

RESOLUTION NO. R-99- 982

RESOLUTION APPROVING ZONING PETITION DOA95-057(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PEMBROKE ENTRANCE JOINT VENTURE
BY CHRISTOPHER CUTRO, AGENT
(SHOPPES OF WYCLIFFE)

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 DOA95-057(A) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 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 DOA95-057(A), the petition of Pembroke Entrance Joint Venture, by Christopher Cutro, agent, for a Development Order Amendment (DOA) to reconfigure the master plan and add building square footage on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 27, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 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

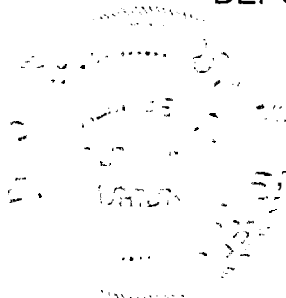


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE NORTHEAST ONE QUARTER (N.E. 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

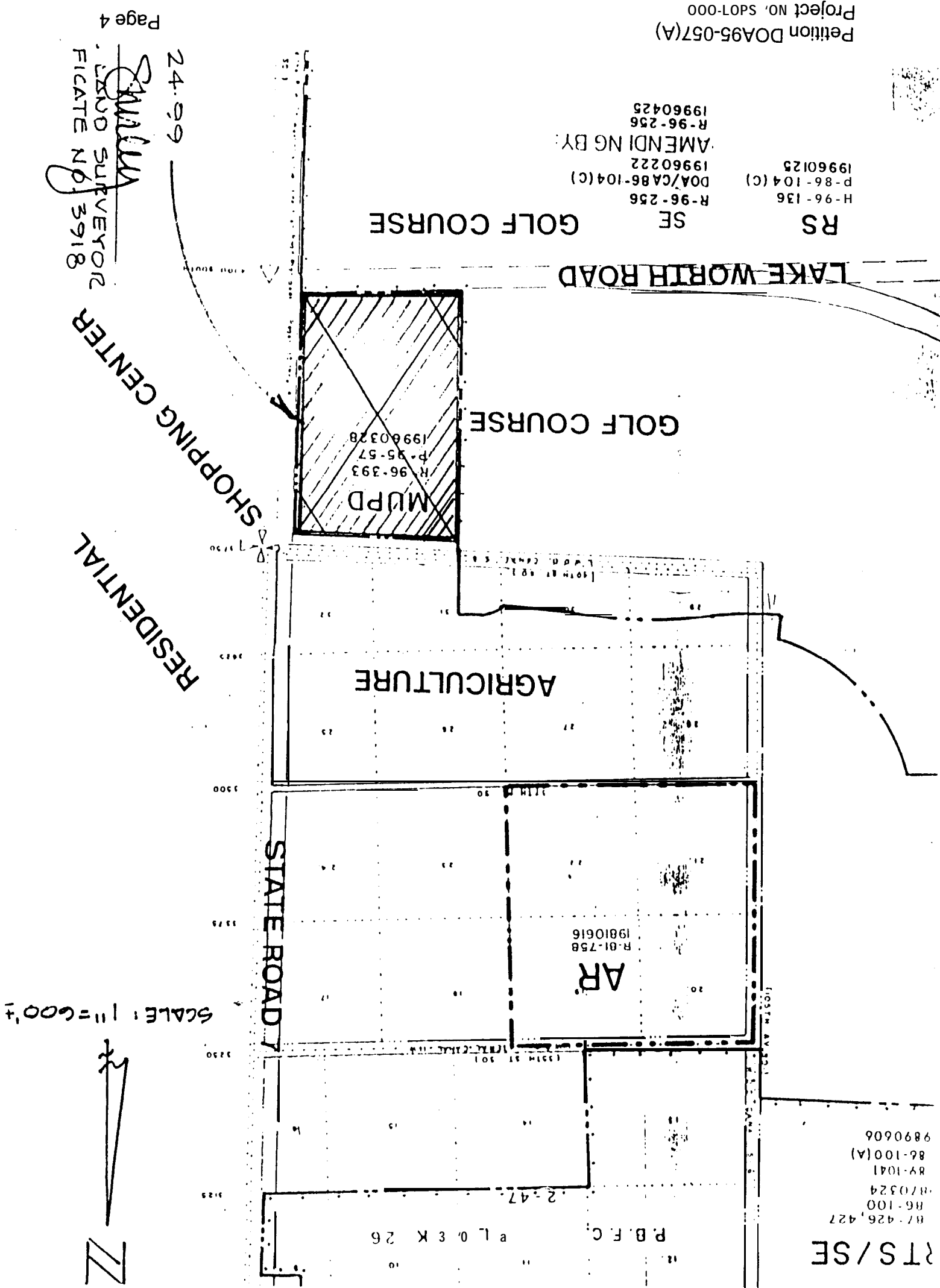
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST ONE QUARTER (N.E. 1/4) OF SECTION 25 AFORESAID; THENCE NORTH 88°02'48" WEST, ALONG THE NORTH LINE OF THE NORTHEAST ONE QUARTER (N.E. 1/4) OF SAID SECTION 25 (THE NORTH LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 25 IS ASSUMED TO BEAR NORTH 88°02'48" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 180.92 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 5642, PAGE 1610, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 01°53'48" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 7, A DISTANCE OF 75.00 FEET FOR A POINT OF BEGINNING.

THENCE, CONTINUE SOUTH 01°53'48" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 7, A DISTANCE OF 1204.56 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH ROAD (STATE ROAD 802) AS DESCRIBED IN OFFICIAL RECORD BOOK 5642, PAGES 1602 THROUGH 1604, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 45°22'20" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAW LAKE WORTH ROAD AND DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 7, A DISTANCE OF 51.36 FEET; THENCE, SOUTH 89°01'58" WEST, CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LAKE WORTH ROAD, A DISTANCE OF 368.38 FEET; THENCE, SOUTH 88°06'58" WEST, CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LAKE WORTH ROAD, A DISTANCE OF 250.03 FEET; THENCE, SOUTH 89°01'58" WEST, CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LAKE WORTH ROAD, A DISTANCE OF 179.13 FEET TO THE SOUTHEAST CORNER OF WYCLIFFE PLAT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 66, PAGES 31 THROUGH 35, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 01°42'43" EAST, ALONG THE EASTERLY LINE OF SAID WYCLIFFE PLAT TWO AND DEPARTING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LAKE WORTH ROAD, A DISTANCE OF 1286.51 FEET TO THE NORTHEAST CORNER OF SAID WYCLIFFE PLAT TWO, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A 75 FOOT WIDE ACME IMPROVEMENT DISTRICT RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 1081, PAGE 623, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 88°02'48" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND DEPARTING THE EAST LINE OF SAID WYCLIFFE PLAT TWO, A DISTANCE OF 835.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 24.16 ACRES MORE OR LESS

EXHIBIT 8

VICINITY SKETCH



RESIDENTIAL SHOPPING CENTER

RS SE GOLF COURSE

LAKE WORTH ROAD

GOLF COURSE

AGRICULTURE

STATE ROAD 7

AR

MUPD

RTS/SE

24.99
LAND SURVEYOR
FICATE NO. 3918

Petition DOA95-057(A)
Project NO. SP07-000

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. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-393 (Petition PDD95-057), 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. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated March 25 1999. The phasing plan is dated April 21, 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. (DRC: ZONING)
3. Prior to site plan approval the site plan shall be amended to meet all conditions of approval and all applicable requirements of the ULDC. (DRC: ZONING)

B. BUILDING AND SITE DESIGN

1. Condition A.1 of Resolution R-96-393, Petition PDD95-057 which currently states:

Total gross floor area shall be limited to a maximum of 150,600 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet of the total gross floor area, whichever is less.

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 168,701 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less. (DRC: ZONING)

2. **The subject property shall be limited to a maximum of five (5) out parcels.** (Previously Condition A.2 of Resolution R-96-393, Petition PDD95-057) (DRC: ZONING)

3. Condition A.4 of Resolution R-96-393, Petition PDD95-057 which currently states:

The requested uses shall be located in out parcels adjacent to SR7/US441.

Is hereby amended to state:

All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated February 25, 1999). (DRC: ZONING)

4. **All roof mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure.** (Previously Condition A.5 of Resolution R-96-393, Petition PDD95-057) (CO: BLDG)
5. **All other air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material.** (Previously Condition A.6 of Resolution R-96-393, Petition PDD95-057) (CO: BLDG - Zoning)
6. **No building or accessory structure, other than the required wall in the landscape buffer, shall be located within 50 feet of the west property line.** (Previously Condition A.7 of Resolution R-96-393, Petition PDD95-057) (DRC: ZONING)

C. CONVENIENCE STORE WITH GAS SALES

1. Condition A.3 of Resolution R-96-393, Petition PDD95-057 which currently states:

Currently approved requested uses shall be limited to one 3,500 square foot fast food restaurant and one 2,500 square foot convenience store with gas sales. The Development Review Committee (DRC) may approve an increase in square footage of the fast food restaurant up to 6,000 square feet and an increase of up to 4,000 square feet for the convenience store with gas sales and co-location of the requested uses on a single and/or combined outparcel if an acceptable traffic equivalency analysis and transfer of square footage is approved by the County Engineer.

Is hereby amended to state:

Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 3,000 square feet with 6 pumps (maximum/1 2 fueling stations) and a 900 square foot accessory car wash. (DRC: ZONING)

2. 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)
3. Gas station canopies 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 outdoor lighting fixtures. (BLDG PERMIT: BLDG - Zoning)
4. Lighting for the gas station canopy shall be flush mounted or recessed. (BLDG PERMIT/CO: BLDG - Zoning)

D . COVENANTS

1. **Prior to certification of the preliminary development plan by the Development Review Committee, the property owners shall record in the public record a covenant requiring architectural consistency between all project buildings and project identification/signage with the general architectural character of the Wycliffe Golf and Country Club PUD. This covenant shall require the use of prevalent Mediterranean architecture, including such elements as pastel colored stucco, classical features (columns, arches, medallions, bull's eye windows, etc.), terra cotta colored barrel tile roofs, and towers. The covenant shall be recorded in a form and manner acceptable to the County Attorney. (Previously Condition C.1 of Resolution R-96-393, Petition PDD95-057) (DRC: CTY 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 County Attorney. (Previously Condition C.2 of Resolution R-96-393, Petition PDD95-057) (DRC: CTY ATT)**

E. ENGINEERING

1. Condition E.1 . of Resolution R-96-393, Petition PDD95-057 which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the “Fair Share Contribution for Road Improvements Ordinance” as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 95-57, to be paid at the time of issuance of the Building Permit presently is:

- a. **\$284,735.00 (5177 trips X \$55.00 per trip) for the 144,600 square foot retail center**
- b. **\$36,190.00 (1316 trips X \$27.50 per trip) for the 3,500 square fast food restaurant**
- c. **\$23,568.00 (857 trips X \$27.50 per trip) for the service station and car wash and 1,500 square foot convenience store.**

Is hereby deleted: REASON: [Impact Fees are code requirement.]

2. Condition E. 2. of Zoning Resolution R-96-393 which currently states:

LANDSCAPE WITHIN MEDIAN

- a. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County 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. 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. (Previously Condition E.2.A of Resolution R-96-393, Petition PDD95-057) (BLDG. PERMIT: MONITORING - Eng)

- b. **All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (Previously Condition E.2.B of Resolution R-96-393, Petition PDD95-057) (CO: MONITORING - Zoning)**
- c. **Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (Previously Condition E.2.C of Resolution R-96-393, Petition PDD95-057) (CO: MONITORING - Eng.)**

Is hereby amended to state:

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 SR 7 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 owner 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 Owners 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 June 1, 2001. (DATE: 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)
3. **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 if required for the construction of a right turn lane on Lake Worth Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Completed. (Previously Condition E.3 of Resolution R-96-393, Petition PDD95-057) (BLDG. PERMIT: MONITORING - Eng.)**
4. **The Property owner shall reconstruct the existing median opening on Lake Worth 150 feet west of the projects west property line to provide for the following:**
- a. **a left turn lane west approach on Lake Worth Road at the projects main entrance road;**
 - b. **a right turn lane east approach on Lake Worth Road at the projects main entrance road;**
 - c. **relocation of all the existing trees currently in the median of Lake Worth Road, which will be part of the construction program of the left turn lane into this projects entrance. Any of the existing trees which cannot be relocated, shall be replaced with a similar type and height, subject to the approval of the County engineer; and,**
 - d. **nonmountable curbing on both sides of the median area relocation.**

This construction and tree location program shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed

prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.4 of Resolution R-96-393, Petition PDD95-057) (CO: MONITORING - Eng)

5. **The Property owner shall construct a separate right turn lane north approach on SR 7 at the projects north and the projects main entrance and SR 7, if permitted by the Florida Department of Transportation. If this construction is permitted by the Florida Department of Transportation, this construction by the property owner shall be accomplished by one of the following:**
 - a. **This property owner may fund the construction of these right turn lanes directly with the Florida Department of Transportation. These turn lanes shall then be incorporated into the six laning of SR 7 from Lake Worth Road to Forest Hill Boulevard by the Florida Department of Transportation.**
 - b. **This property owner may elect to construct these right turn lanes after the widening of SR 7 by the Florida Department of Transportation. If the property owner intends to construct these turn lanes after the widening of SR 7, then surety for this construction shall be posted prior to the issuance of the first Building Permit. This construction shall then be completed prior within six months after the issuance of the first Building Permit. Surety shall be based upon 100% of the certified cost estimate by the developer's Engineer. (Previously Condition E.5 of Resolution R-96-393, Petition PDD95-057) (BLDG. PERMIT/CO: MONITORING/ENG)**

6. **In order to comply with the mandatory Traffic Performance Standards:**
 - a. **No building permits shall be issued until construction has begun for SR 7 as a minimum 4 lane section from SR 80 to Boynton Beach Boulevard plus the appropriate paved tapers.**
 - b. **No building permits shall be issued until Lake Worth Road or a comparable facility approved by the County Engineer is under construction as a 2/3 lane cross-section from its present terminus west of SR 7 to South Shore Boulevard. (Previously Condition E.6 of Resolution R-96-393, Petition PDD95-057) (BLDG. PERMIT: ENG)**

7. **Condition E.7 of Resolution R-96-393, Petition PDD95-057 which currently states:**

The property owner relocate the projects middle entrance on SR 7 subject to the approval of the FDOT and the Office of the County Engineer.

Is hereby deleted: REASON [The property owner currently has a conceptual permit from the Florida DOT for the location of this drive.]

8. **In the event the property owner wishes to construct a directional left-turn lane at the project's north entrance on SR 7, such improvement shall be subject to approval by the Florida Department of Transportation and the County Engineer.** (Previously Condition E.8 of Resolution R-96-393, Petition PDD95-057) (ONGOING: ENG)

F. ERM

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

G. HEALTH

1. **The automated car wash facility shall use a 100% water recycling system.** (Previously Condition D.I of Resolution R-96-393, Petition PDD95-057) (BLDG PERMIT: HEALTH)
2. **Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent.** (Previously Condition D.2 of Resolution R-96-393, Petition PDD95-057) (ONGOING: HEALTH)

H. LANDSCAPING - STANDARD

1. **All trees required to be planted on site by this approval shall meet the following minimum standards at installation:**
 - a. **Tree height: fourteen (14) feet.**
 - b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
 - 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.** (Previously Condition F.I of Resolution R-96-393, Petition PDD95-057) (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)
Condition I. 1. , I.2., I.3., of Resolution R-96-393, Petition PDD95-057 which currently states:

1. **Landscaping and buffering along the north property line shall be upgraded to include:**
 - a. **A minimum ten (10) foot wide landscape buffer strip; and,**
 - b. **A six (6) foot high opaque concrete wall, fence, hedge, berm, or combination, at installation.**
2. **One (1) canopy tree shall be planted every twenty (20) feet on center on alternating sides of requirement I.1.b. above.**
3. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches, shall be installed along the interior and exterior sides of requirement 1.1 .b. above.**

Is hereby amended to state:

LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six (6) foot high hedge, fence or berm or combination at time of installation. The wall if used, shall be given a finished architectural treatment which is compatible and harmonious with abutting development;
2. One (1) canopy tree planted every twenty (20) feet on center shall be installed on alternating sides of the hedge fence or wall; and,
3. A twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches, shall be installed along the interior and exterior sides of the wall or fence or on the plateau of the berm. (CO: LANDSCAPE)

J. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ABUTTING SR7/US441 AND LAKE WORTH ROAD)

1. **Landscaping and buffering along the south and east property lines shall be upgraded to include:**
 - a. **a minimum twenty (20) foot wide landscape buffer strip;**
 - b. **one (1) canopy tree shall be planted every twenty (20) feet on center;**
 - c. **one (1) palm tree or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,**
 - d. **twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches.**
(Previously Condition J. 1 of Resolution R-96-393, Petition PDD95-057)
(CO: LANDSCAPE - Zoning)

K. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. **Landscaping and buffering along the west property line shall be upgraded to include:**
 - a. **A minimum fifteen (15) foot wide landscape buffer strip with an undulating berm having an average height of three (3) feet; and,**
 - b. **A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.**
(Previously Condition H.1 of Resolution R-96-393, Petition PDD95-057)
(CO: LANDSCAPE - Zoning)
2. **One (1) canopy tree shall be planted every twenty (20) feet on the west side of the required wall. (Previously Condition H.2 of Resolution R-96-393, Petition PDD95-057) (CO: LANDSCAPE - Zoning)**

3. **One (1) palm or pine tree shall be planted for each thirty (30) linear feet of the length of the buffer. A group of three or more palms or pine trees may supersede the requirement for a canopy tree.** (Previously Condition H.3 of Resolution R-96-393, Petition PDD95-057) (CO: LANDSCAPE - Zoning)
4. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches, shall be installed on the east side of the required wall.** (Previously Condition H.4 of Resolution R-96-393, Petition PDD95-057) (CO: LANDSCAPE-Zoning)

L. LANDSCAPING - INTERIOR

1. **One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet.** (Previously Condition G.I of Resolution R-96-393, Petition PDD95-057) (DRC: ZONING)
2. **A landscaped divider median shall be provided between every third row of abutting parking. The minimum width of this median shall be ten (10) feet. One tree and appropriate ground cover shall be planted for each thirty(30) linearfeet of the divider median, with a maximum tree spacing of sixty (60) feet on center.** (Previously Condition G.2 of Resolution R-96-393, Petition PDD95-057) (CO: LANDSCAPE - Zoning)
3. **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 G.3 of Resolution R-96-393, Petition PDD95-057) (CO: LANDSCAPE - Zoning)
4. **Landscape planter areas shall be provided along the front and side facades of the principal structure. The minimum width of the required landscape planter areas shall be five (5) feet. The combined length of the required landscape planter areas shall be no less than 40% of the total length of the applicable side of the structure. All required landscape planter areas shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover.** (Previously Condition G.4 of Resolution R-96-393, Petition PDD95-057) (CO: LANDSCAPE - Zoning)

M. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.** (Previously Condition K.I of Resolution R-96-393, Petition PDD95-057) (CO / ONGOING: BLDG / CODE ENF - Zoning)

2. **All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point.** (Previously Condition K.2 of Resolution R-96-393, Petition PDD95-057) (CO: BLDG - Zoning)

N. 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 bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner 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 this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack.** (Previously Condition B.1 of Resolution R-96-393, Petition PDD95-057) (DRC: ZONING - School Board / Eng / Planning)

2. Condition B.2 of Resolution R-96-393, Petition PDD95-057 which currently states:

The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts in accordance with an official county program adopted for such purpose. This condition shall remain in effect until 311197.

Is hereby amended to state:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

O. PARKING/STORAGE

1. **All delivery and/or loading areas shall be screened from view from the west property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principle structure.** (Previously Condition L.1 of Resolution R-96-393, Petition PDD95-057) (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.** (Previously Condition L.2 of Resolution R-96-393, Petition PDD95-057) (ONGOING: CODE ENF)
3. **Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in the parking areas adjacent to the east side of the principal structure.** (Previously Condition L.3 of Resolution R-96-393, Petition PDD95-057) (DRC: ZONING)
4. **Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility.** (Previously Condition L.4 of Resolution R-96-393, Petition PDD95-057) (ONGOING: CODE ENF)

P. SIGNS

1. **Point of purchase freestanding signs fronting SR7/US441 shall be limited as follows:**
 - 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 - one (1);**
 - d. **Style -monument style only.** (Previously Condition M. 1 of Resolution R-96-393, Petition PDD95-057) (CO: BLDG)
2. **Point of purchase freestanding signs fronting Lake Worth Road shall be limited as follows:**
 - 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 - one (1);**
 - d. **Style -monument style only.** (Previously Condition M.2 of Resolution R-96-393, Petition PDD95-057) (CO: BLDG)
3. **Outparcel identification signs shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
 - b. **Maximum sign face area per side - 40 square feet;**
 - c. **Maximum number of signs - one per outparcel;**
 - d. **Style -monument style only.** (Previously Condition M.3 of Resolution R-96-393, Petition PDD95-057) (CO: BLDG)
4. **Entry wall/project identification signs shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
 - b. **Maximum sign length - 16 feet;**
 - c. **Maximum number of signs - one;**
 - d. **Style - monument style only; and,**
 - e. **Location -to be located on the southeast corner of the site only.** (Previously Condition M.4 of Resolution R-96-393, Petition PDD95-057) (CO: BLDG)

5. **Entry wall/project identification signs shall be limited as follows:**
- a. **Maximum sign height, measured from finished grade to highest point - six (6) feet;**
 - b. **Maximum sign length - 16 feet;**
 - c. **Maximum number of signs - one;**
 - d. **Style - monument style only; and,**
 - e. **Location - to be located on the northeast corner of the site only.**
(Previously Condition M.5 of Resolution R-96-393, Petition PDD95-057)
(CO: BLDG)

Q. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
- 2. Condition N.I of Resolution R-96-393, Petition PDD95-057 which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

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

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

Is hereby amended to read:

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)