Resolution R-1998-1793, Petition DOA89-115(C) which currently states:

**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 deleted. [REASON: Military Trail was constructed without a planting area to install landscaping.]

2. **Prior to issuance of a building permit the property owner shall fund the cost of the existing left turn lane south approach at the projects north entrance. Funding shall be based upon a certified cost estimate by the developers engineer and approved by the County Engineer.** (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2002-0001, Petition DOA1989-115(D)) [Funding completed.]
3. **The property owner shall convey to the Lake Worth Drainage District the south ten (10) feet of Tract 16, Mary A. Lyman, et. al., amended plat of Section 12, Township 45 South, Range 42 East as recorded in Plat Book 9, Page 74 for the required right-of-way for Lateral Canal No. 19, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to final DRC certification.** (DRO: ENG-Eng) (Previous Condition E.2 of Resolution R-2002-0001, Petition DOA1989-115(D))
4. **If this parcel is to be subdivided into separate lots then the Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations as amended.** (PLAT: ENG) (Previous Condition E.4 of Resolution R-2002-0001, Petition DOA1989-115(D)) [Completed.]

F. HEALTH

1. **Generation and disposal of hazardous effluents 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 tenants or owners generating such effluent.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition F.1 of Resolution R-2002-0001, Petition DOA1989-115(D))
2. **The owner, occupant or tenant of this facility shall participate in an oil recycling program which ensures proper reuse or disposal of any waste oil.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition F.2 of Resolution R-2002-0001, Petition DOA1989-115(D))
3. **Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 62-730 FAC.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition F.3 of Resolution R-2002-0001, Petition DOA1989-115(D))

G. LANDSCAPING STANDARDS

1. **All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:**
  - a. **Tree height: fourteen (14) feet.**
  - b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
  - 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.** (CO: LANDSCAPE - Zoning) (Previous Condition G.1 of Resolution R-2002-0001, Petition DOA1989-115(D))



2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- 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) (Previous Condition G.2 of Resolution R-2002-0001, Petition DOA1989-115(D))

H. LANDSCAPING ALONG EAST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL)

1. Landscaping and buffering along the east property line (Military Trail) shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
- d. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palms or pine trees shall not be substituted the required for a canopy tree in that location; and
- e. Twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Condition H.1 of Resolution R-2002-0001, Petition DOA1989-115(D))

I. LANDSCAPING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES (ACROSS FROM RESIDENTIAL)

1. Landscaping and buffering along the north and south property lines shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A continuous three (3) foot high berm measured from top of curb; and
- c. A six (6) foot high opaque wall located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE-Zoning) (Previous Condition I.1 of Resolution R-2002-0001, Petition DOA1989-115(D))

2. Landscaping and buffering along the west property line shall included:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A ten (10) foot high opaque concrete wall located minimum five (5) feet from the property line. The exterior side of the wall shall be given a finished architectural treatment.
- c. thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches, on both sides of the wall along the west property line. (CO: LANDSCAPE-Zoning) (Previous Condition I.2 of Resolution R-2002-0001, Petition DOA1989-115(D))

3. **The following landscaping requirements shall be installed on the exterior side of the required wall:**
  - a. **one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;**
  - b. **one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and**
  - c. **thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches, except along the west wall; and**
  - d. **along the required west wall, thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE-Zoning )(Previous Condition I.3 of Resolution R-2002-0001, Petition DOA1989-115(D))**
  
4. **Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches, except along the west wall. Along the required west wall, the property owner shall install a thirty-six (36) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE-Zoning) (Previous Condition I.4 of Resolution R-2002-0001, Petition DOA1989-115(D))**

**J. LANDSCAPING - INTERIOR**

1. **One 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. (DRO: ZONING-Zoning) (Previous Condition J.1 of Resolution R-2002-0001, Petition DOA1989-115(D))**
  
2. **Raised landscape medians shall be provided between all rows of abutting parking and vehicular circulation aisles. The minimum landscape width of these medians shall be five (5) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the median with a maximum tree spacing of forty (40) feet on center. (DRO: ZONING-Zoning) (Previous Condition J.2 of Resolution R-2002-0001, Petition DOA1989-115(D))**
  
3. **Raised landscape divider median with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum landscape width of this median shall be nine (9) feet and the minimum length of this median shall be ninety (90) feet. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRO: ZONING-Zoning) (Previous Condition J.3 of Resolution R-2002-0001, Petition DOA1989-115(D))**
  
4. **Landscape foundation planters shall be provided along the front and side facades of all structures except the Self-service storage building. The minimum landscape width of these required planters shall be five (5) feet and the combined length of the planters shall be no less than 40% of the total length of the applicable side of the structure. All**

**required landscape foundation planters shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRO/CO:ZONING/LANDSCAPE-Zoning) (Previous Condition J.4 of Resolution R-2002-0001, Petition DOA1989-115(D))**

5. **Raised landscape islands shall be provided around the perimeter and interior of the Outdoor Storage area in accordance with the approved site plan. The minimum width shall be five (5) feet of landscape area with one tree and appropriate ground cover installed a maximum spacing of twenty (20) feet on center. (CO:LANDSCAPE-Zoning) (Previous Condition J.5 of Resolution R-2002-0001, Petition DOA1989-115(D))**

K. LANDSCAPE GENERAL

1. **All perimeter landscape buffers shall be installed prior to the issuance of the first Certificate of Occupancy. Undeveloped portions of the property shall be sodded and maintained until future reconstruction begins.(CO/CODE ENF:LANDSCAPE/ONGOING-Zoning) (Previous Condition K.1 of Resolution R-2002-0001, Petition DOA1989-115(D))**

L. 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. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition L.1 of Resolution R-2002-0001, Petition DOA1989-115(D))**
2. **All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point and setback a minimum distance of twenty-five (25) feet from all property lines. (CO: BLDG - Zoning) (Previous Condition L.2 of Resolution R-2002-0001, Petition DOA1989-115(D))**
3. **The lighting conditions above shall not apply to proposed security lighting attached to the buildings or low voltage landscape/accent type lights used to emphasize plant material.(ONGOING: CODE ENF) (Previous Condition L.3 of Resolution R-2002-0001, Petition DOA1989-115(D))**

M. MASS TRANSIT

1. **Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)**

Is hereby amended to read:

The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRO. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)

Condition M.1.B of Resolution No. R-2002-0001 Petition DOA1989-115(D) which currently states:

**Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first Certificate of Occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING – Eng/Palm Tran)**

Is hereby amended to read:

2. Prior to the issuance of the first building permit the property owner shall convey and or dedicate to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT: MONITORING- Eng/Palm Tran)

3. Condition M.2 of Resolution R-2002-0001, Petition DOA1989-115(D) which currently states:

**All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)**

Is hereby deleted. [REASON: replaced by new Conditions M.1 and M.2.]

4. Condition M.3 of Resolution R-2002-0001, Petition DOA1989-115(D) which currently states:

**Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN-Palm Tran)**

Is hereby amended to read:

Prior to final approval of the PDP/ site plans, the ~~petitioner~~ property owner shall amend the PDP/Site Plan to indicate mass transit circulation, bus access and/or bus stops on or adjacent to the subject property. (DRO: PALM TRAN-Palm Tran)

#### N. MUPD

1. **To ensure consistency with the site plan dated October 23, 2001, presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRO: ZONING-Zoning) (Previous Condition N.1 of Resolution R-2002-0001, Petition DOA1989-115(D))**



2. **All requested uses shall remain in the location indicated on the site plan dated October 23, 2001, presented to the Board of County Commissioners.** (DRO: ZONING-Zoning) (Previous Condition N.2 of Resolution R-2002-0001, Petition DOA1989-115(D))
3. **Prior to 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 all buildings and signage. 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.** (DRO: CTY ATTY – Zoning) (Previous Condition N.3 of Resolution R-2002-0001, Petition DOA1989-115(D))
4. **Prior to 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.** (DRO: ZONING - Co Att) (Previously Condition N.4 of Resolution No. R-2002-0001 Petition DOA1989-115(D))

O. SIGNS

1. **A maximum of two (2) free standing signs shall be located on Military Trail and shall be limited as follows:**
  - a. **The multi-tenant sign located at the main entrance shall be limited to a maximum fifteen (15) height, measured from finished grade to highest point and a maximum 150 square feet sign face area per side;**
  - b. **Outparcel sign shall be limited to a maximum sign height, measured from finished grade to highest point - ten (10) feet with maximum sign face area per side - 100 square feet;**
  - c. **Style - monument style only.** (CO: BLDG-Zoning) (Previous Condition O.1 of Resolution R-2002-0001, Petition DOA1989-115(D))
2. Condition O.2 of Resolution R-2002-0001, Petition DOA1989-115(D) which currently states:

**Wall signage shall be permitted only on the east facade of the buildings.** (CO: BLDG-Zoning)

Is hereby amended to read:

Wall signs shall be limited to north and east facades of the 5,500 square foot building. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG - Zoning)

P. UNITY

1. **Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The**

unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CTY ATTY-Zoning) (Previous Condition P.1 of Resolution R-2002-0001, Petition DOA1989-115(D))

Q. USE LIMITATIONS

1. **Hours of operation for the Auto Service Center, Self-service storage, Truck rental and the Outdoor Storage Area shall be limited from 7:00 a.m. to 7:00 p.m. daily. Hours of operation for the Restaurant shall be limited from 7:00 a.m. to 11:00 p.m. daily.** (ONGOING: CODE ENF - Zoning) (Previous Condition Q.1 of Resolution R-2002-0001, Petition DOA1989-115(D))
2. **When the Self-Service storage facility is not open, the Outdoor Storage Area shall be locked and gated.** (ONGOING: CODE ENF-Zoning) (Previous Condition Q.2 of Resolution R-2002-0001, Petition DOA1989-115(D))
3. **A maximum of two (2) rental trucks vehicles and sixty-five (65) recreational vehicles, boats or trailers shall be stored in the Outdoor Storage Area.** (ONGOING: CODE ENF-Zoning) (Previous Condition Q.3 of Resolution R-2002-0001, Petition DOA1989-115(D))
4. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within the Outdoor Storage area.** (ONGOING: CODE ENF) (Previous Condition Q.4 of Resolution R-2002-0001, Petition DOA1989-115(D))
5. **There shall be no outdoor repair, storage of parts or disassembled vehicles permitted on site.** (ONGOING: CODE ENF) (Previous Condition Q.5 of Resolution R-2002-0001, Petition DOA1989-115(D))
6. Condition Q.6 of Resolution R-2002-0001, Petition DOA1989-115(D) which currently states:

**The proposed outparcel is limited to a 5500 square feet one story building consisting of mixed retail uses. Food service shall be limited to counter takeout only.** (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

The proposed outparcel is limited to a 5500 square feet one story building consisting of mixed retail and the following restaurant uses only:

- a. restaurant, specialty; and,
- b. restaurant, high-turnover sit-down; and
- c. drive-through shall be prohibited. (ONGOING: CODE ENF-Zoning)

7. **Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site.** (ONGOING: CODE ENF - Zoning)(Previous Condition Q.7 of Resolution R-2002-0001, Petition DOA1989-115(D))

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) (Previous Condition R.1 of Resolution R-2002-0001, Petition DOA1989-115(D))**

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; 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.**

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 Article 2.E 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)