

RESOLUTION NO. R-2000- 0256

RESOLUTION APPROVING ZONING PETITION EAC98-010(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF RON TURNER AND JOANN TURNER
BY LAND DESIGN SOUTH, AGENT
(TURNER MUPD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC98-010(A) was presented to the Board of County Commissioners at a public hearing conducted on February 24, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC98-010(A), the petition of Ron Turner and Joann Turner, by Land Design South, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to modify conditions in Resolution R-98-1316 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 February 24, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 24, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

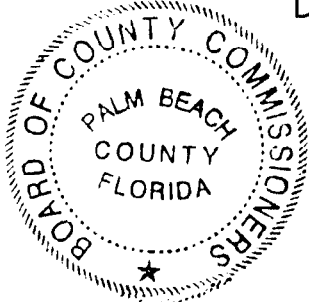


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: PARCEL 1

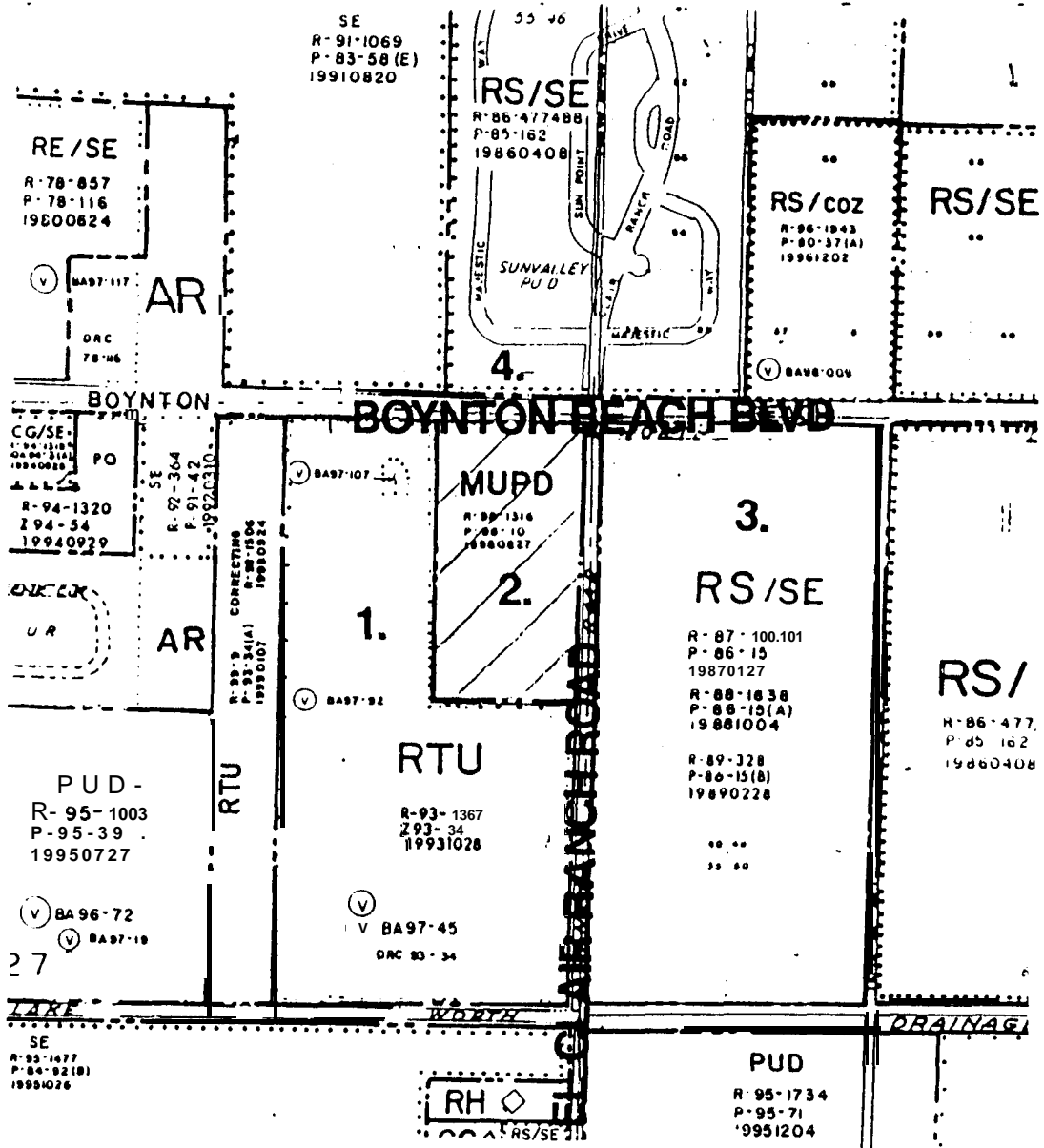
THE SOUTH 373.53 FEET OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40.0 FEET.

LEGAL DESCRIPTION: PARCEL 2

THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 373.53 FEET THEREOF, LESS THE RIGHT OF WAY DEEDED TO PALM BEACH COUNTY RECORDED IN ORB 6395, PAGE 1037 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LESS THE NORTH 57.42 FEET.

EXHIBIT B

VICINITY SKETCH



- 1. CLUB AT INDIAN HILLS
- 2. SITE
- 3. PALM CHASE CONDO
- 4. GREATER BOYNTON PLACE AT SUNVALLEY

EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-I 316 (Petition **PDD98-010**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-98-I 316, Petition **PDD98-010** 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 June 24, 1998. 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. Previously (ONGOING: ZONING)

Is hereby amended to state:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan, which has not been modified from the previously approved site plan of June 24, 1998, is dated January 27, 2000. 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. Previously (ONGOING: ZONING)

3. **Resolution R-90-821, granting approval of Petition 89-94, is hereby revoked.** (Previously Condition A. 1 of Resolution R-98-I 316, Petition **PDD98-010**) (MONITORING)

B. CONGREGATE LIVING FACILITY

1. **The CLF shall be limited to a maximum of 240,956 square feet. Gross floor area may be increased an additional 5% up to 1000 square feet, whichever is less, subject to Development Review Committee (DRC) approval.** (Previously Condition B.1 of Resolution R-98-I 316, Petition **PDD98-010**) (DRC: ZONING)

2. **The CLF shall be limited to minimum of 200 beds and a maximum of 342 Type III CLF beds.** (Previously Condition B.2 of Resolution R-98-1316, Petition **PDD98-010**) (DRC: BUILDING / HEALTH - Zoning/ Planning)

C. HEALTH

- 1. Condition C.1 of Resolution R-98-I 316, Petition PDD98-010 which currently states:

Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 10D-104FAC.

Is hereby amended to read:

Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC (ONGOING: HEALTH/CODE ENF)

- 2. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
- 3. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING - STANDARD

- 1. **All palms required to be planted on site by this approval, except on individual residential lots, 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.** (Previously Condition D.1 of Resolution R-98-I 316, Petition PDD98-010) (CO: LANDSCAPE - Zoning)
- 2. **The building setbacks shall be measured from the interior of the 25 foot buffer line.** (Previously Condition D.2 of Resolution R-98-I 316, Petition PDD98-010) (DRC: LANDSCAPE-Planning)

E. ENGINEERING

- 1. **Prior to issuance of a building permit the property owner shall convey a 10 foot temporary roadway construction easement along El Clair Ranch Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.** (Previously Condition E.1 of Resolution R-98-I 316, Petition PDD98-010) (BLDG PERMIT: MONITORING-Eng)

2. **The Property owner shall construct a left turn lane south approach on El Clair Ranch Road at the projects entrance road.**
 - 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)**
 - c. **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.2 of Resolution R-98-1316, Petition PDD98-010) (CO: MONITORING-Eng)**

3. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**
 - a. **Building Permits for no more than 342 ACLF beds shall be issued until the contract is awarded for the 6 laning of Jog Road from Boynton Beach Boulevard to Woolbright Road. (Maximum 783 daily project trips) (BLDG PERMIT: MONITORING-Eng)**
 - b. **Building permits for no more than 342 ACLF beds and 29,250 sf of medical office shall be issued until a contract for construction has been awarded for a south approach right turn lane and west approach right turn lane at the intersection of Jog Road and Boynton Beach Boulevard plus the appropriate paved tapers. (Maximum 1660 daily project trips)**
 - c. **Building permits for no more than 342 ACLF beds and 38345 sf of medical offices shall be issued until construction commences on the 6 laning of Boynton Beach Boulevard from Jog Road to Hagen Ranch Road. (Maximum 1970 daily project trips) (BLDG PERMIT: MONITORING-Eng)**
 - d. **Building Permits for no more than 342 ACLF beds and 39,200 square feet of medical office shall be issued until construction has begun for one of the following alternative improvements at the intersection of El Clair Ranch Road and Boynton Beach Boulevard plus the appropriate paved tapers: (Maximum 2000 daily project trips) (Previously Condition E.3 of Resolution R-98-1 316, Petition PDD98-010) (BLDG PERMIT: MONITORING-Eng)**
 1. **right turn lane, north approach
right turn lane, south approach
right turn lane, west approach
or**
 2. **dual left turn lanes, east approach
dual left turn lanes, west approach
right turn lane, west approach**

4. **The mix of allowable 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. (Previously Condition E.4 of Resolution R-98-1 316, Petition PDD98-010) (REVISED TRAFFIC STUDY: MONITORING-Eng)**
5. Condition E.5 of Resolution R-98-1 316, Petition PDD98-010 which currently states:

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton beach Boulevard road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.**

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. **All required median landscaping, including an irrigation system shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)**
- c. **Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)**

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards.

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering **of the** plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed **prior to** the issuance of a certificate of occupancy. (CO: **MONITORING-Eng**)
 - c. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)
6. Condition E.6 of Resolution R-98-1 316, Petition **PDD98-010** which currently states:

TPS Requirements:

Unless assured by others prior to April 24, 1999 the Property owner shall fund the construction and construction plans for Condition 3.c and 3.d above plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon an approved cost estimate by the Developers Engineer. Funding shall be completed on or before April 24, 1999.

Is hereby amended to read:

Unless assured by others, prior to April 15, 2000 the property owner shall fund the construction and construction plans for Condition 3.c. and 3.d. above plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon an approved cost estimate by the Developer's Engineer. (DATE/MONITORING-Eng)

7. **The property owner shall obtain from the LWDD additional right of way to be conveyed to Palm Beach County Land Development Division by road right-of-way warranty deed an additional 12 feet of right of way for the construction of a right turn lane along Boynton Beach Boulevard along the projects' entire frontage. Right of way shall be conveyed on or before March 1, 1999 or prior to the issuance of the first Building Permit whichever shall first occur.**

This additional right of way shall be free of ail encumbrances and encroachments. 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 ail encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined. by the County Engineer. (Previously Condition E.7 of Resolution R-98-I 316, Petition PDD98-010) (DATE/BLDG PERMIT: MONITORING-Eng)

8. **The Property owner shall construct a pedestrian pathway along the west right of way of El Ciarr Ranch Road from Boynton Beach Boulevard to the projects south property line.**
 - 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)**
 - c. **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.8 of Resolution R-98-1316, Petition PDD98-010) (CO: MONITORING-Eng)**

F. LANDSCAPING ALONG THE PERIMETER OF THE SITE (ACROSS FROM RESIDENTIAL (AND ABUTTING BOYNTON BEACH BOULEVARD AND EL CLAIR RANCH ROAD)

1. **Landscaping and buffering along the north, south, east, and west perimeter of the site (except for 320 feet along the north portion of the west property line) shall include:**
 - a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
 - b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;**
 - c. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
 - d. **One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palm or pine trees may be substituted for 25% of the perimeter canopy trees; and,**
 - e. **Twenty four (24) inch high shrub or hedge material installed along the on the plateau of the undulating berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (Previously Condition F. 1 of Resolution R-98-1 316, Petition PDD98-010) (CO: LANDSCAPE)**

G. LANDSCAPING -WEST PROPERTY LINE

1. **Prior to final site plan approval by the DRC the petitioner shall amend the plan to include a six (6) foot wall along 320 feet of the north portion of the west property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (Previously Condition G.1 of Resolution R-98-1316, Petition PDD98-010) (DRC / CO: ZONING / LANDSCAPE)**
2. **The following landscaping requirements shall be installed on the exterior side of the required wall:**
 - a. **One (1) canopy tree planted every twenty (20) linear feet;**
 - b. **One (1) palm or pine tree for each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet on center between clusters. A group of three or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location; and**
 - c. **Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (Previously Condition G.2 of Resolution R-98-1 316, Petition PDD98-010) (CO: LANDSCAPE)**
3. **Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (Previously Condition G.3 of Resolution R-98-1 316, Petition PDD98-010) (CO: LANDSCAPE)**

H. LANDSCAPING - INTERIOR

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (Previously Condition H.I of Resolution R-98-1316, Petition PDD98-010) (DRC / CO: ZONING / LANDSCAPE)

I. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Weilfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (Previously Condition I.1 of Resolution R-98-1 316, Petition PDD98-010) (DRC: ERM)

J. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the the County Engineer. (Previously Condition J.I of Resolution R-98-I 316, Petition PDD98-010) (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Previously Condition J.2 of Resolution R-98-1 316, Petition PDD98-010) (BLDG PERMIT: MONITORING - Eng)

K. MUPD

1. Total gross floor area of the professional office and medical clinic shall be limited to a minimum of 20,000 square feet and a maximum of 60,000 square feet. (Previously Condition K.I of Resolution R-98-1 316, Petition PDD98-010) (DRC: ZONING - Planning)
2. The maximum height for all structures, including all air conditioning and mechanical equipment, shall be limited to two stories with a maximum height of twenty-five (25) feet as measured from the roof eaves.

(Previously Condition K.2 of Resolution R-98-1 316, Petition PDD98-010)
(BLDG PERMIT: BLDG - Zoning/Planning)

3. **To ensure consistency with the site plan dated June 24, 1998, presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered.** (Previously Condition K.3 of Resolution R-98-1316, Petition PDD98-010) (DRC: ZONING)
4. **All residential uses shall remain in Pod A and commercial uses shall remain in Pod B, as indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated June 24, 1998).** (Previously Condition K.4 of Resolution R-98-1 316, Petition PDD98-010) (DRC: ZONING/Planning)
5. **Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director.** (Previously Condition K.5 of Resolution R-98-1 316, Petition PDD98-010) (DRC: ZONING - Co Att)
6. **Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director.** (Previously Condition K.6 of Resolution R-98-1 316, Petition PDD98-010) (DRC: ZONING - Co Att/ Planning)
7. **Prior to final site plan approval by the DRC the site plan shall be amended to correctly reflect the right turn lane on to El Clair Ranch Road, LWDD L-24 canal, off-site landscaping and sidewalks and property boundary along the north property line adjacent to Boynton , Beach Boulevard.** (Previously Condition K.7 of Resolution R-98-1316, Petition PDD98-010) (DRC: ZONING - Co Att)

L. PLANNING

Condition L.1 of Resolution R-98-1 316, Petition PDD98-010 which currently states:

1. **Prior to final site plan approval by the Development Review Committee, the applicant shall meet with the Planning Division to determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated June 24, 1998.** (DRC: PLANNING)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated January 27, 2000. (DRC: PLANNING)

2. Condition L.2 of Resolution R-98-1 316, Petition PDD98-010 which currently states:

Prior to final site plan approval, the development shall include a landscaped pathway/sidewalk system along Boynton Beach Boulevard and El Clair Ranch Road in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE-Planning)

Is hereby amended to read:

Prior to final site plan approval, the site plan shall include a landscape pathway/sidewalk system along Boynton Beach Boulevard and El Clair Ranch Road in order to provide shade/canopy for the pedestrian walkway. The previous BCC approved site plan dated January 27, 2000 shall also be amended to indicate a landscaped/shaded sidewalk along both sides of the entrance into the site from Boynton Beach Boulevard. In addition, the site plan shall be amended to remove the sidewalk along Boynton Beach Boulevard east of the entrance road to correctly reflect the right turn lane onto El Clair Ranch Road. (DRC: LANDSCAPE-Planning)

3. **The access on El Clair Ranch Road shall be limited to one ingress/egress.** (Previously Condition L.3 of Resolution R-98-I 316, Petition PDD98-010) (DRC: ENGINEERING-Planning)

M. SIGNS

1. **Freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:**

- a. **Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;**
- b. **Maximum sign face area per side - 150 square feet;**
- c. **Maximum number of signs - one (1); and**
- d. **Style -monument style only.** (Previously Condition M. 1 of Resolution R-98-I 316, Petition PDD98-010) (CO: BLDG)

2. **Freestanding signs fronting on El Clair Ranch Road shall be limited as follows:**

- a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
 - b. **Maximum sign face area per side - 32 square feet;**
 - c. **Maximum number of signs - one (1); and**
 - d. **Style -monument style only.** (Previously Condition M.2 of Resolution R-98-I 316, Petition PDD98-010) (CO: BLDG)
3. **Wall signs shall be permitted on the north and east facades only (away from residential).** (Previously Condition M.3 of Resolution R-98-I 316, Petition PDD98-010) (CO: BLDG)
 4. **Prior to final DRC approval the petitioner shall receive a waiver from the LWDD for signage in the L-24 easement or signs shall be relocated out of the easement.** (Previously Condition M.4 of Resolution R-98-I 316, Petition PDD98-010) (DRC: LWDD - Bldg Permit)

N. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval.** (Previously Condition N.I of Resolution R-98-I 316, Petition PDD98-010) (ONGOING: MONITORING - Zoning)
2. **Failure to comply with any of the conditions of approval for the subject property at any time may result in:**
 - a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or**
 - b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
 - c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
 - d. **Referral to code enforcement; and/or**
 - e. **Imposition of entitlement density or intensity.**

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition N.2 of Resolution R-98-1316, Petition PDD98-010) (MONITORING)