

RESOLUTION NO. R-2020- 1233

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2020-00183
(CONTROL NO. 2004-00201)
a Development Order Amendment
APPLICATION OF PS Boca Raton Turnpike 2013 LLC
BY Miller Land Planning, AGENT
(StorAll Glades Road)

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 27, have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2020-00183 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 2020;

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 a 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 ZV/DOA-2020-00183, the Application of Ps Boca Raton Turnpike 2013 Llc, by Miller Land Planning, Agent, for a Development Order Amendment to a Class A Conditional Use to reconfigure the Site Plan; add a building and square footage; and, modify Conditions of Approval, 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 August 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on August 27, 2020.

Filed with the Clerk of the Board of County Commissioners on September 9th, 2020.

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 I:

ALL OF THE PLAT OF BOCA RATON STOR-ALL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 108, PAGE 9, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II

EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED BY EASEMENT AGREEMENT DATED MAY 24, 1982, FILED JULY 14, 1982 AND RECORDED IN O.R. BOOK 3758 PAGE 890, AND REFILED IN O.R. BOOK 3773 PAGE 1160, FOR INGRESS AND EGRESS OVER, UNDER AND ACROSS THE LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 65, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO.3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; THENCE ON AN ASSUMED BEARING OF SOUTH ALONG THE WEST LINE OF TRACT 65, A DISTANCE OF 595.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF GLADES ROAD (STATE ROAD 808) AS DEED TO PALM BEACH COUNTY FOR RIGHT-OF-WAY PURPOSES AND THE POINT OF BEGINNING; THENCE EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 25.00 FEET; THENCE NORTH ALONG A LINE PARALLEL TO THE WEST LINE OF TRACT 65, A DISTANCE OF 103.09 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF A SAID CURVE, TO THE LEFT, HAVING A CENTRAL ANGLE OF 35 DEGREES 36 MINUTES 20 SECONDS AND A RADIUS OF 120.00 FEET FOR AN ARC DISTANCE OF 74.57 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 02 DEGREES 21 MINUTES 49 SECONDS AND A RADIUS OF 110.00 FEET FOR AN ARC DISTANCE OF 4.5 FEET TO THE INTERSECTION WITH A NON-TANGENT LINE, ALSO BEING THE WEST LINE OF TRACT 65; THENCE SOUTH ALONG SAID WEST LINE OF TRACT 65, A DISTANCE OF 176.70 FEET TO THE POINT OF BEGINNING.

PARCEL III:

EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED IN WARRANTY DEEDS RECORDED IN O.R. BOOK 2784 PAGE 1577; O.R. BOOK 2784 PAGE 1608, AND O.R. BOOK 2784 PAGE 1610 AND MORELY FULLY DESCRIBED IN INSTRUMENTS ENTITLED CONFIRMATION OF EASEMENTS AND AGREEMENT RECORDED IN O.R. BOOK 2784 PAGE 1612; O.R. BOOK 2784 PAGE 1616, AND O.R. BOOK 2784 PAGE 1620 AND PERPETUATED IN WARRANTY DEED RECORDED IN O.R. BOOK 11849 PAGE 936 FOR VEHICULAR AND PEDESTRIAN ACCESS OVER, UNDER AND ACROSS THE LAND DESCRIBED AS FOLLOWS: THE EAST 75 FEET OF TRACT 64, LESS THE NORTH 25 FEET AND THE SOUTH 314 FEET THEREOF IN BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO.3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL IV:

EASEMENT FOR THE BENEFIT OF PARCEL I RESERVED IN THE SPECIAL WARRANTY DEED RECORDED IN O.R. BOOK 11849 PAGE 936, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS A PORTION OF THE FOLLOWING DESCRIBED LAND, AS LIMITED BY AND MORE PARTICULARLY DESCRIBED IN THE CONFIRMATION OF EASEMENTS AND

AGREEMENT RECORDED IN O.R. BOOK 2784 PAGE 1612; O.R. BOOK 2784 PAGE 1616, AND O.R. BOOK 2784 PAGE 1620 OF SAID PUBLIC RECORDS:
THE EAST 50 FEET OF THE SOUTH 314 FEET OF TRACT 64, LESS THE SOUTH 25 FEET THEREOF BLOCK 76, PALM BEACH FARMS CO. PLAT 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

PARCEL V:

EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED BY DRAINAGE EASEMENT BETWEEN LOUIS DIMARCO AND BOCA RATON STOR-ALL LTD., A FLORIDA LIMITED PARTNERSHIP RECORDED IN OFFICIAL RECORDS O.R. BOOK 17679 PAGE 67 FOR DRAINAGE AND MAINTENANCE OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED LAND:

THE EAST 20 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:
THE SOUTH 132 FEET OF THE NORTH 157 FEET OF TRACT 39 BLOCK 76, PALM BEACH FARMS CO. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE WEST 5 FEET OF THE EAST 25 FEET OF THE FOLLOWING:
THE SOUTH 132.00 FEET OF THE NORTH 157.00 FEET OF TRACT 39 BLOCK 76, AS SHOWN ON THE PLAT OF THE PALM BEACH FARMS COMPANY PLAT NO.3 RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL VI:

NON EXCLUSIVE SIGN EASEMENT FOR THE BENEFIT OF PARCEL I CONTAINED IN AGREEMENT RECORDED IN O.R. BOOK 11849 PAGE 951 AND RESERVED IN WARRANTY DEED RECORDED IN O.R. BOOK 11849 PAGE 936 OVER, UNDER AND ACROSS THE LANDS DESCRIBED THEREIN.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA AND CONTAINING 174,338 SQUARE FEET, OR 4.002 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

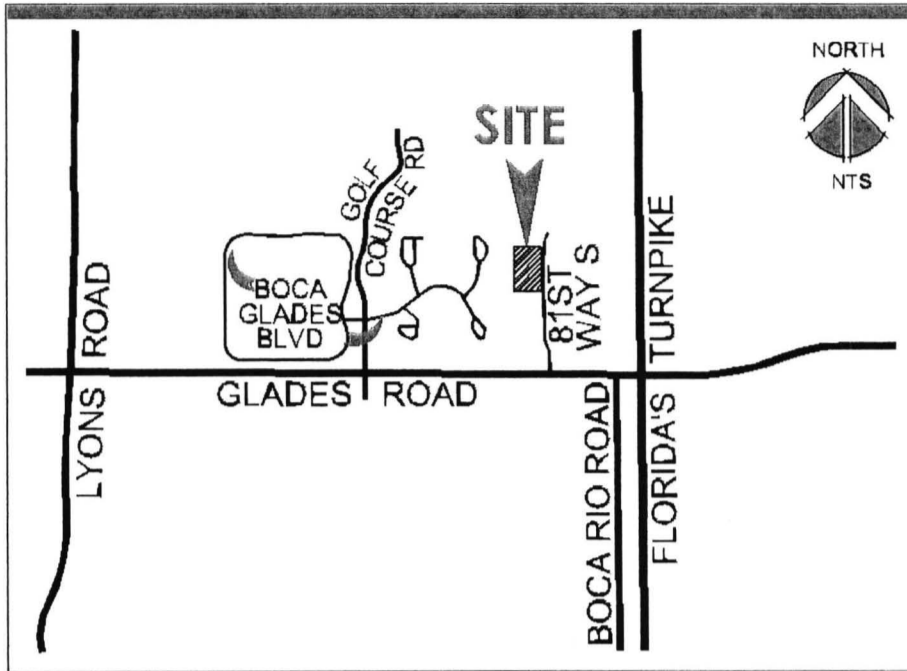


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Class A Conditional Use)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2005-149, Control No. 2004-00201, 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 14, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved Preliminary Site Plan is dated June 8, 2020. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2005-0149 (Control No. 2004-00201), 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)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the building shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sections 6.6.C., 6.6.E. and 6.4.D.87 of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2005-149, Control No. 2004-00201)

2. Design of gutters and downspouts shall be integrated into the architectural design of the building. Painting of the gutters and downspouts shall not constitute architectural integration. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2005-149, Control No. 2004-00201)

ENGINEERING

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

No Building Permits for the site may be issued after January 10, 2008. 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. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2005-149, Control No. 2004-00201)

2. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous

ENGINEERING Condition 2 of Resolution R-2005-149, Control No. 2004-00201)

3. 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, 2023, 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)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

A minimum of fifty (50) percent of all canopy trees required to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 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.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

2. Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2005-149, Control No.2004-00201, which currently states:

All palms required to be planted on the property by this approval shall meet the following minimum standards at installation, unless otherwise indicate herein:

- 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.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

3. Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

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; and,
- d. This condition does not apply to the five (5) foot wide compatibility buffers or where a single row of hedge is required on either side of a wall.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

4. Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

All trees and palms shall be planted in a meandering and naturalistic pattern.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

5. Previous LANDSCAPE - STANDARD Condition 5 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

A group of three (3) or more palm trees may not supersede the requirement for a canopy tree in that location, unless specified herein.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

6. Previous LANDSCAPE - STANDARD Condition 6 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list as suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

7. Previous LANDSCAPE - STANDARD Condition 7 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Field adjustment of berm, wall and/or plant material location may be permitted to provide pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

8. Previous LANDSCAPE - STANDARD Condition 8 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Berm height shall be measured from the nearest top of the curb, the crown of the nearest road, or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

LANDSCAPE - INTERIOR

9. Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet.

Is hereby deleted. [REASON: Code Requirement per Art. 6..]

10. Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Landscaping for terminal and interior landscape islands in the parking areas shall consist of the following:

- a. a minimum of one (1) canopy tree;
- b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty-six (36) inches; and;
- c. appropriate ground cover.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

11. Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2005-149, Control No.2004-00201, which currently states:

Landscape diamonds with a minimum dimension of five (5) feet by five (5) feet and a minimum planting area of twenty-five (25) square feet shall be provided within all rows of abutting parking. These diamonds shall be located at the common intersection of four (4) parking spaces and spaced a maximum of two (2) parking spaces apart. A minimum of one (1) canopy tree and appropriate ground cover shall be provided within each landscape diamond.

Is hereby deleted. [REASON: No longer applicable with new building location.]

12. Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Foundation planting or grade level planters shall be provided along the north, south, east and west facades of the building and consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet along the south and east facades of the building, and (5) feet along the north and west facades of the building;
- b. The length of the required landscaped areas shall be no less than seventy-five (75) percent of the total length of the east, south and west facades of the building, and no less than fifty (50) percent of the total length of the north facade of the building;
- 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 with a maximum spacing of twenty (20) feet on center and appropriate ground cover; and,
- d. Trees and/or palms within the required landscape area along the west facade of the building shall have the following minimum heights at installation:

- 1) twenty-four (24) feet or greater: minimum sixty (60) percent of all required trees and/or palms;
- 2) eighteen (18) feet to twenty-four (24) feet: minimum twenty (20) percent of all required trees and/or palms; and,
- 3) sixteen (16) feet to eighteen (18) feet: minimum twenty (20) percent of all required trees and/or palms.

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the north, south, east and west facades of the south building and consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet along the south and east facade of the building, and (5) feet along the north and west facades of the building;
- b. The length of the required landscaped areas shall be no less than seventy-five (75) percent of the total length of the east, south and west facades of the building, and no less than fifty (50) percent of the total length of the north facade of the building;
- 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 with a maximum spacing of twenty (20) feet on center and appropriate ground cover; and,
- d. Trees and/or palms within the required landscape area along the west facade of the building shall have the following minimum heights at installation:

- 1) twenty-four (24) feet or greater: minimum sixty (60) percent of all required trees and/or palms;
- 2) eighteen (18) feet to twenty-four (24) feet: minimum twenty (20) percent of all required trees and/or palms; and,
- 3) sixteen (16) feet to eighteen (18) feet: minimum twenty (20) percent of all required trees and/or palms. (ONGOING: ZONING - Zoning)

LANDSCAPE – PERIMETER: (ALONG EAST PROPERTY LINE ABUTTING INGRESS/EGRESS EASEMENT)

13. Previous Condition D.1 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. one (1) canopy tree for each twenty-five (25) linear feet of property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

LANDSCAPE – PERIMETER: (ALONG NORTH AND SOUTH PROPERTY LINES ABUTTING COMMERCIAL PROPERTY)

14. Previous Condition F.1 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Landscaping and buffering along the north and south property lines shall be upgraded to include:

- a. a minimum five (5) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) canopy tree for each twenty-five (25) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. a continuous row of medium shrub or hedge material between all trees and palms. Shrub shall be a minimum height of twenty-four (24) inches at installation.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD]

LANDSCAPE – PERIMETER: (ALONG THE SOUTH 182 FEET OF THE WEST PROPERTY LINE ABUTTING BOCA GLADES PUD)

15. Previous Condition H.1 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Landscaping and buffering along the south 182 feet of the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two and one-half (2.5) foot high berm;
- c. one (1) native canopy tree for each fifteen (15) linear feet of the property line, to be planted in two (2) staggered rows to maximize screening. Tree spacing shall not exceed thirty (30) feet center to center per row;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation; and,

g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of forty-eight (48) inches at installation.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

LANDSCAPE – PERIMETER: (ALONG NORTH 346 FEET WEST PROPERTY LINE ABUTTING BOCA GLADES PUD)

16. Previous Condition G.1 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Landscaping and buffering along the north 346 feet of the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two and one-half (2.5) foot high berm;
- c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm, and include a continuous east-west section that attaches to the northwest corner of the building. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;
- d. one (1) native canopy tree for each fifteen (15) linear feet of the property line, to be planted alternating on both sides of the wall with a maximum tree spacing of thirty (30) feet on center per side; and,
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

17. Previous Condition G.2 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

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

- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

18. Previous Condition G.3 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Along the interior side of the required wall, the property owner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches at maturity. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy ULDC requirements, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2005-149, Control No.2004-00201)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BUILDING DIVISION - Zoning)

(Previous LIGHTING Condition 2 of Resolution R-2005-149, Control No. 2004-00201)

3. All outdoor, freestanding lighting fixtures shall be setback a minimum distance of forty (40) feet from the west property line. (CO: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2005-149, Control No. 2004-00201)

4. All outdoor lighting shall be extinguished no later than one half (1/2) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2005-149, Control No. 2004-00201)

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 LIGHTING Condition 5 of Resolution R-2005-149, Control No. 2004-00201)

MUPD

1. Previous MUPD Condition 1 of Resolution R-2005-149, Control No. 2004-00201, which currently states:

Prior to final approval by the DRO, the property owner shall record a covenant/unity of control 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/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director.

Is hereby deleted. [REASON: Condition only applicable to DOA to the PDD.]

SIGNS

1. No freestanding point of purchase sign shall be permitted on the property. (BLDGPM: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2005-149, Control No. 2004-00201)

2. Outparcel identification signage shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side - twenty (20) square feet;
- c. maximum number of signs - one (1) for the entire site, unless off-site signage is provided, in which case no outparcel identification signage shall be permitted;
- d. style - monument style only; and,
- e. location - within twenty (20) feet of the west boundary of the ingress/egress easement, and within two hundred (200) feet of the south property line;
- f. Signs shall be limited to identification of tenants only. (BLDGPM: CITY OF BELLE GLADE - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 2 of Resolution R-2005-149, Control No. 2004-00201)

3. Wall signs shall be limited to the south and east facades of the south building. Individual lettering size shall be limited to a maximum of thirty-six (36) inches high on the east facade and a maximum of thirty (30) inches high on the south facade, subject to compliance with all applicable ULDC regulations. Wall signs shall be limited to identification of tenants only. (ONGOING: MONITORING - Zoning) (Previous SIGNS Condition 3 of Resolution R-2005-149, Control No. 2004-00201)

USE LIMITATIONS

1. Hours of business operation, including deliveries and loading, shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 8:00 a.m. to 6:00 p.m. Sunday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2005-149, Control No. 2004-00201)

2. The storage of rental trucks/trailers or outside vendors, including an accessory vehicle rental facility, shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

(Previous USE LIMITATIONS Condition 2 of Resolution R-2005-149, Control No. 2004-00201)

3. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2005-149, Control No. 2004-00201)

4. Repair or maintenance of vehicles shall not be permitted on the property, excluding emergency and/or incidental repairs. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2005-149, Control No. 2004-00201)

5. 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 USE LIMITATIONS Condition 5 of Resolution R-2005-149, Control No. 2004-00201)

6. No outdoor speaker or public address systems shall be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2005-149, Control No. 2004-00201)

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)

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)

DISCLOSURE

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