

RESOLUTION NO. R-2001- 0445

RESOLUTION APPROVING ZONING PETITION PDD2000-099
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF WHITWORTH FARMS
BY KILDAY & ASSOCIATES, AGENT
(WHITWORTH FARMS 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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2000-099 was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2001; and,

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern:
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Petition PDD2000-099, the petition of Whitworth Farms by Kilday & Associates, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with financial institution on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 22, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 22, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

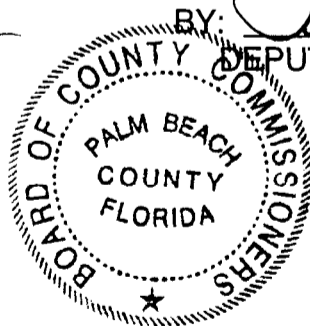


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 41, 42, 43, 54, 55 AND 56, BLOCK 64, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 56, BLOCK 64; THENCE NORTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK 64, A DISTANCE OF 960.69 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 26.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 815.62 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 19 SECONDS WEST, A DISTANCE OF 800.90 FEET, TO A POINT ON A LINE THAT IS 40.00 FEET NORTHERLY OF, AND PARALLEL TO THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF FLAVOR PICT ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 254.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 16.00 FEET TO A POINT ON A LINE THAT IS 24.00 FEET NORTHERLY OF AND PARALLEL TO THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF SAID FLAVOR PICT ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 503.11 FEET; THENCE NORTH 45 DEGREES 00 MINUTES 11 SECONDS EAST, A DISTANCE OF 56.57 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, A DISTANCE OF 280.00 FEET; THENCE NORTH 13 DEGREES 50 MINUTES 07 SECONDS EAST, A DISTANCE OF 51.42 FEET; THENCE NORTH 00 DEGREES 50 MINUTES 21 SECONDS EAST, A DISTANCE OF 446.95 FEET TO THE POINT OF BEGINNING.

CONTAINING: 653,416 SQUARE FEET OR 15.006 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B

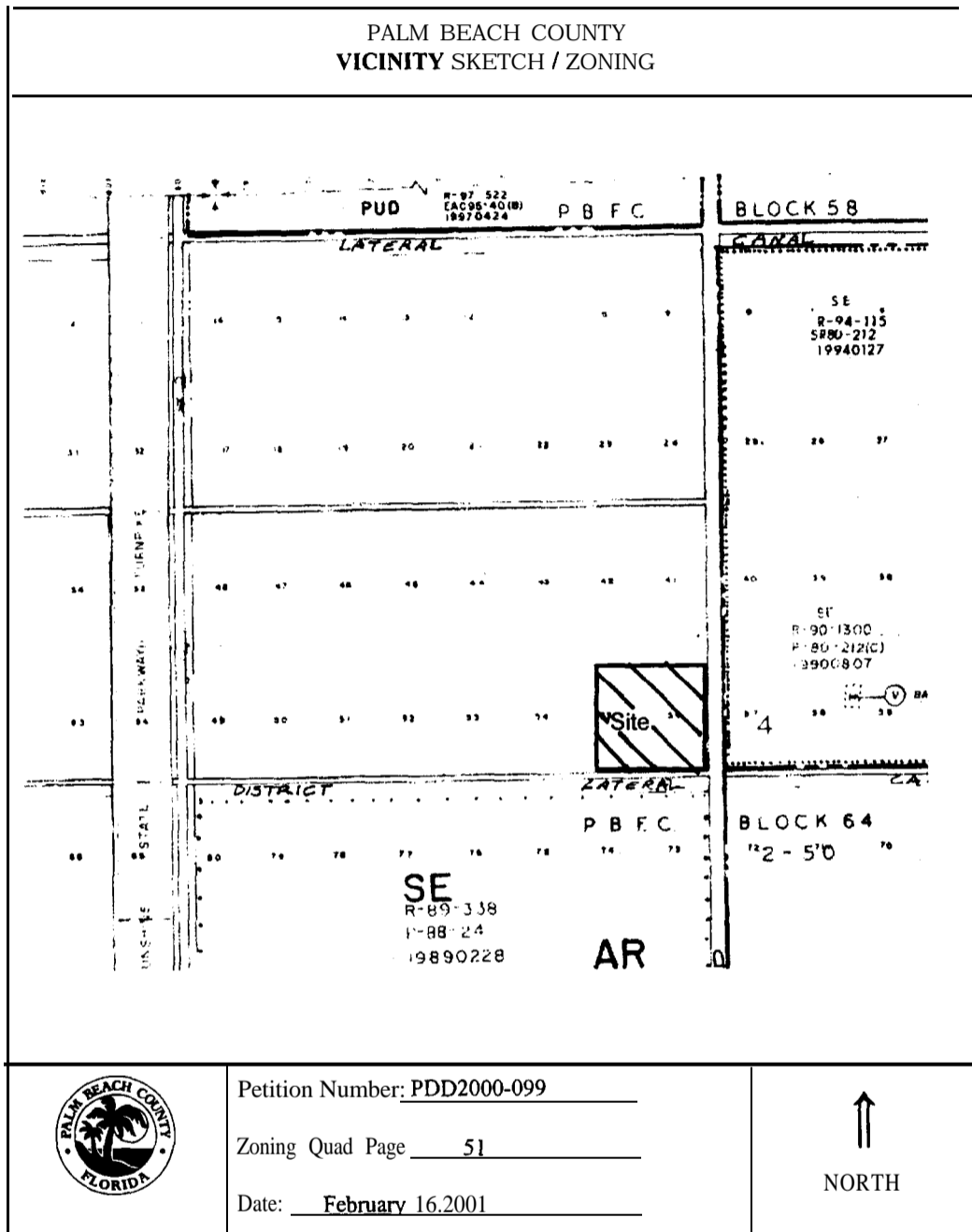


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 January 25, 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. (ONGOING: ZONING)
2. Prior to December 13, 2003, if a retail center, including a supermarket, is not under construction, Planning Division shall bring to the Board of County Commissioners for initiation a land use amendment to the subject property to designate the site as Low Residential-3 (prior designation). (DATE: PLANNING)
3. The property owner/developer shall establish a security program within the complex for the full time that the complex is in operation and for at least one additional hour after closing. (ONGOING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. The exterior elevations of all buildings shall include the following:
 - a. Varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 100 feet (excluding the one (1) story buildings);
 - b. Varied building materials and textures;
 - c. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc). Roof and trim colors shall be coordinated with base colors;
 - d. To avoid a blank wall appearance a combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, decorative columns or pilasters, recesses and projections, and/or quoins. Recesses and projections shall be a minimum of five (5) feet in width;
 - e. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
 - f. All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for all buildings to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area for the entire MUPD shall be limited to a maximum of 120,000 square feet. Expansion shall be subject to BCC approval. (DRC: ZONING)
2. The maximum height for all structures, including air conditioning, mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet for all buildings except for the Grocery store which shall be no more than thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All ground or roof mounted air conditioning and mechanical equipment including satellite dishes 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: BLDG - Zoning)
4. Prior to final DRC certification of the site plan, the petitioner shall provide traffic calming components along the main internal driveway of the MUPD. Traffic components shall include, but not limited to decorative pavement, bollards, etc. (DRC:ZONING/PLANNING)

D. LANDSCAPING - STANDARD

1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 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)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to include cross section details depicting the shaded landscaped pathway/sidewalk system, excluding palm trees, along Hagen Ranch Road, Flavor Pict Road, and along all internal pathways. (DRC: LANDSCAPE-Planning)

4. All landscape buffers shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owners 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: LANDSCAPE -Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on:

- a) Hagen Ranch Road at projects entrance Road;
- b) Hagen Ranch Road at Flavor Pict Road extension;

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 or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner 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. (BLDG PERMIT: MONITORING-Eng)

2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Flavor Pict Road extension, 160 feet north of the LWDD L-29 Canal on or before July 1, 2002. Right of way conveyance shall be along the projects entire frontage and shall be free of all 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 "Corner Clips" where appropriate as determined by the County Engineer. If the Board of County Commissioners deletes this section of Roadway from the Thoroughfare plan prior to conveyance then this developer shall be required to convey eighty feet of right of way which may be a private roadway. (DATE: MONITORING-Eng)

3. The Property owner shall construct:

- I) Flavor Pict Road extension from Hagen Ranch Road to the projects required entrance. If this section of road is not removed from the thoroughfare plan this section of road shall be constructed to thoroughfare plan standards. Construction shall also include a right turn lane east approach and a left turn lane west approach at the project entrance and Hagen Ranch Road. If this section of road is removed from the thoroughfare plan this section of road shall be constructed to collector road standards:
- II) At the intersection of Flavor Pict Road and Hagen Road:
 - Left turn lane south approach;
 - Right turn lane north approach;
 - Left turn lane west approach;

- III) At the intersection of Hagen Ranch Road and the projects entrance road:
 - Left turn lane south approach;
 - Right turn lane north approach;
 - Left turn lane west approach

- A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

- C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

- 4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. No Building permits shall be issued until construction commences on Hagen Ranch Road from Boynton Beach Blvd. to West Atlantic Avenue as a five-lane section. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.
 - b. Building permits for no more than 419 adult single family dwelling units and a maximum of 91,800 square feet of general retail (or the equivalent of 6885 tpd) shall not be issued until construction commences on an additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on Hagen Ranch Road at the intersection of Hagen Ranch Road and Atlantic Avenue. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.
 - c. Building permits for more than the following land uses:
 - 419 adult single family dwelling units and,
 - 100,000 square feet of general retail and,
 - 10,000 square foot bank and,
 - 10,000 square foot office
 - construction of the Civic parcel (maximum 251 trips per day) (the equivalent of 8779 tpd) shall not be issued until construction commences on Jog Road from Lake Ida Road to Atlantic Avenue as a six-lane section. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.
 - d. Prior to Preliminary Development approval the Developer shall record a restrictive covenant on the property limiting the use of the dwelling units to "seniors only". The mix of allowable commercial and residential uses as 'permitted by the Zoning Division; and the adult only restriction listed above may be adjusted 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. (BLDG PERMIT: MONITORING-Eng)

5. Acceptable surety required for design, right of way acquisition and the construction, engineering and inspection costs of the dual left turn lane as outlined above shall be posted with the Office of the **Land Development Division** on or before September 29, 2001. A minimum of 10.5 additional feet of right of way, 100 feet in length with a taper length of 315 feet or as approved by the County Engineer will be required to be acquired for the receiving lanes on the east side of Hagen Ranch Road at West Atlantic Avenue. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made. In the event such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety draw) and Palm Beach County may then complete all required work. (TPS) (DATE: MONITORING-Eng)
6. The Property owner shall provide construction plans for an additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on Hagen Ranch Road at the intersection of Hagen Ranch Road and Atlantic Avenue. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed on or before February 1, 2002. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE/MONITORING-Eng)
7. The property owner shall provide for the acquisition of right of way to provide for the additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on Hagen Ranch Road at the intersection of Hagen Ranch Road and Atlantic Avenue. A minimum of 10.5 additional feet of right of way, 100 feet in length with a taper length of 315 feet or as approved by the County Engineer will be required to be acquired for the receiving lanes on the east side of Hagen Ranch Road at West Atlantic Avenue. Funding shall include all associated costs. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before December 1, 2001. Notification by the developer shall be given to the **Land Development Division**. (DATE/MONITORING: ENG-Eng)
- a. The property owner shall construct an additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on Hagen Ranch Road at the intersection of Hagen Ranch Road and Atlantic Avenue. Construction shall be completed on or before December 1, 2002. All canal crossings within the project limits shall be constructed to their ultimate configuration. Any required signalization upgrade shall be a mast arm structure installation and shall be funded by the property owner. (DATE: MONITORING-Eng)
9. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF HAGEN RANCH ROAD
 - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Hagen Ranch Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. 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 Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and 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, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance 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)

10. LANDSCAPE WITHIN THE LANDSCAPE ISLAND OF HAGEN RANCH ROAD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the Landscape Island of Hagen Ranch Road right-of-way. This permit 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 latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this Landscape Island 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. (BLDG PERMIT: MONITORING- Eng)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and 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. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)
 - C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance 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)
11. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Flavor Pict Road and Hagen Ranch Road. Signalization shall be a mast arm structure installation. Should signalization not be warranted after 5 years of the final Certificate of Occupancy this property owner shall be relieved from this condition. Acceptable surety for this signalization shall be provided prior to the issuance of the first certificate of occupancy. The cost of signalization shall also include any required utility relocation. If the Board of County Commissioners establishes a policy requiring surety or length of the Developer's obligation which is different than this condition, the Developer shall be required to conform the adopted policy (CO: MONITORING-Eng).

F. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRC: ERM)

G. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE)
- 2. 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 or pine tree for each thirty (30) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
 - c. 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)
3. Along the interior side of the required wall, the property owner shall install the following:
- a. twenty-four (24) 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. In area where climbing vine/trellis is installed, two (2) shrub or hedge materials may be replaced; and,
 - b. one (1) trellis with climbing vine installed at a minimum of thirty (30) feet on center. (CO: LANDSCAPE)
4. Installation of this buffer shall be completed prior to the issuance of the Certificate of Occupancy for the first building. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FLAVOR PICT ROAD FRONTAGE)

1. Landscaping and buffering along the south property line shall be upgraded to include:
- a. a minimum fifty (50) foot wide landscape buffer strip. No width reductions or easement encroachments shall be permitted;
 - b. a minimum three and one half (3.5) to four and one half (4.5) foot high undulating berm with an average height of four (4) feet measured from top of curb;
 - c. one (1) canopy tree planted every thirty (30) feet on center and on both sides of the berm;
 - d. one (1) palm or pine tree for each ten (10) linear feet with a maximum spacing of thirty (30) feet between clusters;
 - e. twenty-four (24) inch high shrub or hedge material to be planted on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, and to be maintained at a minimum height of thirty-six (36) inches; and,
 - f. the above required plant materials as stated in Condition H.I .c through H.I.e shall form a minimum six (6) foot high solid, visual screen. This screen may also consist of additional man-made elements in order to achieve the solid visual barrier effect. Prior to final DRC certification of the site plan, details of this buffer shall be submitted to the Zoning Division for review. (DRC/CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (HAGEN RANCH ROAD FRONTAGE)

1. Landscaping and buffering along the east property line shall be upgraded to include:
- a. a minimum sixty (60) foot wide landscape buffer strip. No width reductions or easement encroachments shall be permitted;
 - b. a minimum three and one half (3.5) to four and one half (4.5) foot high undulating berm with an average height of four (4) feet measured from top of curb;
 - c. one (1) canopy tree planted every thirty (30) feet on center and on both sides of the berm;

- d. one (1) palm or pine tree for each ten (10) linear feet with a maximum spacing of thirty (30) feet between clusters;
- e. twenty-four (24) inch high shrub or hedge material to be planted on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, and to be maintained at a minimum height of thirty-six (36) inches; and,
- f. the above required plant materials as stated in Condition H.1.c through H.1e shall form a minimum six (6) foot high solid, visual screen. This screen may also consist of additional man-made elements in order to achieve the solid visual barrier effect. Prior to final DRC certification of the site plan, details of this buffer shall be submitted to the Zoning Division for review. (DRC/CO: LANDSCAPE)

J. LANDSCAPING - INTERIOR

- 1. 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. (DRC: ZONING)
- 2. 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 eight (6) feet;
 - b. The length of the required landscaped areas shall be no less than 40% 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)
- 3. Prior to final DRC certification of the site plan, the petitioner shall submit details of the focal points for the area in front of the General retail use. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
- 4. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to label all parking landscape islands shown on the site plan as having shaded 4' sidewalks inside them. (DRC: PLANNING)
- 5. Landscaping at the access driveway of Hagen Ranch Road shall be the following:
 - a. a minimum of nine (9) Florida Royal Palms to be planted at twenty (20) feet on center, to be located at the first 250 feet and on each side of the access road. (DRC/CO:LANDSCAPE)

K. 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)
- 2. All pedestrian outdoor lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

3. All parking lot lighting fixtures shall not exceed thirty-five (35) feet in height measured from finished grade to highest point and shall setback forty-five (45) feet from the south property line and fifty (50) feet from the east property line. (CO: BLDG - Zoning)
4. All lighting fixtures except for pedestrian and parking lot lights shall not exceed twenty-five (25) feet in height measured from finished grade to highest point and shall setback a minimum thirty-five (35) feet from residential property line. (CO: BLDG - Zoning)
5. All outdoor lighting shall be extinguished no later than 11:30 p.m Monday through Thursday and Sundays, and no later than 12:30 a.m. on Fridays and Saturdays, excluding security lighting only. (ONGOING: CODE ENF)
6. 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)

L. 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)
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). 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)

M. MUPD

1. 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 Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

2. 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)

N. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall include a minimum of three pedestrian pathways (one to the west and two to the north) landscaped with shade trees, and one vehicular access shall be provided to establish interconnectivity with the immediately adjoining residential land as depicted on the certified site plan dated January 25, 2001. (DRC: PLANNING)
2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the western and northern property line at the locations shown on the site plan which read "pedestrian access" and "pedestrian cross access with shade trees". (CO/BLDG PERMIT: MONITORING-BUILDING-Planning)
3. Prior to final site plan approval by the Development Review Committee, the petitioner shall record a restrictive covenant, in a matter and form acceptable to the County Attorney's Office, which implements the intent of the twenty-four (24) commitments presented to the BCC at the December 13, 1999 BCC Transmittal Hearing for Comprehensive Amendment 99-93 COM 1. (DRC: PLANNING-COUNTY ATTORNEY)

O. SIGNS

1. Freestanding point of purchase signs fronting on Hagen Ranch Road shall be limited as follows:
 - a. maximum number of signs - two (2).
 - i. Sign 1
 - a. maximum sign height - ten (10) feet measured from the adjacent sidewalk to the highest point;
 - b. maximum sign face area per side - one hundred (100) square feet;
 - c. monument style only. (CO: BLDG)
 - ii. Sign 2
 - a. maximum sign height - six (6) feet measured from the adjacent sidewalk to the highest point;
 - b. maximum sign face area per side - sixty (60) square feet;
 - c. monument style only. (CO: BLDG)
2. Freestanding point of purchase sign fronting on Flavor Pict Road shall be limited as follows:

- a. maximum sign height - ten (10) feet measured from the adjacent sidewalk to the highest point;
 - b. maximum sign face area per side - one hundred (100) square feet
 - c. maximum number of signs - one (1); and,
 - d. monument style only. (CO: BLDG)
3. Shopping center identification sign shall be limited as follows:
- a. maximum sign height - six (6) feet measured from the adjacent sidewalk to the highest point;
 - b. maximum sign face area per side - one hundred (100) square feet;
 - c. maximum number of signs - one (1);
 - d. monument style only; and,
 - e. location - intersection of Hagen Ranch Road and Flavor Pict Road. (CO: BLDG)
4. Wall signs for each tenant shall be limited to the south and east facades of each building. Lettering size of wall signs shall be limited to a height of twenty-four (24) inches, except for the grocery store, which may be permitted to increase the lettering size to thirty-six (36) inches in height. (CO: BLDG)

P. USE LIMITATIONS

1. Hours of operation for retail business activities, including deliveries, shall be 7:00 a.m. to 10:00 p.m. Monday through Thursday and Sunday, except for restaurants which may remain open to 11:00 p.m. Monday through Thursday and Sunday, and 12:00 a.m. on Friday and Saturday. (ONGOING: CODE ENF - Zoning)
2. Outdoor retail and associated business activities shall not be allowed on site. (ONGOING: CODE ENF - Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except in areas designated on the site plan dated January 25, 2001. (ONGOING: CODE ENF)
4. The following uses shall be prohibited on the site:
 - a) Restaurant, fast food;
 - b) Lounge, cocktail;
 - c) Entertainment, indoor;
 - d) Adult Entertainment;
 - e) Automotive Service Station;
 - f) Repair and maintenance, general;
 - g) Convenience Store, with or without gas sales. (ONGOING: CODE ENF - Zoning)
5. The site shall be limited to a maximum gross square footage of 120,000 on the site, of which there shall be:
 - a) a maximum of 100,000 square feet of retail use, of which there shall be a supermarket with a minimum of 50,000 square feet and a maximum of 56,000 square feet; and,
 - b) a minimum of 20,000 square feet of office. (DRC: PLANNING)

Q. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
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. (MONITORING)