

RESOLUTION NO. R-99- 529

RESOLUTION APPROVING ZONING PETITION DOA81-163(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF 458 PROPERTIES AND LLC & WRC PROPERTIES
BY SARA LOCKHART, AGENT
(BOCA 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 DOA81-163(D) 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 DOA81-163(D), the petition of 458 Properties and LLC & WRC Properties, by Sara Lockhart, agent, for a Development Order Amendment (DOA) to reconfigure site plan 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 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:

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

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

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 42 EAST: THENCE RUN S 00°35'30" E 75.00 FEET ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER TO A POINT; THENCE RUN S 89°30'16" W 247.50 FEET ALONG A LINE 75.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30'16" W, 23.55 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SHOWN AND RECORDED IN PLAT BOOK 4, PAGES 139 THROUGH 142, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN SOUTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE BEING A CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF S 45°40'09" W, A RADIUS OF 1697.02 FEET AND A CENTRAL ANGLE OF 17°40'56", FOR AN ARC DISTANCE OF 523.72 FEET TO A POINT OF TANGENCY; THENCE RUN S 54°30'37" W 1038.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A POINT; THENCE RUN S 35°29'23" E 440.00 FEET TO A POINT; THENCE RUN S 04°50'46" E 72.74 FEET TO A POINT; THENCE RUN S 40°36'05" W 92.20 FEET TO A POINT; THENCE RUN S 16°41'57" E 104.40 FEET TO A POINT; THENCE RUN S 48°48'51" E 106.30 FEET TO A POINT; THENCE RUN N 83°59'28" E 203.38 FEET TO A POINT ON A CURVE; THENCE RUN EASTERLY, SOUTHERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF N 76°22'39" E, A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 83° 42' 12", FOR AN ARC DISTANCE OF 584.36 FEET TO A POINT; THENCE RUN N 89°24'30" E 226.64 FEET TO A POINT OF INTERSECTION WITH A LINE 247.50 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 23; THENCE RUN N 00°35'30" W 1488.84 FEET ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 28.62 ACRES, MORE OR LESS.

2LEGAL: 6

EXHIBIT B
VICINITY SKETCH

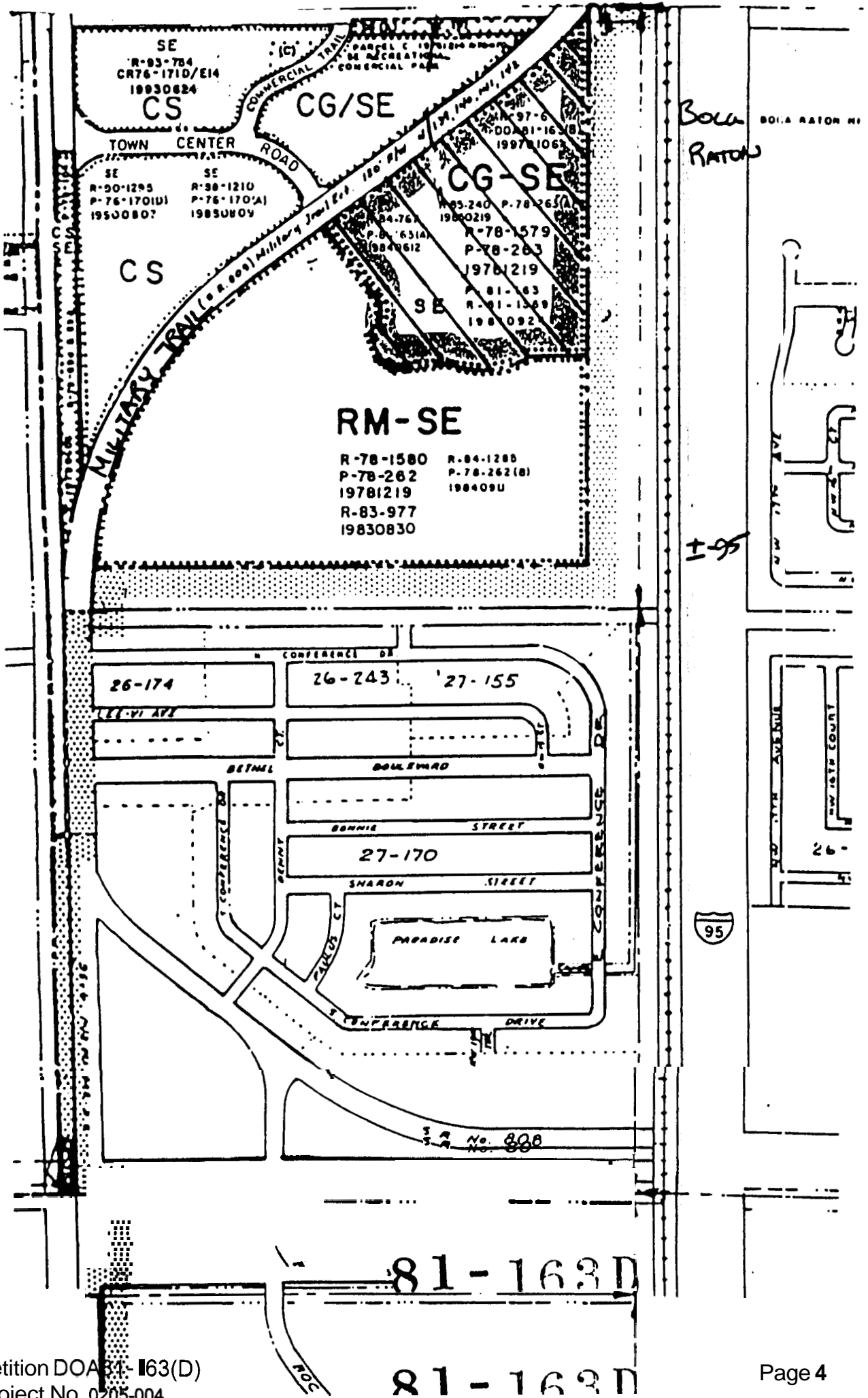


EXHIBIT C

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-97-6, Petition 81-163(B), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-240 (Petition 78-263(A), R-84-767 (Petition 81-163(A), R-81-1369 (Petition 81-163), and R-78-1579 (Petition 78-263) 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-6 (Petition 81-163(B) have been consolidated 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-97-6, Petition 81-163(B), 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 December 6, 1996. 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)

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 October 27, 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)

B. ARCHITECTURAL CONTROL

1. The fast-food restaurants shall be consistent with the character of the main center and the surrounding developments. Consistency shall be obtained by using all of the following:
- a. Similar colors selection for the building and trims to match the main center;
 - b. Similar roof treatment and design; and,

- c. Similar architectural trims, fenestration and details. (BLDG PERMIT: ZONING - Bldg)
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the all new buildings or new construction within the main center. (BLDG PERMIT: ZONING - Bldg)
3. The maximum height for the fast-food restaurant, including mechanical and air conditioning equipment, measured from finished grade to the highest point, shall be twenty-five (25) feet. (BLDG PERMIT: ZONING - Bldg)

C. BUILDING AND SITE DESIGN

1. The site plan must be amended to show square footage devoted to various uses and to show parking bay dimensions. (Previously Condition 12 of Resolution R-81-1369, Petition 81-163). (DRC: ZONING)
2. Prior to Site Plan Certification a revised site plan shall be submitted reflecting a master signage program and its location. (Previously Condition 1 of Resolution R-85-240, Petition 78-263(A)). (DRC: ZONING)
3.
 - a. The maximum building gross square footage shall not exceed **436,000** square feet, excluding the following:
 - exterior wall thickness
 - elevator shafts, including walls
 - stair towers, including walls
 - mechanical equipment, electrical and telephone rooms
 - exterior balconies and open walkways
 - open-air plazas.
 - b. An additional **49,000** square feet of gross floor area shall be permitted by Petition **81-163(B)**. This additional square footage excludes the **following**- parking garages. (Previously Condition **6.3** of Resolution R-97-6, Petition 81-163(B)) (BLDG PERMIT: ZONING)
4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (Previously Condition 4. R-85-240, Pet. 78-263(A)). (BLDG)
5. Security lighting shall be directed away from nearby residences. (Previously Condition 5 R-85-240, Pet. 78-263(A)). (ONGOING: CODE ENF)
6. The office buildings and the hotel building shall be reduced by two (**2**) stories each. This will result in **two (2)** office towers of eight (**8**) stories and one hotel of twelve (**12**) stories. (Previously Condition 13 of Resolution R-85-240, Petition 78-263(A)). (ZONING)
7. Exact copies of all graphics presented at the Board of County Commissioner's public hearing shall be submitted to the Zoning Division and made part of the permanent petition file. (Previously Condition 17 of Resolution R-85-240, Petition 78-263(A)). (ZONING)

D. ERM

1. The developer shall preserve existing significant vegetation **whenever** possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previously Condition 3 of R-85-240, Petition 78-263(A). (ERM)

E. ENGINEERING

1. Petitioner shall contribute Ninety-Two Thousand Three Hundred Dollars, (\$92,300.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a **building permit(s)**. The developer, at his option, may elect to construct in kind improvements to the arterial roadway system to include, but not limited to, the construction of an additional two (2) lanes on Butts Road from Military Trail westerly approximately one thousand one hundred (1,100) feet (replacement value \$130,000.00), signalize the intersection of Butts Road and Military Trail (replacement value \$14,000.00), and/or the construction of a dual left turn lane, south approach and a right turn lane, north approach, at the intersection of Military Trail and Butts Road (replacement value \$20,000.00). However, if an ordinance dealing **with** this subject matter is adopted, this condition will be superseded by that ordinance; except that, regardless of the form or status of any ordinance, this development shall be required to provide as a **minimum** the above Ninety-two Thousand Three Hundred Dollars (\$92,300.00) toward alleviating some of its traffic impacts. (Previously Condition 4 of Resolution R-78-1579, Petition 78-263) (ENG)
2. Petitioner shall construct at Military Trail and the north access road left turn lanes on both the north and south approaches. (Previously Condition 1 of Resolution R-84-767, Petition 81-163(A). (ENG) [Complete]
3. Prior to the issuance of a Certificate of Occupancy:
 - a. Construct at Military Trail and Town Center Road
 - 1) left and right turn lanes, north approach [Complete]
 - 2) left turn lane, east approach [Complete]
 - 3) dual left turn lanes and separate right turn lane, **south** approach, and [Complete]
 - 4) left and right turn lanes, west approach [Complete]
 - b. Construct at Military Trail and the south access road a left turn lane on the north and south approaches. (Previously Condition 2 of Resolution R-84-767, Petition 81-163(A). (CO: ENG) [Complete]
4. Petitioner shall contribute Two Hundred Sixty-two Thousand Dollars (\$262,000.00) within 120 days of Special Exception approval toward the construction program for Military Trail as a four lane median divided section from Glades Road north through the Yamato Road intersection as provided for in the 1981-1982 proposed County budget. In the **event** this roadway improvement is not part of the **1981-1982** County budget, the approval of this petition shall be readdressed by the Board of County Commissioners. The terms of this condition are to be specifically set forth in the road construction agreement approved by

the County Attorney's Office and the County Engineer's office. (Previously Condition 3 of Resolution R-81-1369, Petition 81-163). (DATE: ENG)

5. Petitioner shall reconstruct Town Center Circle per the County Engineer's approval. (Previously Condition 1 of Resolution R-81-1369, Petition 81-163) (ENG)
6. Prior to site plan certification, the developer and property owner shall amend the plat to remove interior property lines and unnecessary easements. (Previously Condition 5 of Resolution R-84-767, Petition 81-163(A). (ENG) [Not Completed]
7. Prior to site plan certification, utility releases will be required for paving and berming in any remaining easement running through this property. (Previously Condition 6 of Resolution R-84-767, Petition 81-163(A). (DRC: UTILITIES/ ENG)
8. Condition 7 of Resolution R-84-767, Petition 81-163(A) which states:

The development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the **Permit** Section, Land Development Division.
Is hereby deleted. [REASON: Now a code requirement.]
9. Developer shall construct signalization at the intersection of **Military** Trail and a.) Town Center Road, b.) Town Center Circle, and c.) **Bethel** Boulevard when warranted by the County Engineer. Funds for this signalization shall be held by Palm Beach County in the form of a Letter of Credit or Cash prior to the issuance of a Building Permit. (Previously Condition 8 of Resolution R-84-767, Petition 81-163(A). (BLDG PERMIT: ENG) [Complete]
10. The developer shall be given credit for the entire Fair Share Traffic Impact Fee for monies already collected and construction already completed pursuant to Resolution R-81-1369.

The developer 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. Presently, the Fair Share Fee for this project is **\$161,975 00**. (Previously Condition 10 of Resolution R-85-240, Petition 78-263(A). (IMPACT FEE COORD)
11. Joint access shall be provided to the parcels lying east of this project. There shall be access as already shown on the project's site plan in the southeast portion of the parcel and there shall be an additional access point, to be mutually approved by the County, the City and developer, within the northeast portion of the parcel to that parcel zoned **Public** Ownership and Industrial which lies west of the Seaboard Coastal Line Railroad. (Previously Condition 14 of Resolution R-85-240, Petition 78-263(A). (DRC: ENG/ZONING)
12. The Crocker Company shall meet with both the City and the County to review access to their parcel from Military Trail and take such steps as are necessary to insure safe ingress and egress from the project while

maintaining smooth an efficient traffic flow on Military Trail. (Previously Condition 15 of Resolution R-85-240, Petition 78-263(A). [Complete]

13. **The Crocker Company shall meet with Palm Beach County and the City of Boca Raton to review the intersection of Military Trail and Palm Jettie Park Road and shall aid in the implementation of intersectional improvements necessary to mitigate the project's traffic impact by transferring the funds designated for the cost of signalization as provided in Condition 9(c) above the subject intersection improvement project. This transfer of funding shall be approved by the County Engineer.** (Previously Condition 16 of Resolution R-85-240, Petition 78-263(A). (ENG)
14. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit for Zoning Petition 81-163(B) presently is \$71,060 (1292 additional trips X \$55.00 per trip) (ONGOING: ACCOUNTING - Fair Share Fee Coord).
15. The Developer shall be restricted to the following phasing schedule:
 - a. No building permits for more than 33,000 additional square feet of retail (Phase I) shall be issued after December 31, 1998 until the contract has been let for construction of a 6-lane divided section on Military Trail from Glades Road to Clint Moore Road. (DATE/BLDG PERMIT: MONITORING - Eng) [Not Complete]
 - b. No building permits shall be issued after December 31, 1998 until construction has begun for the addition of a second east approach left turn lane at the intersection of Military Trail and Town Center Road. This construction shall also include modifications to the west approach to accommodate the geometrics to the east approach. (DATE/BLDG PERMIT: MONITORING - Eng)
16. Prior to the DRC approval the applicant shall revise the site plan to reflect compliance with condition E.15 above. (DRC: ENG)
17. Acceptable surety required for the offsite road improvements as outlined in the condition above shall be posted with the Office of the Land Development Division on or before January 1, 1999 if building permits for 49,000 additional square feet have not been issued. If the developer agrees to delete any floor area from the site plan for which he has not received building permit; by December 31, 1998, then he shall not be required to post surety for this road improvement. Surety in the amount of 110% shall be based upon a certified cost estimate by the Developer's Engineer. (TPS) (DATE: MONITORING - Eng)
18. 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 Military Trail right of way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by 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 owners 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 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 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 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. (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. (CO: MONITORING - Eng)

F. HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition 11 of Resolution R-85-240, Petition 78-263(A). (ONGOING: HEALTH)

G. LANDSCAPING

1. A six (6) foot wall is required around the perimeter of the property abutting residential prior to issuance of Certificates of Occupancy. (Previously Condition 11 of Resolution R-81-1369, Petition 81-163). (CO: LANDSCAPE)
2. The developer shall install a combination berm, wall, shrub, and tree treatment along the entire southern boundary of this site to provide an immediate opaque buffer of six feet in height and trees the equivalent of one per twenty feet of property boundary. Loading areas must also be effectively screened from view from the residential property to the south. These buffers shall be installed prior to the issuance of any Certificate of Occupancy. (Previously condition 9 of Resolution R-84-7'67, Petition 81-163(A). (CO: LANDSCAPE)

H. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by DOA 81-163(B), 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 **gracle**.
 - c. Canopy diameter: seven (**7**)feet. Diameter shall be detennined 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 G.1 of Resolution R-97-6, Petition 81-163(B) (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site **by DOA 81-163(B)** shall mee : the following minimum standards at time of 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; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previously Condition G.2 of Resolution R-97-6, Petition 81-163(B) (CO: LANDSCAPE - Zon ng)

I. LANDSCAPING ALONG NORTHWEST AND SOUTHWEST PROPERTY LINES OF REVISED AREA (ABUTTING R-O-W AND RESIDENTIAL)

- 1. Landscaping and buffering along the northwest property line adjacent to the area revised by DOA 81-163(B) shall be upgraded to include :
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted and maintained at a minimum height of thirty-six (36) inches. Previously Condition H.1 of Resolution R-97-6, Petition 81-163(B) (DRC/CO: ZONING/LANDSCAPE)

J. LANDSCAPING ALONG THE NORTHEAST CORNER OF THE SUBJECT SITE ADJACENT TO THE FREESTANDING FAST FOOD RESTAURANT

- 1. Condition 1.1 of Resolution R-97-6, Petition 81-163(B), which currently states:

Landscaping and buffering along the east property line adjacent to the area revised by DOA 81-163(B) shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center; and,
 - b. One (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a canopy tree in that location; and,

- c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the northeast corner of the subject site, 320 feet adjacent to Military Trail and 600 feet on the east property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip; adjacent to Military Trail;
- b. One (1) canopy tree planted for every twenty (20) linear feet;
- c. One (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for 25% of the canopy trees in that location; and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

K. LANDSCAPING - INTERIOR

1. Landscape planter areas shall be provided along the front and side walkways of all new building expansion areas consistent with the landscape program along the walkways of the existing retail and restaurant uses. All required landscape planter areas shall consist of a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (Previously Condition J.1 of Resolution R-97-6, Petition 81-163(B) (DRC/CO: ZONING/LANDSCAPE)
2. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (Previously Condition J.2 of Resolution R-97-6, Petition 81-163(B) (DRC/CO: ZONING/LANDSCAPE)
3. The ten (10) foot wide landscape divider medians abutting the center accessway shall be provided with one (1) tree and appropriate ground cover planted for each twenty (20) linear feet of the divider median. (Previously Condition J.3 of Resolution R-97-6, Petition 81-163(B) (DRC/CO: ZONING / LANDSCAPE)
4. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to indicate the following:

- a. A five (5) foot wide divider median, excluding curbing, along the west side of the drive-thru lane. The length of the median shall start from the point of service and continue along the entire exterior facade of the fast-food restaurant (excluding the median by-pass). Within the median, one (1) canopy tree or native booted palm shall be installed every twenty (20) feet on center and appropriate ground covering;
- b. Designation with appropriate signage of the seven (7) parking spaces on the northwestern portion of the site as employee parking. (DRC: ZONING)

L. LWDD

1. Petitioner shall convey the South **20.00** feet of the Northeast 1/4 of Section **23**, Township **47** South, Range **42** East of Military Trail to the Lake Worth Drainage District with some physical Canal Improvement or Storm Sewer System to be determined by the Developer. (Previously Condition 6 of Resolution R-78-1579, Petition 78-263) (LWDD)

M. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate 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 or Palm Tran. (Previously Condition L.1.a of Resolution R-97-6, Petition 81-163(B) (DRC: ZONING))
2. Mass transit access, shelters and/or bus stops, if required, shall be located and constructed by the petitioner within three (3) years (October **24**, 1999) in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (Previously Condition L.1.b of Resolution R-97-6, Petition 81-163(B) (DATE: MONITORING - Eng))
2. **All** printed and electronic advertising for the project, where practical, shall contain information that mass transit service to the site is available. (Previously Condition L.2 of R-97-6, Petition 81-163(B) (ONGOING: PALM TRAN))

N. SIGNS

1. Prior to May 28, 2001, the existing billboard along the north portion of the property shall be removed. No administrative time extensions may be granted for this condition. (DATE: MONITORING - Zoning)
2. Freestanding point of purchase signs fronting on Military Trail for the fast food restaurant shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;

- b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
3. Replacement of the freestanding signs along Military Trail shall be limited to the following:
- a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - monument style only. (CO: BLDG)
4. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

O. COMPLIANCE

1. Condition M.I of Resolution R-97-6, Petition 81-163(B), 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. (MONITORING)

Is hereby amended to read:

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)

2. 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)