

RESOLUTION NO. R-99- 328

RESOLUTION APPROVING ZONING PETITION EAC96-113(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF THE GREENFIELD GROUP  
BY LEE STARKEY, AGENT  
(4531 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, 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 EAC96-113(A) was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1999; 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 EAC96-113(A), the petition of The Greenfield Group, by Lee Starkey, agent, for a Development Order Amendment/Expedited Application Consideration to modify the site plan to reduce the square footage and modify/delete Conditions C.2, E.2 and E.3 of Resolution R-97-252 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 February 25, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

Maude Ford Lee, Chair	-	Absent
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus		Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on February 25, 1999.

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

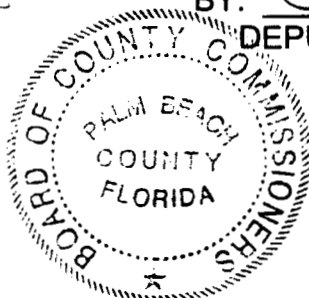


EXHIBIT A

LEGAL DESCRIPTION

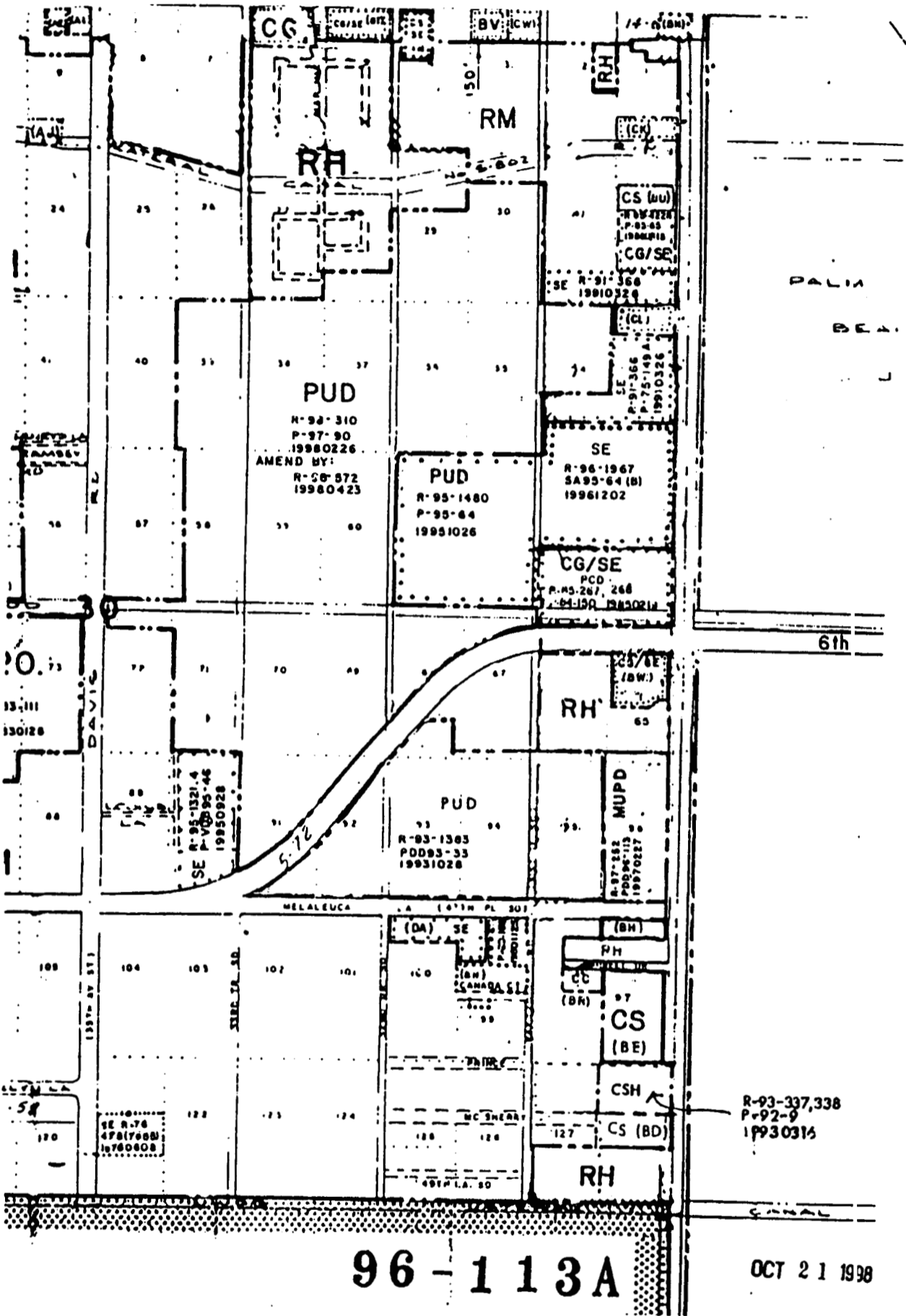
**Lots 1 and 2** of Forty Five Thirty One Congress Avenue M.U.P.D. as recorded in **Plat Book 80**, pages **43** and **44**, public records of Palm Beach County, Florida

Previously submitted as **Lots A through E**, Tract 96, **LESS** the South **40** feet of **Lot E**, Palm Beach Farms **Co.** Plat No. 7, according to the map or plat thereof as recorded in Plat Book 5, Page **72** of the Public Records of Palm Beach County, Florida.

Containing **4.517** acres, more or less.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-252 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. 1 of Resolution R-97-252, Petition 96-113, 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 January 9, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 12, 1999. 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)

#### B. ARCHITECTURAL CONTROL

1. Condition B.1 of Resolution R-97-252, Petition 96-113 which currently states:

All buildings and structures shall be designed and constructed by the use of common elements such as consistent forms, colors, architectural details and landscape materials.

Is hereby amended to read:

All buildings and structures shall be designed and constructed by the use of common elements such as consistent forms, colors, building materials, roof lines, architectural details and landscape materials. (BLDG PERMIT: BLDG-Zoning)

2. Similar architectural character and treatment shall be provided on all sides of the buildings. (Previously Condition 6.2 of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: BLDG-Zoning)

3. 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. (Previously Condition B.3 of Resolution R-97.252, Petition 96-113) (CO: BLDG/LANDSCAPE - Zoning)

4. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (Previously Condition B.4 of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: MONITORING - Bldg/ Zoning)

C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-97-252, Petition 96-113 which currently states:

The maximum height for the **two** story structure shall not **exceed twenty-eight (28)** feet and the maximum height for the three story structure shall not exceed **thirty-eight (38)** feet, measured from finished grade to highest point.

Is hereby amended to read:

The maximum height for the two story structure (phase 1) shall not exceed twenty-eight (28) feet and the maximum height for the one story structures (phase 2) shall not exceed eighteen (18) feet, measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

2. Condition C.2 of Resolution R-97-252, Petition 96-113 which currently states:

A maximum of two buildings shall be permitted on site. (DRC: ZONING)

Is hereby amended to read:

A maximum of three buildings shall be permitted on site. (DRC: ZONING)

D. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary **sewage** system shall be prohibited unless adequate pretreatment **facilities** approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and **used** by tenants **or** owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter **10D-104FAC**. (ONGOING: HEALTH/CODE ENF)
3. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule **62-730FAC**. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. Prior to June 1, 1997 or prior to the issuance of the first Building Permit, whichever shall **first** occur, the property owner shall convey to Palm Beach County Land Development Division by road **right-of-way** warranty deed for Congress Avenue, **53** feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (Previously Condition E 1 of Resolution R-97-252, Petition 96-113) (DATE/BLDG PERMIT: MONITORING-Eng)

[Note: 53 feet is existing for Congress Avenue.]

2. Condition E.2 of Resolution R-97-252, Petition 96-113 which currently states:

Prior to the issuance of a building permit for phase **two**, 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 Congress Avenue 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** 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)

~~Is~~ hereby deleted. [REASON: no longer warranted]

3. Condition E.3 of Resolution R-97-252, Petition 96-113 which currently states:

The Property owner shall construct a right turn lane north approach on Congress Avenue at the projects entrance road.

A) This construction shall be concurrent with Phase Two paving and drainage improvements for the site (greater than 30,000 square feet of building area). 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. (DRAINAGE REVIEW: ENG)

B) Permits required by the Florida Department of Transportation and Palm Beach County for this construction shall be obtained prior to the issuance of the Building Permit for Phase 2 of the site. (BLDG PERMIT: MONITORING - Eng)

C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2 of the site. (CO: MONITORING - Eng)

~~Is~~ hereby deleted. [REASON: no longer warranted]

4. LANDSCAPE WITHIN MEDIAN

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 landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County

- 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.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previously Condition F.1 of Resolution R-97-252, Petition 96-113) (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 or grey wood, whichever **is** greater;
  - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet;
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previously Condition F.2 of Resolution R-97-252, Petition 96-113) (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG EAST PROPERTY LINE (CONGRESS AVENUE)

1. Landscaping and buffering along the east property line shall consist of the following:
- a. minimum twenty **(20)** feet wide landscape buffer strip;
  - b. undulating berm with an average height of two **(2)** feet measured from the top of curb;
  - c. one **(1)** tree for each three hundred square feet buffer area;
  - d. one **(1)** palm or pine tree for each twenty-five **(25)** linear feet of frontage with a maximum spacing of sixty **(60)** feet on center between clusters.
  - e. twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm and maintained at a minimum height of thirty six **(36)** inches in height.
  - f. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (Previously Condition G.1 of Resolution R-97-252, Petition 96-113) (DRC/ONGOING: ERM/ LANDSCAPE/CODE ENF-Zoning)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (MELALEUCA LANE)

1. Landscaping and buffering along the south property line shall include:
- a. minimum fifteen **(15)** feet wide landscape buffer strip;
  - b. undulating berm with an average height of two **(2)** feet measured from the top of curb;
  - c. one **(1)** tree for each three hundred square feet buffer area;
  - d. one **(1)** palm or pine tree for each twenty-five **(25)** linear feet of frontage with a maximum spacing of sixty **(60)** feet on center between clusters.
  - e. twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm and maintained at a minimum height of thirty six **(36)** inches in height.



- f. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (Previously Condition H.1 of Resolution R-97-252, Petition 96-113) (DRC/ONGOING: ERM/ LANDSCAPE/CODE ENF-Zoning)

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

1. Prior to final Development Review Committee certification, the petitioner shall submit a Landscape Betterment Plan for the north and west property lines. 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. The west property line buffer may receive a reduction in the minimum required width for existing landscape buffer on the property to the west, subject to DRC approval. Fifteen **(15)** foot wide landscape buffer strip may be reduced for the **Phase 2** portion with credit for existing landscaping on the property to the west ;
  - c. A seven **(7)** foot high opaque concrete wall with both the interior and exterior sides of the wall given a finished architectural treatment.
  - d. Credit may be given for existing vegetation provided it meets current ULDC requirements. (Previously Condition 1.1 of Resolution R-97-252, Petition 96-113) (DRC/CO: LANDSCAPE - Zoning)
  
2. The following landscaping requirements shall be installed along the required wall:
  - a. One **(1)** tree planted on the interior side for each twenty **(20)** linear feet with maximum spacing of twenty-five **(25)** feet on center;
  - b. One **(1)** palm or pine tree planted on the exterior side 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 supersede the requirement for a canopy tree in that location. (Previously Condition 12 of Resolution R-97-252, Petition 96-113) (CO: LANDSCAPE - Zoning)
  
3. The following landscaping requirements shall be installed on both the interior and exterior sides of the required wall:
  - a. Thirty **(30)** inch high thorny shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of forty-eight **(48)** inches. (Previously Condition 13 of Resolution R-97-252, Petition 96-113) (CO: LANDSCAPE - Zoning)

J. LANDSCAPING - INTERIOR

1. Landscape foundation planting areas shall be provided along the facades of the buildings. The minimum depth of the planting areas shall be five **(5)** feet and no less than forty percent **(40%)** of the total length of the applicable side of the building's facade. All foundation areas shall be planted with a minimum of one **(1)** tree or palm every **20 feet** on

center and include ground cover plant material. (Previously condition 14 of Resolution R-97-252, Petition 96-113) (DRC/CO: ZONING/LANDSCAPE)

K. 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 Palm Tran. (Previously Condition K.1.a of Resolution R-97-252, Petition 96-113) (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. (Previously Condition K.1.b of Resolution R-97-252, Petition 96-113) (CO: MONITORING - Eng)

L. MUPD

1. Condition L.1 of Resolution R-97-252, Petition 96-113 which currently states:

To ensure consistency with the site plan dated January 9, 1997 presented to the Board of County Commissioners, no more than twenty (20) percent of the total approved square footage shall be relocated to portions of the site not previously covered.

Is hereby amended to read:

To ensure consistency with the site plan dated January 12, 1999 presented to the Board of County Commissioners, no more than twenty (20) percent of the total approved square footage shall be relocated to portions of the site not previously covered. (DRC: ZONING)

2. Prior to issuance of the first building permit, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition L.2 of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: ZONING - Co Att)

3. Prior to issuance of the first building permit, 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. (Previously Condition L.3 of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: ZONING - Co Att)

M. PARKING

1. Condition M.1 of Resolution R-97-252, Petition 96-113 which currently states:

A maximum of **300** parking spaces shall be allowed on site.

Is hereby amend to read:

A maximum of 250 parking spaces shall be allowed on site. (DRC: ZONING)

2. All proposed delivery and/or loading areas shall be screened from view by a twelve **(12)** foot high wing wall, measured from finished **grade** to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (Previously Condition M.2 of Resolution R-97-252, Petition 96-113) (CO: BLDG - Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall **not** be permitted on site, except within designated loading and delivery **areas**. (Previously Condition M.3 of Resolution R-97-252, Petition 96-113) (ONGOING: CODE ENF)

N. SIGNS

1. Point of purchase signage shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to **highest** point - ten **(10)** feet;
  - b. Maximum sign face area per side - 100 square feet;
  - c. Maximum number of signs - two **(2)**;
  - d. Style - monument style only;
  - e. **Location(s)** - Congress Avenue only. (Previously Condition N.1 of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: BLDG - Zoning)
2. Wall signs be limited to only the east (Congress Avenue) facade of the buildings. (Previously Condition N.2 of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: BLDG - Zoning)

O. USE LIMITATION

1. Condition O.1 of Resolution R-97-252, Petition 96-113 which currently states:

Use of the site shall be limited to **60,000** square feet for **medical/dental** offices or other permitted type offices that generate comparable **or less** traffic.

Is hereby amended to read:

Use of the site shall be limited to 50,000 square feet for **medical/dental offices or other permitted type offices** that generate comparable or less traffic. (DIRC: TRAFFIC/ZONING)

2. Office hours open to the public shall not commence prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. Any on-site deliveries or pick-ups shall occur during the office hours open to the public. (Previously Condition 0.2 of Resolution R-97-252, Petition 96-113) (ONGOING: CODE ENF - Zoning)

P, COMPLIANCE

1. Condition P. 1 of Resolution R-97-252, Petition 96-113 which currently states:

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; 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.

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.

Is hereby amended to read:

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 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 and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in periods 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. (Previously Condition E.4.a of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: MONITORING- Eng)

- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense, All 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 on or before the issuance of a Certificate of Occupancy. (Previously Condition E.4.b of Resolution R-97-252, Petition 96-113) (CO: MONITORING- Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (Previously Condition E.4.c of Resolution R-97-252, Petition 96-113) (CO: MONITORING- Eng)

- 5. Drainage design for the site shall incorporate the adjacent property to the north and west and shall be designed so as to not negatively impact these parcels. (Previously Condition E.5 of Resolution R-97-252, Petition 96-113) (BLDG PERMIT: MONITORING- Eng)
- 6. The Engineering Department has no objections to the request to delete the condition of approval requiring the construction of a right turn lane on Congress Avenue at the projects entrance road. The property owner has reduced the square footage of the project and as a result the projected peak hour traffic is now less than the peak hour volumes Palm Beach County uses to establish warrants for turn lanes.

F. LANDSCAPING- STANDARDS

- 1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.