

RESOLUTION NO. R-2008- 1958

RESOLUTION APPROVING ZONING APPLICATION DOA-2008-00791
(CONTROL NUMBER 1989-00044)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF PARTNERS GLADES
BY ARTSIGN CO, AGENT
(TOPPEL CENTER)

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

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA-2008-00791 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOADOA-2008-00791, the application of Partners Glades, by ArtSign Co, agent, for a Development Order Amendment to a Development Order Amendment to delete a condition of approval (signage) 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 October 23, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Jeff Koons 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:

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Absent
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Aye
Burt Aaronson	¥	Aye
Jess R. Santamaria	¥	

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 23, 2008.

Filed with the Clerk of the Board of County Commissioners on 23rd day of October, 2008.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY:


COUNTY ATTORNEY

BY:

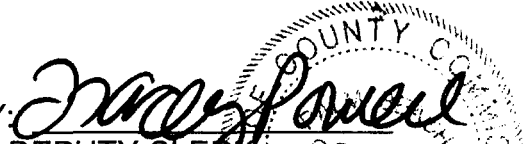
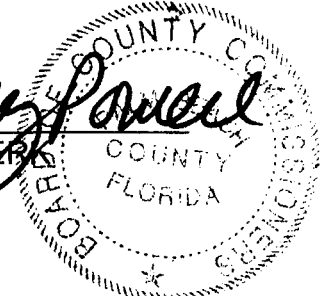

DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

TRACT 92, BLOCK 77, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 53 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 65.00 FEET THEREOF. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL "A", "GLADES ROAD BURDINES", ACCORDING THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGES 152-153 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE NORTH 00°00'22" WEST ALONG THE EAST LINE OF SAID PARCEL "A" SAID LINE ALSO BEING THE WEST LINE OF SAID TRACT 92, A DISTANCE OF 595.18 FEET TO THE SOUTHWEST CORNER OF TRACT "B", "SAVANNAHS' PLACE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 79, PAGES 148-149 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°59'38" EAST ALONG THE SOUTH LINE OF SAID TRACT "B" AND THE NORTH LINE OF SAID TRACT 92, A DISTANCE OF 330.00 FEET; THENCE SOUTH 00°00'22" EAST, ALONG THE EAST LINE OF SAID TRACT 92 A DISTANCE OF 595.18 FEET TO A POINT ON A LINE 65.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 92; THENCE SOUTH 89°59'38" WEST ALONG SAID PARALLEL LINE SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD (STATE ROAD 808) A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA CONTAINING 4.5089 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

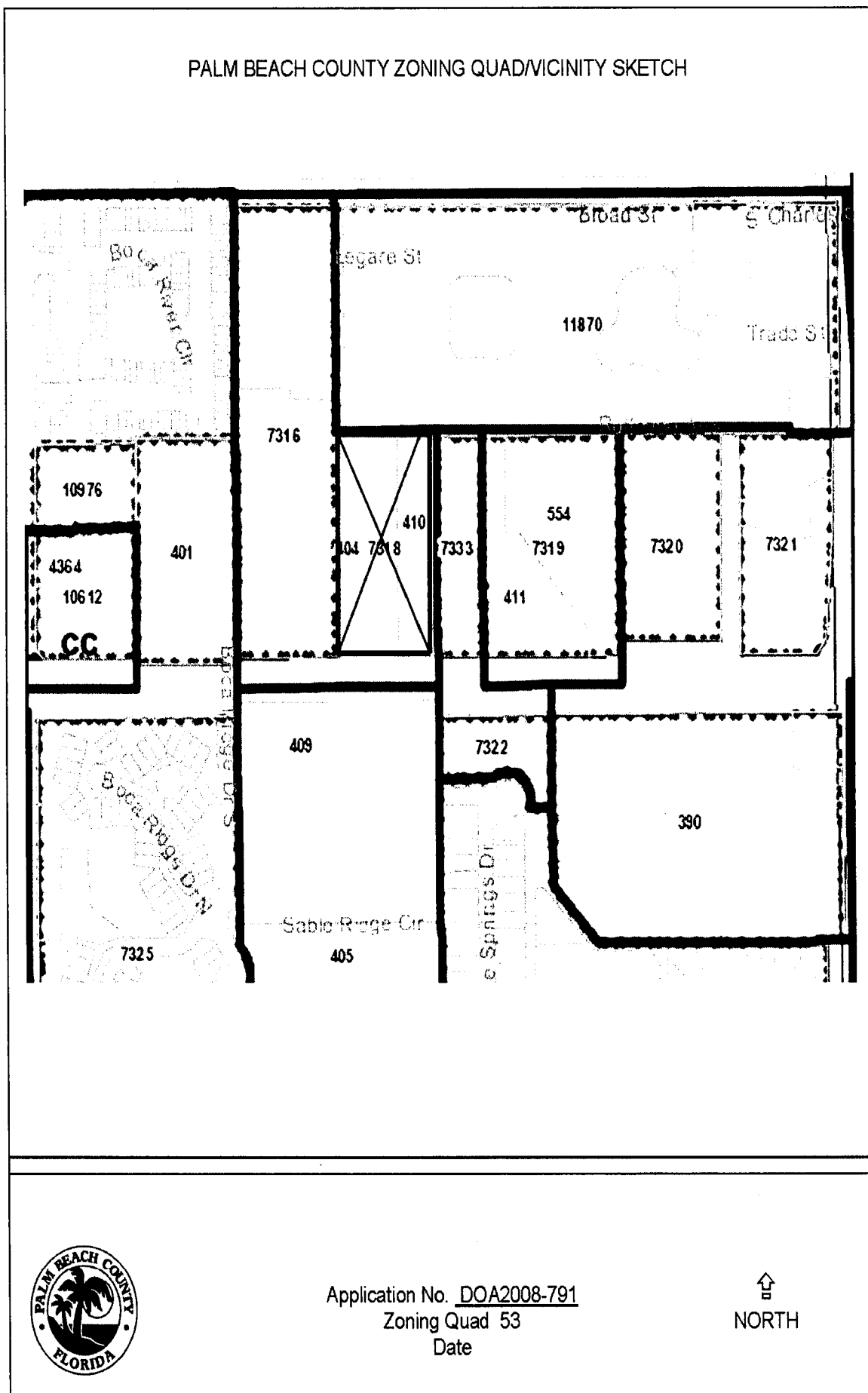


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All Petitions Condition A.3 of Resolution R-2003-1283, Petition 1989-044(B), which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved plan is dated June 11, 2003. 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-Zoning)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved plan is dated June 23, 2008. 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. (DRO: ZONING-Zoning)

BUILDING AND SITE DESIGN

1.The maximum height for all structures, including air conditioning, mechanical equipment, and satellite dishes shall not exceed the following height:

- a. medical office building - forty-five (45) feet;
- b. all other buildings thirty-five (35) feet; and
- c. all heights shall be measured from finished grade to highest point. (ONGOING: CODE ENF - Zoning) (Previous Building And Site Design Condition C.2 of Resolution R-2003-1283, Petition 1989-044(B))

2.All air conditioning, 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. (ONGOING: CODE ENF - Zoning)(Previous Building And Site Design Condition C.3 of Resolution R-2003-1283, Petition 1989-044(B))

ENGINEERING

1.LANDSCAPE WITHIN THE MEDIAN OF GLADES ROAD

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Glades 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 sub paragraph d.
- b. 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)
- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- d. 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. NOTE: This condition also allows buyout of the median cut-out condition of approval.

e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification 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 Glades 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.

Previous Condition E.1 of Resolution R-2003-1283,
Petition 1989-044(B)

Note:Complete

2. Condition E.2 of Zoning Resolution R-2003-1283 which currently states:

CUTOUT AT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF GLADES ROAD

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 provide cutouts within the concrete median of Glades Road Right-of-Way. As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and plantings are permitted, the Landscape Material within the concrete cutouts shall be approved by the County Engineer. All new landscape material shall be consistent with any 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, the cost of Cutting out the concrete median and the installation of the Landscape material shall be funded at the property owner's 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 within 90 days of the Permit issued from Palm Beach County. (ENGINEERING)

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)

Reason Cut out landscape strips are no longer a required improvement.

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 January 1, 2005. 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

Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)
Previous Condition E.3 of Resolution R-2003-1283,
Petition 1989-044(B)

4. Prior to approval of the Site Plan by the Development Review Committee, the property owner shall convey an access easement to the property owner to the west. Location of the access easement shall be approved by the County Engineer with the form and content of the easement approved by the County Attorney's Office. (DRC:ENG/CTY ATTY -Eng)
Previous Condition E.4 of Resolution R-2003-1283,
Petition 1989-044(B) [Note: COMPLETE]

5. The Property owner shall construct a right turn lane east approach on Glades Road at the Project's Entrance.

a. This construction shall be 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.

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
Previous Condition E.5 of Resolution R-2003-1283,
Petition 1989-044(B)

[Note:COMPLETE]

6. The concurrency approval for this site is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING-ENG-Eng)
Previous Condition E 6 of Resolution R-2003-1283,
Petition 1989-044(B)

ZONING - LANDSCAPING-STANDARD

1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffers, except the west property line, 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. (DRO: LANDSCAPE - Zoning) (Previous Landscaping Condition D.1 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING

2. All palms required to be planted on site by this approval shall be Booted Sabal Palms and 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. (DRO: LANDSCAPE - Zoning) (Previous Landscaping Condition D.2 of Resolution R-2003-1283, Petition 1989-044(B))

3. All new or replacement 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. (DRO: LANDSCAPE - Zoning) (Previous Landscaping Condition D.3 of Resolution R-2003-1283, Petition 1989-044B)

4.All trees and palms in the southern buffer (western portion only) shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Landscaping Condition D.4 of Resolution R-2003-1283, Petition 1989-044(B))

5.A group of three (3) or more palm or pine trees may not supersede the requirement of a canopy tree in that location, unless specified herein. This condition is applicable only to the western portion of the site. (DRO: LANDSCAPE - Zoning) (Previous Landscaping Condition D.5 of Resolution R-2003-1283, Petition 1989-044(B))

6.Landscape Condition D.6 of Resolution R-2003-1283, Petition 1989-044(B), which currently states:

All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.C.12.B of the ULDC. (DRO: LANDSCAPE - Zoning)

7.Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (DRO: LANDSCAPE - Zoning) (Previous Landscaping Condition D.7 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (GLADES ROAD FRONTAGE)

8.Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a continuous two and half (2.5) foot high berm measured from top of curb, and to be installed along the western portion of the buffer only;
- c. one (1) canopy tree planted for each thirty (30) 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; and,
- 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 (30) inches at installation
- h. existing shrubs in the eastern portion of the buffer shall be exempt from Condition D.3. (DRO: LANDSCAPE - Zoning) (Previous Landscaping Along The South Property Line Condition G.1 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ADJACENT TO RESIDENTIAL - NORTHEASTERN PORTION OF THE SITE)

9.Landscaping and buffering along the eastern portion of the north property line of the site shall be consistent with the Variance approval, BA200027 and shall include:

- a. a minimum five (5) foot wide landscape buffer strip;
- b. a six (6) foot high opaque concrete wall. 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; and,
- c. along both sides of the wall, 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. (DRO: LANDSCAPE-Zoning) (Previous Landscaping Along The North Property Line Condition H.1 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ADJACENT TO RESIDENTIAL - NORTHWESTERN PORTION OF THE SITE)

10.Landscaping and buffering along the western portion of the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the affected portion of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the affected portion of the property line with a maximum spacing of sixty (60) feet between clusters; and
- d. one (1) large shrub for each two (2) linear feet of the affected portion of the property line. Shrub shall be a minimum height of forty-eight (48) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches at maturity. (DRO:LANDSCAPE-Zoning) (Previous Landscaping Condition I.1 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING-LANDSCAPING ALONG THE WEST PROPERTY LINE (ADJACENT TO COMMERCIAL)

11.Landscaping and buffering along the west property line shall be consistent with the alternative buffer (Variance approval, BA200027) and shall include:

- a. a minimum five (5) foot wide landscape buffer strip;
- b. Sabal Palms with staggered heights planted in clusters of three (3) and at thirty (30) feet on center;
- c. 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 (DRO: LANDSCAPE-Zoning) (Previous Landscaping Along The West Property Line Condition J.1 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING-LANDSCAPING - INTERIOR

12.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-Zoning) (Previous Landscaping Interior Condition K.1 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING

13.All foundation planting for the Medical office building shall be consistent with the Variance approval BA200027 dated May 18, 2000. (DRO: ZONING-Zoning) (Previous Landscaping Interior Condition K.2 of Resolution R-2003-1283, Petition 1989-044(B))

14.Foundation planting or grade level planters shall be provided along all sides of the retail/bank structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet along the

north, east and west facades, and a minimum of eight (8) feet along the south facade;

b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure; 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. (DRO / CO: ZONING / LANDSCAPE - Zoning) (Previous Landscaping Interior Condition K.3 of Resolution R-2003-1283, Petition 1989-044(B))

ZONING - LANDSCAPING-LANDSCAPE ALTERNATIVE PLAN

15. Prior to final Development Review Committee (DRC) certification, an Alternative Landscape Plan shall be submitted showing landscaping consistent with the Variance approval, BA 200027 dated May 18, 2000. (DRO: LANDSCAPE-Zoning) (Previous Landscaping Interior Condition L.1 of Resolution R-2003-1283, Petition 1989-044(B))
NOTE: This condition only applies to the eastern portion of the site and the western buffer.

ZONING - LANDSCAPING

16. Prior to final approval of the site plan by the Development Review Committee (DRC), an Alternative Landscape Plan shall be submitted for landscaping along the north property line of the western portion of the property and/or any portion of the property where existing vegetation or easements may affect the proposed landscaping. (DRO: LANDSCAPE - Zoning) (Previous Landscaping Interior Condition L.2 of Resolution R-2003-1283, Petition 1989-044(B))

17. Prior to final approval of the site plan by the Development Review Committee (DRC), the petitioner 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 Landscaping Interior Condition L.3 of Resolution R-2003-1283, Petition 1989-044(B))

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 and the minimum necessary to satisfy the Palm Beach County Security Code. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Lighting Condition M.1 of Resolution R-2003-1283, Petition 1989-044(B))

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (ONGOING: BLDG - Zoning) (Previous Lighting Condition M.2 of Resolution R-2003-1283, Petition 1989-044(B))

3. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Lighting Condition M.3 of Resolution R-2003-1283, Petition 1989-044(B))

4. The lighting conditions above shall not apply to proposed security lights or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning) (Previous Lighting Condition M.4 of Resolution R-2003-1283, Petition 1989-044(B))

MULTIPLE USE PLANNED DEVELOPMENT

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 Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Att) (Previous MUPD Condition O.1 of

Resolution R-2003-1283, Petition 1989-044(B))

2. Prior to Site Plan Certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney. (ONGOING: COUNTY ATTY-Zoning) (Previous MUPD Condition O.3 of Resolution R-2003-1283, Petition 1989-044(B))

PALM TRAN

1. Prior to final certification of the site plan by the Development Review Officer, 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. (DRO: ZONING-Zoning) (Previous Condition N1A of Resolution R2003-1283 Control 1989-044) [NOTE: COMPLETED]

[Reason --superseded by more current language and current ULDC]

2. 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. (BLDG PERMIT: MONITORING - Eng) (Previous Condition N1B of Resolution R2003-1283 Control 1989-044) [NOTE: COMPLETED]

PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the notation on the site plan showing a possible future cross access point to the parcel to the west of the site shall be amended to read "potential vehicular and pedestrian cross access to be paved to the property line". (Previous Condition P. 1 of Resolution R-2003-1283, Control No. 1989-044) (DRO:PLANNING-Planning)

2. Prior to the issuance of a certificate of occupancy, the petitioner shall pave a vehicular and pedestrian cross access point to the edge of the western property line at the location shown on the final certified site plan that will read "potential vehicular and pedestrian cross access to be paved to the property line." (Previous Condition P. 2 of Resolution R-2003-1283, Control No. 1989-044) (CO:MONITORING-Planning)

SIGNS

1. New Freestanding point of purchase signs fronting on Glades 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; and,
- e. sign shall be limited to identification of tenants only.
- f. sign shall be designed in a manner and form consistent with the existing sign of the Medical center. (DRO:BLDG-Zoning) (Previous Sign Condition Q. 1 of Resolution R-2003-1283, Petition 1989-044(B))

2. Sign Condition Q.2 of Resolution R-2003-1283, Petition 1989-044(B), which currently states:

Wall signs shall be limited to south and west facades of the retail building and the south facade of the bank building. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO:BLDG-Zoning)

Is hereby amended to read:

Prior to issuance of a building permit for the sign on the south facade of the retail /bank building, the wall signage located on the west facade of the retail/bank building shall be removed. (BUILDING PERMIT: BLDG-Zoning)

USE LIMITATIONS

1.Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition R.1 of Resolution R-2003-1283, Petition 1989-044(B))

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)