

RESOLUTION NO. R-2013- 1530

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2013-01618  
(CONTROL NO. 1985-00095)  
a Development Order Amendment  
APPLICATION OF Lois Realty Corp, Cable Holdco Exchange li LLC  
BY Gunster, Yoakley & Stewart, PA, Urban Design Kilday Studios, AGENT  
(Bernstein 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, is authorized and empowered to consider applications relating to zoning;

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

WHEREAS, Zoning Application ZV/PDD/DOA-2013-01618 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2013;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law; and,

WHEREAS, Article 2.A.1.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 ZV/PDD/DOA-2013-01618, the petition of Lois Realty Corp, Cable Holdco Exchange li LLC, by Gunster, Yoakley & Stewart, PA, Urban Design Kilday Studios, agent, for a Development Order Amendment to add land area, reconfigure the site plan, add square footage, and allow an alternative Type III incompatibility landscape buffer in the Multiple Use Planned Development (MUPD) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 24, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 24, 2013.

Filed with the Clerk of the Board of County Commissioners on November 1, 2013.

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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

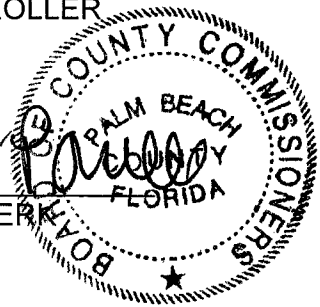


EXHIBIT A

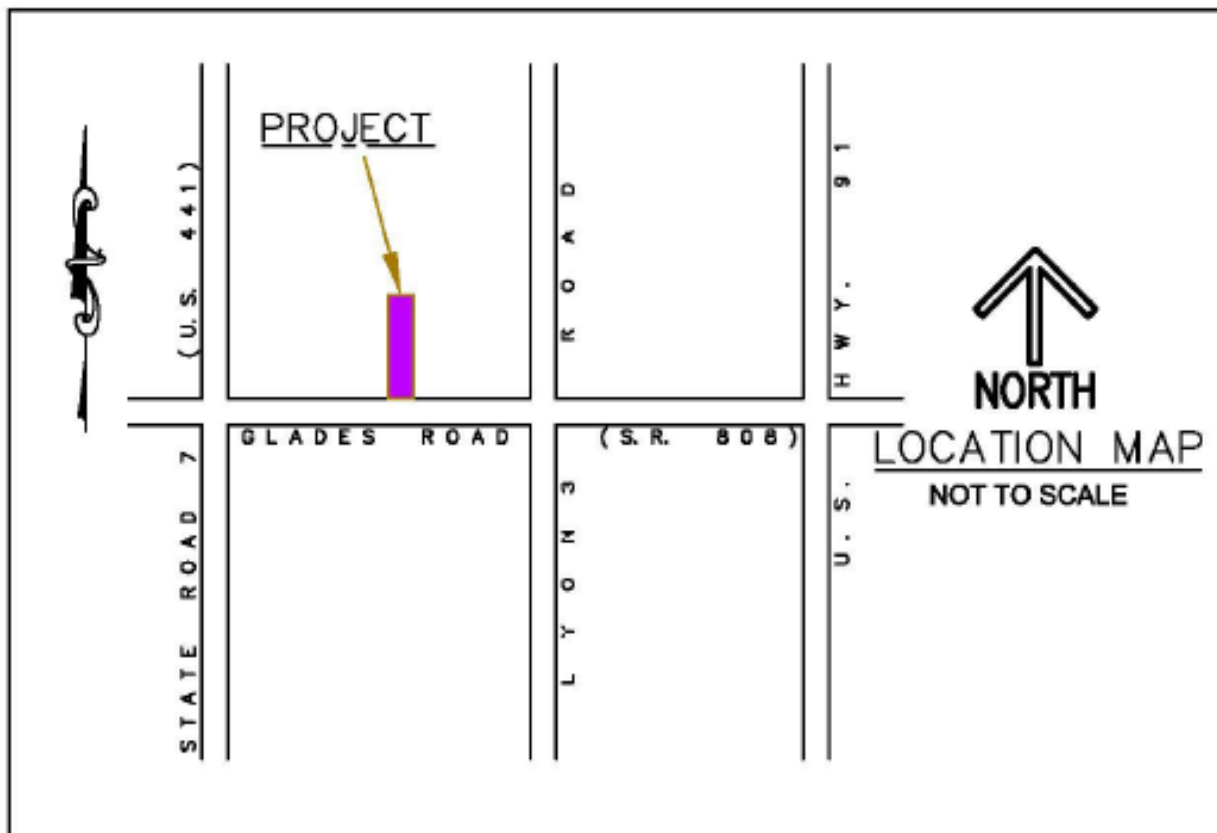
LEGAL DESCRIPTION

BEING ALL OF THE PLAT OF ROOMS TO GO, PLAT BOOK 73, PAGES 76 AND 77,  
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

THE WEST 150.00 FEET OF TRACT 93, BLOCK 77, PALM BEACH FARMS COMPANY  
PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM  
BEACH COUNTY, FLORIDA, LESS THE SOUTH 65.00 FEET THEREOF. CONTAINING  
8.196 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2001-00976 (Control 1985-00095(F)), 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 Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition All Petitions A.3 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated May 30, 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. (DRC: ZONING)

Is hereby amended to read:

The Preliminary Site Plan is dated August 22, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW-PARCEL B ONLY

1. The architectural design of all buildings shall provide variety, visual interest, and create an overall unified image utilizing, but not limited to, the items specified below.

- a. Large concentrations of repetitive building types shall be avoided.
- b. The exterior elevation of all multi use buildings shall be varied by:
  - 1) varying the roof and floor elevations within the same building,
  - 2) varying window treatments,
  - 3) use of contrasting shapes and forms,
  - 4) creation of points of interest on the exterior of the buildings,
  - 5) overhangs and architectural projections to create shadows on the building's exterior, and
  - 6) horizontally off-setting sections.
- c. Roof and/or trim color shall be coordinated with base colors (neutral, earth tones only). Gutters and downspouts shall be integrated into the architectural design of the building.
- d. All building entries shall be easily identifiable. Entries shall be integrated into the building architecture.
- e. Durable exterior materials which provide a high quality appearance and reduce maintenance shall be used.
- f. All roof top mechanical and electrical equipment shall be screened from view so as not to be visible from any property line.
- g. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (ONGOING: ZONING - Zoning) (Previously Condition Architectural Control B.1 of Resolution R2001-0976, Petition PDD85-095(F))

#### ARCHITECTURAL REVIEW

2. Condition All Petitions B.2 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

Prior to final site plan certification by the Development Review Committee (DRC),

architectural elevations with color indications for the buildings shall be approved by the Zoning Review Section, Zoning Division. The approved elevations shall be made a part of the certified site plan and the petition file. (DRC: ZONING) (Previously Condition B.2 of Resolution R-99-1144, Petition PDD85-095(E))

Is hereby deleted. [NOTE: superseded by Condition 3]

#### ARCHITECTURAL REVIEW-ALL PARCELS

3. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Furniture Store shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated July 31, 2013. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

#### ENGINEERING

1. Previous Condition E.1 of Zoning Resolution R-2001-0976, which currently states:

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

Building Permits for more than 2,049 new daily trips. The current phasing plan submitted provides for the conversion of the existing 22,380 square foot Rooms To Go to General Commercial, plus the additional 10,095 square foot of retail shall not be issued until the contract has been let for the widening of S. R. 7 as a 6 lane facility from Glades Road to West Atlantic Avenue plus the appropriate paved tapers.

The mix of allowable commercial uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

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 may be issued after December 31, 2018. 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, Section E of the Unified Land Development Code. The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

#### 2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

a. Prior to issuance of the next building permit, the Property Owner shall apply to the Palm Beach County Engineering Department, Permit Section, for a permit to landscape the adjacent median of Glades Road Right-of-Way. This permit, to be completed by the Property Owner, shall name Palm Beach County as the applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. The Property Owner shall also be responsible to supplement any existing landscape material previously planted in this

median and all new landscape material 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) (Previous Condition E.2.a of Zoning Resolution R-2001-976, Control No. 1985-00095)

b. All required median landscaping, including an irrigation system if required, shall be installed at the Property Owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the Property Owner and its successors, heirs or assignees, or duly established Property Owner's Association and/or Homeowners' 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. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng) (Previously Condition E.2.b of Zoning Resolution R-2001-0976, Control No. 1985-00095)

c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.2.c of Zoning Resolution R-2001-976, Control No. 1985-00095) [Note: COMPLETED]

### 3. LANDSCAPING MEDIAN "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF GLADES ROAD

a. Prior to issuance of a building permit, the Property Owner shall apply to the Palm Beach County Engineering Department, Permit Section, for a permit to provide for landscape cutouts within the concrete median of Glades Road right-of-way contiguous to the frontage. This permit, to be completed by the Property Owner, shall name Palm Beach County as the applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, Landscape Maintenance, Removal, Concrete Median Cutout; Landscape and Paver Block Installation Agreement, and Indemnification Agreement. When landscape plantings and the installation of paver blocks are permitted by the Florida Department of Transportation, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING-Eng.) (Previous Condition E.3.a of Resolution R-2001-976, Control No. 1985-00095)

b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material and paver block shall be funded at the Property Owner's expense. All landscape and paver block material shall also be the perpetual maintenance obligation of the Property Owner and its successors, or assignees or duly established Property Owners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng) (Previous Condition E.3.b of Zoning Resolution R-2001-976, Control No. 1985-00095)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation prior to issuance of a building permit. (BLDG PERMIT: MONITORING-Eng.) (Previous Condition E.3.c of Zoning Resolution R-2001-0976, Control No. 1985-00095) [Note: COMPLETED]

4. Prior to issuance of a building permit, the Property Owner shall replat Parcel A in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG

PERMIT: MONITORING-Eng)

5. Prior to DRO approval of the site plan, the Property Owner shall abandon or release, and relocate if necessary, the existing utility easement located under the proposed building expansion. (DRO: ENGINEERING-Eng)

LANDSCAPE - GENERAL

1. All new or replacement 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2001-00976, Control No 1985-095(F))

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2001-00976, Control No 1985-095(F))

3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Condition F.3 of Resolution R-2001-00976, Control No 1985-095(F))

4. Prior to DRO final certification of the site plan, the petitioner shall replace any dead, missing or damaged plant materials on the 2.36 site (Parcel A). (DRO: LANDSCAPE - Zoning) (Previous Condition F.4 of Resolution R-2001-00976, Control No 1985-095(F))

5. Prior to November 1, 2014, the Property Owner shall replace all dead and missing plant materials on Parcels A, A-1 and C. (DATE: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR-PARCEL B ONLY

6. Landscaped divider medians shall be provided between all rows of abutting parking except for the 8 parking spaces south of the 10,095 s.f. building. The minimum width of this median shall be ten (10) feet. One canopy tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. A minimum of two (2) landscape diamonds shall be provided for these 8 parking spaces. (DRC: ZONING) (Previous Condition G.2 of Resolution R-2001-00976, Control No 1985-095(F))

LANDSCAPE - INTERIOR

7. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/ LANDSCAPE) (Previous Condition G.3 of Resolution R-2001-00976, Control No 1985-095(F))

8. A minimum six (6) foot high opaque concrete wall shall be provided connecting the



existing wall on the south side of the dry detention area in Parcel A to the wall proposed along the southern boundary of Parcel C. (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-ALONG THE EAST 170 FEET OF THE SOUTH PROPERTY LINE (ABUTTING GLADES ROAD)

9. Landscaping and buffering along the east 170 feet of the south property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and
- d. 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) (Previous Condition H.1 of Resolution R-2001-00976, Control No 1985-095(F))

LANDSCAPE – PERIMETER - ALONG THE NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

10. Condition LANDSCAPE I.1 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

Landscaping and buffering along the north property lines shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. A minimum six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. Credit may be given to existing wall provided it meets current ULDC requirements. (CO: LANDSCAPE)

Is hereby amended to read:

In addition to the Code requirements, landscaping and/or buffer width along the eastern 377 feet of the north property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. A minimum six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development with credit given to any existing wall provided it meets current ULDC requirements;
- d. One (1) canopy tree planted every twenty (20) feet on center on the exterior side of the required wall; and
- e. One (1) palm planted for every twenty-five (25) linear feet of property line on the exterior side of the required wall with a maximum spacing of sixty (60) feet between clusters; and,
- f. A twenty-four (24) inch high shrub or hedge material shall be installed on the plateau of the berm on both sides of the wall. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE- Zoning)

11. Condition LANDSCAPE I.2 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every twenty (20) 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 between clusters; and,
- c. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous Condition I.2 of Resolution R-2001-00976, Control No 1985-095(F))

Is hereby amended to read:

#### LANDSCAPE – PERIMETER - ALONG THE WESTERN 150 FEET OF THE NORTH PROPERTY LINE (ADJACENT TO RESIDENTIAL) – ALTERNATIVE BUFFER

Prior to final approval by the DRO, the Regulating Plan shall be revised to incorporate the alternative planting detail as depicted in Figure 8. (DRO: LANDSCAPE - Zoning)

12. Plant material shall be installed in accordance with the Regulating Plan, prior to the issuance of a Certificate of Occupancy for the Furniture Showroom Building. (CO: LANDSCAPE - Zoning)

13. Condition LANDSCAPE I.3 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previous Condition I.3 of Resolution R-2001-00976, Control No 1985-095(F))

Is hereby deleted. [Reason- Consolidated Condition]

#### LANDSCAPE - PERIMETER-ALONG THE EAST PROPERTY LINE (ACROSS FROM EXISTING CHURCH)

14. Landscaping and buffering along the east property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. One (1) canopy tree planted every twenty (20) feet on center;
- d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. Thirty six (36) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE) (Previous Condition J.1 of Resolution R-2001-00976, Control No 1985-095(F))

#### LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition K.1 of Resolution R-2001-00976, Control No 1985-095(F))

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, and measured from finished grade to highest point and shall be setback a minimum of fifty (50) feet from the north residential property line. (CO: BLDG - Zoning) (Previous Condition K.2 of Resolution R-2001-00976, Control No 1985-095(F))

3. All outdoor lighting shall be extinguished no later than 10:30 p.m., excluding security lighting only. (ONGOING: CODE ENF) (Previous Condition K.3 of Resolution R-2001-00976, Control No 1985-095(F))

4. 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) (Previous Condition K.4 of Resolution R-2001-00976, Control No 1985-095(F))

#### 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 the County Engineer. (DRC: ZONING) (Previous Condition L.1 of Resolution R-2001-00976, Control No 1985-095(F))

2. 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) of the proposed new buildings. 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. (CO: MONITORING - Eng) (Previous Condition L.2 of Resolution R-2001-00976, Control No 1985-095(F))

3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN) (Previous Condition L.3 of Resolution R-2001-00976, Control No 1985-095(F))

#### MUPD

1. Condition M.1 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

To ensure consistency with the site plan dated May 30, 2001 presented to the Board of County Commissioners, no more than twenty-five (25) 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. (DRC: ZONING)

Is hereby deleted. [Reason – Code Requirement]

2. 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, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. 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. (DRC: ZONING - Co Att) (Previous Condition M.2 of Resolution R-2001-00976, Control No 1985-095(F))

3. 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. (DRC: ZONING - Co Att) (Previous Condition M.3 of Resolution R-2001-00976, Control No 1985-095(F))

## SITE DESIGN

1. Condition C.1 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

Access to the site shall be limited to one (1) ingress/egress point from Glades Road. (6.2 acre parcel) (DRC: ZONING) (Previous Condition C.1 of Resolution R-2001-00976, Control No 1985-095(F))

Is hereby amended to read:

Access to the site shall be limited to two (2) ingress/egress point from Glades Road. (DRO: ZONING-Zoning)

2. Condition C.2 of Resolution R-2001-00976, Control No 1985-095(F), which currently states:

Cross access shall be provided between all internal properties of the MUPD in a manner, form and location acceptable to the County Attorney, County Engineer, and Zoning Director. (6.2 acre parcel) (CO ATTY/ENG/ZONING) (Previous Condition C.2 of Resolution R-2001-00976, Control No 1985-095(F))

Is hereby amended to read:

Cross access shall be provided between all internal properties of the MUPD in a manner, form and location acceptable to the County Attorney, County Engineer, and Zoning Director. (CO: ATTY/ENG/ZONING- Zoning)

3. A minimum fifty (50) foot front setback and fifteen (15) foot side setback for all buildings shall be provided. (DRO: ZONING/BLDG) (Previous Condition C.3 of Resolution R-2001-00976, Control No 1985-095(F))

4. Condition C.4 of Resolution R-2001-00976, Control No 1985-00095(F), which currently states:

Total gross floor area shall be limited to a maximum of 57,120 square feet. Expansion shall be limited to a maximum increase of 1,000 square feet and subject to Concurrence/Traffic Division approvals. (DRC: ZONING) (Previous Condition C.4 of Resolution R-2001-00976, Control No 1985-095(F))

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 69,500 square feet. Expansion shall be limited to a maximum increase of 1,000 square feet and subject to Concurrence/Traffic Division approvals. (DRO: ZONING - Zoning)

5. The maximum height for all proposed structures, including all air conditioning and mechanical equipment, and satellite dishes measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.5 of Resolution R-2001-00976, Control No 1985-095(F))

6. All air conditioning and mechanical equipment for the proposed structures shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.6 of Resolution R-2001-00976, Control No 1985-095(F))

7. The northwest portion of the site measuring seventy (70) feet wide and one hundred twenty (120) feet long shall be utilized as a retention/preserve area as indicated on the approved site plan dated May 30, 2001. (ONGOING: ZONING) (Previous Condition C.7 of Resolution R-2001-00976, Control No 1985-095(F))

## SIGNS

1. Freestanding point of purchase signs on Glades Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum total per sign face area: Parcel A (Rooms To Go twenty four (24) square feet; Parcel B one hundred (100) square feet;
  - c. Maximum number of signs - two (2) for the overall site; and
  - d. Style - monument style only. (BUILDING-Zoning) (Previous Condition N.1 of Resolution R-2001-00976, Control No 1985-095(F))

2. Should the existing (Parcel A) freestanding sign be replaced or relocated, the new sign shall be architecturally consistent and compatible with the color, shape and style of the Parcel B sign. (BLDG - Zoning) (Previous Condition N.2 of Resolution R-2001-00976, Control No 1985-095(F))

3. Prior to final DRC certification of the site plan, architectural elevations of the sign for Parcel B shall be subject to Zoning Division review and approval. (DRC: Zoning) (Previous Condition N.3 of Resolution R-2001-00976, Control No 1985-095(F))

## USE LIMITATIONS

1. Retail business activity shall not be allowed on site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous Condition O.1 of Resolution R-2001-00976, Control No 1985-095(F))

2. 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 O.2 of Resolution R-2001-00976, Control No 1985-095(F))

3. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning) (Previous Condition O.3 of Resolution R-2001-00976, Control No 1985-095(F))

4. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading spaces shown on the site plan dated May 30, 2001. (ONGOING: CODE ENF) (Previous Condition O.4 of Resolution R-2001-00976, Control No 1985-095(F))

## COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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 P.1 of Resolution R-2001-00976 Control No 1985-00095(F))

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; the 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 Unified Land Development Code 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 of Approval; 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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)(Previous Condition P.2 of Resolution R-2001-00976 Control No 1985-00095(F))

#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.