

RESOLUTION NO. R-2006- 0919

RESOLUTION APPROVING ZONING APPLICATION DOA2006-019
(CONTROL NUMBER 1985-055)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF FIVE FRIENDS PROPERTIES INC.,
WEST PALMS INDUSTRIAL PARK II ASSOCIATION, INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(PALMS WEST INDUSTRIAL PARK II)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2006-019 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 2006; 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 2.E (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 2.K.3.b 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 Application DOA2006-019, the petition of Five Friends Properties Inc., West Palms Industrial Park II Association, Inc., by Kilday & Associates, Inc., agent, for a Development Order Amendment to add and delete land area; reconfigure the site plan and add square footage 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 May 25, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 25, 2006.

Filed with the Clerk of the Board of County Commissioners on 13th day of June, 2006

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

SHARON BOCK,
COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

Lots 1 and 3, Tract "R-2" and the Water Management Tract of PALMS WEST INDUSTRIAL PARK, a P.I.D., according to the Map or Plat thereof, as recorded in Plat Book 71, Page 75 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH that portion of the 30 foot Palm Beach Farms Company right-of-way abandoned by Resolution No. 2001-1288, as recorded in Office Record Book 13070, page 488 of the Public Records of Palm Beach County, Florida, lying North of the Westerly prolongation of the South line of lot 1, PALMS WEST INDUSTRIAL PARK, AS RECORDED IN Plat Book 71, Page 75 of the Public Records of Palm Beach County, Florida and South of the Plat of BELVEDERE COMMENRCE CNETER M.U.P.D., as recorded in Plat Book 106, Page 127 of the Public Records of Palm Beach County, Florida.

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

Containing: 13.290 Acres more or less

EXHIBIT B
VICINITY SKETCH

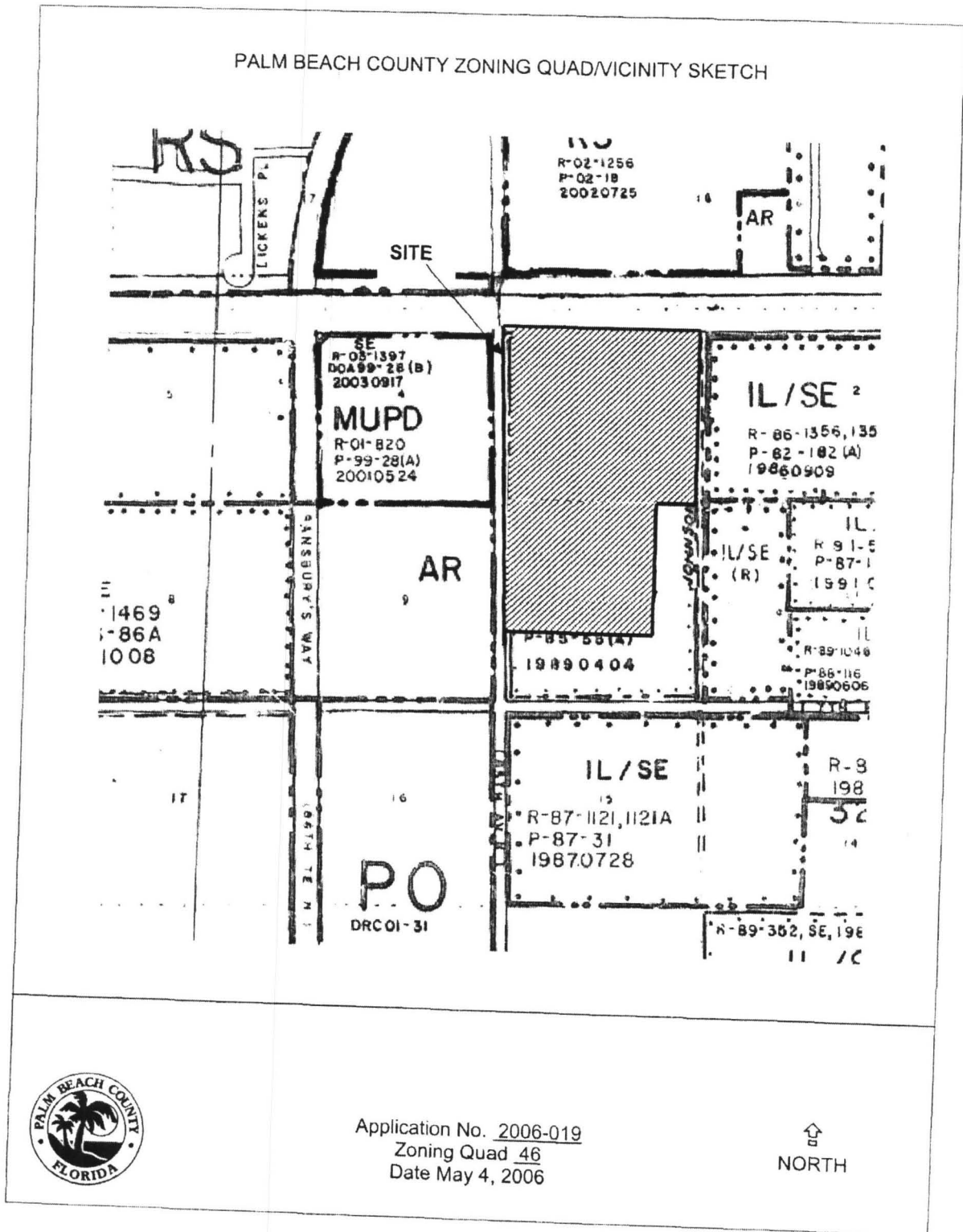


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition 11 of Resolution R-1985-1095, Petition 1985-055 which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

Is hereby deleted. [REASON: no longer applicable]
2. Condition 1 of Resolution R-1989-598, Petition 1985-055A which currently states:

Petitioner shall comply with all conditions of previous approval unless expressly modified herein.

Is hereby deleted. [REASON: superseded by All Petitions 5]
3. Condition A.1 of Resolution R-1991-1071, Petition 1985-055B which currently states:

The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

Is hereby deleted. [REASON: superseded by All Petitions 5]
4. Condition 1 of Resolution R-1995-718, Status Report SR85-055B.2 which currently states:

All previously approved conditions of approval continue to apply unless expressly modified herein.

Is hereby deleted. [REASON: superseded by All Petitions 5]
5. All previous conditions of approval applicable to the subject property, as contained in Resolution R-85-1095 (Control 1985-055), Resolution R-1989-598 (Petition 1985-055A), Resolution R-1991-1071, (Petition 1985-055B) and Resolution R-1995-718 (Status Report SR85-055B.2), have been consolidated as contained herein. The property owner 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: ZONING - Zoning)
6. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated February 13, 2006. 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. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Building Permit, the architectural elevations for proposed warehouse storage buildings shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDG PERMIT: ARCH REVIEW - Zoning)

2. Prior to final site plan approval, the site plan shall be amended to indicate all internal loading areas be screened with an opaque wall of height necessary to veil vehicles from view, per Article 3.E.3.B.2. (DRO: ARCH REVIEW - Zoning)
3. The maximum height of proposed warehouse storage buildings shall be 50 feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
4. Design of gutters and downspouts shall be integrated into the architectural design of proposed warehouse storage buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

CONCURRENCY

1. Condition B.1 of Resolution R-1991-1071, which currently states:

Prior to submittal of the site plan to the Site Plan Review Committee, the petitioner shall amend Concurrency Case No. 90-11-15-0123 to reduce capacity to the approved square footage of non-residential use. (Previous Condition B.1 of Resolution R-1991-1071, Petition 1985-055B)

Is hereby deleted. [REASON: Concurrency is now a Code requirement]

DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (Previous Condition C.1 of Resolution R-1991-1071, Petition 1985-055B)

ENGINEERING

1. Prior to site plan review committee the petitioner shall submit in duplicate, simultaneously with the application documentation substantiating the abandonment of a 25-foot unrecorded road easement (Johnson Lane) that is located along the eastern property line. If this is not abandoned the petitioner shall relocate the landscape strip and parking west of this easement unless the appropriate releases are secured. (ONGOING: ENG-Eng) (Previous Condition 3 of Resolution R-1989-598, Petition 1985-055A)

2. Condition E7 of Resolution R-1989-598, which currently states:

7. The developer 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 \$4,715.00 (176 trips X \$26.79 per trip).

Is hereby deleted. - REASON: Impact fees are now a code requirement.

3. Condition E.1 of Resolution R-1991-1071, Petition 1985-055B which currently states:

E1The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as .required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable

condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ONGOING: ENG-Eng)

Is hereby deleted. Reason, Drainage is now a code requirement.

4. Condition E6 of Resolution R-1985-1095, which currently states:
The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. - REASON: Drainage is now a code requirement.

5. The developer shall construct a left turn lane, east approach on Belvedere Road at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, per the County Engineer's approval. (ONGOING: ENG-Eng) (Previous Condition E.7 of Resolution R-1985-1095) Note-Complete.

6. The Petitioner shall provide Palm Beach County with a road drainage easement with sufficient capacity for retention/detention through this project's internal lake system to legal positive outfall for the road drainage of Belvedere Road. This drainage easement shall be subject to all governmental agency requirements. (ONGOING: ENG-Eng) (Previous Condition E.8 of Resolution R-1985-1095) Note-Complete.

7. Condition E9 of Resolution R-1985-1095, which currently states:

9. The Developer 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 would presently be \$14,976.00. (ONGOING: ENG-Eng)

Is hereby deleted. - REASON: Impact fees are now a code requirement

8. The present property owner shall record a twenty (20) foot maintenance easement around the existing lake prior to final action by the Board of County Commissioners. (ONGOING: ENG-Eng) (Previous Condition E.10 of Resolution R-1985-1095) Note-Completed.

9. The property owner shall participate in any street improvement program for 85th Avenue north of the existing 30 foot right-of-way on the south side of the subject property. (ONGOING: ENG-Eng) (Previous Condition E.13 of Resolution R-1985-1095)

10. The Property owner shall construct::

- a. On or before February 1, 1996, the property owner shall construct Fairgrounds Road from the project's entrance onto Fairgrounds Road to Sansbury Way, minimum two 10-foot travel lanes, local street standards including appropriate drainage. (DATE: ENG-Eng) (Previous Condition 3 of Resolution R-1995-718, Status Report SR85-055B.2)
- b. Abandon the existing 30 north/south road right-of-way. Should this be abandoned, then no entrances shall be permitted onto this road. If this road is not abandoned, then the property owner shall construct the existing 30 foot north/south Palm Beach Farms right of way from Fairgrounds Road to Belvedere Road minimum 2-10 foot travel lanes local street standards including appropriate drainage.

- c. If determined by the County Engineer, the property owner shall fund the construction of a left turn lane, east approach on Belvedere Road at Johnson Lane. Funding shall be completed prior to November 1, 1991 or prior to plat recordation whichever shall first occur. Note a and c are Complete.

All concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (ONGOING: ENG-Eng) (Previous Condition E.2 of Resolution R-1991-1071, Petition 1985-055B)

11. Prior to November 1, 1991 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage tract through the projects internal surface water management system to provide legal positive outfall for all runoff from those segments of Belvedere Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Belvedere Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County. (ONGOING: ENG-Eng) (Previous Condition E.3 of Resolution R-1991-1071, Petition 1985-055B) Note Complete

12. Condition E2 of Zoning Resouiltion R1995-718 which currently states:

On or before July 1, 1995, the property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" it presently exists or as it may from time to time be amended. (DATE: ENG-Eng) (Previous Condition 2 of Resolution R-1995-718, Status Report SR85-055B.2)

Is hereby deleted. Reason - Impact Fees are now a code requirement.

13. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (ONGOING: ENG-Eng) (Previous Condition E.5 of Resolution R-1991-1071, Petition 1985-055B) Complete.

14. Condition E6 of Resolution R-1989-598, which currently states:

6. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ONGOING: ENG-Eng) (Previous Condition 6 of Resolution R-1989-598, Petition 1985-055A)

Is hereby deleted. - REASON: Drainage is now a code requirement

ENVIRONMENTAL

1. Previous Condition D.1 of Resolution R-1991-1071, Petition 1985-055B which currently states:

All lakes shall be planted with native aquatic vegetation on a minimum of three-foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification.(ONGOING:ERM-ERM)

Is hereby deleted. [REASON: Code requirement.]

2. Previous Condition D.2 of Resolution R-1991-1071, Petition 1985-055B which currently states:

Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals is required. Environmental Resources Management Department staff shall provide guidance on appropriate protective measures.

Is hereby deleted. [REASON: Code requirement.]

3. Previous Condition D.3 of Resolution R-1991-1071, Petition 1985-055B which currently states:

Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.

Is hereby deleted. [REASON: Code requirement.]

HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previous Condition Health 2 of Resolution R-1985-1095, Control No. 1985-055) (ONGOING: CODE ENF-Health)

2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previous Condition Health 3 of Resolution R-1985-1095, Control No. 1985-055). (ONGOING: CODE ENF-Health)

3. Condition Health 4 of Resolution R-1985-1095, Control No. 1985-055, which currently states:

Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, leakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

Is hereby deleted. [REASON: Code requirement or no longer applicable].

4. Condition Health 5 of Resolution R-1985-1095, Control No. 1985-055, which currently states:

Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

Is hereby deleted. [REASON: Code Requirement].

5. Condition 10 of Resolution R-1989-598, Petition 1985-055A which currently states:

Since sewer service is available to the property, septic tank shall not be approved for use on said property.

Is hereby deleted. [REASON: Code requirement].

6. Condition 11 of Resolution R-1989-598, Petition 1985-055A, which currently states:

Since water service is available to the property, a potable water well shall not be approved for use on said property.

Is hereby deleted. [REASON: Code requirement].

7. Condition F.1 of Resolution R-1991-1071, Petition 1985-055B, which currently states:

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.

Is hereby amended to read:

Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)

8. Condition F.2 of Resolution R-1991-1071, Petition 1985-055B, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: Code requirement].

9. Condition F.3 of Resolution R-1991-1071, Petition 1985-055B, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted. [REASON: Code requirement].

10. No portion of this project is to be approved on well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C. (Previous Condition F.4 of Resolution R-1991-1071, Petition 1985-055B)

11. Condition 9 of Resolution R-1989-598, Petition 1985-055A, which currently states:

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.

Is hereby deleted. [REASON: Duplicate condition]

MASS TRANSIT

1. 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 Master Plan and/or site plan prior to final approval of the Development Review Officer (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)
2. Prior to Plat Recordation, 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. (PLAT: ENG- Eng)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD)

ZONING – LANDSCAPE STANDARDS (AFFECTED AREA: Lots 3 and 4)

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan for the future affected development area (Lots 3 and 4) to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. Prior to the issuance of a Building Permit for the proposed warehouse storage building(s), the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDG PERMIT: LANDSCAPE - Zoning)
3. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)
4. All canopy trees to be planted in the inventory storage areas shall be native and meet the following minimum standards at installation:
 - a. tree height: Sixteen (16) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;

- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)
5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
 6. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING – LANDSCAPING ALONG THE NORTH PROPERTY LINE

7. In addition to the proposed landscaping and buffering program and code requirements, landscaping along the north property line shall be upgraded to include:
 - a. a minimum 20 foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
 - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - SITE DESIGN

8. A revised site plan shall be submitted locating each bay, clear access into each bay and a revised parking arrangement to accommodate the latter. (Previous Condition 1 of Resolution R-1985-1095, Petition 1985-055) [NOTE: Complete – Site Plan approved by SPRCM a long time ago]
9. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required 25-foot landscape strips
 - b. Removal of trees that are proposed in the 20-foot lake maintenance easement
 - c. Tabular data to indicate the correct amount of required shade trees
 - d. Relocation of the parking stalls that are located between the two, one story, 42,600 square foot buildings or redesign them to meet code
 - e. Redesign the loading berths that serve the 42,600 square foot buildings. They shall be a minimum of twelve feet wide.
 - f. Required terminal islands
 - g. Required trees in terminal islands
 - h. Required physical separation separating the specialized vehicular use area from public access. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division.
 - i. Required hedge material along the south and western property lines
 - j. Required transfer of 10 percent of all specialized vehicular use areas to the perimeter of the lot
 - k. Corrected tabular information for building square footage and associated parking requirements (specifically the saw shed and maintenance shop). (Previous Condition 2 of Resolution R-1989-598, Petition 1985-055A) [NOTE: Complete – Site Plan for Pet. 1985-055A approved by SPRCM Ex. 42 March 30, 1988]

10. Prior to site plan certification; the petitioner shall execute a Unity of Title covering the entire site. This unity shall be recorded and submitted in duplicate simultaneously with the application for Site Plan Review Committee approval. (Previous Condition 4 of Resolution R-1989-598, Petition 1985-055A) [NOTE: Complete – Site Plan for Pet. 1985-055A approved by SPRCM Ex. 42 March 30, 1988]
11. Prior to site plan certification the petitioner shall submit a loading demand statement pursuant to Section 500.19B of the Zoning Code. (Previous Condition 5 of Resolution R-1989-598, Petition 1985-055A) [NOTE: Complete – Site Plan for Pet. 1985-055A approved by SPRCM Ex. 42 March 30, 1988]
12. The present property owner shall record a twenty (20) foot maintenance easement around the existing lake prior to final action by the Board of County Commissioners. (Previous Condition 10 of Resolution R-1985-1095, Petition 1985-055) [NOTE: Complete – LME included in PB 71, pgs. 75-77]
13. The developer shall comply with all provisions of the Zoning Code Section 500.3 including, but not limited to, the requirement that the slope of the submerged land shall be no greater than 5:1 to a depth of six (6) feet below the maintained water level. Proof of compliance with Section 500.3 shall be submitted prior to issuance of a certificate of occupancy. (Previous Condition 12 of Resolution R-1985-1095, Petition 1985-055) [NOTE: Complete – lake is constructed]
14. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements. (Previous Condition A.2 of Resolution R-1991-1071, Petition 1985-055B) [NOTE: Complete – Site Plan for Pet. 1985-055B approved by SPRCM Ex. 68 June 26, 1991]
15. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E) 2 (b) (Site Plan Review Committee Powers and Standards of Review) (Previous Condition A.3 of Resolution R-1991-1071, Petition 1985-055B) [NOTE: Complete – Site Plan for Pet. 1985-055B approved by SPRCM Ex. 68 June 26, 1991]
16. Condition G.1 of Resolution R-1991-1071, Petition 1985-055B which currently states:

Unloading of vehicles shall occur only within the outdoor storage area and not on streets or neighboring property.

Is hereby deleted. [REASON: No longer applicable because this condition was imposed on the petition by Petition 1985-055B, which was the petition that approved the auto storage use for the auto auction on Lot 2 of the PID. As the current DOA petition is to delete Lot 2 from the PID, this condition can be deleted.]
17. An area equivalent to at least 15% of the land area indicated as "outdoor storage" on the site plan shall be added to the landscape buffer in an area acceptable to the Zoning Division. (Previous Condition G.2 of Resolution R-1991-1071, Petition 1985-055B) [NOTE: Complete – Site Plan for Pet. 1985-055B approved by SPRCM Ex. 68 June 26, 1991]

ZONING - USE LIMITATIONS

18. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

Use of the outdoor storage facility shall be limited to the storage of new and used cars and trucks only, including transport vehicles. All vehicles shall be in operable

condition. (ONGOING: CODE ENF-Zng) (Previous Condition H.1 of Resolution R-1991-1071, Petition 1985-055B)

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

19. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF-Zng) (Previous Condition H.2 of Resolution R-1991-1071, Petition 1985-055B)

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

20. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

No outdoor speaker or public address systems which are audible off-site shall be permitted. (ONGOING: CODE ENF-Zng) (Previous Condition H.3 of Resolution R-1991-1071, Petition 1985-055B)

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

21. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF-Zng) (Previous Condition H.4 of Resolution R-1991-1071, Petition 1985-055B)

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

22. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

Vehicles shall not be tested off-site on residential streets. (ONGOING: CODE ENF-Zng) (Previous Condition H.5 of Resolution R-1991-1071, Petition 1985-055B)

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

23. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

There shall be no outdoor repair of vehicles. (ONGOING: CODE ENF-Zng) (Previous Condition H.6 of Resolution R-1991-1071, Petition 1985-055B)

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

24. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

No vehicle shall be stored with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall only be stored in the approved outdoor storage area designated on the certified site plan. (ONGOING: CODE ENF-Zng) (Previous Condition 7 of Resolution R-1991-1071, Petition 1985-055B)

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

25. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices; or vehicle stock numbers or other information except that required to be posted on such vehicles by law. (ONGOING: CODE ENF-Zng) (Previous Condition 8 of Resolution R-1991-1071, Petition 1985-055B)

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

26. Condition H.1 of Resolution R-1991-1071, Petition 1985-055B) which currently states:

No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or Wall, other than inside a window except as may be permitted by the Sign Code. (ONGOING: CODE ENF-Zng) (Previous Condition 9 of Resolution R-1991-1071, Petition 1985-055B)

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

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)
 - a. 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)