

RESOLUTION APPROVING ZONING PETITION DOA89-63(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF JAMES KING  
BY ROBERT BASEHART, 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

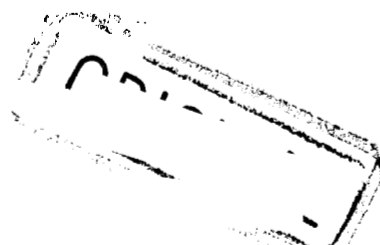
WHEREAS, Zoning Petition DOA89-63(B) was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.



8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 DOA89-63(B), the petition of James King, by Robert Basehart, agent, for a Development Order Amendment (DOA) to Redesign site plan and reduce building square footage on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	<b>Aye</b>
Maude Ford Lee, Vice Chair	--	<b>Absent</b>
Ken Foster	--	<b>Aye</b>
Karen T. Marcus	--	<b>Aye</b>
Mary McCarty	--	<b>Aye</b>
Warren Newell	--	<b>Aye</b>
Carol A. Roberts	--	<b>Absent</b>

The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

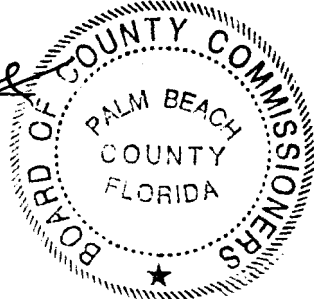
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY **ITS** BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**Tracts "A", "B" and "C", SHERBROOKE CENTER, P.C.D., according to the Plat thereof as recorded in Plat Book 68, Page 125 of the Public Records of Palm Beach County, Florida.**

**Said lands situate, lying and being in Palm Beach County, Florida and containing 387,283 square feet, 8.891 acres, more or less.**

EXHIBIT B  
VICINITY SKETCH

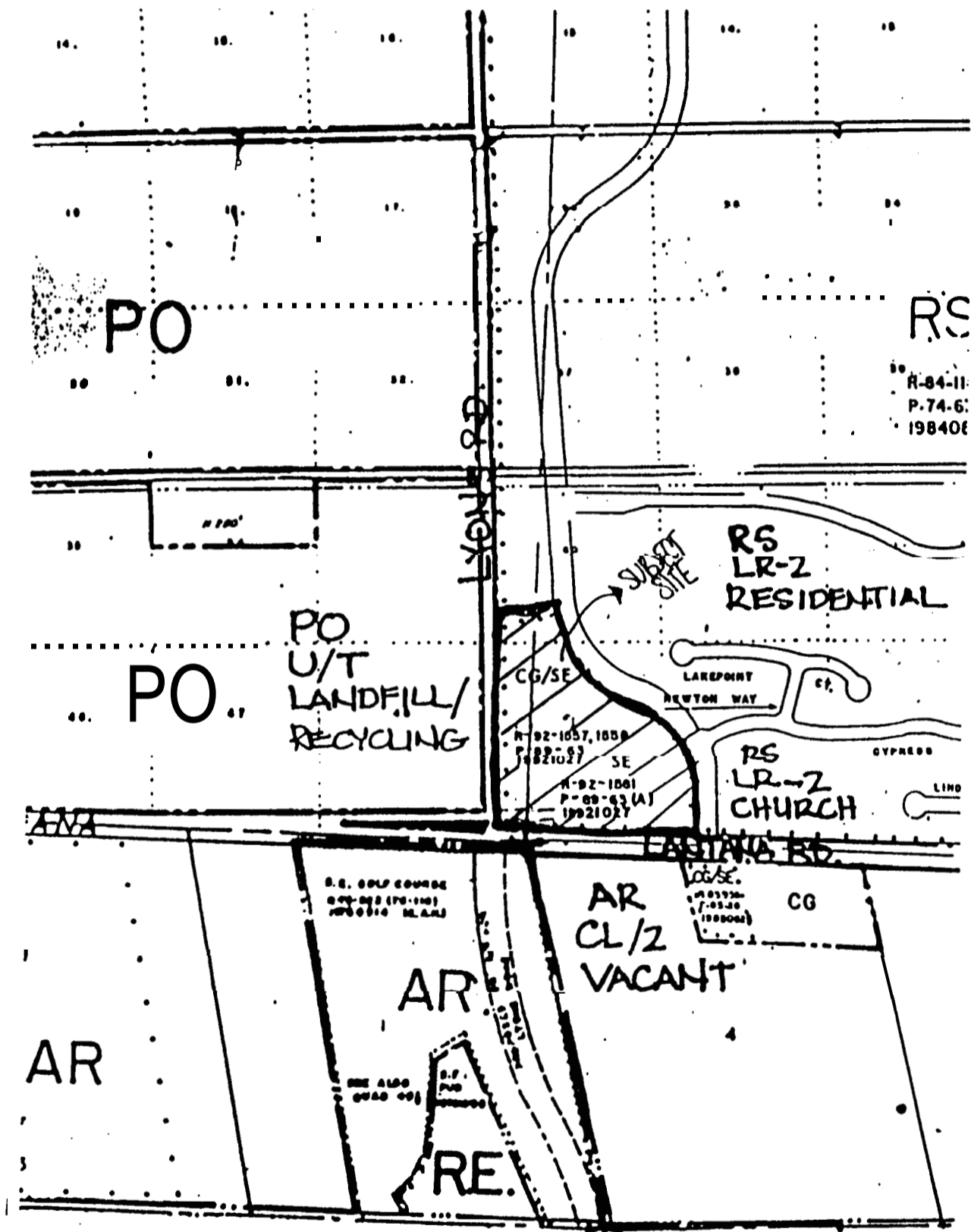


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-91-1073, Petition 89-63(A) which currently states:

The petitioner shall comply with all previous conditions **of** approval, unless expressly modified herein.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-92-1581, R-91-1073 (Petition 89-63(A)), R-90-60, R-90-61 (Petition 89-63), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-91-1073, Petition 89-63(A) which currently states:

The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

Is hereby amended to read:

Prior to DRC site plan application, the site plan shall be revised to reflect the following:

- a. Landscape easements on Aquarius Boulevard, Rosemount Drive and Lantana Road according to Plat Book 68, page **125**; and
  - b. A five foot wide median to be provided at the access point of Aquarius Boulevard. (DRC: Zoning)
3. Condition A.3 of Resolution R-91-1073, Petition 89-63(A) which currently states:

Development **of** the site is limited to the uses and site design shown on the site plan approved by the Board **of** County Commissioners (Exhibit **33**). **All** modifications must be approved by the Board **of** County Commissioners unless the proposed use or design changes are permitted pursuant to Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards **of** Review).

Is hereby amended to read.

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 May 20, 1998. 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)

4. 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 buffers shall be abandoned prior to the issuance of a building permit. (DRC: BLDG PERMIT: BLDG - Zoning)

**B. BUILDING AND SITE DESIGN**

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning)
2. 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: BLDG - Zoning)
3. 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. (BLDG PERMIT: BLDG-Zoning)

**C. DAY CARE**

1. **The day care center shall be limited to a maximum of 100 students and a maximum of 5,000 square feet of floor area.** (Previous Condition 6.1 of Resolution R-91-1073, Petition 89-63(A))
2. Condition B.2 of Resolution R-91-1073, Petition 89-63(A)) which currently states:

**Landscaping along the perimeter of the outdoor activity area shall be upgraded along north, south and west perimeter to include twelve (12) foot tall native canopy trees, placed twenty (20) feet on center and a minimum twenty-four (24) inch high native hedge, maintained at a height of thirty-six (36) inches. All landscaping shall be placed on the exterior side of the required fence.**

Is hereby amended to read:

Prior to DRC site plan application, the petitioner shall revise the site plan to indicate the perimeter landscaping and the required fence along the outdoor activity area of the daycare center pursuant to the ULDC, Section 6.4.28.e. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (14) foot tall native canopy trees, placed twenty (20) feet on center and a minimum twenty-four (24) inch high native hedge, maintained at a height of seventy-two (72) inches. All landscaping shall be placed on the exterior side of the required fence. (DRC / CO: ZONING / LANDSCAPE)

3. Condition 6.3 of Resolution R-91-1073, Petition 89-63(A) which currently states:

**The site plan shall be amended to reflect five (5) drop-off stalls a minimum of twelve (12) feet wide by twenty (20) feet long.**

Is hereby deleted.

4. Condition B.4 of Resolution R-91-1073, Petition 89-63(A) which currently states:

The petitioner shall provide a minimum of one twelve **(12)foot tall** native canopy tree per **1,500** square feet of outdoor play area provided. **All** trees required by this condition shall be planted within the interior of the outdoor play area.

Is hereby deleted. [Reason: Code Requirement]

5. **No** outdoor loudspeaker system audible off site shall be operated on the site. (Previous Condition B.5 of Resolution R-91-1073, Petition 89-63(A))
6. **All** playground equipment which is permanently attached to the ground shall meet property setback requirements. (Previous Condition B.6 of Resolution R-91-1073, Petition 89-63(A))
7. Continuous storage or parking of school buses on the site shall not be permitted. (Previous Condition B.7 of Resolution R-91-1073, Petition 89-63(A))

D. DUMPSTER

1. **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. (Previous Condition C.1 of Resolution R-91-1073, Petition 89-63(A))

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three **(3)** year-one **(1)** hour storm with a total rainfall of **3** inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. **In** the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previous Condition E.1 of Resolution R-91-1073, Petition 89-63(A))

May be deleted: [REASON: Code Requirement]

2. 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. (Previous Condition E.2 of Resolution R-91-1073, Petition 89-63(A))

3. Condition E.3 of Resolution R-91-1073, Petition 89-63(A) which currently states:

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
- b. Lantana Road, **71.5** feet from centerline
- 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 **150** feet in storage length, twelve feet in width and a taper length of **180** feet.

All free of encumbrances and encroachments. Developers 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.

Is hereby amended to read:

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. (Not Completed)

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.

4. 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. (Previous Condition E.4 of Resolution R-91-1073, Petition 89-63(A))

5. Condition E.5 of Resolution R-91-1073, Petition 89-63(A) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is **\$363,935.00 (6.617 trips X \$55.00 per trip)**. (Previous Condition **E.5** of Resolution R-91-1073, Petition 89-63(A))

May be deleted: [REASON: Code Requirement]

6. a. 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)
- 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)
- 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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.6 of Resolution R96-387, Petition 89-63(A)).

7. Condition E.7 of Resolution R-91-1073, Petition 89-63(A) which currently states:

In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a. No building permits shall be issued for the project after December **31, 1991**. A minimum of **18,000** square feet shall be used as general office with a maximum of **50%** medical; and,
- 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**. (Previous Condition E.7 of Resolution R-91-1073, Petition 89-63(A))

Is hereby amended to read:

- a. 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. (Previous Condition E.7 of Resolution R-91-1073, Petition 89-63(A)).  
(Paragraph b completed)
8. **Only one entrance/exit shall be permitted onto Lyons Road and onto Lantana Road subject to approval by the County Engineer (other than the interior roadways within Sherbrooke, PUD).** (Previous Condition E.8 of Resolution R-91-1073, Petition 89-63(A))
- May be deleted: [REASON: Entrance may no longer be added.]
9. **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.** (Previous Condition E.9 of Resolution R-91-1073, Petition 89-63(A))
10. 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)
  - B. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner, its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. 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)

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. (BUILDING PERMIT: MONITORING - Eng)

11. The property owner for the Sherbrooke Center Shopping Center shall fund 100% 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).

F. HEALTH

1. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (Previous Condition D.1 of Resolution R-91-1073, Petition 89-63(A))

2. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (Previous Condition D.2 of Resolution R-91-1073, Petition 89-63(A))

G. ENVIRONMENTAL RESOURCES MANAGEMENT

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

H. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Tree height: twelve (12) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval, except on individual residential lots, 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. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE WEST 34 FEET OF NORTH PROPERTY LINE AND EAST PROPERTY LINE (ABUTTING ROSEMOUNT DRIVE AND AQUARIUS BOULEVARD)

1. Landscaping and buffering along the above property lines shall include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip inclusive of the ten (10) foot landscape easement (as per easement agreement between Lakes of Lantana Homeowners Association Inc. and Engle Homes, Inc. dated January 27, 1998 and Plat Book 68, page 125) along Aquarius Boulevard;
  - b. A continuous 2 foot high berm measured from finished grade to the top of the berm; and
  - c. One (1) canopy tree planted every thirty (30) feet on center;
  - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and shall be installed at the plateau of the berm and to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (ABUTTING LANTANA ROAD AND LYONS ROAD)

1. Landscaping and buffering along the above property lines shall include:
  - a. A minimum twenty (20) foot wide landscape buffer strip inclusive of the fifteen (15) foot landscape easement (as per easement agreement between Lakes of Lantana Homeowners Association Inc. and Engle Homes, Inc. dated January 27, 1998 and Plat Book 68, page 125) along Lantana Road; and
  - b. An undulating berm two to three foot high measured from the finished grade to the top of the berm; and
  - c. One (1) canopy tree planted every thirty (30) feet on center;
  - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and shall be installed at the plateau of the berm and to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

K. LANDSCAPING- INTERIOR

1. One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred and twenty (120) linear feet. (DRC: ZONING)
2. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure; and,
- c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

L. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF)
- 4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

M. MASS TRANSIT

- 1. A. 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)
- B. 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. (BLDG PERMIT: MONITORING - Eng)
- 2. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

N. MUPD

- 1. Total gross floor area shall be limited to a maximum of 55,400 square feet. Expansions shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)

2. To ensure consistency with the site plan dated May 20, 1998 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)
3. All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (site plan dated May 20, 1998). (DRC: ZONING)

O. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (Previous Condition F 1 of Resolution R-91-1073, Petition 89-63(A))

P. SIGNS

1. Condition G.1 of Resolution R-91-1073, Petition 89-63(A) which currently states:

New signs for the entire development shall be limited as follows:

- a. Maximum number: Three (3).
- b. Maximum total sign face area: 100 square.
- c. Maximum sign height: Ten (10) feet.

Is hereby amended to read:

Freestanding point of purchase signs fronting on Lantana Road, Lyons Road and Rosemount Drive shall be limited as follows:

The below sign requirements shall not be applicable to the residential sign (Lakes of Sherbrooke or Lakes of Lantana) along Aquarius Boulevard.

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 96 square feet;
  - c. Maximum number of signs - one (1) on each road frontage; and
  - d. Style - monument style only. (CO: BLDG)
2. **All onsite** signs shall comply with the Palm Beach County Sign Code, Ordinance **No. 72-23**, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site. (Previous Condition G.2 of Resolution R-91-1073, Petition 89-63(A))
  3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

Q. SITE SPECIFIC

1. Conditions H.1.a, H.1.b and H.1.c of Resolution R-91-1073, Petition 89-63(A) which currently state:

The site plan shall be revised prior to Site Plan Review Committee approval to include:

- a. Required number of drop of spaces with required dimensions.
- b. Handicapped spaces shall be indicated as thirteen **(13)** feet in width, if single space, or as twelve **(12)** feet with a five **(5)** foot access ramp between two **(2)** spaces.
- c. Required buffering around the outdoor recreation area.

Are hereby deleted.

#### R. USE LIMITATIONS

1. Outdoor retail business activities shall not be allowed on site, excluding deliveries and gas sales only. (ONGOING: CODE ENF - Zoning)
2. Hours of operation for all uses shall be limited to the following:
  - a. 7:00 a.m. - 11:00 p.m. daily (except convenience store with gas sales) (ONGOING: CODE ENF)
  - b. 7:00 a.m. - 9:00 p.m. Monday to Friday for deliveries only.
3. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the site plan dated May 20, 1998. (ONGOING: CODE ENF)
4. 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)

#### S. CONCURRENCY

1. Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to be consistent with the latest approved site plan and supportive documents. (DRC: CONCURRENCY - Zoning)

#### T. COMPLIANCE

1. Condition 1.1 of Resolution R-91-1073, Petition 89-63(A) which currently states:

**As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:**

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to read: [Reason New Condition Language]

- 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)



**Department of Planning,  
Zoning & Building**

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**Palm Beach County  
Board of County  
Commissioners**

Burt Aaronson, Chairman  
Maude Ford Lee, Vice Chair  
Karen T. Marcus  
Carol A. Roberts  
Warren H. Newell  
Mary McCarty  
Ken L. Foster

**County Administrator**

Robert Weisman, PE

**INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING**

**TO:** Willa Oswalt, Minutes Clerk  
**FROM:** L. Martin Hodgkins, Zoning Director *LMH*  
**DATE:** October 30, 1998 *by r/c*  
**RE:** Amended Conditions from the October 22, 1998 BCC Hearing

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The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on October 22, 1998.

The following petitions were amended:

<b>EAC95-106(B)</b>	The Grove Market
PDD98-44	Palm Beach Plaza MUPD
PDD98-23	Pratt & Orange MUPD
Z/COZ98-41	Pratt & Orange PO
PDD/DOA93-21(A)	Village Center aka Floral Acres
DOA81-109(F)	Atlantic Square
DOA89-63(B)	Sherbrooke Center

The following petition will be brought back for adoption at the December 3, 1998 BCC Hearing:

CA78-231(A)	Wash Depot VII
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