

RESOLUTION NO. R-99- 707

RESOLUTION APPROVING ZONING PETITION PDD98-089  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT(PDD)  
PETITION OF CHS PROPERTIES/HENRY W. STEVENS, JR. TRUSTEE/ WILLIAM  
HUBARD, TRUSTEE/ RANCH HOUSE PROPERTIES/ COOK, HUBBARD & STEVENS  
PROPERTIES  
BY KILDAY & ASSOC., AGENT  
(CHS PROPERTIES MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Petition PDD98-089 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 1999; and,

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

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

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

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD98-089, the petition of CHS Properties/ Henry W. Stevens, Jr. Trustee/ William Hubbard, Trustee/ Ranch House Properties/ Cook, Hubbard & Stevens Properties by Kilday & Assoc., agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Community Commercial (CC), Residential High Density (RH) and Residential Single Family (RS) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales and professional offices on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 22, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty 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	—	Absent
Carol A. Roberts	—	Opposed
Mary McCarty	—	Aye
Burt Aaronson	—	Absent
Tony Masilotti	—	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 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

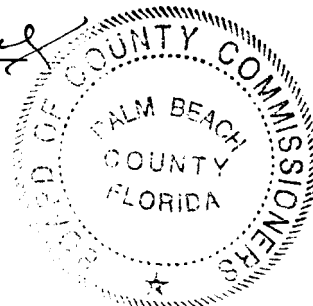


EXHIBIT A

LEGAL DESCRIPTION

Lots 32, 69 through 76, inclusive, and Lot 80, LESS the West 45 feet of the South 50 feet thereof, and Lots 81 through 87, inclusive, all of MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 189 of the public records of Palm Beach County, Florida.

Lots 67, 68, 90, 91 and the Westerly 38.61 feet of Lot 89, all of MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 189 of the public records of Palm Beach County, Florida.

TOGETHER WITH that portion of "East Grace Drive" and "Gun Club Road" as abandoned by those resolutions recorded in Official Record Book 6446, Page 1453 and Official Record Book 4409, Page 494, more particularly described as follows:

A portion of "East Grace Drive" and "Gun Club Road", as shown on the Plat of MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190 of the public records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of Lot 80 of said MORRISON HOMES;  
Thence, North 87° -33'-00" West along the North line thereof, a distance of 57.95 feet to the POINT OF BEGINNING;  
Thence, continuing North 87° -33'-00" West along said North line, a distance of 42.70 feet to a point of intersection with the Southerly projection of the West right of way line of said "East Grace Drive";  
Thence, North 03° -26'-12" East along said Southerly projection and the West right of way line thereof, a distance of 120.17 feet;  
Thence, Southerly along the arc of a curve to the left whose radius point bears North 80° -12'-42" East, having a radius of 565.00 feet, a central angle of 08° -27'-35", an arc distance of 83.42 feet to a point on the centerline of said "East Grace Drive";  
Thence, South 03° -26'-12" West along said centerline a distance of 7.23 feet to a point on the centerline of said "Gun Club Road";  
Thence, South 87° -33'-00" East along said centerline a distance of 2.91 feet to a point on a curve concentric with the previously described curve having a radius of 565.00 feet and a central angle of 03° -38'-38";  
Thence, Southerly along the arc of said curve, a distance of 35.93 feet to the POINT OF BEGINNING.

TOGETHER WITH that portion of "Gun Club Road" and West Grace Drive" as abandoned by those Resolutions recorded in Official Record Book 4409, Page 494 and Official Record Book 6446, Page 2359, LESS AND EXCEPTING therefrom the South 1/2 of "Gun Club Road" lying between the East line of Lot 88 and said MORRISON HOMES extended Northerly, and the East line of the Westerly 38.61 feet of Lot 89 of said MORRISON HOMES extended Northerly.

EXHIBIT A

LEGAL DESCRIPTION

TOGETHER WITH Lot 16, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS: Parcel 16, as recorded in Official Record Book 7419, Page 1577 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 18, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS a portion of Lot 18 of "MORRISON HOMES" a subdivision recorded in Plat Book 23, Page 190, of the public records of Palm Beach County, Florida and being more particularly described as follows:

Beginning at a point on the East line of said Lot 18 and lying 23.11 feet North of the Southeast corner of said Lot 18;  
Thence North 03° -26'-12" East along said East line, a distance of 201.91 feet to the Northeast corner of said Lot 18;  
Thence, North 87° -33'-00" West along said North line, a distance of 18.73 feet to the Northwest corner of said Lot 18;  
Thence, Southwesterly, along the Northwest line of said Lot 18, a distance of 51.06 feet;  
Thence, run Southerly deflecting 40° -15'-30" to the East, a distance of 165.92 feet to a point on a line parallel to and 23.11 feet North of the South line of said Lot 18;  
Thence, run Easterly on said parallel line, a distance of 62.94 feet to the POINT OF BEGINNING.

TOGETHER WITH Lots 20, 22, 22A, 24, 26 and 28, all of MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 9A, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 9A as recorded in Official Record Book 7419, Page 1593 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 13, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 13 as recorded in Official Record Book 7419, Page 1576 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 15, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 12A as recorded in Official Record Book 7419, Page 1575 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lots 17, 17A, 19, 21, 23, 23A and 23B, all of MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida.

EXHIBIT A

LEGAL DESCRIPTION

TOGETHER WITH Lot 61A, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 104 as recorded in Official Record Book 7419, Page 1601 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 61B, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 93B as recorded in Official Record Book 7419, Page 1595 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 63, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 63 as recorded in Official Record Book 7419, Page 1588 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lots 25, 25A, 25B, 27, 29, 29A, 33, 35, 39, 41, 41A, 43, 45, 47, 49, 51, 53, 57, 59, 59A and 59B, all of MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 55, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS PARCEL 55 as recorded in Official Record Book 7419, Page 1579 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lots 36, 38, 40, 42, 44, 46, 48, 50, 52 and 54, all of MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 54A, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 99, as recorded in Official Record Book 7419, Page 1597 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 56, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 56, as recorded in Official Record Book 7419, Page 1581 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 58, MORRISON HOMES, according to the plat thereof as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 58, as recorded in Official Record Book 7419, Page 1583 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 58A, MORRISON HOMES, according to the plat thereof, as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida;

EXHIBIT A

LEGAL DESCRIPTION

LESS Parcel 100, as recorded in Official Record Book 7419, Page 1599 of the public records of Palm Beach County, Florida.

TOGETHER WITH Lot 66, MORRISON HOMES, according to the plat thereof, as recorded in Plat Book 23, Page 190 of the public records of Palm Beach County, Florida; LESS Parcel 66, as recorded in Official Record Book 7419, Page 1591 of the public records of Palm Beach County, Florida; ALSO LESS HOWEVER a portion of Lot 66, MORRISON HOMES, according to the plat thereof, as recorded in Plat Book 23, Page 189, of the Public Records of Palm Beach County, Florida, lying in Section 5, Township 44 South, Range 43 East, more particularly described as follows:

Commence at the Southeast corner of said Lot 66;  
Thence North 02° -53'-14" East, along the East line of said Lot 66, a distance of 2.566 meters (8.42 feet) to the POINT OF BEGINNING;  
Thence North 74° -58'-02" West, a distance of 3.68 meters (12.07 feet);  
Thence North 59° -01'-24" East, a distance of 4.333 meters (14.22 feet) to a point on the East line of said Lot 66;  
Thence South 02° -53'-14" West, along said East line, a distance of 3.189 meters (10.46 feet) to the POINT OF BEGINNING.

(Bearings cited hereon are relative to a bearing of North 02° -31'-02" East on the West line of Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida)

TOGETHER WITH, the South 150 feet of Tract #14 of MORRISON SUBURBAN DEVELOPMENT, a subdivision of Government Lot #6 and a part of Government Lot #5, Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, according to the plat thereof on file in the office of the Clerk of the Circuit Court of Palm Beach County, Florida, in Plat Book 20, Page 40; SUBJECT TO an easement to American Telephone and Telegraph Company as shown in Deed Book 626, Page 419, public records of Palm Beach County, Florida;

TOGETHER WITH the East 150 feet of Tract 15, MORRISON SUBURBAN DEVELOPMENT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 20, Page 40; SUBJECT TO easements, road and drainage and canal rights-of-way as shown in Deed Book 716, Page 108, public records of Palm Beach County, Florida;

TOGETHER WITH Tract 15, LESS the East 150 feet thereof, MORRISON SUBURBAN DEVELOPMENT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40; SUBJECT TO easements, road and drainage and canal rights-of-way as shown in Deed Book 716, Page 108, public records of Palm Beach County, Florida;

TOGETHER WITH the North 1/2 of Tract 21, of MORRISON SUBDIVISION DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the

EXHIBIT A

LEGAL DESCRIPTION

Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40; SUBJECT TO a five (5) foot utility easement along the North property line as shown in Deed Book 718, Page 219, public records of Palm Beach County, Florida; ALSO SUBJECT TO an easement to American Telephone and Telegraph Company as shown in Deed Book 626, Page 419, public records of Palm Beach County, Florida;

TOGETHER WITH the South 1/2 of Tract 21 of MORRISON SUBURBAN DEVELOPMENT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40; ALSO SUBJECT TO an easement to American Telephone and Telegraph Company as shown in Deed Book 626, Page 419, public records of Palm Beach County, Florida;

TOGETHER WITH the South 65.0 feet of the North 289.5 feet of Lot 13, of MORRISON SUBURBAN DEVELOPMENT, as recorded in Plat Book 20, Page 40, Public Records of Palm Beach County, Florida; SUBJECT TO a utility easement in Deed Book 709, Page 355, public records of Palm Beach County, Florida;

TOGETHER WITH the North 190.02 feet of the South 280 feet of Tract 13, MORRISON SUBURBAN DEVELOPMENT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40, A/K/A the South 280 feet of Tract 13, MORRISON SUBURBAN DEVELOPMENT, less the South 89.98 feet of the East 133 feet of Tract 13, as shown in Plat Book 20, Page 40, public records, Palm Beach County, Florida; SUBJECT TO a utility easement as shown in Deed Book 709, Page 355, public records of Palm Beach County, Florida;

TOGETHER WITH the South 89.98 feet of the East 133 feet of Tract 13, MORRISON SUBURBAN DEVELOPMENT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40; SUBJECT TO a utility easement as shown in Deed Book 709, Page 355, public records of Palm Beach County, Florida;

TOGETHER WITH Tract 12, LESS the South 280 feet thereof of MORRISON SUBURBAN DEVELOPMENT, as shown in Plat Book 20, Page 40, public records, Palm Beach County, Florida; SUBJECT TO a drainage easement as shown in Official Record Book 34, Page 631, public records of Palm Beach County, Florida;

TOGETHER WITH Tract 11, LESS the South 280 feet thereof and LESS the West 63 feet of the North 200 feet thereof of MORRISON SUBURBAN DEVELOPMENT, as shown in Plat Book 20, Page 40, public records, Palm Beach County, Florida; SUBJECT TO an easement to Florida Power and Light Co., as shown in Official Record Book 480, Page 35, public records of Palm Beach County, Florida;

TOGETHER WITH the West sixty-three (63) feet of the North Two hundred (200) feet of Lot Eleven (1 1), MORRISON SUBURBAN DEVELOPMENT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County,

EXHIBIT A

LEGAL DESCRIPTION

Florida, recorded in Plat Book 20, Page 40; SUBJECT TO a utility easement on the West three (3) feet as shown in Official Record Book 480, Page 35, public records of Palm Beach County, Florida;

TOGETHER WITH the South 280 ~~feet~~ of Lot 11, MORRISON SUBURBAN DEVELOPMENT, Palm Beach County Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40; SUBJECT TO an easement to Florida Power and Light Co., as shown in Official Record Book 480, Page 35, public records of Palm Beach County, Florida; ALSO SUBJECT TO reservation easements and drainage canal right of way as shown in Deed Book 716, Page 108, public records of Palm Beach County, Florida;

TOGETHER WITH Lot 10, less the South 200 feet thereof, MORRISON SUBURBAN DEVELOPMENT, as shown on the plat thereof, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 20, Page 40; SUBJECT TO an easement to Florida Power and Light Co., as shown in Official Record Book 480, Page 37, public records of Palm Beach County, Florida;

TOGETHER WITH the West 66.5 feet of the South 200 feet of Lot 10, MORRISON SUBURBAN DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40;

TOGETHER WITH the East 66.5 feet of the South 200 feet of Lot 10, MORRISON SUBURBAN DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40;

TOGETHER WITH the North 292.5 feet of Tract 9, MORRISON SUBURBAN DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 20, Page 40;

TOGETHER WITH Tract 9, LESS the North 292.5 feet thereof, MORRISON SUBURBAN DEVELOPMENT, a Subdivision, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40;

TOGETHER WITH Lot 8, less the North 272 feet thereof, MORRISON SUBURBAN DEVELOPMENT, a Subdivision in Palm Beach County, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 20, Page 40;

TOGETHER WITH the North 162 feet of Lot 7, less the West 33 feet, of MORRISON SUBURBAN DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book



EXHIBIT A

LEGAL DESCRIPTION

20, Page 40; SUBJECT TO an easement for ingress and egress as shown in Deed Book 853, Page 372, public records of Palm Beach County, Florida;

TOGETHER WITH the South 110.04 feet of the North 272.04 feet of Lot 7, less the West 33 feet of the North 43.04 feet thereof, MORRISON SUBURBAN DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40. TOGETHER WITH the right of way at all times and for all purposes on foot, and with or without vehicles, and animals, to and from the land hereby conveyed, or any part thereof, and all buildings thereon over and along the road constructed or to be constructed along the West 30 feet of said Lot 7; SUBJECT, HOWEVER, to the payment of a fair proportion of maintaining and keeping such road in repair; ALSO SUBJECT TO an easement for ingress and egress as shown in Deed Book 853, Page 372, public records of Palm Beach County, Florida;

TOGETHER WITH Lot 7, less the North 272.04 feet and the South 168 feet, of MORRISON SUBURBAN DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40. TOGETHER WITH the right of way at all times and for all purposes on foot, and with or without vehicles, and animals, to and from the land hereby conveyed, or any part thereof, and all buildings thereon over and along the road constructed or to be constructed along the West 30 feet of said Lot 7; SUBJECT, HOWEVER, to the payment of a fair proportion of maintaining and keeping such road in repair; ALSO SUBJECT TO an easement for ingress and egress as shown in Deed Book 853, Page 372, public records of Palm Beach County, Florida;

TOGETHER WITH a part of Lot 7, MORRISON SUBURBAN DEVELOPMENT, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 40, described as follows:

Beginning at an Iron Pipe marking the Southeast Corner of Said Lot 7;  
thence Northerly on the East line of said Lot 7, 168 feet to an Iron Pipe;  
thence Westerly parallel to the South line of said Lot 7, 133 feet to an Iron Pipe;  
thence Southerly parallel to the East line of Lot 7, 168 feet to an Iron Pipe;  
thence Easterly on the South line of said Lot 7, 133 feet to the Point of Beginning.

ALSO SUBJECT TO an easement for ingress and egress as shown in Deed Book 853, Page 372, public records of Palm Beach County, Florida.

TOGETHER WITH a portion of Lot 11, MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

BEGIN AT the Southeast corner of said Lot 11;  
Thence North 87°-33'-00" West, along the South line of said Lot 11, a distance of 92.45 feet to the Southwest corner of said Lot 11;

EXHIBIT A

LEGAL DESCRIPTION

Thence, North 2° -27'-00" East, along the West line of said Lot 11, a distance of 24.76 feet;  
Thence, North 67° -53'-58" East, a distance of 101.64 feet to a point on the East line of said Lot 11;  
Thence, South 2° -27'-00" West, along the East line of said Lot 11, a distance of 66.99 feet to the POINT OF BEGINNING.

TOGETHER WITH a portion of Lot 61, MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

BEGIN AT the Southeast corner of said Lot 61;  
Thence North 87° -33'-00" West, along the South line of said Lot 61, a distance of 91.50 feet to the Southwest corner of said Lot 61;  
Thence, North 2° -27'-00" East, along the West line of said Lot 61, a distance of 36.88 feet;  
Thence, North 67° -53'-58" East, a distance of 100.59 feet to a point on the East line of said Lot 61;  
Thence, South 2° -27'-00" West, along the East line of said Lot 61, a distance of 78.68 feet to the POINT OF BEGINNING.

TOGETHER WITH a portion of a 66 foot wide road right of way (Gun Club Road) located in Government Lots 4 and 5, Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, said right of way as shown on the plat of MORRISON HOMES, SOUTH SECTION, Plat Book 23, Page 189, Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the point formed by the intersection of the East right of way line of Congress Avenue (80 feet wide as presently laid out and in use) and the South right of way line of Gun Club Road (66 feet wide as now laid out and in use);  
Thence run North 03° -04'-00" East, a distance of 66.00 feet to the point formed by said East right of way line of Congress Avenue and the North right of way line of Gun Club Road;  
Thence South 87° -33'-00" East, along said North right of way line, a distance of 65.06 feet to a point on the East right of way line of Australian Avenue as shown in Road Book 5, Pages 166 to 173, inclusive, of the Public Records of Palm Beach County, Florida, said East right of way line being a curve concave to the East (radial bearing South 73° -27'-49" East from the point of intersection), having a radius of 1165.19 feet;  
Thence Southerly, along the arc of said curve, through a central angle of 03° -19'-24", a distance of 67.59 feet to a point on the South right of way line of Gun Club Road;  
Thence North 87° -33'-00" West, along said South right of way line, a distance of 51.23 feet to the POINT OF BEGINNING.

TOGETHER WITH a portion of a 50 foot road right-of-way (South Grace Drive) to be

EXHIBIT A

LEGAL DESCRIPTION

abandoned, located in Government Lot 4, Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, said right-of-way as shown on the plat of MORRISON HOMES, NORTH SECTION, Plat Book 23, page 190, public records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING AT the Northeast corner of Lot 54, as shown on the referenced plat of MORRISON HOMES, NORTH SECTION; thence run North 87° -33'-00" West, a distance of 51.61 feet to the point of curvature of a curve concave to the Northeast, having a radius of 125.00 feet;  
Thence Northwesterly, along the arc of said curve through a central angle of 36° -55'-31", a distance of 80.56 feet;  
Thence North 50° -37'-29" West, a distance of 45.27 feet to the point of curvature of a curve concave to the South, having a radius of 50.00 feet;  
Thence Westerly, along the arc of said curve, through a central angle of 95° -49'-01", a distance of 83.62 feet to a point on a curve concave to the Southeast (radial bearing South 56° -26'-31" East) having a radius of 790.00 feet, said curve lying on the East right of way line of Australian Avenue;  
Thence Northeasterly, along the arc of said curve, through a central angle of 11° -38'-02", a distance of 160.41 feet to the point of curvature of a curve concave to the East (radial bearing South 44° -48'-29" East) having a radius of 50.00 feet;  
Thence Southerly, along the arc of said curve, departing said East right of way line, through a central angle of 95° -49'-01", a distance of 83.62 feet;  
Thence South 50° -37'-29" East, a distance of 45.27 feet to the point of curvature of a curve concave to the North having a radius of 75.00 feet;  
Thence Easterly, along the arc of said curve, through a central angle of 36° -55'-31", a distance of 48.34 feet;  
Thence South 87° -33'-00" East, a distance of 572.66 feet;  
Thence South 02° -27'-00" West, a distance of 50.00 feet;  
Thence North 87° -33'-00" West, a distance of 521.05 feet to the POINT OF BEGINNING.

TOGETHER WITH a portion of a 50 foot road right-of-way (West Grace Drive) to be abandoned, located in Government Lot 4, Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, said right-of-way as shown on the plat of MORRISON HOMES, NORTH SECTION, Plat Book 23, page 190, public records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING AT the Southwest corner of Lot 54, as shown on the referenced plat of MORRISON HOMES, NORTH SECTION; thence run North 02° -27'-00" East, a distance of 95.00 feet to the point of curvature of a curve concave to the Southeast having a radius of 40.00 feet;  
Thence Northeasterly, along the arc of said curve, through a central angle of 90° -00'-00", a distance of 62.83 feet;  
Thence North 87° -33'-00" West, a distance of 31.61 feet to the point of curvature of a curve concave to the North having a radius of 125.00 feet;  
Thence Westerly, along the arc of said curve, through a central angle of 27° -50'-

EXHIBIT A

LEGAL DESCRIPTION

51 ", a distance of 60.75 feet;  
Thence South 02° -27'-00" West, a distance of 149.48 feet;  
Thence South 87° -33'-00" East, along the North line of that right of way of West Grace Drive, abandoned per O.R.B. 6446, Page 1359, a distance of 50.00 feet to the POINT OF BEGINNING.

TOGETHER WITH a portion of a 50 foot road right-of-way (West Grace Drive) to be abandoned, located in Government Lot 4, Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, said right-of-way as shown on the plat of MORRISON HOMES, NORTH SECTION, Plat Book 23, page 190, public records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING AT the Southwest corner of Lot 53, as shown on the referenced plat of MORRISON HOMES, NORTH SECTION; thence run North 87° -33'-00" West, a distance of 31.61 feet to the point of curvature of a curve concave to the Northeast, having a radius of 75.00 feet;  
Thence Northwesterly, along the arc of said curve, through a central angle of 36° -55'-31", a distance of 48.34 feet;  
Thence North 50° -37'-29" West, a distance of 16.67 feet;  
Thence North 02° -27'-00" East, a distance of 14.94 feet to the point of curvature of a curve concave to the East having a radius of 737.00 feet;  
Thence Northerly, along the arc of said curve, through a central angle of 08° -59'-04", a distance of 115.57 feet to the East Right of Way line of Australian Avenue;  
Thence North 52° -06'-20" East, along said East right of way line, a distance of 80.94 feet, to a point on a curve (radial bearing South 73° -26'-21" East) concave to the East, having a radius of 687.00 feet;  
Thence Southerly, departing said East right of way line, along the arc of said curve, through a central angle of 14° -06'-39", a distance of 169.20 feet to a point of compound curvature (radial bearing South 87° -33'-00" East) concave to the Northeast, having a radius of 40.00 feet;  
Thence Southeasterly, along the arc of said curve, through a central angle of 90° -00'-00", a distance of 62.83 feet to the POINT OF BEGINNING.

TOGETHER WITH a portion of a 50 foot road right-of-way (Central Grace Drive) to be abandoned, located in Government Lot 4, Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, said right-of-way as shown on the plat of MORRISON HOMES, NORTH SECTION, Plat Book 23, page 190, public records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING AT the Southeast corner of Lot 19, as shown on the referenced plat of MORRISON HOMES, NORTH SECTION; thence run South 03° -26'-12" West, a distance of 50.01 feet;  
Thence North 87° -33'-00" West, a distance of 669.69 feet to a point on a curve concave to the East (radial bearing North 64° -24'-06" East), having a radius of 50.00 feet;  
Thence Northerly, along the arc of said curve, through a central angle of 60° -02'-

EXHIBIT A

LEGAL DESCRIPTION

23", a distance of 52.40 feet, along the East line of FDOT Parcel 192;  
Thence South 87° -33'-00" East, a distance of 668.83 feet to the POINT OF BEGINNING.

AND ALSO TOGETHER WITH a portion of a 50 foot road right-of-way (North Grace Drive) to be abandoned, located in Government Lot 4, Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, said right-of-way as shown on the plat of MORRISON HOMES, NORTH SECTION, Plat Book 23, page 190, public records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCING AT the Northwest corner of Lot 15 as shown on the referenced plat of MORRISON HOMES, NORTH SECTION; thence run South 87° -33'-00" East, a distance of 35.05 feet to the POINT OF BEGINNING, said point also being on the East right of way line of Australian Avenue;

Thence North 67° -53'-58" East, along said East right of way line, a distance of 105.17 feet to a point on a curve (radial bearing South 18° -20'-15" West) concave to the Southwest having a radius of 165.00 feet;

Thence Southeasterly, along the arc of said curve, through a central angle of 48° -17'-38", a distance of 139.08 feet to a point on a curve (radial bearing South 39° -40'-27" East) concave to the Southeast having a radius of 101.93 feet;

Thence Southwesterly, along the arc of said curve, through a central angle of 46° -53'-13", a distance of 83.41 feet to the point of curvature of a curve (radial bearing North 86° -33'-48" West) concave to the Southwest having a radius of 115.00 feet;

Thence Northwesterly, along the arc of said curve, through a central angle of 90° -59'-12", a distance of 182.62 feet;

Thence North 87° -33'-00" West, a distance of 50.49 feet to the POINT OF BEGINNING.

LESS HOWEVER the following parcel of land for additional right of way of Ranch House Road; said parcel of land being a portion of Lots 89, 90 and 91, MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

BEGIN AT the Southwest corner of said Lot 91;

Thence, bear North 3° -04'-00" East, along the West line of said Lot 91 and the East right of way line of Congress Avenue, a distance of 60.68 feet;

Thence, South 46° -02'-20" East, a distance of 46.29 feet to a point on a line 30 feet North of and parallel with the South line of said Lot 91;

Thence, South 87° -33'-00" East, along said parallel line, a distance of 209.34 feet to a point on the East line of the West 38.61 feet of the aforesaid Lot 89;

Thence, South 02° -27'-00" West, along said East line of the West 38.61 feet of Lot 89, a distance of 30.00 feet to a point on the South line of Lot 89;

Thence, North 87° -33'-00" West, along the South line of Lots 89, 90 and 91, a distance of 244.65 feet to the POINT OF BEGINNING.

EXHIBIT A

LEGAL DESCRIPTION

ALSO LESS HOWEVER the following parcel of land for additional right of way for Congress Avenue; said parcel of land being a portion of Lots 67 and 68, MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

BEGIN AT the Northwest corner of said Lot 67;  
Thence, bear South 87° -33'-00" East, along the North line of said Lot 67, a distance of 27.79 feet;  
Thence, South 15° -06'-35" West, a distance of 133.20 feet to a point on the West line of said Lot 68 and the East right of way line of Congress Avenue;  
Thence, North 3° -04'-00" East, along the West line of said Lots 68 and 67 and the East right of way line of Congress Avenue, a distance of 129.97 feet to the POINT OF BEGINNING.

AND ALSO LESS HOWEVER a parcel of land for right of way purposes; said parcel of land being a portion of Lots 55, 57 and 63, and a portion of Central Grace Drive lying North of said Lots 55 and 57, MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

COMMENCE AT the Southeast corner of said Lot 63;  
Thence, North 02° -27'-00" East, along the East line of said Lot 63, a distance of 36.88 feet to a point on the Southeasterly right of way line of Australian Avenue, as shown on the Florida Department of Transportation Right of Way Map Section 93120-2517, Page 16 of 32;  
Thence, South 67° -53'-58" West, along said right of way line a distance of 43.06 feet to the POINT OF BEGINNING; said point being the point of curvature of a curve to the left having a radius of 50.00 feet, a central angle of 95° -49'-58" and a chord bearing of South 19° -58'-59" West;  
Thence, Southerly, along the arc of said curve, a distance of 83.63 feet to the point of tangency;  
Thence, South 27° -56'-00" East, a distance of 52.00 feet;  
Thence, South 62° -04'-00" West, a distance of 50.00 feet;  
Thence, North 27° -56'-00" West, a distance of 50.68 feet to the point of curvature of a curve to the left having a radius of 50.00 feet, a central angle of 94° -34'-08" and a chord bearing of North 75° -13'-04" West;  
Thence, Northwesterly and Westerly, along the arc of said curve, a distance of 82.53 feet to the point of cusp of a curve concave to the Southeast having a radius of 790.00 feet and whose center bears South 32° -30'-08" East; said point being on the aforescribed Southeasterly right of way line of Australian Avenue;  
Thence, Northeasterly, along the arc of said curve through a central angle of 1° -37'-03", a distance of 22.30 feet to a point on the North line of said Lot 55;  
Thence, North 61° -26'-45" East, along said right of way line, a distance of 97.07 feet to a point on the South line of said Lot 63;  
Thence, North 62° -04'-00" East, a distance of 27.08 feet;  
Thence, North 67° -53'-58" East, a distance of 12.74 feet to the POINT OF

EXHIBIT A  
LEGAL DESCRIPTION

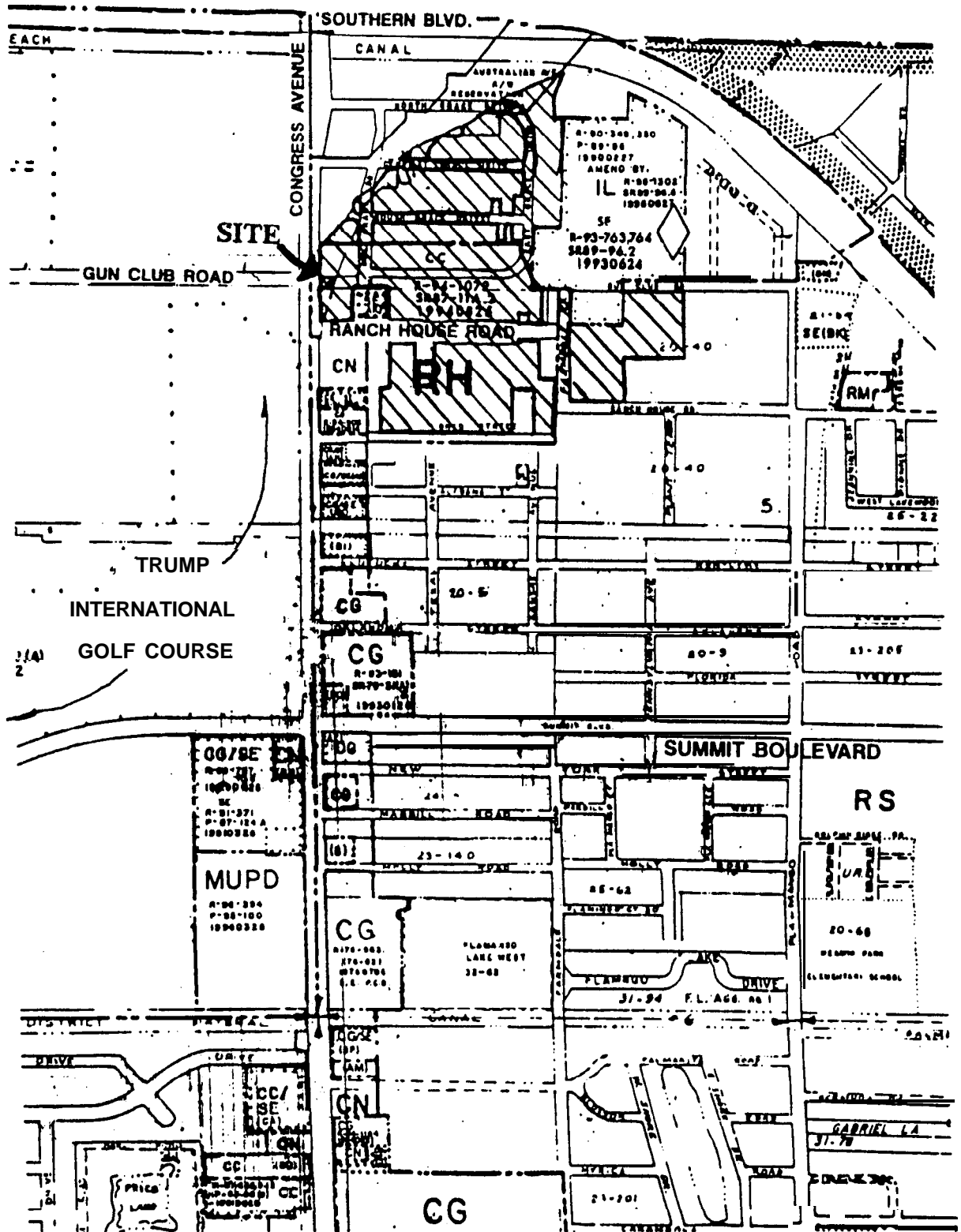
BEGINNING.

SUBJECT TO easements, reservations, restrictions and rights of way of record.

Containing: 39.512 Acres, more or less

EXHIBIT B  
VICINITY SKETCH

PALM BEACH  
INTERNATIONAL AIRPORT





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Resolutions R-89-I 383 and R-89-I 384, granting approval of Petition 87-I 1 and Resolutions R-90-348, granting approval of Petition 87-I 1 (A), are hereby revoked. (MONITORING)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development and regulating plans are dated March 22, 1999 and conceptual site plan is dated March 22, 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. 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 located in the MUPD. (BLDG PERMIT: BLDG - Zoning)
2. The exterior elevations of all buildings shall include the following:
  - a. Varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet;
  - b. Varied building materials and textures;
  - c. Varied building colors by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
  - d. Combination architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
  - e. Integrated design of gutters and downspouts into the architectural design of the building; and,
  - f. All building entries shall be easily identifiable and integrated into the building's architecture. (BLDG PERMIT: ZONING/BLDG)
3. All exterior base colors are limited to earthtones, pastels, or neutrals (whites and grays). No primary colors shall be used as a base color. (BLDG PERMIT: ZONING/BLDG)

#### C. CONVENIENCE STORE W/GAS SALES

1. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)

2. The convenience store building and accessory gas station canopy shall be limited to a maximum of twenty-five (25)feet in height, including air conditioning and mechanical equipment and satellite dishes, measured from finished grade to the highest point. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy or attached lighting fixtures. (BLDG PERMIT/CO: BLDG/ZONING/BLDG -Zoning)
3. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF)

D. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to highest point, shall not exceed thirty-five feet (35) within Pod C and thirty (30) feet for Pods B and D. (BLDG PERMIT: BLDG - Zoning)
2. All air conditioning and mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
3. Barbed wire shall not be permitted along the property lines adjacent to properties with a residential future land use designation. Razorwire shall not be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

E. ENGINEERING

1. Prior to September 1, 1999 this property owner shall fund the following intersections improvements at the intersection of Congress Avenue and the newly aligned Gun Club Road:
  - a. left turn lane, east approach
  - b. right turn lane, east approach (DATE: MONITORING - Eng)
2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for:
  - a) Ranch House Road 80 feet north of the existing south right of way line from Congress Avenue to the existing day care. (COMPLETE)
  - b) Farmdale Road a total of 50 feet right of way.
  - c) East Grace Drive as an 80/50 foot right of way as shown of the site plan dated 1/28/99 prepared by Kilday and Associates.

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)

3. Prior to the issuance of a Building Permit, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer,

to provide legal positive outfall for runoff from those segments of Ranch House Road along the property frontage. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG PERMIT: MONITORING - Eng)

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a) Building Permits for more than 2125 trips per day shall not be issued until a contract has been let for the construction of Australian Avenue as a 6 lane facility from Congress Avenue to Southern Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
  - b) Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (DRC: ENG)
  
5. LANDSCAPE WITHIN MEDIAN OF STATE ROADS
  - 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 the adjacent median of Australian Avenue Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owners shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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 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 existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. If Certificates of Occupancy are requested prior to the final construction of the Australian Avenue Flyover then appropriate surety shall be posted for the landscape planting acceptable to the County Engineer. Landscape plantings shall then be completed within 90 notice to the propertyownerthat the construction of the Australian Avenue flyover is completed. (CO:MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

- 6. The property owner shall participate in a Road Closure Public Hearing for any/all internal roads within or adjacent to the site. The site plan shall be modified to reflect Board of County Commissioners approved road closures affecting this site no later than October 1, 1999. Road closure improvements required by the Board of County Commissioners including but not limited to cul-de-sac, barricades, or guard rails, for Farmdale Road and/or Homewood Road adjacent to the site shall be funded by the petitioner. (DATE: ENG)
- 7. Any road closure improvements if approved by the Board of County Commissioners shall be completed prior to January 1, 2000 or prior to the issuance of the first building permit whichever shall first occur. (BLDG PERMIT/DATE: ENG)

F. DEPARTMENT OF AIRPORTS

- 1. All construction on the site shall be pursuant to Article 18 (Airport Zoning Regulations) of the ULDC. (DRC/BLDG PERMIT: ZONING/BLDG - DOA)
- 2. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall provide a avigation easement covering the entire property which is satisfactory to the Department of Airports and the County Attorney. (DRC: ZONING - DOA/Co Atty)

G. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A tree survey of existing native specimen sized trees for Pods B, C, and D shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM)

H. LANDSCAPING - STANDARD

- 1. All canopy trees required to be planted within the right-of-way buffers 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;

- 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 by this approval shall meet the following minimum standards at installation:
- a. Palm heights: Twelve (12) feet clear trunk;
  - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING - INTERIOR

1. 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. (DRC: ZONING)
2. Foundation planting or grade level planters shall be provided along all facades of all structures and 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 50% of the total length of each facade of the structure. Bay door lengths may be excluded from the total length calculation of the facades, and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

J. LANDSCAPING ALONG ALL PROPERTY LINES ADJACENT TO RIGHT-OF-WAYS

1. Landscaping and buffering along the north/west property line (Congress Avenue and Australian Avenue frontages) up to the south side of the MUPD entrance onto Australian Avenue and along the 244' portion of the south property line (Ranch House Road frontage west of the daycare) shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet, measured from top of curb;
  - c. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;

- d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,
  - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE)
2. Landscaping and buffering along the remainder of the north/west property line adjacent to the Australian Avenue flyover shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

An alternative landscape plan meeting the provisions of Section 7.3.D.4 of the ULDC may be substituted for the above requirements. (CO: LANDSCAPE)

3. Landscaping and buffering along the 664' portion of the south property line (Ohio Street frontage) shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A continuous two (2) foot high measured from top of curb;
  - c. A six (6)foot black or green vinyl coated chain link fence, located at the plateau of the berm;
  - d. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;
  - e. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,
  - f. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches. (CO: LANDSCAPE)
4. Landscaping and buffering along all other right-of-way frontages shall be upgraded to include:
- a. A minimum fifteen (15) foot wide landscape buffer strip, reductions shall not be permitted;
  - b. One (1) canopy tree planted every thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE)

K. LANDSCAPING ALONG ALL OTHER PERIMETER PROPERTY LINES

1. Landscaping and buffering adjacent to residential zoning districts shall be upgraded to include the following in addition to the ULDC's opacity requirement for landscape barriers:
  - a. A minimum ten (10) foot wide landscape buffer strip, reductions shall not be permitted;
  - b. One (1) canopy tree for each twenty (20) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. If a non-living barrier is used within the buffer, the required trees shall be installed on the exterior side of the non-living barrier;
  - c. One (1) palm for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy-two (72) inches. If a non-living barrier is used within the buffer, the shrub and hedge material shall be installed on the exterior side of the non-living barrier. (CO: LANDSCAPE)
2. Landscaping and buffering adjacent to nonresidential zoning districts shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip;
  - b. One (1) canopy tree for each thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location; and,
  - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

L. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Building Security Code, 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 (20)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 the lighting for the convenience store with gas sales and security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or lowvoltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)
5. Lighting for the gas station canopy shall be flush mounted or recessed. (CO: BLDG -Zoning)
6. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition L.I above. (CO/ONGOING: BLDG/CODE ENF - Zoning)

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 the issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus-stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: BLDG - Eng)
2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)
3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

N. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)



0. PARKING

1. Prior to final site plan certification by the Development Review Committee, all delivery and/or loading areas and bay doors shall be indicated and shall not be oriented towards adjacent residentially zoned property lines, unless the bay doors are inwardly oriented within the site. (CO: BLDG - Zoning)
2. 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)
3. Prior certification of the final site plan by the Development Review Committee (DRC), the petitioner shall provide the parking spaces as required by the ULDC for the proposed uses indicated on the Preliminary Development Plan dated March 22, 1999 or obtain a variance from the Board of Adjustment. (DRC: ZONING)

P. SIGNS

1. Freestanding sign on Australian Avenue shall be limited as follows:
  - a. One sign (maximum of two tenants with project identification) a maximum fifteen (15)feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30) feet of the project's entrance on Australian Avenue. (CO: BLDG)
2. The proposed convenience store's freestanding point of purchase sign located at the Congress Avenue and Ranch House Road intersection shall be limited as follows:
  - a. One sign a maximum eight (8)feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style and located within fifty (50) feet measured from the intersecting right of way lines. (CO: BLDG)
3. Freestanding signs on Ranch House Road shall be limited as follows:
  - a. One multi-tenant sign a maximum ten (10) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30)feet of the project's entrance immediately east of the daycare on Ranch House Road; and,
  - b. One (1) multi-tenant sign a maximum eight (8) feet high, one on each side of Ranch House Road, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. These signs shall be monument style sign and located within thirty (30) feet of the project's easternmost entrances on Ranch House Road. (CO: BLDG)
4. Freestanding signs on Congress Avenue shall be limited as follows:
  - a. One multi-tenant sign a maximum twelve (12)feet high, measured from finished grade to highest point with a maximum one hundred and twenty (120) square feet sign face area per side. This sign shall be monument

style sign and located 300 feet north of the intersecting right of way lines of Congress Avenue and Ranch House Road. (CO: BLDG)

5. Wall signage mounted on the buildings shall be limited to the north, south and west facades with frontages on Congress Avenue, Australian Avenue, or Ranch House Road. No signage shall be permitted on the gas station canopy. (BLDG PERMIT: BLDG - Zoning)
6. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
7. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning)

Q. USE LIMITATION

1. Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated March 22, 1999:
  - a. Pod A, Phase 1 - Convenience store with gas sales (3,400 sq. ft. w/ 8 fueling positions maximum);
  - b. Pod B, Phase 2 - Professional office use (21,850 sq. ft. maximum) and other general land uses pursuant to Table 6.8-2, Section 6.4.D of the ULDC subject to approval by the Traffic Division;
  - c. Pod C, Phase 3 - Warehouse use (142,897 sq. ft. maximum);
  - d. Pod D - Open space or stormwater management purposes. Uses other than these shall be subject to future BCC approval;
  - e. The general location of all retention and detention areas shall remain as indicated. Minor reconfiguration may be permitted to comply with applicable Palm Beach County and SFWMD permits; and,
  - f. A maximum 1,000 sq. ft. increase above the 168,147 sq. ft. total gross floor area shall be permitted subject to approval by the Traffic Division. (DRC: ZONING)
2. Hours of operation for all uses, including deliveries and stocking activities, shall be limited from 6:00 a.m. to 11:00 p.m. daily. The convenience store with gas sales use shall be excluded from this limitation. (ONGOING: CODE ENF - Zoning)
3. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the final site plan approved by the Development Review Committee. (ONGOING: CODE ENF)
4. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

R. COMPLIANCE

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

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)