

RESOLUTION NO. R-2009- 1826

RESOLUTION APPROVING ZONING APPLICATION DOA-2009-02691  
(CONTROL NUMBER 2003-00007)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF MISSION LAKES I, LLC, MISSION LAKES II, LLC, MISSION  
LAKES III, LLC, MISSION LAKES LLC, TARGET CORPORATION  
BY URBAN DESIGN KILDAY STUDIOS, AGENT  
(MISSION LAKES 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, 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-2009-02691 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 2009; 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 Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. This Development Order Amendment also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.
3. This Development Order Amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment minimizes environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Development Order Amendment is consistent with applicable Neighborhood Plans in accordance with BCC policy.

8. This Development Order Amendment complies with Article 2.F Concurrency.
9. There are demonstrated changed conditions or circumstances that necessitate a modification.

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 DOA-2009-02691, the application of Mission Lakes I, LLC, Mission Lakes II, LLC, Mission Lakes III, LLC, Mission Lakes LLC, Target Corporation, by Urban Design Kilday Studios, agent, for a Development Order Amendment to modify a Condition of Approval (Landscaping) 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 22, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Nay
Commissioner Shelley Vana	-	Nay
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Nay
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 22, 2009.

Filed with the Clerk of the Board of County Commissioners on October 27, 2009.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK,  
COMPTROLLER &

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



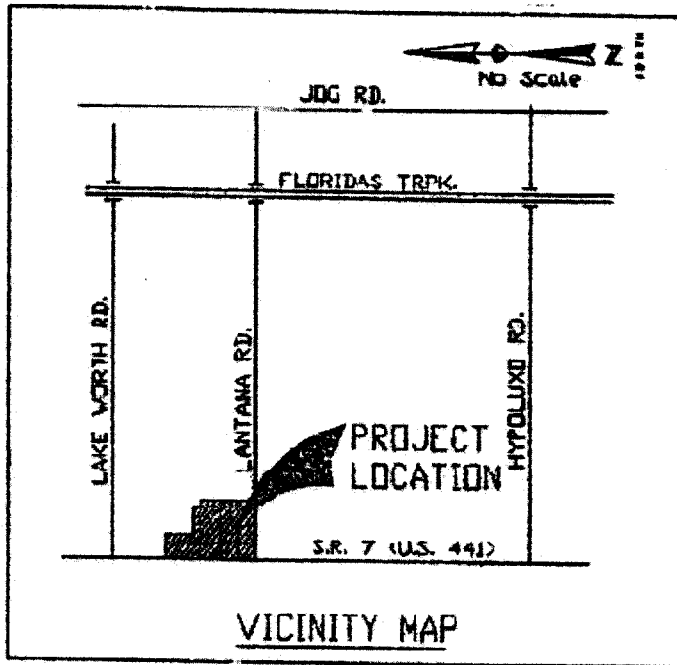
EXHIBIT A

LEGAL DESCRIPTION

**BEGINNING** AT THE INTERSECTION OF THE EAST LINE OF SAID TRACT 42 WITH THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD (STATE ROAD NO. 812) AS RECORDED IN OFFICIAL RECORDS BOOK 18457, PAGE 1181, PUBLIC RECORDS, OF SAID COUNTY; SAID NORTH RIGHT-OF-WAY LINE LYING 66.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO , THE SOUTH LINE OF SAID SECTION 31; THENCE, NORTH 88°23'30" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, AND ALONG THE NORTH RIGHT-OF-WAY LINE AS RECORDED IN OFFICIAL RECORDS BOOK 18457, PAGE 1036, SAID PUBLIC RECORDS, A DISTANCE OF 924.11 FEET; THENCE, NORTH 69°36'25" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 18.63 FEET; THENCE, NORTH 88°23'30" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND ALONG A LINE 72.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 31, A DISTANCE OF 265.31 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF SAID TRACT 41; THENCE, NORTH 01°27'15" EAST, ALONG THE WEST LINE OF SAID TRACT 25 AND ALONG THE WEST LINE OF SAID TRACT 41 AND ALONG THE WEST LINE OF SAID TRACT 40 AND ITS NORTHERLY PROLONGATION; A DISTANCE OF 1805.02 FEET TO THE NORTHWEST CORNER OF SAID TRACT 25; THENCE, NORTH 88°57'24" EAST, ALONG THE NORTH LINE OF SAID TRACT 25, A DISTANCE OF 466.42 FEET TO THE NORTHEAST CORNER OF SAID TRACT 25; THENCE, SOUTH 01°02'31" EAST, ALONG THE EAST LINE OF SAID TRACT 25 AND ITS SOUTHERLY PROLONGATION AND ALONG THE WEST LINE OF SAID TRACT 39, A DISTANCE OF 735.86 FEET TO THE INTERSECTION THEREOF WITH A LINE 45.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID TRACT 39; THENCE, NORTH 88°57'24" EAST, ALONG SAID LINE, A DISTANCE OF 565.15 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5888, PAGE 745, SAID PUBLIC RECORDS; THENCE, SOUTH 28°57'33" EAST, ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 131.52 FEET; THENCE, NORTH 88°52'17" EAST, CONTINUING ALONG SAID DEEDED PARCEL BOUNDARY, A DISTANCE OF 33.72 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT 39; THENCE, SOUTH 01°02'31" EAST, DEPARTING SAID DEEDED PARCEL BOUNDARY AND ALONG THE EAST LINE OF SAID TRACTS 39 AND 42, A DISTANCE OF 1013.12 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: **37.85** ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition All Petitions A.1. of Resolution R-2004-0735, Control 2003-007, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-1129 (Petition 2003-007), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-0735 (Control 2003-007), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition All Petitions A.2. of Resolution R-2004-0735, Control No. 2003-007, 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 April 15, 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 site design as approved by the Board of County Commissioners. The Final Site Plan is dated April 27, 2005. 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)

3. The petitioner shall have three (3) years from adoption of the resolution approving Petition 2003-007A to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning) (Previous Condition All Petitions A.4. of Resolution R-2004-0735)

4. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to replace the 4,000 square foot fast-food restaurant with a restaurant that generates an equivalent or lesser amount of traffic trips based upon an approved Traffic Study that complies with Mandatory Traffic Performance Standards in place at the time of the request. (DRO: ZONING/ENG - Zoning) (Previous Condition All Petitions A.5. of Resolution R-2004-0735) [NOTE: COMPLETED]

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Section 6.6.E. and Section 6.6.C of the ULDC, and shall be generally consistent with the elevations prepared by RSP Architects dated April 15, 2004. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ZONING - Zoning) (Previous Condition Architectural Review B.1.)

of Resolution R-2004-0735, Control No. 2003-007)

2.The maximum height for all buildings shall be thirty-two (32) feet including air conditioning, mechanical equipment, satellite dishes and opaque barriers, excluding the Garden Center portion of building A, which shall be limited to a maximum height of twenty-five (25) feet. Decorative elements shall not exceed a maximum height of forty-two (42) feet, excluding the required element at the southwest corner of building A, which shall not exceed a height of thirty-two (32) feet. All heights shall be measured from finished grade to highest point. (DRO/BLDG PERMIT: ARCH REVIEW/BLDG - Zoning) (Previous Condition Architectural Review B.3. of Resolution R-2004-0735, Control No. 2003-007)

3.All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a parapet or other visually opaque barrier that is consistent with the color, character and architectural style of the building or equivalent landscape material. (DRO/CO: ARCH REVIEW/LANDSCAPE - Zoning) (Previous Condition Architectural Review B.4. of Resolution R-2004-0735, Control No. 2003-007)

4.A minimum of one (1) decorative tower element, subject to approval by the Architectural Review Section, shall be provided along the west faade of each building as follows:

- a. above each primary public entrance, each corner, and the midpoint of building A;
  - b. above the northwest and southwest corners, and the midpoint of building B; and,
  - c. above the northwest and/or southwest corner of buildings C, D and E.
- (DRO: ARCH REVIEW - Zoning) (Previous Condition Architectural Review B.5. of Resolution R-2004-0735, Control No. 2003-007)

5.A pitched roof shall be provided along the peak of the west facade of building A. This roof shall:

- a. be provided for no less than fifty (50) percent of the total length of the roofline;
- b. have a minimum slope of 4/12;
- c. have a minimum depth of twenty (20) feet measured from the plane of the west building faade; and,
- d. be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning) (Previous Condition Architectural Review B.6. of Resolution R-2004-0735, Control No. 2003-007)

6.Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning) (Previous Condition Architectural Review B.7. of Resolution R-2004-0735, Control No. 2003-007)

7.The pedestrian walkways leading to the primary entry points of building A, as shown on the site plan dated April 15, 2004, shall be a minimum of ten (10) feet in width, and each walkway shall consist of the following:

- a. a shade structure shall be located in the vicinity of the midpoint of each walkway. Each structure shall have a minimum length and width of fifteen (15) feet, or a minimum diameter of fifteen (15) feet; have a pitched roof; and be given a finished treatment that is generally consistent with the buildings on the property;
- b. a trellis shall be located to the east and west of each shade structure, and near the western terminus of each walkway. Each trellis shall have a minimum width of eight (8) feet and a minimum length of twenty-six (26) feet, excluding those located at the terminus of the walkways, which shall have a minimum length of fourteen (14) feet;
- c. decorative paver blocks and/or stamped concrete shall be provided for the entire surface area of each walkway;
- d. one (1) canopy tree shall be planted a maximum distance of twenty (20) feet center to

center along the walkway, excluding those portions of the walkway that abut the handicapped parking spaces, where the maximum spacing shall be thirty (30) feet center to center. Adjustments shall be permitted to accommodate required shade structures and trellises; and,

e. decorative lighting, subject to approval by the Architectural Review Section, shall be provided along the entire length of each walkway. (DRO/CO: ZONING/LANDSCAPE - Zoning) (Previous Condition Building and Site Design C.2. of Resolution R-2004-0735, Control No. 2003-007)

8. Each trellis, as shown on the site plan dated April 15, 2004, shall include the following, unless otherwise indicated herein:

- a. a minimum width of eight (8) feet and a minimum length of twenty-six (26) feet;
- b. a sitting area that has a direct connection, and lies immediately adjacent to the pedestrian sidewalk system on the property. Each of these areas shall be a minimum width of five (5) feet, a minimum length of ten (10) feet, and be equipped with a minimum of two (2) pedestrian benches and trash receptacles. This requirement shall not apply to the trellises required by Condition C.2.b; and,
- c. the entire ground surface area shall be paved with the same treatment provided to satisfy Condition C.2.c. (DRO/CO/BLDG PERMIT: ARCH REVIEW/LANDSCAPE/BLDG - Zoning) (Previous Condition Building and Site Design C.3. of Resolution R-2004-0735, Control No. 2003-007)

9. A promenade shall be provided along the west facade of buildings A and B. The promenade shall have a minimum overall width of ten (10) feet for building A, with a minimum unobstructed width of nine (9) feet. The promenade for building B shall have a minimum overall width of eight (8) feet with a minimum unobstructed width of seven (7) feet. The promenades shall:

- a. extend a minimum seventy-five (75) percent of the total length of the west facade of building A and a minimum fifty (50) percent of the total length of west facade of building B;
- b. have a pitched roof with a minimum slope of 4/12. No flat roof shall be permitted;
- c. have a minimum clearance of fourteen (14) feet measured from top of sidewalk surface to the underside of the canopy;
- d. include a minimum of one (1) bench for each twenty (20) linear feet of the promenade; and,
- e. be subject to review and approval by the Architectural Review Section. (DRO/CO: ARCH REVIEW/LANDSCAPE - Zoning) (Previous Condition Building and Site Design C.4. of Resolution R-2004-0735, Control No. 2003-007)

10. Prior to final DRO approval, the site plan shall be revised to indicate a minimum of two (2) outdoor seating areas along the west facade of building A. These areas shall:

- a. be a minimum width and length of twenty (20) feet;
- b. contain a minimum of two (2) shaded tables and appropriate seating; and,
- c. be paved with the same treatment provided to satisfy Condition C.2.c. (DRO/CO: ZONING/LANDSCAPE - Zoning) (Previous Condition Building and Site Design C.5. of Resolution R-2004-0735, Control No. 2003-007)

11. Prior to final DRO approval, the site plan dated April 15, 2004, shall be revised to indicate:

- a. a Type D curb along the east edge of the drive aisle located immediate to the west of building A. Curb cuts shall be provided to align with all pedestrian pathways;
- b. decorative paver blocks and/or stamped concrete for the portion of the drive aisle located between the pedestrian crossings to the west of building A. This treatment shall be applied to the entire surface of the applicable area, excluding any alternative paving treatment that may be provided for pedestrian crossings, and be consistent with the paving treatment provided at the points of ingress/egress to the site;
- c. planters along the north and south sides of each bollard; and,

d. a fountain, subject to review and approval by the Architectural Review Section, in the vicinity of the southwest corner of building A. (DRO/CO: ZONING/LANDSCAPE - Zoning) (Previous Condition Building and Site Design C.6. of Resolution R-2004-0735, Control No. 2003-007)

12. Prior to final DRO approval, details for all focal points, shade structures, trellises, cart corrals, and signs, as shown on the site plan dated April 15, 2004, shall be submitted for review and approval by the Architectural Review Section. Special planting treatment shall not satisfy the requirement for any focal point, excluding the focal points that are located to the north and south sides of the central access drive from State Road 7/U.S. 441. Each element shall be generally consistent with the details prepared by RSP Architects dated April 15, 2004, as applicable. (DRO: ARCH REVIEW - Zoning) (Previous Condition Building and Site Design C.7. of Resolution R-2004-0735, Control No. 2003-007)

13. Prior to final DRO approval, the site plan shall be amended to indicate a pedestrian amenity in the vicinity of the southwest corner of the property. This amenity shall be in the form of a clock tower, water fountain, plaza, courtyard, or other similar feature, and be subject to review and approval by the Architectural Review Section. (DRO: ZONING/ARCH REVIEW - Zoning) (Previous Condition Building and Site Design C.8. of Resolution R-2004-0735, Control No. 2003-007)

## ENGINEERING

1. The Property owner shall:

- a. lengthen the existing left turn lane north approach on State Road 7 at the Projects main Entrance Road to provide for a left turn lane length of 415 feet; [Note: COMPLETED]
- b. construct a right turn lane south approach on SR 7 at each of the project's entrances; [Note: COMPLETED]
- c. construct a right turn lane east approach on Lantana Road at the project's west and east entrance; and, [Note: COMPLETED]
- d. construct a left turn lane west approach on Lantana Road at the project's east entrance. [Note: COMPLETED]
- e. This construction 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.
- f. 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) [Note: COMPLETED]
- g. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) [Note: COMPLETED] (Previous Condition E.1. of Resolution R-2004-0735, Control No. 2003-007)

2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for more than 170,000 square feet of gross leasable floor area of general commercial (which will generate 371 net external PM trips per day) shall not be issued until the construction has commenced for the construction of intersection improvements at Lake Worth Road and SR 7 to provide for:
  - triple left turn lanes north approach;
  - 4 south approach through lanes (to be accomplished by restriping the existing right turn lane to become a shared through/right lane). This construction shall also include any required signal modifications at SR 7 and Lake Worth Road; and,
  - east approach dual right turn lanes including all bridge modifications. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]
- b. Building Permits for more than 186,500 square feet of gross leasable floor area of general commercial; a 2,600 square foot bank; and a 4,000 square foot fast food or equivalent restaurant (which will generate 519 net external PM trips per day) shall not be issued until construction has commenced for the construction of Lyons Road as a 4-lane facility from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. The construction must include the construction the following turn/through lanes at the



intersection of Lyons Road and Lantana Road:

- north approach left turn lane;
- 2 thru lanes north approach;
- north approach right turn lane;
- south approach left turn lane;
- 2 thru lanes south approach ; and,
- south approach right turn lane.

(BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]

c. Building Permits for more than 186,500 square feet of gross leasable floor area of general commercial; a 3,500 square foot bank; and a 4,000 square foot fast food or equivalent restaurant (which will generate 601 net external PM trips per day) shall not be issued until the construction has commenced for the construction of intersection improvements at Lyons Road and Lake Worth Road to provide for a north and south approach right turn lane. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]

d. No Building Permits for the site may be issued after January 1, 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)

e. The mix of allowable commercial uses, as permitted by the Zoning Division, listed above may be adjusted 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. (ONGOING: ENGINEERING - Eng)

f. Acceptable surety required for the offsite road improvements as outlined in Conditions E.3.a) (excluding east approach dual right turn lanes), E.3.b), and E.3.c) shall be posted with the Office of the Land Development Division on or before September 25, 2004. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event that such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng) (Previous Condition E.3. of Resolution R-2004-0735, Control No. 2003-007)

### 3.LANDSCAPE WITHIN THE MEDIAN OF LANTANA ROAD AND SR 7

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road and SR 7. This landscaping and irrigation shall strictly conform to 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.

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) [Note: COMPLETED]

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng) [Note: COMPLETED]

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.

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 frontage along Lantana Road and SR 7. 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. (DRO: ENGINEERING Eng) [Note: COMPLETED] (Previous Condition E.4. of Resolution R-2004-0735, Control No. 2003-007)

4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRO: ENGINEERING - Eng) (Previous Condition E.5. of Resolution R-2004-0735, Control No. 2003-007)

5. Prior to the issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane east approach on Lantana Road at the project's east and west entrance road(s). 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. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6. of Resolution R-2004-0735, Control No. 2003-007) [Note: COMPLETED]

6. Prior to December 1, 2004, or prior to the issuance of the first building permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for an expanded intersection at Lantana Road and SR 7. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include provisions for a 40-foot "Corner Clips". (DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E.7. of Resolution R-2004-0735, Control No. 2003-007) [Note: COMPLETED]

7. Prior to December 1, 2004, the property owner shall provide for the acquisition by funding the cost of the right-of-way and all associated costs for Lyons Road from Lantana Road to Hypoluxo Road plus the appropriate paved tapers as a 108-foot right-of-way within the limits referenced in the Phasing Condition above. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before December 1, 2004. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Eng) (Previous Condition E.8. of Resolution R-2004-0735, Control No. 2003-007) [Note: COMPLETED]

8. On or before June 1, 2005, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING - Eng) (Previous Condition E.9. of Resolution R-2004-0735, Control No. 2003-007) [Note:

COMPLETED]

9. Prior to December 1, 2005, the property owner shall commence the construction of Lyons Road as a 4-lane facility (expandable to 6 lanes) from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Eng) (Previous Condition E.10. of Resolution R-2004-0735, Control No. 2003-007) [Note: COMPLETED]

10. The Property owner shall construct intersection improvements at Lake Worth Road and SR 7 to provide for:

- 4 south approach through lanes (to be accomplished by restriping the existing right turn lane to become a shared through/right lane); and,
- signal modifications as required by the County Engineer

a. This construction 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.

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) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 170,000 square feet of gross leasable floor area of general commercial. (CO: MONITORING - Eng) [Note: COMPLETED] (Previous Condition E.11. of Resolution R-2004-0735, Control No. 2003-007)

11. The property owner shall construct intersection improvements at Lyons Road and Lake Worth Road to provide for a north and south approach right turn lane.

a. This construction 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.

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) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 186,000 square feet of gross leasable floor area of general commercial; 3,500 square foot bank; and a restaurant that is equivalent to a 4,000 square foot fast food restaurant. (CO: MONITORING - Eng) [Note: COMPLETED] (Previous Condition E.12. of Resolution R-2004-0735, Control No. 2003-007)

12. Prior to approval of the Site Plan by the Development Review Officer, the property owner shall convey an access easement to the property owner to the east. 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. (DRO: ENGINEERING - Eng) (Previous Condition E.13. of Resolution R-2004-0735, Control No. 2003-007) [Note: COMPLETED]

13. The Property Owner shall fund the cost of a temporary signal if warranted as determined by the County Engineer at the project's east entrance at Lantana Road. Cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition.

a. No Building Permits shall be issued until the developer provides acceptable surety to the Land Development Division in an amount determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.14. of Resolution R-2004-0735, Control No. 2003-007) [Note: COMPLETED]

14.If the adjacent parcel to the east provides this site an access easement, which will provide paved continuity to the Bellaggio entrance, then concurrent with the paving and drainage improvements for the adjacent site, this property's owner shall:

- a. Construct a restricted median opening at the project's east entrance on Lantana Road.
  - i. Construction shall be completed within 9 months of notification by the County Engineer that the existing median opening will be required to be modified to provide for a restricted median opening. 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, the cost of all construction, and Permit modifications from Palm Beach County. (ONGOING: ENGINEERING - Eng)
- b. Fund the removal of the temporary traffic signal on Lantana Road at the project's east entrance. Funding for this construction shall be completed within 30 day notification to the property owner that signal modifications are required. (ONGOING: ENGINEERING - Eng) (Previous Condition E.15. of Resolution R-2004-0735, Control No. 2003-007) [Note: COMPLETED]

15.Site clearing and construction shall be phased such that phase 1 consists solely of the construction of a bridge crossing(s) over the LWDD E-1 Canal. No further construction activity shall begin until such time that phase 1 has been completed. (ONGOING: ENGINEERING - Eng) (Previous Condition E.16. of Resolution R-2004-0735, Control No. 2003-007) [NOTE: COMPLETED]

#### 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 - ERM) (Previous Condition F.1. of Resolution R-2004-0735, Control No. 2003-007)

#### LANDSCAPE - GENERAL

1.All palms required to be planted on the property 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. (Previous Condition Landscaping - Standard D.2. of Resolution R-2004-0735, Control No. 2003-007) (CO: LANDSCAPE - Zoning)

2.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 where a single row of shrub or hedge is required on one or both sides of a fence. (CO: LANDSCAPE - Zoning)(Previous Condition Landscaping - Standard D.3. of Resolution R-2004-0735, Control No. 2003-007)

3.All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (Previous Condition Landscaping - Standard D.4. of Resolution R-2004-0735, Control No. 2003-007) (CO: LANDSCAPE - Zoning)

4.A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Condition Landscaping - Standard D.5. of Resolution R-2004-0735, Control 2003-007)

5.Field adjustment of berms and plant materials may be permitted to provide

pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: LANDSCAPE - Zoning) (Previous Condition Landscaping - Standard D.6. of Resolution R-2004-0735, Control No. 2003-007)

#### LANDSCAPE - INTERIOR

6.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. Adjustment of island spacing shall be permitted, subject to approval by the DRO, to accommodate walkway alignment and/or to maximize screening from the south property line. (DRO: ZONING - Zoning) (Previous Condition Landscaping - Interior I.1. of Resolution R-2004-0735, Control No. 2003-007)

7.Landscaped divider medians shall be provided at every third row of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb. At a minimum, landscaping for divider medians in any parking area shall consist of the following:

- a. one (1) canopy or flowering tree for each thirty (30) linear feet of the median; and,
- b. one (1) palm for each thirty-five (35) linear feet of the median;
- c. This condition shall not apply to the two (2) divider medians that include a pedestrian pathway leading to the primary points of public entry to building A, as shown on the site plan dated April 15, 2004. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscaping - Interior I.2. of Resolution R-2004-0735, Control No. 2003-007)

8.Landscaped diamonds with a minimum planting area of twenty-five (25) square feet shall be provided within all rows of abutting parking. These diamonds shall be located at the common intersection of four (4) parking spaces and be spaced a maximum of four (4) parking spaces apart. A minimum of one (1) canopy tree and appropriate ground cover shall be provided within each diamond. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscaping - Interior I.3. of Resolution R-2004-0735, Control 2003-007)

- 9.Foundation planting or grade level planters shall be provided along the following:
- a. north, south, east and west facades of buildings A and B;
  - b. south, east and west facades of building C;
  - c. north, south and west facades of buildings D and E;
  - d. exterior side of the twelve (12) foot high wing wall attached to building E;
  - e. the minimum width of the required landscape areas shall be eight (8) feet, excluding the wing wall of building E, where the minimum width shall be five (5) feet;
  - f. the length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each applicable building facade, excluding the wing wall attached to building E and the Garden Center portion of building A, where the minimum length shall be no less than seventy-five (75) percent of the total length of the building or wall facade;
  - g. the required foundation planting along the west (front) facade of buildings A and B shall be located between the promenade and drive aisle, where applicable;
  - h. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building or wall facade and appropriate ground cover; and,
  - i. trees and/or palms shall have the following minimum height at installation for building A only:
    - 1) twenty-four (24) feet or greater: minimum sixty (60) percent of all required trees and/or palms;
    - 2) eighteen (18) feet to twenty-four (24) feet: maximum twenty (20) percent of all required trees and/or palms; and,
    - 3) sixteen (16) feet to eighteen (18) feet: maximum twenty (20) percent of all required trees and/or palms. (CO: LANDSCAPE - Zoning) (Previous Condition Landscaping - Interior I.4. of Resolution R-2004-0735, Control No. 2003-007)

10.Landscaping for terminal islands in the parking area shall consist of the following:

- a. one (1) canopy tree for each ten (10) linear feet of the 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. (Previous Condition I.5. of Resolution R-2004-0735, Control No. 2003-007) (CO: LANDSCAPE - Zoning)

11. Both sides of any access driveway from State Road 7/U.S. 441 and Lantana Road shall be landscaped with the following:

- a. a minimum of one (1) Royal Palm or other specimen species that is acceptable to the Landscape Section for each twenty (20) linear feet of the total driveway throat distance. Any portion of a driveway throat that traverses a LWDD drainage easement shall be excluded;
- b. a continuous row of shrub or hedge between all palms. Shrub or hedge material shall be maintained at a maximum height of thirty (30) inches; and,
- c. appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscaping - Interior I.7. of Resolution R-2004-0735, Control No. 2003-007)

12. Special planting treatment shall be provided within all medians at an access driveway from State Road 7/U.S. 441 and Lantana Road, and within any interior drive aisle median. Planting shall consist of the following:

- a. a minimum of five (5) specimen palms (Medjool, Canary, Royal, or other similar species, subject to Landscape Section approval) per driveway median, and a minimum of one (1) specimen palm for each twenty (20) linear feet of a drive aisle median. All palms shall be of the same variety;
- b. a continuous row of shrub or hedge between all palms. Shrub or hedge materials shall be maintained at a maximum height of thirty (30) inches; and,
- c. appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscaping - Interior I.8. of Resolution R-2004-0735, Control No. 2003-007)

13. Prior to final DRO approval, the site plan shall be amended to indicate a minimum fifty (50) foot wide open/green space area between the drive-thru lanes for building C and the drive aisle located to the east. This area shall be landscaped with the following:

- a. a minimum of one (1) canopy tree planted for each thirty (30) linear feet of curb;
- b. a minimum of one (1) flowering tree planted for each thirty (30) linear feet of curb;
- c. a minimum of one (1) medium shrub or hedge for each four (4) linear feet of curb; and,
- d. appropriate ground cover. (DRO: LANDSCAPE - Zoning) (Previous Condition Building and Site Design C.10. of Resolution R-2004-0735, Control No. 2003-007)

14. Landscaping along the south boundary of the dry retention pond (Pond A) and the west boundary of the stormwater retention basin (Pond B) shall consist of the following:

- a. a minimum of one (1) canopy tree planted for each thirty (30) linear feet of the applicable boundary of each retention area;
- b. a continuous row of shrub or hedge between all canopy trees, where applicable;
- c. a group of no less than five (5) flowering trees, to be planted at both the northeast corner and the west end of the dry retention pond (Pond A), and at the north end of the stormwater retention area (Pond B); and,
- d. appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscaping - Interior I.10. of Resolution R-2004-0735, Control No. 2003-007)

15. The south side of the drive aisle located to the northwest of building A (across from the retention ponds) shall be landscaped as follows:

- a. a minimum of one (1) canopy tree planted for each thirty (30) linear feet of the median;
- b. a minimum of one (1) flowering tree planted for each fifty (50) linear feet of the median;
- c. a continuous row of medium shrub or hedge between all trees, where applicable; and,
- d. appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscaping - Interior I.11. of Resolution R-2004-0735, Control No. 2003-007)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGES OF LANTANA ROAD AND STATE ROAD 7/U.S. 441)**

16. Previous Condition Landscaping - G.1. of Resolution R-2004-0735, Control No. 2003-007, which currently states:

Landscape and buffering along the south and west property lines shall be upgraded to include:



- a. a minimum forty-five (45) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous seven (7) foot high berm measured from top of curb. Field adjustment of berm location may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation;
- c. two (2) meandering rows of canopy trees, to be planted in a staggered manner to maximize screening. A minimum of fifty (50) percent of all required canopy trees along the south property line (frontage of Lantana Road only) shall be Laurel Oak and/or other fast growing species that is acceptable to the Landscape Section. Tree spacing within each row shall not exceed thirty (30) feet center to center;
- d. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) flowering tree for each fifty (50) linear feet of the property line; and,
- f. 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;
- g. one (1) medium native shrub (Saw Palmetto or other ornamental grass species approved by the Landscape Section) for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- h. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.

Is hereby amended to read:

#### LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD)

Landscape and buffering along the south property line shall be upgraded to include:

- a. a minimum forty-five (45) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous seven (7) foot high berm measured from top of curb. Field adjustment of berm location may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation;
- c. two (2) meandering rows of canopy trees, to be planted in a staggered manner to maximize screening. A minimum of fifty (50) percent of all required canopy trees along the south property line (frontage of Lantana Road only) shall be Laurel Oak and/or other fast growing species that is acceptable to the Landscape Section. Tree spacing within each row shall not exceed thirty (30) feet center to center;
- d. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) flowering tree for each fifty (50) linear feet of the property line; and,
- f. 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;
- g. one (1) medium native shrub (Saw Palmetto or other ornamental grass species approved by the Landscape Section) for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- h. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

#### LANDSCAPE - PERIMETER

##### 17. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING NONCONFORMING COMMERCIAL USE AND UNDEVELOPED PROPERTY)

Landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm measured from top of curb;
- c. a six (6) foot high black or green vinyl coated chain link fence shall be located on the plateau of the berm;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, and to be planted alternating on both sides of the fence; and,

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, and to be planted alternating on both sides of the fence. (Previous Condition H.1. of Resolution R-2004-0735, Control No. 2003-007) (CO: LANDSCAPE - Zoning)

18. The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. 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,
- b. 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. (Previous Condition H.2. of Resolution R-2004-0735, Control No. 2003-007) (CO: LANDSCAPE - Zoning)

19. Along the interior side of the required fence, the petitioner shall install forty-eight (48) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a height of seventy-two (72) inches at maturity. (Previous Condition H.3. of Resolution R-2004-0735, Control No. 2003-007) (CO: LANDSCAPE - Zoning)

20. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous Condition Landscaping - Standard D.1. of Resolution R-2004-0735, Control No. 2003-007) (CO: LANDSCAPE - Zoning)

#### 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. (Previous Condition J.1. of Resolution R-2004-0735, Control No. 2003-007) (ONGOING: CODE ENF - Zoning)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (Previous Condition J.2. of Resolution R-2004-0735, Control No. 2003-007) (ONGOING: CODE ENF - Zoning)

3. All outdoor, freestanding lighting fixtures shall be setback a minimum of twenty-five (25) feet from the north and east property lines. (Previous Condition J.3. of Resolution R-2004-0735, Control No. 2003-007) (CO: BLDG - Zoning)

4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after operating hours, excluding security lighting only. (Previous Condition J.4. of Resolution R-2004-0735, Control No. 2003-007) (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. (Previous Condition J.5. of Resolution R-2004-0735, Control No. 2003-007) (ONGOING: CODE ENF - Zoning)

#### PLANNED DEVELOPMENT-MUPD

1. Prior to final DRO approval, the Regulating Plan shall be amended to indicate details for each focal point, shade structure, bench, trellis, pedestrian pathway, freestanding sign, entrance wall sign, and bridge at a canal crossing. All proposed elements/structures shall demonstrate an architectural style and be given a finished treatment that is generally consistent with the principle structures on the property, where applicable. Each detail shall be subject to approval by the Architectural Review Section and be generally consistent with the applicable details prepared by RSP Architects dated April 15, 2004. (DRO: ARCH REVIEW - Zoning) (Previous Condition MUPD K.1. of Resolution R-2004-0735, Control No.



2003-007)

2. Prior to final approval by the DRO, the petitioner 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 - Zoning) (Previous Condition MUPD K.2. of Resolution R-2004-0735, Control No. 2003-007)

3. Prior to final approval by the DRO, the property owner shall record a covenant/unity of control 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/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Atty) (Previous Condition MUPD K.3. of Resolution R-2004-0735, Control No. 2003-007)

4. Prior to final approval by the DRO, the pattern book prepared by RSP Architects dated April 15, 2004, shall be amended to include:

- a. sign details that are consistent with the exhibits presented to the Board of County Commissioners on April 22, 2004;
- b. final details for all buildings, structures, and all other elements requiring review and approval by the Architectural Review Section; and,
- c. all details shall be consistent with the elevations approved by the Architectural Review Section. (DRO: ZONING - Zoning) (Previous Condition MUPD K.4. of Resolution R-2004-0735, Control No. 2003-007)

#### PLANNING

1. The maximum gross buildable area of commercial uses on the northern 8.15 acre portion of the site shall be limited to a maximum of 49,940 square feet. (ONGOING: PLANNING - Planning) (Previous Condition L.1. of Resolution R-2004-0735, Control No. 2003-007)

2. Prior to final DRO approval of the site plan, the northern 8.15-acre portion of the site shall provide pedestrian and vehicular cross access with the remaining 30.07-acre southern portion of the site. (DRO: PLANNING -Planning) (Previous Condition L.2. of Resolution R-2004-0735, Control No. 2003-007)[COMPLETE]

3. Prior to final DRO approval of the site plan, the northern 8.15-acre portion of the site shall be developed consistent with the remaining 30.07-acre southern portion of the site under one unified site plan. (DRO: PLANNING - Planning) (Previous Condition L.3. of Resolution R-2004-0735, Control No. 2003-007)[COMPLETE]

4. The site plan shall be limited to one directional median access point onto State Road 7, and at a location to be reviewed and approved by FDOT and the County Engineer. Additional right turn access points may also be permitted subject to review and approval by FDOT and the County Engineer. (Previous Condition L.4. of Resolution R-2004-0735, Control No. 2003-007) (DRO: PLANNING/ENG - Planning)[COMPLETE]

#### SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
- a. maximum sign height, measured from finished grade to highest point - ten (10) feet for sign A and eight (8) feet for all other signs. No ornaments shall be permitted atop any sign;
  - b. maximum sign face area per side - one hundred and fifty (150) square feet for sign A and one hundred (100) square feet for all other signs;
  - c. maximum number of signs - three (3) for the frontage of State Road 7/U.S. 441 and two (2) for the frontage of Lantana Road, for a total of five (5) for the entire site;

- d. style - monument style only;
- e. location - within one hundred (100) feet to the south of the southernmost entrance from State Road 7/U.S. 441 for sign A; one (1) sign within one hundred (100) feet to the south of the north and central entrance from State Road 7/U.S. 441; and one (1) sign within fifty (50) feet of each entrance from Lantana Road;
- f. content each sign along the frontage of Lantana Road shall be limited to one (1) tenant only; and,
- g. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning) Previous Condition Signs M.1. of Resolution R-2004-0735, Control No. 2003-007)

2. Wall signs shall be limited to the south and west facades of each building. Individual lettering size for buildings B, C, D and E shall be limited to a maximum height of twenty-four (24) inches. Individual lettering size for building A shall be limited to a maximum height of seventy-two (72) inches for the west facade, and a maximum height of forty-eight (48) inches for the south facade. Wall signs shall be limited to identification of tenants only, unless otherwise authorized herein or subject to variance approval by the Board of Adjustment, and comply with all ULDC regulations. (CO: BLDG - Zoning) (Previous Condition Signs M.2. of Resolution R-2004-0735, Control No. 2003-007)

3. Wall signs for building A that consist of a logo only shall be limited to a maximum diameter of nine (9) feet for the west facade and six (6) feet for the south facade. These signs shall be subject to compliance with all applicable ULDC regulations. (CO: BLDG - Zoning) (Previous Condition Signs M.3. of Resolution R-2004-0735, Control No. 2003-007)

4. Wall signs shall be limited to channel letters only. Painted wall signs shall be prohibited. (BLDG PERMIT: BLDG - Bldg) (Previous Condition Signs M.4. of Resolution R-2004-0735, Control No. 2003-007)

5. Entrance wall signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign length - sixteen (16) feet;
- c. maximum number of signs - one (1) on each side of the applicable entrance drives and one (1) additional sign, for a total of five (5) for the entire site;
- d. style - monument style only; and,
- e. location within thirty (30) feet of the central entrance from State Road 7/U.S. 441 measured from edge of pavement; within thirty (30) feet of the westernmost entrance from Lantana Road measured from edge of pavement; and in the general vicinity of the southwest corner of the site. (CO: BLDG - Zoning) (Previous Condition Signs M.5. of Resolution R-2004-0735, Control No. 2003-007)

#### SITE DESIGN

1. Prior to final DRO approval, the site plan shall be amended to indicate medians as follows:

- a. within all access driveways from State Road 7/U.S. 441 and Lantana Road;
- b. the width of these medians shall be a minimum of ten (10) feet excluding curb;
- c. the length of each median shall be subject to approval by the DRO and County Engineer; and,
- d. the requirement for any median shall be subject to approval by the County Engineer. (DRO: ZONING - Zoning) (Previous Condition Building and Site Design C.9. of Resolution R-2004-0735, Control No. 2003-007) [NOTE: COMPLETE]

2. Prior to final approval by the DRO, the site plan shall be revised to indicate decorative pavement (paver blocks or stamped concrete) as follows:

- a. at all points of ingress/egress from State Road 7/U.S. 441 and Lantana Road;
- b. this pavement shall begin at the property line or base building line, whichever may apply; extend a minimum distance of fifty (50) feet into the interior area of the site; and cover the entire surface of the required driveway area and any adjacent four-way intersection; and,
- c. the same pavement shall be provided at each applicable location. (DRO: ZONING - Zoning) (Previous Condition Landscaping - Interior I.9. of Resolution R-2004-0735, Control No. 2003-007)

## USE LIMITATIONS

1. Retail business activity shall not be allowed on the property, including deliveries, prior to 7:00 a.m. nor continue later than 10:00 p.m. Monday through Saturday. Retail business activity and deliveries on Sunday shall not be allowed prior to 8:00 a.m. nor continue later than 9:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.1. of Resolution R-2004-0735, Control No. 2003-007)

2. Outdoor display, storage or placement of any material, refuse, equipment or debris shall not be permitted on the property, unless authorized herein. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.2. of Resolution R-2004-0735, Control No. 2003-007)

3. Outside vendors and the storage of rental trucks/trailers shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.3. of Resolution R-2004-0735, Control No. 2003-007)

4. Repair or maintenance of vehicles shall not be permitted. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.4. of Resolution R-2004-0735, Control No. 2003-007)

5. Outdoor retail business activities shall not be allowed, excluding deliveries and enclosed garden center area only. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.5. of Resolution R-2004-0735, Control No. 2003-007)

6. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.6. of Resolution R-2004-0735, Control No. 2003-007)

7. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.7. of Resolution R-2004-0735, Control No. 2003-007)

8. Shopping carts for all buildings and uses on the property shall be stored within the buildings and/or behind an opaque screening wall that is attached to the building. Outdoor cart storage within the designated cart corrals shall be permitted only during business hours. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.8. of Resolution R-2004-0735, Control No. 2003-007)

9. All delivery vehicles shall be required to access the site from State Road 7/U.S. 441 only. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.9. of Resolution R-2004-0735, Control No. 2003-007)

10. All delivery vehicles shall be in the off position while loading, unloading or standing idle, unless required to refrigerate perishable items. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.10. of Resolution R-2004-0735, Control No. 2003-007)

11. No fast food or drive-thru restaurant shall be permitted. (ONGOING: ZONING - Zoning) (Previous Condition Use Limitation N.11. of Resolution R-2004-0735, Control No. 2003-007)

12. Upon completion of phase 1, all construction traffic shall be required to access the site from State Road 7/U.S. 441 only. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation N.12. of Resolution R-2004-0735, Control No. 2003-007)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)