

RESOLUTION NO. R-2008- 2258

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2008-01018  
(CONTROL NUMBER 2002-00027)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF 10101 a Florida LLC  
BY Jon E Schmidt & Associates, AGENT  
(US 441 Land Trust)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA/R-2008-01018 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 DOA/R-2008-01018, the application of 10101 a Florida LLC, by Jon E Schmidt & Associates, agent, for a Development Order Amendment to reconfigure the site plan, modify and delete conditions of approval (Engineering) 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 December 4, 2008, 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 Greene and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Absent
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary McCarty	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 4, 2008.

Filed with the Clerk of the Board of County Commissioners on 4th day of December, 2008.

This resolution was filed with the Clerk of the Board of County Commissioners on December 8, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



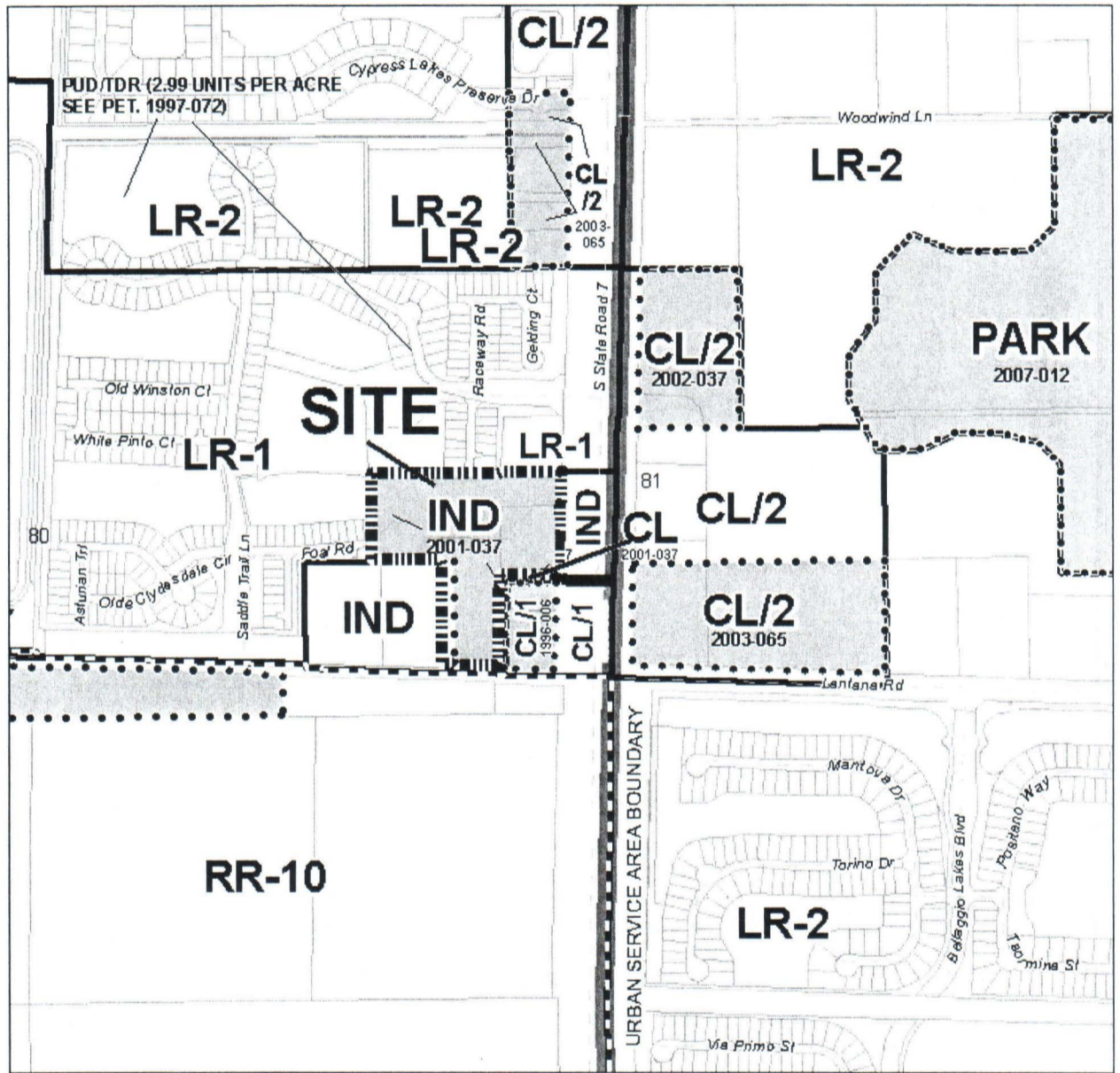
EXHIBIT A

LEGAL DESCRIPTION

All of the plat of 441 LAND TRUST PLAT as recorded in Plat Book 99 at Pages 124 and 125 in and for the Public Records of Palm Beach County, Florida. Less and except Tract "A" and Lot 1, as shown on the 441 LAND TRUST PLAT as recorded in Plat Book 99 at Pages 124 and 125 in and for the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH

**PALM BEACH COUNTY PLANNING DIVISION  
SITE LOCATION AND LAND USE**



Application Number: DOA/R-2008-1018  
 Control Number: 2002-027  
 Land Use Atlas Page: 80  
 Date: 7/9/08(US441 Land Trust)



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition All Petitions 1 of Resolution 2006-009, Control 2002-027, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-103, (Petition 2002-027); R-2004-0720, (Petition 2002-027); and R-2005-0385, (Petition 2002-027) 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-009, (Control 2002-027); R-2003-103, (Control 2002-027); R-2004-0720, (Control 2002-027); and R-2005-0385, (Control) 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)

2. Condition All Petitions 2 of Resolution R-2006-009, (Petition 2002-027) 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 5, 2005. 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 site design as approved by the Board of County Commissioners. The approved site plan is dated September 15, 2008. 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)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) (Previous Condition Architectural Review 1 of Resolution R-2006-009, Control 2002-027)

#### ENGINEERING

1. The Property owner shall construct a Right turn lane north approach on SR 7 at the Project's entrance. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by Florida Department of Transportation 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) Previous Condition E.1 of Zoning Resolution R-2006-9, Control No. 2002-027. [NOTE: Complete]

2. Condition E.2 of Zoning Resolution R-2006-9, Control No. 2002-027, which currently states:

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

a. No additional building permits for the site shall be issued until the contract is let for the intersection improvements at Hagen Ranch Road and Lantana Road. The improvements include: a third west approach through lane and realignment of the south approach to align with Fearnley Road. (BLDG PERMIT: MONITORING Eng)

b. Additional building permits for more than 21,000 sf of Warehouse (the equivalent of 17 pm peak hour trips) shall not be issued until construction commences for the 4-lane median divided widening of Lyons road from Lantana Road to Hypoluxo Road. (BLDG PERMIT: MONITORING - Eng)

c. Additional building permits for more than 29,000 sf of Warehouse, 0.3 acres of outdoor storage, and 9,000 sf of Self Storage (the equivalent of 24 pm peak hour trips) shall not be issued until construction commences for the intersection improvements at Lantana Road and SR 7. The improvements include a second east approach right turn lane (BLDG PERMIT: MONITORING- Eng)

d. Additional Building permits for more than 29,000 sf of Warehouse, 0.3 acres of outdoor storage, and 82,000 sf of Self Storage and 1 caretaker unit (the equivalent of 41 pm peak hour trips) shall not be issued until construction commences for the intersection improvements at Lantana Road and Lyons Road. The improvements include a second north and south approach through lane, a second north approach left turn lane, and an exclusive north approach right turn lane. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2013. A time extension for this condition may be approved by the County Engineer 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 Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

### 3. LANDSCAPE WITHIN THE MEDIAN OF SR 7

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of SR 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

a. 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) [Note-Complete]

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

At the 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. 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 Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner:

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along SR 7. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.  
(Previous Condition E.3 of Zoning Resolution R-2006-9, Control 2002-027)

4. Condition E.4 of Resolution R-2006-9, Control No. 2002-027, which currently states: Prior to July 26, 2006 acceptable surety required for the offsite road improvements as outlined in the TPS Phasing Condition above shall be posted with the Office of the Land Development Division, part c only, if not assured by another developer or governmental agency prior to this date. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. If required by the County Engineer, a development agreement with Palm Beach County shall be entered into by the developer within 3 months of the date of the first development order to assure this Lantana and SR 7 intersection improvements. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng)

Is hereby deleted. [REASON: Updated traffic study does not require this condition.]

5. Condition E.5 of Resolution R-2006-2052, Control No. 2002-027, which currently states: The Property owner shall construct a second east approach right turn lane on Lantana Road at SR 7. Any and all costs associated with this 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. Construction for this intersection improvement shall be completed prior to the issuance of Certificates of Occupancy for 29,000 sf of Warehouse, 0.3 acres of outdoor storage, and 9,000 sf of Self Storage (the equivalent of 24 pm peak hour trips). (CO: MONITORING-Eng)

Is hereby deleted. [REASON: Updated traffic study does not require this condition.]

## HEALTH

1. 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: HEALTH/CODE ENF)

## ZONING - LANDSCAPING

1. Fifty (50) percent of all canopy trees to be planted in perimeter buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and

d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Condition Landscape Standards 1 of Resolution 2006-009, Control 2002-027)

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition Landscape Standards 2 of Resolution 2006-009, Control 2002-027)

3. 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;
- d. This condition shall not apply where a single row of shrubs is required along either side of a fence or wall or compatibility buffer;
- e. Credit may be given for existing or relocated shrubs provided they meet current ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Condition Landscape Standards 3 of Resolution 2006-009, Control 2002-027)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (Previous Condition C4 of Resolution R-2003-103, (Petition 2002-027) (CO: LANDSCAPE-Zoning) (Previous Condition Landscape Standards 4 of Resolution 2006-009, Control 2002-027)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (Previous Condition C5 of Resolution R-2003-103, (Petition 2002-027) (CO: LANDSCAPE- Zoning) (Previous Condition Landscape Standards 5 of Resolution 2006-009, Control 2002-027)

#### ZONING - LANDSCAPING-INTERIOR

6. Foundation plantings or grade level planters shall be provided along the following:

- a. north, south and east facades of the warehouse building, repair maintenance buildings (oil change carwash and tire repair). This condition does not apply to facades where bay doors/tunnels are located;
- b. east faade of Building A; east faade of Buildings D and E; south faade of Building L; and east and south facades of Building M of the self-service storage facility;
- c. The minimum width of the required landscape areas for all the above buildings shall be five (5) feet;
- d. The length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of required side (faade) of the structure; and,
- e. 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. (CO: LANDSCAPE- Zoning) (Previous Condition Landscaping - Interior 1 of Resolution 2006-009, Control 2002-027)

7. Prior to final DRO certification of the site plan, the plan shall be revised to indicate the following areas with decorative pavement (paver blocks):

- a. at all access points along SR7/US441 and Lantana Road. The pavement shall be installed from the property line and extend to a minimum of fifty (50) feet of the access



driveway;

b. a minimum of five (5) foot wide pedestrian crossing in the parking areas. (DRO: LANDSCAPE Zoning) (Previous Condition Landscaping - Interior 2 of Resolution 2006-009, Control 2002-027)

8. Landscaping for terminal islands in the parking area shall consist of the following:

- a. one (1) canopy trees for each ten (10) linear feet of the 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) (Previous Condition Landscaping - Interior 3 of Resolution 2006-009, Control 2002-027)

9. Landscaping for divider median at the north access driveway along the SR7/US441 shall consist of the following:

- a. one (1) Royal palm for each twenty (20) linear feet of the median; and,
- b. 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) (Previous Condition Landscaping - Interior 4 of Resolution 2006-009, Control 2002-027)

#### ZONING - LANDSCAPING-ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL ONLY)

10. Landscaping along the north and west property lines abutting residential properties shall be upgraded to include:

- a. a minimum twenty (20) foot wide buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two and one-half (2.5) high continuous berm measured from top of curb. Field adjustment of berm may be permitted for preservation of existing vegetation;
- c. one (1) native canopy tree for each twenty (20) linear feet of property line. Where the wall is required per Condition F.2, trees shall be planted alternating on both sides of the required wall;
- d. one (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. Where the wall is required per Condition F.2, palms or pines shall be planted alternating on both sides of the required wall;
- e. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches. Where the wall is required per Condition F.2, shrubs shall be planted on both sides of the required wall;
- f. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. Where the wall is required per Condition F.2, shrubs shall be planted on both sides of the required wall; and
- g. One (1) large shrub for each two (2) linear feet of property line, planted twenty-four (24) inches on center, to be installed at a minimum height of thirty (30) inches. This condition shall not apply to areas where the required wall per Condition F.2 is located. (CO: LANDSCAPE Zoning) ((Previous Condition Landscaping Along the North and West Property Lines (Abutting Residential Only) 1 of Resolution 2006-009, Control 2002-027))

11. A six (6) foot high opaque concrete panel wall shall be required along the northeast corner of Building A, Self-service storage facility. The wall shall extend approximately thirty (30) linear feet into the buffer along the north property line, and extend eastwards for eighty-five (85) linear feet to the inner edge of the eastern buffer and shall consist of the following:

- a. the wall shall be located on the plateau of the required berm pursuant to Condition F.1.b;
- b. the exterior side of the required wall shall be given a finished architectural treatment that is consistent with the color and style of the overall development. (CO: LANDSCAPE Zoning) ((Previous Condition Landscaping Along the North and West Property Lines (Abutting Residential Only) 2 of Resolution 2006-009, Control 2002-027))

## ZONING - LANDSCAPING-ALONG THE SOUTH AND EAST PROPERTY LINES (LANTANA ROAD AND SR7/US441 FRONTAGES)

12.Landscaping along the south and east property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide right-of-way buffer strip (road frontages only). No width reductions or easement encroachments shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) foot measured from top of curb. Field adjustment of berm may be permitted for preservation of existing vegetation;
- c. one (1) canopy tree for each thirty (30) linear feet of property line;
- d. one (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. one (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches;
- g. one (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. This condition does not apply to the area (approximately 130 linear feet) where the oil change/car wash facility is located; and
- h. along the property line (approximately 130 linear feet) where the oil change/car wash facility is located, one (1) large shrub for each two (2) linear feet of the property line, planted twenty-four (24) inches on center and on the plateau of berm. Shrubs shall be a minimum height of forty-eight (48) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches at maturity (excluding height of berm). This row of shrubs shall be extended (westward) with a minimum of thirty (30) linear feet at each terminal islands of the parking area. (CO: LANDSCAPE Zoning) ((Previous Condition Landscaping Along the South and East Property Lines (Lantana Road and SR7/US441 Frontages) 1 of Resolution 2006-009, Control 2002-027))

### 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. (BLDG PERMIT/ ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition Lighting 1 of Resolution R-2006-009, Control 2002-027)

2.All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, and measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Condition Lighting 2 of Resolution R-2006-009, Control 2002-027)

3.All outdoor lighting poles shall be located a minimum setback of thirty five (35) feet from any residential property line or use. (BLDG PERMIT: BLDG Zoning) (Previous Condition Lighting 3 of Resolution R-2006-009, Control 2002-027)

4.All outdoor lighting shall be extinguished no later than 10:30 p.m., excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Condition Lighting 4 of Resolution R-2006-009, Control 2002-027)

5.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) (Previous Condition Lighting 5 of Resolution R-2006-009, Control 2002-027)

### MASS TRANSIT

1.Prior to Technical Compliance of the project, the property owner shall convey to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area, if required by Palm Tram and subject to the approval of Palm Tran. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to palm Tran. Prior to final DRO certification of the site plan, the location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran. (DRO:PALM TRAN-Zoning) (Previous Condition I1 of Resolution R-2003-103, (Petition 2002-027)

## MULTIPLE USE PLANNED DEVELOPMENT

1. Prior to certification of the preliminary development plan by the Development Review Officer, 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: CO ATT Zoning) (Previous Condition Multiple Use Planned Development 1 of Resolution R-2006-009, Control 2002-027)

## PALM TRAN

1. Prior to final certification of the site plan by the Development Review Officer, 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 County Engineer. (DRO: ZONING - Zoning) (Previous Condition I2 of Resolution R-2003-103, (Petition 2002-027)

2. If required, mass transit access, shelters and/or bus stops, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran and the 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 responsibility of the property owner. (CO: MONITORING - Eng) (Previous Condition I3 of Resolution R-2003-103, (Petition 2002-027)

## PLANNING

1. The industrial portion of the site shall be limited to uses within the Light Industrial zoning category (Per Ordinance 2001-037). The following uses shall be prohibited:

- a. Excavation, Type III;
- b. Heavy Industry;
- c. Mining, excavation Type III A;
- d. Restaurant, fast food;
- e. Truck Stop;
- f. Mining, excavation Type III B;
- g. Vehicle sales and rental;
- h. Flea market, open;
- i. Convenience Store, with gas sales; and
- j. Automotive service station.

Any request for a change in the above listed uses shall require an amendment to the Palm Beach County Comprehensive Plan. (Previous Condition Planning 1. of Resolution R-2003-0103, Control No. 2002-027) (DRC: ONGOING-CODE ENF-Planning)

2. Prior to final DRC certification of the site plan, Planning Division Staff shall not certify the project until the Notice of Intent to Find in Compliance" from the Florida Department of Community Affairs (DCA) has been issued and no challenges have been filed during the 21 day period for the FLUA Amendment Criteria Text Amendment" Comprehensive Plan amendment. A challenge to this amendment may result in this zoning petition becoming null and void and the final site plan may not become certified. (DRC: PLANNING-Planning) (Previous Condition Planning 2. of Resolution R-2003-0103) [Note: Completed]

## SIGNS

1. Freestanding point of purchase signs shall be limited as follows:

- a. Maximum sign height: fifteen (15) for the sign along SR7/US441 and twelve (12) feet for the Lantana Road sign;
- b. Maximum total sign face area: one-hundred (100) square feet per sign;

- c. Maximum number of signs: one (1) for each road frontage;
- d. Location: within fifty (50) feet of each. Access point Distance shall be measured from the centerline of the access drive;
- e. Style: monument; and,
- f. Signs shall be limited to tenant identification only. (BLDG PERMIT: BLDG Zoning) (Previous Condition Signs 1 of Resolution R-2006-009, Control 2002-027)

2. Wall signs shall be limited to the east facades of each building and as follows:

- a. wall sign for the self-service storage facility shall be limited to Building A only;
- b. individual lettering size for each shall be limited to thirty-six (36) inches high. (BLDG PERMIT: BLDG Zoning) (Previous Condition Signs 2 of Resolution R-2006-009, Control 2002-027)

#### SITE DESIGN

1. Prior to issuance of a building permit for Building O or for additions to Building N to exceed 29,000 square feet, the reconfiguration of the drive aisle/loading spaces and the construction of the 10 parking spaces to the west of Building N shall be completed. (BDLG PERMIT: MONITORING Zoning)

#### USE LIMITATIONS

1. Outdoor retail business activities shall not be allowed on site, except for deliveries. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 1 of Resolution R-2006-009, Control 2002-027)

2. Outdoor repair or maintenance of vehicles, and outside storage of disassembled vehicles, parts or inventory shall not be permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 2 of Resolution R-2006-009, Control 2002-027)

3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 3 of Resolution R-2006-009, Control 2002-027)

4. 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 Use Limitations 4 of Resolution R-2006-009, Control 2002-027)

5. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 5 of Resolution R-2006-009, Control 2002-027)

#### 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) (Previous Condition Utilities 1 of Resolution R-2006-009, Control 2002-027)

#### 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 Compliance 1 of Resolution R-2006-009, Control 2002-027)

2. Condition Compliance 2 of Resolution R-2006-009, Control 2002-027 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; 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)

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)