

RESOLUTION NO. R-2004-2015

RESOLUTION APPROVING ZONING PETITION DOA/EAC2004-347
DEVELOPMENT ORDER AMENDMENT
PETITION OF VINCENT AND MARIA DISISTO & CHEVRON USA
BY LAND DESIGN SOUTH, AGENT
(LAKE WORTH & NASSAU MUPD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA/EAC2004-347 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2004; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA/EAC2004-347, the petition of Vincent and Maria Disisto & Chevron USA, by Land Design South, agent, for a Development Order Amendment/Expedited Application Consideration to modify a condition of approval for a Multiple Use Planned Development 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 September 30, 2004, 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:

Karen T. Marcus, Chair	- NAY
Tony Masilotti, Vice Chairman	- AYE
Jeff Koons	- AYE
Warren H. Newell	- AYE
Mary McCarty	- AYE
Burt Aaronson	- AYE
Addie L. Greene	- AYE

The Chair thereupon declared that the resolution was duly passed and adopted on September 30, 2004.

Filed with the Clerk of the Board of County Commissioners on 9th day of NOVEMBER, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY


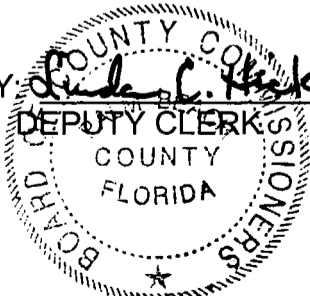
BY: 
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND LYING IN TRACTS 121 AND 122, BLOCK 23, THE PALM BEACH FARMS CO., PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 122, BLOCK 23 OF THE AFOREMENTIONED THE PALM BEACH FARMS CO., PLAT NO. 3; THENCE ALONG THE EAST LINE OF TRACT 122, SOUTH 00°00'00" EAST, A DISTANCE OF 594.00 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY OF LAKE WORTH ROAD; THENCE ALONG A CURVE, CONCAVE TO THE WEST, WITH A RADIUS OF 5789.58 FEET, A CENTRAL ANGLE OF 00°37'01" AND AN ARC LENGTH OF 62.33 FEET; THENCE S 88°25'40" W, A DISTANCE OF 62.71 FEET; THENCE N 00°00'00" W, A DISTANCE OF 125.98 FEET; THENCE N 89°57'13" W, A DISTANCE OF 75.00 FEET; THENCE S 00°00'00" E, A DISTANCE OF 128.10 FEET; THENCE S 88°25'40" W, A DISTANCE OF 62.26 FEET; THENCE ALONG A CURVE, CONCAVE TO THE WEST, WITH A RADIUS OF 5669.58 FEET, A CENTRAL ANGLE OF 1°35'39" AND AN ARC LENGTH OF 157.75 FEET; THENCE N 89°57'13" W, A DISTANCE OF 35.06 FEET; THENCE N 00°00'00" W, A DISTANCE OF 247.97 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 170.00 FEET, THENCE NORTH 00°00'00" WEST, A DISTANCE OF 355.00 FEET; THENCE NORTH 90°00'00" EAST, ALONG THE NORTH LINE OF SAID TRACTS 121 AND 122, A DISTANCE OF 625.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THE EAST 205 FEET OF THE WEST 240 FEET OF TRACT 121, BLOCK 23, PALM BEACH FARMS CO., PLAT NO.3, 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 2, PAGES 45 THROUGH 54, INCLUSIVE, LYING NORTH OF THE NORTH RIGHT-OF-WAY OF LAKE WORTH ROAD AS RECORDED IN ROAD PLAT BOOK 5, PAGE 127, LESS THE NORTH 355.00 FEET OF SAID TRACT 121 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID TRACT 121, SAID POINT BEING 355.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 121 THENCE RUN NORTH 89°30'00" EAST (ASSUMED BEARING) ALONG A LINE THAT IS 355.00 FEET SOUTH OF PARALLEL WITH THE NORTH LINE OF SAID TRACT 121, A DISTANCE OF 35.00 FEET FOR A POINT OF BEGINNING; (SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NASSAU ROAD). THENCE CONTINUE NORTH 89°30'00" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 205.00 FEET; THENCE RUN SOUTH 00°30'00" EAST, A DISTANCE OF 248.75 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID LAKE WORTH ROAD, THENCE RUN SOUTH 89°30'36" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 175.01 FEET; THENCE RUN NORTH 45°29'27" WEST A DISTANCE OF 42.42 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID NASSAU ROAD; THENCE RUN NORTH 00°30'00" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 218.72 FEET TO THE POINT OF BEGINNING.

AND FURTHER BEING DESCRIBED AS FOLLOWS:

DESCRIPTION:

A PARCEL OF LAND LYING IN TRACTS 121 AND 122, BLOCK 23, PALM BEACH FARMS COMPANY, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 122, BLOCK 23 OF THE REFERENCED PALM BEACH FARMS COMPANY, PLAT NO. 3, THENCE NORTH 90°00'00" WEST, ALONG THE NORTH LINE OF SAID TRACTS 121 AND 122, A DISTANCE OF 625.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF NASSAU ROAD (80' WIDE AS NOW LAID OUT AND IN USE) AS DESCRIBED IN OFFICIAL RECORD BOOK 1217, PAGE 371, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°00'00" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF NASSAU ROAD, A DISTANCE OF 572.92 FEET; THENCE SOUTH 44°58'36" EAST, A DISTANCE OF 42.43 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD AS RECORDED IN ROAD PLAT BOOK 5, PAGE 127, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°58'41" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD, A DISTANCE OF 175.06 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 5669.58 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°35'39", A DISTANCE OF 157.75 FEET, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE NORTH 88°25'40" EAST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 62.26 FEET; THENCE NORTH 00°00'00" EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 128.10 FEET; THENCE SOUTH 89°57'13" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 125.98 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD; THENCE NORTH 88°25'40" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD, A DISTANCE OF 62.71 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5789.58 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°37'00", A DISTANCE OF 62.30 FEET, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID TRACT 122, A DISTANCE OF 594.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 365,281.06 SQUARE FEET (8.39 ACRES) MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°00'00" WEST ALONG THE EAST LINE OF TRACT 122, BLOCK 23 OF THE REFERENCED PALM BEACH FARMS COMPANY, PLAT NO. 3.

SAID LANDS ALL LYING WITHIN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

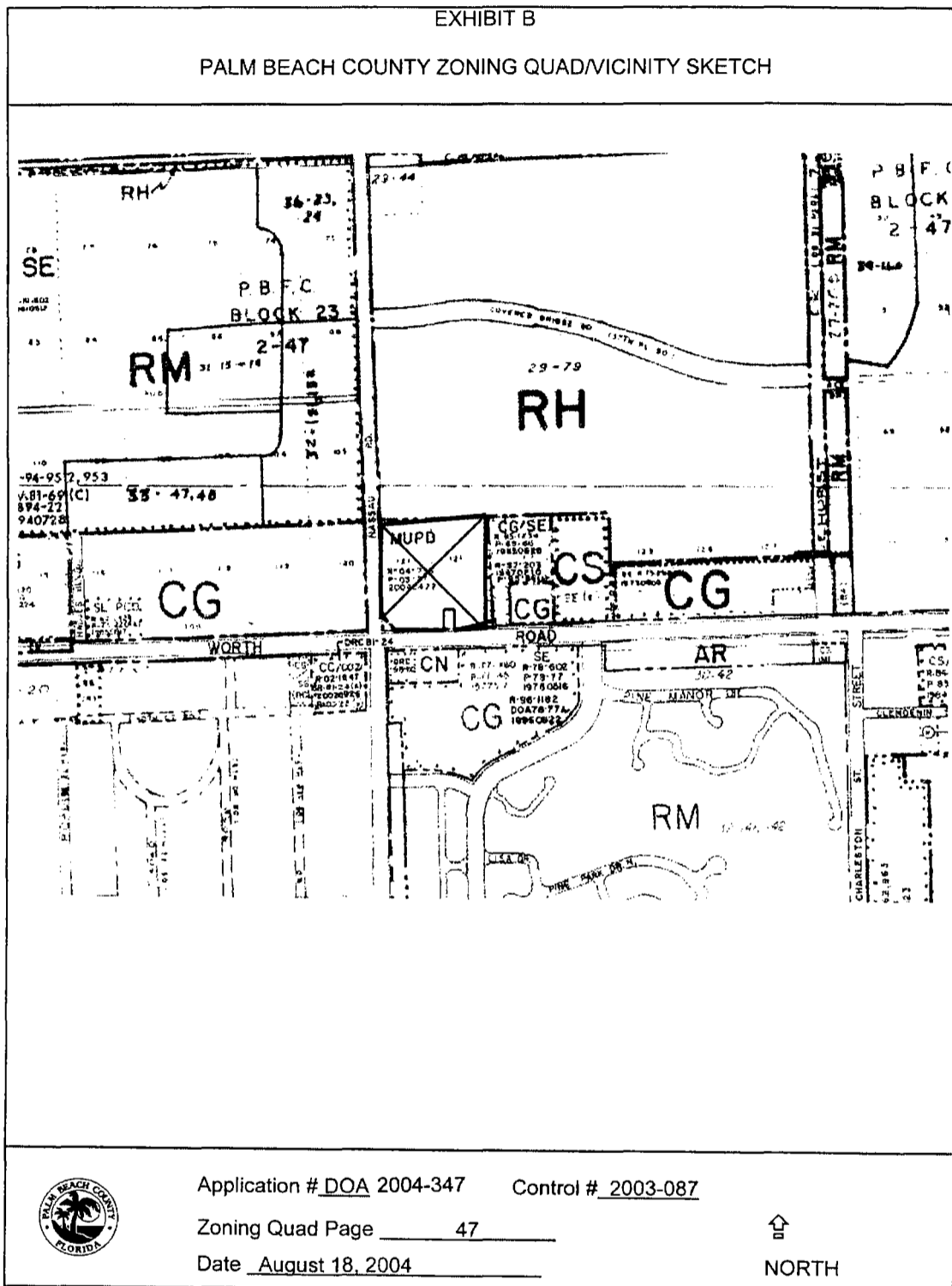


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2004-0733 (Petition 2003-087), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Condition A.1 of Resolution R-2004-0733, Petition 2003-087, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 20, 2004. 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 – Zoning)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 7, 2004. 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. LANDSCAPING - STANDARD

1. **Fifty-percent (50%) of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:**
 - a. **Tree height: Fourteen (14) feet;**
 - b. **Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;**
 - c. **Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and**
 - d. **Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning) (Previous Condition B.1 of Resolution R-2004-0733, Petition 2003-087)**
2. **All palms required to be planted on the property 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) (Previous Condition B.2 of Resolution R-2004-0733, Petition 2003-087)**
 - 3. **All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:**
 - a. **Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;**
 - b. **twenty-four (24) to thirty-six (36) inches – medium shrub;**
 - c. **forty-eight (48) to seventy-two (72) inches – large shrub; and,**
 - d. **this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE – Zoning) (Previous Condition B.3. of Resolution R-2004-0733, Petition 2003-087)**
 - 4. **All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning) (Previous Condition B.4 of Resolution R-2004-0733, Petition 2003-087)**
 - 5. **A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning) (Previous Condition B.5 of Resolution R-2004-0733, Petition 2003-087)**
 - 6. **Field adjustment of plant materials and berm location may be permitted to provide pedestrian sidewalks/bike paths; to accommodate transverse utility or drainage easements crossings, and existing vegetation. (BLDG. PERMIT: LANDSCAPE – Zoning) (Previous Condition B.6 of Resolution R-2004-0733, Petition 2003-087)**
 - 7. **Berm height shall be measured from the nearest top of the curb or the crown of the adjacent road or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: LANDSCAPE – Zoning)**
 - 8. **Prior to final DRO approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the west property line and/or any portion of the property where existing vegetation may affect the proposed landscaping. (DRO: LANDSCAPE – Zoning) (Previous Condition B.7 of Resolution R-2004-0733, Petition 2003-087)**
 - 9. **Prior to final DRO approval of the site plan, the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE – Zoning) (Previous Condition B.8 of Resolution R-2004-0733, Petition 2003-087)**
- C. **LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF LAKE WORTH ROAD)**
- 1. **Landscaping and buffering along the south property line shall be upgraded to include:**

- a. A minimum twenty-five (25) foot wide landscape buffer strip. A maximum of five (5) foot easement encroachment may be permitted;
- b. a continuous three (3) foot high berm measured from top of curb;
- c. one (1) native canopy tree for each twenty-five (25) feet linear of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition C.1 of Resolution R-2004-0733, Petition 2003-087)

D. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF NASSAU ROAD)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip. A maximum of five (5) feet easement encroachment may be permitted;
 - b. a continuous two (2) foot high berm measured from top of curb;
 - c. one (1) native canopy tree for each thirty (30) feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition D.1 of Resolution R-2004-0733, Petition 2003-087)

E. ENGINEERING

- 1. The Property owner shall lengthen the existing left turn lane west approach on Lake Worth Road at Nassau Road to provide for a minimum 350 feet of storage length. This turn lane improvement shall be constructed concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
 - a) Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.1 of Resolution R-2004-0733, Petition 2003-087)

- b) **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng) (Previous Condition E.1 of Resolution R-2004-0733, Petition 2003-087)**
- 2. **Prior to DRO approval of the final site plan this property owner shall convey two cross access easements. One cross access easement shall be to the property owner to the east, the second cross access easement shall be to the “not included” .22 acre office building site. Location of the cross access easements shall be subject to the approval of the County Engineer. Form and content shall be subject to approval of the County Attorney. (DRO: ENG – Eng) (Previous Condition E.2 of Resolution R-2004-0733, Petition 2003-087)**
- 3. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**

No Building Permits for the site may be issued after April 22, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING – Eng) (Previous Condition E.3 of Resolution R-2004-0733, Petition 2003-087)

LANDSCAPE WITHIN THE MEDIAN OF LAKE WORTH ROAD

- 4. **The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lake Worth Road. This landscaping and irrigation shall strictly conform with the specifications and standards for the County’s Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.**
 - a) **The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.4 of Resolution R-2004-0733, Petition 2003-087)**
 - b) **All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng) (Previous Condition E.4 of Resolution R-2004-0733, Petition 2003-087)**
 - c) **At petitioner’s option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: MONITORING –**

Eng) (Previous Condition E.4 of Resolution R-2004-0733, Petition 2003-087)

d) **Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lake Worth Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG) (Previous Condition E.4 of Resolution R-2004-0733, Petition 2003-087)**

5. **The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG) (Previous Condition E.5 of Resolution R-2004-0733, Petition 2003-087)**

6. **If this property owner applies for and receives a permit from the State of Florida D.O.T. for an additional access onto Lake Worth Road, the property owner shall have the ability to add this access without reapproval from the Board of County Commissioners. (ONGOING: ENG) (Previous Condition E.6 of Resolution R-2004-0733, Petition 2003-087)**

F. 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 twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;**
- b. **a continuous two and one half (2.5) foot high berm measured from top of curb;**
- c. **a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;**
- d. **one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;**
- e. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;**
- f. **one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and to be planted on both sides of the wall; and,**
- g. **one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition F.1 of Resolution R-2004-0733, Petition 2003-087)**

G. LANDSCAPING - INTERIOR

1. **A minimum of one (1) 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. (DRO: ZONING) (Previous Condition G.1 of Resolution R-2004-0733, Petition 2003-087)**

2. **Landscaping for terminal islands in the parking area shall consist of the following:**
 - a. **one (1) canopy tree for each island; and,**
 - b. **a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition G.2 of Resolution R-2004-0733, Petition 2003-087)**

3. **Special planting treatment shall be provided on both sides of the access point on Lake Worth Road. Planting shall consist of the following:**
 - a. **A minimum of three (3) Royal Palms or a similar specie acceptable to the Landscape Section;**
 - b. **a minimum of three (3) flowering trees along the access drive; and**
 - c. **shrub or hedge materials. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition G.3 of Resolution R-2004-0733, Petition 2003-087)**

4. **The landscape medians located to the north and east of the pharmacy building, and as shown on the site plan dated February 20, 2004 shall be upgraded to include the following:**
 - a. **A minimum width of eight (8) feet excluding curbs;**
 - b. **one (1) palm tree planted for each fifteen (15) linear feet of the landscape median;**
 - c. **one (1) shrub for each two (2) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation, and shall be maintained to a maximum height of thirty (30) inches at maturity. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition G.4 of Resolution R-2004-0733, Petition 2003-087)**

5. **The landscape median located between the 5,000 square foot medical office (building F) and the 5,000 square foot general repair and maintenance facility, shall be upgraded to include the following:**
 - a. **A minimum width of twelve (12) feet including curbs;**
 - b. **two (2) sets of lattice panels, a minimum of thirty (30) feet in width and a minimum of eight (8) feet in height. Vines shall be installed along the end of each set of lattice panels. Details of the lattice panels shall be submitted to the Architectural Review Section for approval prior to final DRO approval of the site plan;**
 - c. **a trellis with minimum dimensions of eight (8) feet in width and twelve (12) feet in length shall be provided at the north end of the median. Details of the trellis shall be submitted to the Architectural Review Section for approval prior to final DRO approval of the site plan;**
 - d. **a pedestrian walkway with a minimum width of six (6) feet shall be provided beneath the length of the trellis and to be connected to the pedestrian crossings. The walkway shall be paved with either stamped concrete or paving blocks;**
 - e. **a minimum of four (4) canopy trees. Tree height to be a minimum of sixteen (16) feet;**
 - f. **a minimum of two (2) palms;**
 - g. **a minimum of three (3) flowering trees. Tree height to be a minimum of ten (10) feet;**

- h. one (1) small shrub for each four (4) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
 - i. one (1) medium shrub for each four (4) linear feet of the landscape median. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition G.5 of Resolution R-2004-0733, Petition 2003-087)

- 6. The landscape median located north of the loading area of the pharmacy shall be upgraded to include the following:
 - a. A minimum width of nine (9) feet excluding curbs;
 - b. a pergola with minimum dimensions of six (6) feet in width and sixty (60) feet in length. Details of the pergola shall be submitted to the Architectural Review Section for approval prior to final DRO approval of the site;
 - c. a pedestrian walkway with a minimum width of four (4) feet shall be provided beneath the length of the pergola, and shall extend and be connected to the sidewalk and pedestrian crossing, which are located to the east (Medical Office Building). The walkway shall be paved with either stamped concrete or paving blocks;
 - d. a minimum of six (6) palms;
 - e. one (1) small shrub for each two (2) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. vines shall be installed at each end of the pergola. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition G.6 of Resolution R-2004-0733, Petition 2003-087)

- 7. The landscape median located east of the drive-thru lanes of the pharmacy shall be upgraded to include the following:
 - a. A minimum width of eight (8) feet excluding curbs;
 - b. one (1) canopy tree for each twenty (20) linear feet of the median;
 - c. one (1) palm for each thirty (30) linear feet of the median; and,
 - d. one (1) small shrub for each two (2) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation, and shall be maintained at a maximum height of thirty (30) inches at maturity. (BLDG PERMIT: LANDSCAPE – Zoning) (Previous Condition G.7 of Resolution R-2004-0733, Petition 2003-087)

- 8. Prior to final DRO approval of the site plan, the property owner shall show on the site plan, and also install the following with either stamped concrete or paving blocks:
 - a. A minimum of eight (8) feet in width for all pedestrian crosswalks;
 - b. a minimum of fifty (50) feet in length and thirty (30) feet in width at both access driveways of Nassau Road and Lake Worth Road; and,
 - c. all plazas and courtyards as shown on the site plan dated February 20, 2004. (DRO/BLDG PERMIT: ZONING/LANDSCAPE – Zoning) (Previous Condition G.8 of Resolution R-2004-0733, Petition 2003-087)

- 9. Prior to final DRO approval of the site plan, details/layout of all plazas and courtyards shall be submitted to the Architectural Review Section for review and approval. Development of these plazas and courtyards shall be consistent with the approved details/layouts. (DRO: ARCH

REVIEW – Zoning) (Previous Condition G.9 of Resolution R-2004-0733, Petition 2003-087)

H. ENVIRONMENTAL

1. **All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species.** (ONGOING: ERM) (Previous Condition H.1 of Resolution R-2004-0733, Petition 2003-087)
2. **A 25% upland set-aside equal to or greater than 0.60 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM.** (ONGOING: ERM) (Previous Condition H.2 of Resolution R-2004-0733, Petition 2003-087)
3. **A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval.** (DRO: ERM) (Previous Condition H.3 of Resolution R-2004-0733, Petition 2003-087)

I. HEALTH

1. **Owner or operator shall not cause, let, permit or allow the discharge of any hazardous waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department and the agency responsible for sewage works are provided and used by any person generating such waste.** (ONGOING: CODE ENF – Health) (Previous Condition I.1 of Resolution R-2004-0733, Petition 2003-087)
2. **Owner or operator shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.** (ONGOING: CODE ENF – Health) (Previous Condition I.2 of Resolution R-2004-0733, Petition 2003-087)
3. **Owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor.** (ONGOING: CODE ENF – Health) (Previous Condition I.3 of Resolution R-2004-0733, Petition 2003-087)

J. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets.** (BLDG PERMIT: BLDG – Zoning) (Previous Condition J.1 of Resolution R-2004-0733, Petition 2003-087)
2. **All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point.** (BLDG PERMIT: BLDG – Zoning) (Previous Condition J.2 of Resolution R-2004-0733, Petition 2003-087)

3. **All outdoor, freestanding lighting fixtures shall be setback a minimum of one hundred and five (105) feet from the north residential property line.** (BLDG PERMIT: BLDG – Zoning) (Previous Condition J.3 of Resolution R-2004-0733, Petition 2003-087)

4. Condition J.4 of Resolution R-2004-0733, Petition 2003-087, which currently states:

All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)

Is hereby amended to read:

All outdoor lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)

5. **The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material.** (ONGOING: CODE ENF – Zoning) (Previous Condition J.5 of Resolution R-2004-0733, Petition 2003-087)

K. MASS TRANSIT

1. **The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Master/Site Plans prior to the final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran.** (DRO: PALM TRAN) (Previous Condition K.1 of Resolution R-2004-0733, Petition 2003-087)

2. **Prior to the issuance of the first building permit or recordation of the plat, whichever shall first occur, the property owner shall convey and or dedicate to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran.** (BLDG PERMIT: MONITORING – Eng/Palm Tran) (Previous Condition K.2 of Resolution R-2004-0733, Petition 2003-087)

L. MUPD

1. **Prior to approval of the site plan by the Development Review Officer (DRO), 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 Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director.** (DRO: ZONING/COUNTY ATTY – Zoning) (Previous Condition L.1 of Resolution R-2004-0733, Petition 2003-087)

2. **Prior to approval of the site plan by the Development Review Officer (DRO), 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. (DRO: ZONING/COUNTY ATTY – Zoning) (Previous Condition L.2 of Resolution R-2004-0733, Petition 2003-087)

M. SIGNS

- 1. Freestanding point of purchase signs fronting on Lake Worth Road and Nassau Road shall be limited as follows:**
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet for the Lake Worth Road sign, and eight (8) feet for the Nassau Road sign;**
 - b. maximum sign face area per side - one hundred (100) square feet for the Lake Worth Road sign, and eighty (80) feet for the Nassau Road sign;**
 - c. maximum number of signs – one (1) for each Road frontage;**
 - d. style - monument style only;**
 - e. location - within fifty (50) feet of each access point;**
 - f. signs shall be limited to identification of project and/or multi-tenants only. (BLDG PERMIT: BLDG – Zoning) (Previous Condition M.1 of Resolution R-2004-0733, Petition 2003-087)**

- 2. Freestanding point of purchase signs at the intersection of Lake Worth Road and Nassau Road 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 – eighty (80) square feet;**
 - c. maximum number of signs – one (1);**
 - d. style – monument style only;**
 - e. sign shall be limited to identification of single-tenant only. (BLDG PERMIT: BLDG – Zoning) (Previous Condition M.2 of Resolution R-2004-0733, Petition 2003-087)**

- 3. Wall signs shall be limited as follows:**
 - a. The west and south facades of the pharmacy building. No wall signs shall be permitted at the drive-thru canopy and at the covered main entry of the pharmacy building;**
 - b. the south façade of the 3,800 square foot retail building and the general repair and maintenance building;**
 - c. any two (2) façades of the medical office buildings; and,**
 - d. individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG – Zoning) (Previous Condition M.3 of Resolution R-2004-0733, Petition 2003-087)**

N. USE LIMITATION

- 1. Hours of operation for the proposed 5,000 square foot general repair and maintenance facility shall be limited to 8:00am to 7:00pm Monday through Saturday and 10:00am till 4:00pm on Sunday. (ONGOING: CODE ENF – Zoning) (Previous Condition N.1 of Resolution R-2004-0733, Petition 2003-087)**

- 2. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (ONGOING: CODE ENF – Zoning) (Previous Condition N.2 of Resolution R-2004-0733, Petition 2003-087)**

- 3. No outdoor repair and storage of vehicles or parts shall be permitted on the property. (ONGOING: CODE ENF – Zoning) (Previous Condition N.3 of Resolution R-2004-0733, Petition 2003-087)**

O. 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) (Previous Condition O.1 of Resolution R-2004-0733, Petition 2003-087)**

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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING – Zoning) (Previous Condition O.2 of Resolution R-2004-0733, Petition 2003-087)