

RESOLUTION NO. R-2019- 0906

RESOLUTION APPROVING ZONING APPLICATION DOA-2018-01562  
(CONTROL NO. 1989-00063)  
Development Order Amendment  
APPLICATION OF Lyons Retail, Inc., SAFStor, Inc.  
BY HSQ Group, Inc., AGENT  
(Sherbrooke Center)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 25, have been satisfied;

WHEREAS, Zoning Application DOA-2018-01562 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2019;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

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;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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-2018-01562, the Application of Lyons Retail, Inc., SAFStor, Inc., by HSQ Group, Inc., Agent, for Development Order Amendment to reconfigure the Site Plan; add square footage; and, modify uses and Conditions of Approval (Architectural Review and Landscaping), on a parcel of land generally described as shown on the legal description 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 June 27, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner 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 Mack Bernard, Mayor	-	
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 27, 2019.

Filed with the Clerk of the Board of County Commissioners on July 5th, 2019.

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



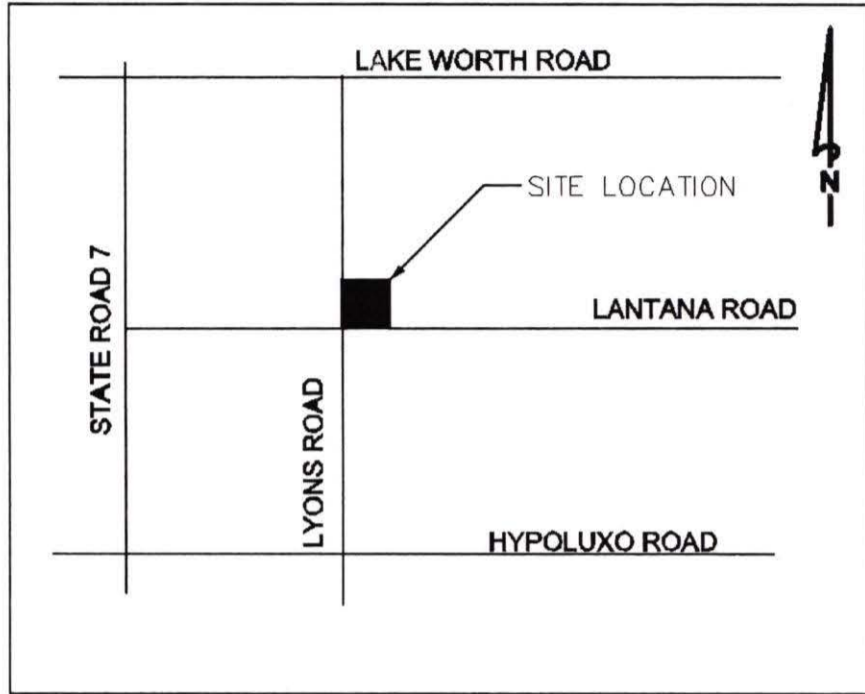
EXHIBIT A

LEGAL DESCRIPTION

PARCEL "A", "B" AND "C" SHERBROOKE CENTER REPLAT NO. 3 MUPD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 110, PAGE 86 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 387,211 SQUARE FEET, 8.889 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-1815, Petition DOA89-63B, have been consolidated as contained herein. The applicant shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2006-144, Control No.1989-00063)

2. Condition 2 of R-2006-144, Control No.1989-00063, which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated November 22, 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.

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 April 8, 2019. 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)

3. Condition 3 of R-2006-144, Control No.1989-00063, which currently states:

Prior to final DRC approval, the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. All easements which conflict with the location of a proposed structure or landscape buffer shall be abandoned prior to the issuance of a building permit.

Is hereby amended to read:

Prior to final approval by the Development Review Officer, the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. All easements which conflict with the location of a proposed structure or landscape buffer shall be abandoned prior to the issuance of a building permit. (DRO: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. Condition 1 of R-2006-144, Control No.1989-00063, which currently states:

At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC, and shall be generally consistent with the elevations prepared by Richard Wensing Architects & Planners, PA, dated November 22, 2005. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements.

Is hereby amended to read:

Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the previously approved architectural elevations, the DRO

approved site plan, all applicable conditions of approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

2. Condition 2 of R-2006-144, Control No.1989-00063, which currently states:  
2. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration.

Is hereby deleted. [Reason: Code requirement]

### **BUILDING AND SITE DESIGN**

1. The maximum height of all buildings shall be thirty-six (36) 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. (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2006-144, Control No.1989-00063)

2. Condition 2 of R-2006-144, Control No.1989-00063, which currently states:

All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BUILDING DIVISION - Zoning)

Is hereby deleted. [Reason: Code requirement]

3. Condition 3 of R-2006-144, Control No.1989-00063, which currently states:

Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings including the dumpster enclosures. (BLDGPM: BUILDING DIVISION - Zoning)

Is hereby deleted. [Reason: Code requirement]

4. Condition 3 of R-2006-144, Control No.1989-00063, which currently states:

All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind walls having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscure, opaque gate. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [Reason: Code requirement]

5. Prior to final approval by the Development Review Officer (DRO), the design and location of each trellis and bench shall be:

- a. subject to review and approval by the Architectural Review Section; and,
- b. reflected on the regulating plan. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2006-144, Control No.1989-00063)

### **ENGINEERING**

1. Prior to Site Plan approval the property owner shall convey or verify conveyance of right of way for:

- a. Lyons Road, 64 feet from centerline (Complete)
- b. Lantana Road, 71.5 feet from centerline (Complete)
- c. The construction of a right turn lane, east approach on Lantana Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet. (Complete)

All free encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-Way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2006-144, Control No.1989-00063)

2. The Property owner shall construct:

a. at the project's entrance and Lyons Road a left turn lane, north approach and a right turn lane, south approach;

b. at the project's entrance and Aquarius Boulevard a left turn lane, south approach;

c. the northern most road adjacent to this site shall be constructed as a 3 lane section [May be deleted as the new Site Plan no longer has access onto Rosemont Drive.]

All concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2006-144, Control No.1989-00063)

3. The property owner shall fund the construction plans to Palm Beach County for the four-laning of Lyons Road from Lantana Road, north to a point 150 feet north of the projects entrance road onto Lyons Road, subject to approval by the County Engineer. Funding for these construction plans shall be completed prior to July 1, 1996, in the amount approved by the County Engineer. (DATE: MONITORING - Eng) [Note: COMPLETED]

b. The property owners shall fund the cost of the construction for the four laning of Lyons Road from Lantana Road, north to a point 150 feet north of the projects entrance road onto Lyons Road. Funding for this construction shall be completed prior to October 1, 1998, in the amount approved by the County Engineer. (DATE: MONITORING - Eng) [Note: COMPLETED]

c. If the building permits for the shopping center are requested prior to the four laning of Lyons Road, the property owner shall be required to construct turn lanes onto Lyons Road subject to the approval of the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2006-144, Control No.1989-00063)

4. No building permits shall be issued for the project until construction has commenced for the 4 laning of SR7 from Lantana Road to Lake Worth Road. (BLDG PERMIT:MONITORING - Eng) b. No more than 21,212 square feet of general retail or the traffic equivalent of 2,121 trips per day shall be issued until Lake Worth Road is widened from the Florida Turnpike to State Road 7. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2006-144, Control No.1989-00063)

5. The Developer shall install signalization if warranted as determined by the County Engineer at Lyons Road and Lantana Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2006-144, Control No.1989-00063)

## 6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD

A. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Lyons Road and Lantana Road rights-of-way and shall comply with all permit requirements, including but

not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (BUILDING PERMIT: MONITORING - Eng) [Note: COMPLETED]

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to February 1, 2000. (DATE:MONITORING -Eng) [Note: COMPLETED]

C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to the issuance of the first building permit. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2006-144, Control No.1989-00063)

7. The property owner for the Sherbrooke Center Shopping Center shall fund 10% of the total cost required to secure a drainage easement or an alternative system in order to provide legal positive outfall or a retention/detention system for a maximum of 1900 linear feet along Lantana Road and 1900 linear feet along Lyons Road. These costs shall include, but not be limited to, cost of drainage easement, legal fees, drainage structures and pipes, as are typically required. Funding shall be complete within 60 days notice to the property owner.

(ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2006-144, Control No.1989-00063)

8. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2006-144, Control No.1989-00063)

9. 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, 2020, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

## **ENVIRONMENTAL**

1. Condition #G.1. of R-1989-063B Petition DOA89-63(B), which currently states:

There shall be no dewatering permitted on this site unless prior approval has been received from the Department of Environmental Resources Management. (ONGOING: ERM)



Is hereby deleted. [Reason: Completed]

**ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING ROSEMOUNT DRIVE AND AQUARIUS BOULEVARD)**

1. In addition to code requirements, the landscape buffers along the north and east property lines shall be upgraded to include:

- a. a continuous two (2) foot high berm; and,
- b. a minimum of one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2006-144, Control No.1989-00063)

**ZONING - LANDSCAPING-LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINE (ABUTTING LANTANA ROAD AND LYONS ROAD)**

2. In addition to code requirements, the landscape buffers along the south and west property lines shall be upgraded to include:

- a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and
- b. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2006-144, Control No.1989-00063)

**ZONING - LANDSCAPING-INTERIOR**

3. In addition to code requirements, foundation plantings or grade level planters shall be provided along the north facade of building C and the east (rear) facade of building B 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 forty percent (40%) of the total length of the applicable facades; and,
- c. landscape areas shall be planted with a minimum of one (1) tree or palm for every twenty (20) linear feet of the applicable building facades and appropriate ground cover. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2006-144, Control No.1989-00063)

4. Special planting treatment shall be provided within a median at each access point from Lantana Road and Aquarius Boulevard. Planting shall consist of the following:

- a. a minimum of three (3) palm that is acceptable to the Landscape Section;
- b. a continuous row of medium shrub or hedge between all palms within the median, where applicable; and,
- c. appropriate ground cover. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2006-144, Control No.1989-00063)

5. A divider median shall be provided between each adjacent drive-thru lane of any building or use as follows:

- a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries of the overhead canopy;
- b. the extensions of these median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
- c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paver block, or other decorative paving surface. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2006-144, Control No.1989-00063)

**ZONING - LANDSCAPING**

6. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall 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.

(BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2006-144, Control No.1989-00063)

7. All palms required to be planted on the property 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.

(BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2006-144, Control No.1989-00063)

8. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2006-144, Control No.1989-00063)

9. Field adjustment of berm, plant material, and wall locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2006-144, Control No.1989-00063)

10. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2006-144, Control No.1989-00063)

## **LIGHTING**

1. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2006-144, Control No.1989-00063)

2. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting and low voltage lighting for landscaping only. (ONGOING: CODE ENF - Code Enforcement) (Previous LIGHTING Condition 3 of Resolution R-2006-144, Control No.1989-00063)

3. Condition 1 of R-2006-144, Control No.1989-00063, which currently states:

The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material.

Is hereby deleted. [Reason: duplicate condition]

## **PLANNING**

1. Condition 1 of R-2006-144, Control No.1989-00063, which currently states

Prior to final approval by the Development Review Officer (DRO), the plan shall include all pedestrian pathways generally consistent with the certified site plan. (DRO: PLANNING - Planning)

Is hereby deleted. [Reason: Code requirement]

2. Per SCA 2012-008, Ord. 2012-031: Development of the subject site shall be limited to a maximum of 123,920 square feet of commercial retail development or equivalent traffic generation uses. (ONGOING: PLANNING - Planning)

## **SIGNS**

1. Freestanding point of purchase signs fronting on Lantana Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - 100 square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only;
- e. location - within fifty (50) feet of the access point measured from edge of pavement;
- f. Signs shall be limited to identification of project name, address, and tenant names only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2006-144, Control No.1989-00063)

2. No off-premise signs or relocated billboards shall be permitted on the site, excluding the residential project identification sign (Lakes of Sherbrooke of Lakes of Lantana) along Aquarius Boulevard. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 3 of Resolution R-2006-144, Control No.1989-00063)

3. Freestanding point of purchase signs fronting on Lyons Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - eighty (80) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only;
- e. location - within fifty (50) feet of the access point measured from edge of pavement; and,
- f. signs shall be limited to identification of project name, address, and tenant names only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 4 of Resolution R-2006-144, Control No.1989-00063)

4. Freestanding point of purchase signs fronting on Rosemount Drive and/or Aquarius Boulevard shall be prohibited. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 5 of Resolution R-2006-144, Control No.1989-00063)

5. Wall signs shall be prohibited as follows, unless required by law:

- a. north and east (rear) facades of building B; and,
- b. east facades of building C. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 6 of Resolution R-2006-144, Control No.1989-00063)

## **USE LIMITATIONS**

1. Outdoor retail business activities shall not be allowed on the property, excluding deliveries and drive-thru activities only. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2006-144, Control No.1989-00063)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2006-144, Control No.1989-00063)

3. The storage of rental trucks/trailers or outside vendors shall not be permitted on the

property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 10 of Resolution R-2006-144, Control No.1989-00063)

4. Construction traffic shall be prohibited from utilizing Aquarius Boulevard to access the site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 11 of Resolution R-2006-144, Control No.1989-00063)

#### **COMPLIANCE**

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 ZONING COMPLIANCE Condition 1 of Resolution R-2006-144, Control No.1989-00063)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning) (Previous ZONING COMPLIANCE Condition 2 of Resolution R-2006-144, Control No.1989-00063)

#### **DISCLOSURE**

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