

RESOLUTION NO. R-2012-0284

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2011-01750  
(CONTROL NO. 1977-00013)

a Development Order Amendment

APPLICATION OF Friends of Chabad of Boca Raton, Inc.  
BY Siegel, Lipman, Dunay, Shepard, & Miskel, LLP, AGENT  
(Boca Greens PUD)

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

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

WHEREAS, Zoning Application DOA/R-2011-01750 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2012; 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, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.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/R-2011-01750, the petition of Friends of Chabad of Boca Raton, Inc., by Siegel, Lipman, Dunay, Shepard, & Miskel, LLP, agent, for a Development Order Amendment to reconfigure the Site Plan and modify Conditions of Approval (Commercial Pod - Use Limitation and Landscape) in the Residential Estate /Planned Unit Development (RE/ PUD) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 2012, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair	- Aye
Commissioner Steven L. Abrams, Vice Chairman	- Aye
Commissioner Karen T. Marcus	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 23, 2012.

Filed with the Clerk of the Board of County Commissioners on February 28th, 2012.

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 R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



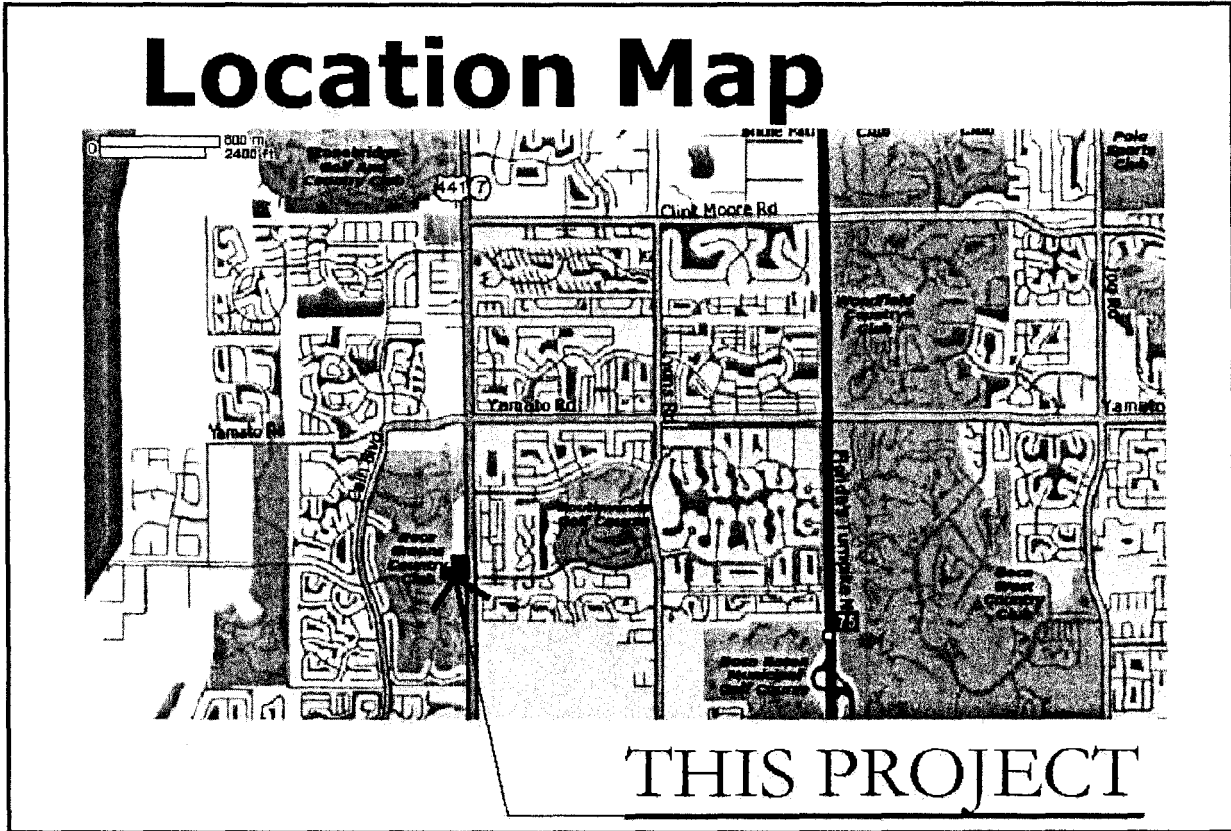
EXHIBIT A

LEGAL DESCRIPTION

ALL OF BOCA GREENS PLAZA, AS RECORDED IN PLAT BOOK 72, PAGES 152-155, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. The approved Preliminary Master Plan is dated December 19, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous Condition A.1 of Resolution R-1995-1729, Control No. 1977-013, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-77-145, R-77-1250, R-85-703, R-86-847, R-87-1201, R-88-1211, R-90-1427, R-94-357, R-94-1069, and R-95-854 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for ULDC Section 5.8 compliance, as amended, unless expressly modified. (Previously Condition No. A.1 of Resolution R-95-854, Petition DOA77-13(N). (MONITORING)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-77-145, R-77-1250, R-85-703, R-86-847, R-87-1201, R-88-1211, R-90-1427, R-94-357, R-94-1069, and R-95-854, R-95-1729, (Control No. 77-013), 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)

3. Master planned areas designated for patio home development shall be developed pursuant to the provisions of zoning code Section 500.21.K.4.C., and the individual patio home lots shall be site planned to incorporate both the existing and created views, and the required private outdoor space. (ONGOING: ZONING ZONING) (Previous Condition No. A.3 of Resolution R-95-1729, Control No. 77-13)

4. Lots shall be site planned to ameliorate negative visual impact of the Florida Power and Light Company easement along the west perimeter of the site. (ONGOING: ZONING ZONING) (Previous Condition No. A.4 of Resolution R-95-1729, Control No. 77-13)

#### COMMERCIAL POD

1. The Veterinary Clinic shall be limited to a maximum of 5,000 square feet of floor area. Additional Square footage may be allowed pursuant to Section 6.8.A.15.b(9) (Square Footage Increases) (ONGOING: ZONING Zoning) (Previous Condition No. B.1 of Resolution R-95-1729, Control No. 77-13)

2. The Veterinary Clinic shall be limited to indoor functions, no outdoor runs, walks, kennels, pens, cages, or exercise areas shall be permitted. (ONGOING: CODE ENFORCEMENT-Zoning) (Previous Condition No. B.2 of Resolution R-95-1729, Control No. 77-13)

3. The Veterinary Clinic shall be limited to the care of small domestic animals no livestock or equestrian care is permitted. (ONGOING: CODE ENFORCEMENT-Zoning) (Previous Condition No. B.3 of Resolution R-95-1729, Control No. 77-13)

4. Previous Condition No. B.4 of Resolution R-95-1729, Control No. 77-13 which currently states:

The shopping center shall be limited to one hundred thirty seven thousand one hundred twenty-two (137,122) square feet and provide a one hundred (100) foot setback from the ultimate right-of-way line of State Road No. 7. (ONGOING: CODE ENFORCEMENT-Zoning)

Is hereby amended to read:

The shopping center shall be limited to one hundred forty seven thousand six hundred thirty eight (147,638) square feet and provide a one hundred (100) foot setback from the ultimate right-of-way line of State Road No. 7.

Increase in square footage shall be in accordance with the Unified Land Development Code (ULDC) requirements. (ONGOING: CODE ENFORCEMENT-Zoning)

5. Previous Condition No. B.5 of Resolution R-95-1729, Control No. 77-13 which currently states:

Landscaping along the northern and western property lines (adjacent to the out parcels) of the commercial center shall be upgraded to include:

- a. Twelve (12) foot tall native canopy trees twenty (20) feet on center and a thirty-six (36) inch ficus hedge placed on the exterior of the required wall.
- b. A six foot masonry wall.
- c. A 10 foot wide landscape strip.
- d. Fifty percent (50%) of the existing landscape terminal islands and landscape medians shall be upgraded to meet current Landscape Code requirements within nine (9) months of Board of County Commissioners approval (January 30, 1991). (ONGOING: LANDSCAPE -Zoning)

Is hereby amended to read:

Landscaping along the northern and western property lines (adjacent to the out parcels) of the commercial center shall be upgraded to include:

- a. Twelve (12) foot tall native canopy trees twenty (20) feet on center and a thirty-six (36) inch ficus hedge placed on the exterior of the required wall.
- b. A six foot masonry wall excluding parcel 10.
- c. A ten (10) foot wide landscape strip. (ONGOING: LANDSCAPE -Zoning)

6. Waste paper and other debris shall not be permitted to accumulate on site. (ONGOING: CODE ENFORCEMENT-Zoning) (Previous Condition No. B.6 of Resolution R-95-1729, Control No. 77-13)

7. Building height shall be limited to a maximum of 25 feet. (ONGOING: BUILDING Zoning) (Previous Condition No. B.7 of Resolution R-95-1729, Control No. 77-13)

8. Lighting on the northwestern out parcels of the shopping center shall be low intensity, directed away from surrounding residential properties with reflective shields and a maximum of twelve (12) feet in height. Existing mast lighting shall be shielded to direct lighting away from residential properties to the west. (ONGOING: BUILDING Zoning) (Previous Condition No. B.8 of Resolution R-95-1729, Control No. 77-13)

9. Prior to certification of a site plan for out parcel 2 or 4, the petitioner shall provide a Master Sign Program consistent with the height and sign face area dimensions indicated on Exhibit 269. (ONGOING: BUILDING Zoning) (Previous Condition No. B.8 of Resolution R-95-1729, Control No. 77-13)

10. Previous Condition No. B.10 of Resolution R-95-1729, Control No. 77-13 which currently states:

All mechanical and air conditioning equipment shall be roof mounted and completely screened from view on all sides in a manner and color consistent with the architectural character of the principal structure. This condition shall apply to out parcels 2 and 4 only. (ONGOING: BUILDING Zoning)

Is hereby deleted - [Reason: Code Requirements]

11. No outdoor storage or display of any type of material or product shall be permitted on site. This condition shall apply to out parcels 2 and 4 only. (ONGOING: CODE ENFORCEMENT Zoning) (Previous Condition No. B.11 of Resolution R-95-1729, Control No. 77-13)

12. All canopy trees required to be planted on out parcels 2 and 4 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. (ONGOING: LANDSCAPE Zoning) (Previous Condition No. B.12 of Resolution R-95-1729, Control No. 77-13)

13. Previous Condition No. B.13 of Resolution R-95-1729, Control No. 77-13 which currently states:

Twenty four (24) inch high shrub or hedge material planted twenty four (24) inches on center shall be provided along the perimeter of each building where the building abuts landscape areas to the maximum extent possible. This condition shall apply to out parcels 2 and 4 only. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby deleted - [Reason: Code Requirements, pursuant to Article 7, Landscape]

## ENGINEERING

1. Pedestrian and or bike trails shall be constructed along New Cain Boulevard in a manner traversing the areas north and south of Kimberly Boulevard, ensuring safe and convenient pedestrian and or bikeway circulation connections between residential and recreation area features within Boca Greens P.U.D., and between residential and recreation areas features and similar pedestrian and bikeway features of surrounding recreational and residential areas. (ONGOING: ENGINEERING - Eng) (Previous Condition A5 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

2. Previous Condition C3 of Resolution R-1995-1729, Control No. 1977-013, which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site 85% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. (ENGINEERING - Eng)

Is hereby deleted. [Reason: Drainage is a Code requirement.]

3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the proposed day care center presently is \$9,055.00 (338 trips X \$26.79 per trip). (ONGOING: ENGINEERING -

Eng) (Previous Condition C4 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

4. Prior to site plan approval of the first plat the Developer shall convey to Palm Beach County two hundred (200) feet for the ultimate right-of-way for State Road No. 7. (PLAT: ENGINEERING - Eng) (Previous Condition E1 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

5. Prior to approval of the first plat the Developer shall convey to Palm Beach County one hundred six (106) feet for the ultimate right-of-way for Cain Boulevard. (PLAT: ENGINEERING - Eng) (Previous Condition E2 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

6. Developer shall align the centerline of the main entrance road with the centerline of Kimberly Boulevard as shown on the Plat of Kimberly Homes, Section One, Plat Book 29, Page 229. (ONGOING: ENGINEERING - Eng) (Previous Condition E3 of Resolution R-1995-1729, Control No. 1977-013)

7. Developer shall align North Shopping Center entrance with the north entrance to American homes, east of State Road No. 7. (ONGOING: ENGINEERING - Eng) (Previous Condition E4 of Resolution R-1995-1729, Control No. 1977-013)

8. Developer shall provide the following roadway improvements at the Development's south entrance and State Road No. 7:

- i. left turn lane, south approach.
- ii. right turn lane, north approach.
- iii. right turn and left turn lanes, west approach.
- iv. traffic control signal when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition E5 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

9. Developer shall provide the following roadway improvements at the development's north entrance and State Road No. 7:

- i. left turn lane, south approach.
- ii. right turn lane, north approach.
- iii. traffic control signal when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition E6 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

10. The buffer zone shall be platted with the first plat. (ONGOING: ENGINEERING - Eng) (Previous Condition E7 of Resolution R-1995-1729, Control No. 1977-013)

11. The property owner shall provide paved access (24 feet of pavement) and six (6) inch water main and four (4) inch sewer force main to the proposed Palm Beach county Park located in the southwest corner of this PUD from Cain Boulevard west to the Park's east property line per the Palm Beach County Park and Engineering Department's approval and shall dedicate to Palm Beach County 80 foot right-of-way for this roadway. (ONGOING: ENGINEERING - Eng) (Previous Condition E8 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

12. Previous Condition E9 of Resolution R-1995-1729, Control No. 1977-013, which currently states:

This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. (ENGINEERING)

Is hereby deleted. [Reason: Drainage is a code requirement.]

13. The property owner shall convey for the ultimate right-of-way required for a 120'



ultimate section of Yamato Road on an alignment approved by the county Engineer within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (ONGOING/BLDG PERMIT: MONITORING - Eng) (Previous Condition E10 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

14. The Developer shall design and construct Yamato Road (2-12 foot travel lanes) including six (6) inch water main and four (4) inch sewer force main from Cain Boulevard to the proposed Palm Beach county Park's east property line when required by the Parks Department and the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition E11 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

15. The property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Cain Boulevard and Yamato Road. This drainage easement shall be subject to all governmental agency requirements. (ONGOING: ENGINEERING - Eng) (Previous Condition E12 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

16. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time to be amended. The Fair Share Fee for this project presently is \$706,716.00. (ONGOING: ENGINEERING - Eng) (Previous Condition E13 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

17. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$353,358.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$1,060,074.00) to be paid prior to January 1, 1988. (DATE: MONITORING - Eng) (Previous Condition E14 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

18. The property owner shall construct at the intersection of Yamato Road and SR 7:

- i. Left Turn Lane South Approach
- ii. Right Turn Lane North Approach
- iii. Left Turn Lane West Approach
- iv. Signalization when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition E15 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

19. The property owner shall construct at the intersection of Cain Boulevard and Yamato Road:

- i. Left turn Lane East Approach
- ii. Right Turn Lane South Approach
- iii. Signalization when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition E16 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

20. The final alignment of the proposed Cain Boulevard shall be approved by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition E17 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

21. The property owner shall construct Cain Boulevard from Yamato Road to the project's south property line at the time of the filing of the adjacent plats or when required by the County Engineer for paved continuity for Cain Boulevard.(PLAT/ONGOING: ENGINEERING - Eng) (Previous Condition E18 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

22. In order to comply with the mandatory traffic performance standards the property

owner shall be subject to the following phasing plan:

- i. No more than 471 building permits shall be obtained until SR7 has been constructed as a four (4) lane section from Kimberly Boulevard to Glades Road.
- ii. No more than 471 building permits shall be obtained until Glades Road has been constructed as a four (4) lane section from SR7 to Lyons Road.
- iii. No more than 471 building permits shall be obtained until Palmetto Park Road has been constructed from Powerline Road to SR7.
- iv. No more than 625 building permits shall be obtained until Yamato Road has been constructed as a two (2) lane section from SR7 to Powerline Road. (ONGOING: ENGINEERING - Eng) (Previous Condition E19 of Resolution R-1995-1729, Control No. 1977-013)

23. The property owner shall provide the construction plans for Yamato Road as a six (6) lane, median divided section from Jog Road/Powerline Road east to SR 441 (excluding the bridge over the Florida Turnpike). These construction plans shall be per Palm Beach County; minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed prior to the issuance of 200 building permits or April 1, 1987 whichever shall first occur. Construction plan costs shall be approved by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E20 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

24. The property owner shall construct or fund the construction of Yamato Road as a two (2) lane section from the east right-of-way line of the Florida Turnpike to Jog/Powerline Roads prior to January 1, 1988 or when required for paved continuity for Yamato Road as determined by the County Engineer.

NOTE: This property owner has requested that Palm Beach county assume the obligation to fund the Yamato Road overpass over the Florida Turnpike. The estimated cost of a three lane structure is 3 million dollars (\$3,000,000). The property owner is requesting the Board of County Commissioners assume this obligation by the Fiscal Year 1992-1993. (DATE: MONITORING - Eng) (Previous Condition E21 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

25. Surety required for the aforementioned plans and construction shall be posted with the County Engineer's office prior to December 1, 1986. (DATE: MONITORING - Eng) (Previous Condition E22 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

26. Credit for the impact fee shall be given for the work performed in Condition Nos. 11, 20, and 21 as permitted in the Fair Share Ordinance. (ONGOING: ENGINEERING - Eng) (Previous Condition E23 of Resolution R-1995-1729, Control No. 1977-013)

27. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 77-13(N), to be paid at the time of issuance of the Building Permit presently is \$2,860.00 (52 additional trips resulting from the increase in the capacity of the day care center X \$55.00 per trip) (ONGOING: ENGINEERING - Eng) (Previous Condition E24 of Resolution R-1995-1729, Control No. 1977-013)

28. The petitioner shall complete construction of the pedestrian/bicycle path from the paved portions of the shopping center to Kimberly Boulevard by January 30, 1991 or prior to any further Certificates of Occupancy for any out parcels. (DATE/CO: MONITORING - Eng) (Previous Condition E25 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

29. A fifty (50) foot landscaped buffer zone, shall be provided within the one hundred (100) foot setback. Vehicular access to the commercial tract shall be limited to three access points onto State Road 7 as follows, at the property owners expense:

- i. New England Boulevard access point
- ii. Central median opening access point with the construction of the following:
  - a. a left turn lane, south approach,
  - b. a right turn lane, north approach,
  - c. a left turn lane, and a right turn lane, west approach; and
  - d. signalization, when warranted by the County Engineer.
- iii. Southern access point with the construction of the following:
  - a. a right turn lane, north approach.

This construction shall be included in Palm Beach County's Road Program for State Road 7 adjacent to this site. Funding shall be made available when requested by Palm Beach County. This petitioner may construct any of the above turn lanes in accordance with permits from the Florida Department of Transportation. Should these turn lanes be constructed, it shall not be funded by Palm Beach County and not exempt this property owner from funding required above. (ONGOING: ENGINEERING - Eng) (Previous Condition E26 of Resolution R-1995-1729, Control No. 1977-013)

[Note: Condition can be considered completed. Buffers and access locations are as required and turn lanes are as permitted by FDOT.]

30. The property owner shall replat the subject property to reflect all associated out parcels prior to March 1, 1994. (DATE: MONITORING - Eng) (Previous Condition E27 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

31. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this additional square footage presently is \$24,090.00 (438 trips X \$55.00 per trip). (ONGOING: ENGINEERING - Eng) (Previous Condition E28 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

32. Prior to Site Plan approval 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. (DRO: ENGINEERING - Co Atty) (Previous Condition E29 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

33. If the State permits landscaping within the median, the petitioner shall obtain appropriate permits for all landscaping and irrigation within the 441 median in front of the site. Landscaping shall consist of one (1) 10 foot (10') tall native canopy tree for each thirty (30) linear feet and appropriate ground cover. All planting shall comply with Xeriscape Principles. All landscaping and irrigation shall be the maintenance obligation of the property owners. (ONGOING: ENGINEERING - Eng) (Previous Condition E30 of Resolution R-1995-1729, Control No. 1977-013) [Note: COMPLETED]

34. Prior to issuance of a building permit for Parcel 9, the property owner shall legally create Parcel 9 in accordance with Article 11. (BLDG PERMIT: MONITORING - Eng)

35. Prior to Site Plan approval by the Development Review Officer (DRO), the property owner shall provide:

- a. Confirmation, as required by the County Engineer, that the existing landscape, berm and wall easement along the eastern portion of Parcel 9 has been released or modified to allow proposed improvements to be constructed within this area. (DRO: ENGINEERING - Eng)

- b. Releases from all applicable utility providers to allow for proposed improvements within the 10-foot utility easement along the south side of Parcel 9. (DRO: ENGINEERING - Eng)

c. Detailed information on traffic circulation and waste pick up for the one-way drive aisles. (DRO: ENGINEERING - Eng)

36. Prior to issuance of the first building permit, the property owner shall obtain Drainage Review approval. The application must include confirmation that there are no adverse impacts to the site's stormwater management system from the proposed improvements. (BLDG PERMIT: MONITORING - Eng)

#### ENVIRONMENTAL

1. Secondary containment for stored Regulated Substances as described in Section 9.3 ULDC is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (ONGOING/BLDG: ERM - ERM) (Previous Condition No. D.1 of Resolution R-95-1729, Control No. 1977-013).

2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ONGOING/BLDG: ERM ERM) (Previous Condition No. D.2 of Resolution R-95-1729, Control No. 1977-013).

#### HEALTH

1. Previous Condition Health 1 of Resolution R-95-1729, Control No. 1977-013 which reads:

Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

Is hereby amended to read:

Owners and operators generating hazardous, toxic, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department, and the agency responsible for sewage works are used. (ONGOING: CODE ENF-Health)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I.

Is hereby amended to read:

Sewer service is available to the site. Therefore no onsite sewage treatment and disposal systems (OSTDS) shall be permitted. (ONGOING: HEALTH-Health)

3. Previous Condition Health 3 of Resolution R-95-1729, Control 77-13 which reads:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-11.

Is hereby amended to read:

Water service is available to the site. Therefore, no onsite potable water wells will be permitted. (ONGOING: HEALTH-Health)

4. Previous condition Health 4 of Resolution R-97-1725, Control 77-13 which reads:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: HEALTH-Health)

Is hereby DELETED: - [Reason--Code Requirement]

5. Previous condition Health 5 of Resolution R-95-1729, Control 77-13 which reads:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: HEALTH-Health)

Is hereby DELETED: - [Reason- Code Requirement]

6. Architectural Plans for the expanded day care center must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24 prior to issuance of a building permit. (ONGOING: HEALTH-Health) (Previous Condition Health 6 of Resolution R-95-1729, Control 77-13) [COMPLETED]

#### LANDSCAPE - GENERAL

1. Prior to Site Plan certification the Master Plan shall be revised to reflect the following:

- a) Description of the features of the recreation packages.
- b) A twenty five (25) foot landscape buffer along the outside perimeter of the proposed (150) foot wide lake system, landscaped buffer abutting the west right of way line of Cain Boulevard and the north and south right of way lines of Kimberly Boulevard shall not be disturbed during site development, except in enhancing the buffering qualities of said twenty five (25) foot landscaped buffer.
- c) Phase lines if the project is to be developed with more than one plat. (ONGOING: ZONING/ENGINEERING) (Previous Condition No. A.2 of Resolution R-95-1729, Control No. 77-13) [NOTE: COMPLETED]

#### LAKE WORTH DRAINAGE DISTRICT

1. The petitioner shall convey right-of-way for the L43W Canal to the LWDD prior to the certification of a Site Plan for out parcel 2 or 4, in accordance with Zoning Petition 77-13(J). (ONGOING: LWDD- LWDD) (Previous Condition No. G.1 of Resolution R-95-1729, Control No. 77-13). [Note: COMPLETED]

#### PARKS

1. Developer shall provide access to the 94.5 acres for future County Park located in the northwest corner of the project. (ONGOING: PARKS - Parks) (Previous Condition No. I.1 of Resolution R-95-1729, Control No. 77-13) [Note: COMPLETED]

2. Within sixty (60) days of the Special Exception approval the Developer shall dedicate the "County Park" shown on the Master Plan which contains two hundred eight (280) acres more or less. (ONGOING: MONITORING/ PREM-Parks) (Previous Condition No. I.2 of Resolution R-95-1729, Control No. 77-13) [Note: COMPLETED]

3. The land area donated for the County Park shall continue to be counted gross land area of the development for the purpose of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (Planned Unit Developments). (ONGOING: PARKS Parks) (Previous Condition No. I.3 of Resolution R-95-1729, Control No. 77-13)

#### SOLID WASTE AUTHORITY

1. All property owners shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (ONGOING: SWA-SWA) (Previous Condition No. J.1 of Resolution R-95-1729,

Control No. 77-13)

#### USE LIMITATIONS - DAY CARE

1. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. To clearly outline which stalls are allocated for this use per lease agreement.
- b. Required drop-off area with adequate stacking and bypass lane. (DRO/ONGOING: CODE ENF - Zoning) (Previous Condition No. C.1 of Resolution R-95-1729, Control No. 77-13)

2. Prior to Site Plan certification the Site Plan shall be amended to reflect the required 100 foot stacking for vehicles. (DRO/ONGOING: ZONING - Zoning) (Previous Condition No. C.2 of Resolution R-95-1729, Control No. 77-13)

3. Prior to issuance of building permits for the Day Care Center, the existing nonconforming sign shall be removed from the site. (ONGOING: BLDG PERMIT - Zoning) (Previous Condition No. C.5 of Resolution R-95-1729, Control No. 77-13)

4. The day care center shall be limited to a maximum of 120 children. (ONGOING: BLDG PERMIT - Zoning) (Previous Condition No. C.6 of Resolution R-95-1729, Control No. 77-13)

5. One (1) minimum 36 inch high bollard shall be installed every five (5) feet on center around the perimeter of the outdoor play area. (ONGOING: BLDG PERMIT - Zoning) (Previous Condition No. C.7 of Resolution R-95-1729, Control No. 77-13)

#### USE LIMITATIONS-MAXIMUM DWELLING UNITS

1. Maximum allowable number of units shall not exceed one thousand seven hundred and fifty nine (1,759) total units. (ONGOING: BUILDING-Zoning) (Previous Condition No. H.1 of Resolution R-95-1729, Control No. 77-13)

2. The Land Area donated for the County Park shall continue to be counted towards the gross land area of the development for the purposes of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (Planned Unit Developments). ONGOING: PARKS - Zoning) (Previous Condition No. H.2 of Resolution R-95-1729, Control No. 77-13).

#### UTILITIES

1. Previous Condition No. K.1 of Resolution R-95-1729, Control No. 77-13 which currently states:

The developer shall coordinate any playground additions and water/sewer service relocation and/or abandonment with Palm Beach County Water Utilities Department prior to final site plan approval. (ONGOING: WATER UTILITIES -WUD)

Is hereby deleted - [Reason: No longer applicable]

2. Previous Condition No. K.2 of Resolution R-95-1729, Control No. 77-13 which currently states:

A comprehensive utility easement granted to Palm Beach County Water Utilities Department for water and sewer located within the shopping center is required prior to final site plan approval. (ONGOING: WUD - WUD)

Is hereby deleted - [Reason: No longer applicable]

#### 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).