

RESOLUTION NO. R-2001- 0430

RESOLUTION APPROVING ZONING PETITION DOA1975-069(G)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WAL-MART STORES INC.
BY WILLIAM HOWE, AGENT
(SAM'S WHOLESALE CLUB)

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 DOA1975-069(G) was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2001; 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 DOA1975-069(G), the petition of Wal-Mart Stores Inc., by William Howe, agent, for a Development Order Amendment (DOA) to reconfigure site plan and add square footage 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 March 22, 2001, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chair	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 22, 2001.

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

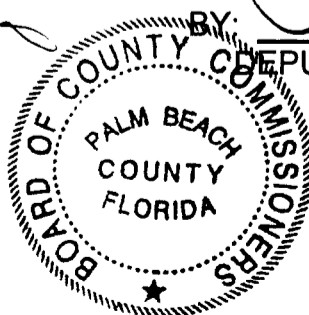
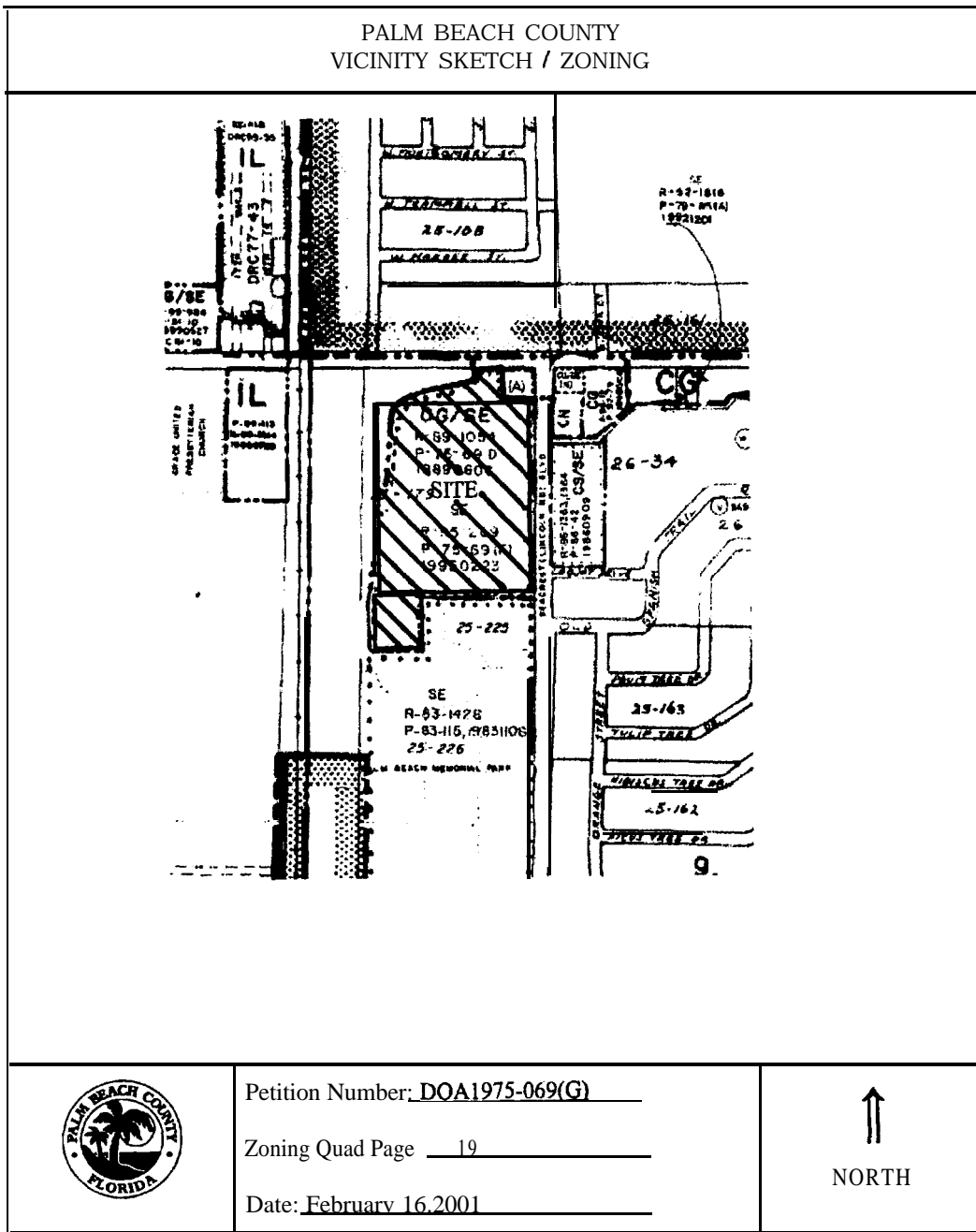


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING ALL OF PARCELS 1, 2, 3, 4, AND 5 AS SHOWN ON THE PLAT OF HY-CREST CENTER AS RECORDED IN PLAT BOOK 64 PAGES 177 AND 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B



U:\ZONING\Zoning Review\ARCHIVE\ZON-SKET.FRM

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 herein.

A. ALL PETITIONS

1. **All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-463, R-84-1098, R-89-741, R-89-1 054, and R-90-1887 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, unless expressly modified. (MONITORING) (Previously Condition A. 1 of Resolution R-95-0269, Petition DOA75-069(F))**

Is hereby amended to read:

Condition A.1 of Resolution R-95-0269, Petition DOA75-069(F) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-463 (Petition 73-2), R-84-1098 (Petition 75-069A), R-89-741 (Petition 75-069C), R-90-1 887(Petition 75-069E) and R-95-0269 (Petition 75-069F) 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, unless expressly modified. (MONITORING)

2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated February 20, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING)

B. GENERAL

1. Condition B.4 of Resolution R-95-0269, Petition DOA75-069(F) which currently states:

Simultaneously with Site Plan Review Committee application submittal, the petitioner shall provide a loading demand statement as outlined in Section 500.19 of the Zoning Code.

Is hereby deleted. Reason: [code requirement for loading areas].

C. BUILDING AND SITE DESIGN

1. **All mechanical and air conditioning equipment shall be roof mounted and screened with parapets, or be contained within the enclosed loading and service area. (BUILDING-Zoning) (Previously Condition C.I of Resolution R-95-0269, Petition DOA75-069(F))**

2. Condition C.2 of Resolution R-95-0269, Petition DOA75-069(F) which currently states:

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

- a. **Required landscaping in accordance with Section 500.35 of the Zoning Code;**
- b. **Required loading areas for all facilities on-site. Loading zones shall be located exclusive of any vehicular circulation areas and required backup distances of any parking stalls;**
- c. **Required by-pass lane for the 5,000 square foot bank building. This by-pass lane shall be clearly labeled and utilized exclusively for such purposes;**
- d. **Redesign or elimination of the two parking stalls which are located adjacent to the .4 acre dry detention area;**
- e. **Elimination of any parking stalls that encroach into required landscape areas or the provision of additional square footage in these areas which allow them to be included into the calculations for minimum landscape requirements;**
- f. **Parking breakdown for each use on-site;**
- g. **Relocation of the southern portion of the .4 acre dry detention area to allow for the preservation of native slash pine;**
- h. **Customer loading area adjacent to the main entrance. This area shall be a minimum of twenty (20) feet wide by one-hundred twenty (120) feet long and clearly indicated with pavement markings as a “customer loading area”; and**
- i. **Thirty (30) foot wide north/south circulation route adjacent to the eastern facade of the 132,480 square foot facility.**
- j. **Extend the proposed median within the entrance off Hypoluxo Road subject to approval by the County Engineer. (ZONING/ENGINEERING)**

Is hereby deleted. Reason: [Conditions a, b, d, e are code requirements. Condition c - proposed bank has been deleted. Condition e, f, g, h, i are completed. Condition j is no longer applicable.]

3. **All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING -Zoning) (Previously Condition C.3 of Resolution R-95-0269, Petition DOA75-069(F))**
4. Total gross floor area shall be limited to a maximum of 183,364 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)

D. ERM

1. **The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ERM) (Previously Condition D. 1 of Resolution R-95-0269, Petition DOA75-069(F))**

2. **Prior to any construction on the site, the property shall be investigated by a qualified expert to determine if there are any endangered species inhabiting the site. If the study determines that such species exist on the property, no construction may begin until a relocation program is established in conjunction with the appropriate environmental agency, and such a program implemented.** (ERM) (Previously Condition D.2 of Resolution R-95-0269, Petition DOA75-069(F))
3. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRC: ERM)

E. ENGINEERING

1. **Upon the completion of I-95 improvements, the Developer shall construct at the intersection of Seacrest Boulevard and Hypoluxo Road:**
 - a. **Left turn lane, east approach**
 - b. **Right and left turn lane, west approach**
 - c. **Signalization or signal upgrading, one (1) year after last building permit, if warranted.** (ENGINEERING) (STATUS: Turn lanes have been constructed.) (Previously Condition E. 1 of Resolution R-95-0269, Petition DOA75-069(F))
2. **Developer shall construct the following improvements on Seacrest Boulevard:**
 - a. **Left turn lane and by-pass at both entrances**
 - b. **Right turn lane, north entrance**
 - c. **Right and left turn lanes, south approach at Hypoluxo Road.** (ENGINEERING) (STATUS: Turn lanes have been constructed.) (Previously Condition E.2 of Resolution R-95-0269, Petition DOA75-069(F))
3. **Prior to the issuance of any building permits, the Developer shall execute a Unity of Title to insure that the drainage parcels will be under unity of title with the shopping center.** (ENGINEERING) (Previously Condition E.3 of Resolution R-95-0269, Petition DOA75-069(F))
4. Condition E.4 of Resolution R-95-0269, Petition DOA75-069(F) which reads as follows:

The developer shall provide discharge control and treatment for 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 onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be

referred to the Code Enforcement Board for enforcement.
(ENGINEERING) (NOTE: Code requirement.)

Is hereby Deleted. [REASON: Code requirement]

5. **If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.** (ENGINEERING) (Previously Condition E.5 of Resolution R-95-0269, Petition DOA75-069(F))
6. **Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed sufficient right-of-way required for the construction of a right turn lane north approach on Seacrest Boulevard at the project's main entrance. This right-of-way shall be a minimum of 12 feet in width, 180 feet taper length, and a 150 feet storage length free of all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.** (ENGINEERING) (STATUS: Completed, recorded in ORB 6098, PG 387.) (Previously Condition E.6 of Resolution R-95-0269, Petition DOA75-069(F)) [COMPLETE]
7. **The property owner shall construct:**
 - a) **left turn lane, south approach and a right turn lane north approach at the project's main entrance onto Seacrest Boulevard**
 - b) **right turn lane, west approach on Hypoluxo at the project's entrance road onto Hypoluxo Road concurrent with onsite paving and drainage improvements.**

All Construction shall be completed prior to the issuance of any Certificates of Occupancy. (ENGINEERING) (STATUS: Turn lanes have been constructed.) (Previously Condition E.7 of Resolution R-95-0269, Petition DOA75-069(F))

8. **The property owner shall provide construction plans for the construction of dual left turn lanes plus a separate right turn lane on the southbound exit ramp of I-95 onto Hypoluxo Road. This turn lane shall be a minimum of 250 feet plus the appropriate tapers. These construction plans shall be approved by the Florida Department of Transportation and the County Engineer based upon Palm Beach County and Florida Department of Transportation's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within 12 months of the approval of the Resolution approving this project. Plan costs shall be approved by the County Engineer and shall be 100% completed, including all required permits, within eighteen (18) months of the adoption of the resolution for this**

project. (ENGINEERING) (STATUS: Turn lanes have been constructed.) (Previously Condition E.8 of Resolution R-95-0269, Petition DOA75-069(F))

9. **The property owner shall construct the dual left turn lanes plus a separate right turn lane on the southbound exit ramp of I-95 onto Hypoluxo Road. This construction shall be completed within six (6) months of the issuance of the permit by the Florida Department of Transportation.** (ENGINEERING) (STATUS: Turn lanes have been constructed.) (Previously Condition E.9 of Resolution R-95-0269, Petition DOA75-069(F))
10. **Surety required for the offsite road improvements as outlined in the above two conditions shall be posted with the Office of the County Engineer within sixty (60) days of approval of the resolution for this project, or prior to the issuance of a building permit, whichever shall first occur.** (ENGINEERING) (STATUS: Turn lanes constructed, surety no longer required.) (Previously Condition E.10 of Resolution R-95-0269, Petition DOA75-069(F))
11. Condition E.II of Resolution R-95-0269, Petition DOA75-069(F) which reads as follows:

The developer shall provide discharge control and treatment for 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 onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ENGINEERING) (NOTE: Code requirement.)

Is hereby deleted: [REASON: Code Requirement]

12. **Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for the construction of a right turn lane, north approach on Seacrest Boulevard from the project's middle entrance north to the project's north property line, a minimum of 12 feet in width free of all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.** (ENGINEERING) (STATUS: Completed, recorded in ORB 6098, PG 387.) (Previously Condition E.12 of Resolution R-95-0269, Petition DOA75-069(F))

13. **The property owner shall construct a right turn lane, north approach on Seacrest Boulevard North to a point 50 feet north of the project's North entrance on Seacrest Boulevard plus appropriate paved tapers. This construction shall include relocation of the existing sidewalk and curb and gutter concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. (ENGINEERING) (STATUS: Turn lane has been constructed.) (Previously Condition E. 13 of Resolution R-95-0269, Petition DOA75-069(F))**
14. **Prior to Site Plan approval the property owner shall execute a Unity of Control and provide cross parking, cross access and cross drainage easements. (ENGINEERING) (Previously Condition E.14 of Resolution R-95-0269, Petition DOA75-069(F))**
15. **Prior to the issuance of building permits for buildings affected by the existing utility/drainage easement approval, the property owner shall abandon this existing utility/drainage easement and relocate existing drainage structures subject to approval by the County Engineer. (ENGINEERING) (Previously Condition E. 15 of Resolution R-95-0269, Petition DOA75-069(F))**
16. **Prior to Site Plan approval, this property owner shall convey a cross access agreement to the adjacent Mobil Service Station. (ENGINEERING) (Previously Condition E. 16 of Resolution R-95-0269, Petition DOA75-069(F))**
17. **The property owner shall construct the dual left turn lanes plus a separate right turn lane on the southbound exit ramp of I-95 onto Hypoluxo Road. This construction shall be commenced within forty-five (45) days of the final receipt of the permit from the Florida Department of Transportation. (ENGINEERING) (STATUS: Turn lanes have been constructed.) (Previously Condition E. 17 of Resolution R-95-0269, Petition DOA75-069(F)) [COMPLETE]**
18. **The Developer shall provide discharge control and treatment for 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 onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ENGINEERING) (NOTE: Code requirement.) (Previously Condition E. 18 of Resolution R-95-0269, Petition DOA75-069(F))**
19. **Condition E. 19 of Resolution R-95-0269, Petition DOA75-069(F) which reads as follows:**

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. (ENGINEERING)

Is hereby deleted. [REASON: Impact fees are now code requirements]

20. Condition E.21 of Resolution R-95-0269, Petition DOA75-069(F) which currently states:

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 two proposed fast food restaurants is:

The 3,950 square foot restaurant is \$41,058.00 (1,493 trips X \$27.50 per trip).

The 2,250 square foot restaurant is \$23,100.00 (840 trips X \$27.50 per trip). (IMPACT FEE COORDINATOR)

Is hereby deleted. [REASON: Impact fees are now code requirements.]

21. **LANDSCAPE WITHIN MEDIAN**

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 Hypoluxo Road right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, 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. 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. (BUILDING - Engineering) (Previously Condition E.22.A of Resolution R-95-0269, Petition DOA75-069(F))**

B. **All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 on or before the issuance of a Certificate of Occupancy.**

(BUILDING - Engineering) (Previously Condition E.22.B of Resolution R-95-0269, Petition DOA75-069(F))

- C. **Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation.** (BUILDING - County Attorney) (Previously Condition E.22.C of Resolution R-95-0269, Petition DOA75-069(F))

F. HEALTH

1. **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.** (Previously Condition F.1 of Resolution R-95-0269, Petition DOA75-069(F))
2. **Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.** (Previously Condition F.2 of Resolution R-95-0269, Petition DOA75-069(F))
3. **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 Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.** (HEALTH) (Previously Condition F.6 of Resolution R-95-0269, Petition DOA75-069(F))
4. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (HEALTH) (Previously Condition F.7 of Resolution R-95-0269, Petition DOA75-069(F))
5. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (HEALTH) (Previously Condition F.8 of Resolution R-95-0269, Petition DOA75-069(F))

G. IRRIGATION QUALITY WATER

1. **When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.** (Previously Condition G.1 of Resolution R-95-0269, Petition DOA75-069(F))

H. LANDSCAPING

1. **Prior to site plan certification, the site shall be amended to satisfy Landscape Code provisions of Section 500.35 of the Zoning Code.** (ZONING) (Previously Condition H.1 of Resolution R-95-0269, Petition DOA75-069(F))
2. **The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow flexibility in the relocation of interior landscape islands which will allow for the preservation of more slash pines and understory vegetation. The vegetation, specifically, "native slash pine" which are located in clusters shall be incorporated into the project design. Areas of existing**

vegetation to be preserved shall be shown upon the approved development plan prior to site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase. (ZONING/BUILDING-Zoning) (Previously Condition H.2 of Resolution R-95-0269, Petition DOA75-069(F))

3. **The petitioners shall install a three (3) foot earth berm, supplemented with a solid twenty-four (24) inch hedge and native canopy trees along Seacrest Boulevard.** (BUILDING-Zoning) (Previously Condition H.3 of Resolution R-95-0269, Petition DOA75-069(F))
4. **Prior to Site Plan Review approval, the site plan for the outparcel containing two (2) restaurants shall be revised to include:**
 - a. **Landscaping of the off-street parking area to meet the 1990 Landscape Code;**
 - b. **Native canopy trees shall be provided at one (1) tree per 1,500 square feet of outparcel area and shall be:**
 1. **20% - 14 feet tall**
 2. **30% - 12 feet tall**
 3. **50% - 10 feet tall**
 - c. **The twenty-five (25) foot buffer between the outparcel and Hypoluxo Road shall contain 10 foot tall native canopy trees 30 feet on center and a 24 inch hedge 24 inches on center.** (BUILDING/ZONING-Zoning) (Previously Condition H.4 of Resolution R-95-0269, Petition DOA75-069(F))
5. **The perimeter landscape buffer required along the west property line (adjacent to the hotel/restaurant parcel) shall be installed on the east side of the dry detention area.** (BUILDING-Zoning) (Previously Condition H.5 of Resolution R-95-0269, Petition DOA75-069(F))
6. Prior to the issuance of the first building permit of the expansion of Sam's Wholesale Club facility, the petitioner/property owner(s) shall replace any dead, missing or damaged plant materials and shall remove all invasive vines and/or plants in the area affecting the entire MUPD. (BLDG PERMIT: BLDG/LANDSCAPE)
7. Along the south property line, 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 seventy-two (72) inches. Shrub or hedge material shall be exempted in area where existing canopy trees are located. (CO: LANDSCAPE)
8. The following landscaping requirements shall be installed at the base and perimeter of the existing signs (Tag. no 36275, Sam's Wholesale Club):
 - a. a minimum of eleven (11) slash pines. Pines shall be a minimum height of sixteen (16) feet at installation and shall be planted at the rear of the signs;
 - b. a minimum of fifteen (15) Wax Myrtles. Wax Myrtles shall be a minimum height of twelve (12) feet at installation and shall be planted in the front of the signs facing I-95; and,

- c. a minimum of thirty-five (35) Saw Palmetto. Saw Palmetto shall be a minimum height of twenty-four (24) inches at installation; and,
- d. all pines, trees and shrubs shall be planted in a naturalistic pattern. (CO:LANDSCAPE)

I. RECYCLE SOLID WASTE

- 1. **The property owner 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.** (SWA) (Previously Condition 1.1 of Resolution R-95-0269, Petition DOA75-069(F))

J. SIGNS

- 1. **No off-premise signs shall be permitted on the site.** (CODE ENFORCEMENT-Zoning) (Previously Condition J.I of Resolution R-95-0269, Petition DOA75-069(F))
- 2. Should the existing freestanding signs (Tag no. 36275) for Sam's Wholesale Club be either relocated or replaced, the new freestanding point of purchase sign 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 - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Location - rear of the facility; and
 - e. Style - monument style only. (CO: BLDG)

K. UNITY OF CONTROL

- 1. **Prior to certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.** (COUNTY ATTORNEY) (Previously Condition K. 1 of Resolution R-95-0269, Petition DOA75-069(F))

L. USE LIMITATION

- 1. Condition L.I of Resolution R-95-0269, Petition DOA75-069(F) which currently states:

No outdoor storage of any materials, refuse, equipment or accumulated debris shall be allowed in the rear of the shopping center. (CODE ENFORCEMENT)

Is hereby amended to read:

No outdoor storage of any materials, pellets, refuse, equipment or accumulated debris shall be allowed in the rear of the shopping center. (CODE ENFORCEMENT)

- 2. All storage areas shall be screened on all four sides. The storage area shall be enclosed by a minimum eight (8) foot high concrete block or panel wall. A solid, opaque gate shall be provided at the opening of the enclosure. All heights shall be measured from finished grade to the highest point of the enclosure. (BLDG/CODE ENF)

3. Condition L.2 of Resolution R-95-0269, Petition DOA75-069(F) which currently states:

The site shall be limited to 197,980 square feet of total floor area. (BUILDING/ZONING)

Is hereby deleted. Reason: [replaced by Condition C.4]

M. COMPLIANCE

1. **Failure to comply with any of these conditions of approval at any time may result in:**
 - a. **The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or**
 - b. **The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;**
 - c. **A requirement of the development to conform with updated standards of development, applicable 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;**
 - d. **Referral to code enforcement; and/or**
 - e. **Imposition of entitlement density or intensity.**

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 Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition M.3 of Resolution R-95-0269, Petition DOA75-069(F))

2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)