

RESOLUTION NO. R-2001-2078

RESOLUTION APPROVING ZONING PETITION PDD2001-022
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF SUTTON BOCA ONE DEVELOPERS INC.
BY COLLENE WALTER, AGENT
(THE RESERVE AT BOCA RATON)

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2001-022 was presented to the Board of County Commissioners at a public hearing conducted on November 29, 2001; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD2001-022, the petition of Sutton Boca One Developers Inc. by Collene Walter, agent, for an Official Zoning Map Amendment to a Planned Development District from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with two (2) financial institutions on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 29, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

| | | |
|------------------------------|---|--------|
| Warren H. Newell, Chairman | - | Aye |
| Carol A. Roberts, Vice Chair | - | Absent |
| 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 November 29, 2001.

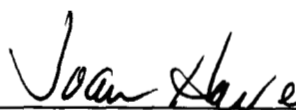
Filed with the Clerk of the Board of County Commissioners on 29 day of November, 2001.

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

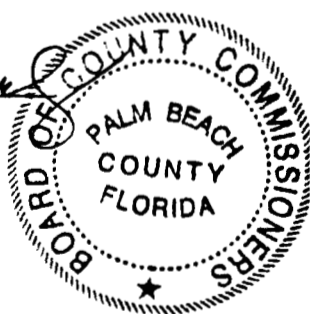


EXHIBIT A
LEGAL DESCRIPTION

TRACTS 13, 14, 15 AND 16, BLOCK 73, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT OF WAY FOR CLINT MOORE ROAD AS RECORDED IN DEED BOOK 692, PAGE 60, DEED BOOK 692, PAGE 62, AND OFFICIAL RECORD BOOK 6204, PAGE 1291, AND LESS THE RIGHT OF WAY FOR LAKE WORTH DRAINAGE DISTRICT CANAL E-1 AS RECORDED IN OFFICIAL RECORD BOOK 1994, PAGE 1615.

CONTAINING 783,528 SQUARE FEET OR 17.9644 ACRES
MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

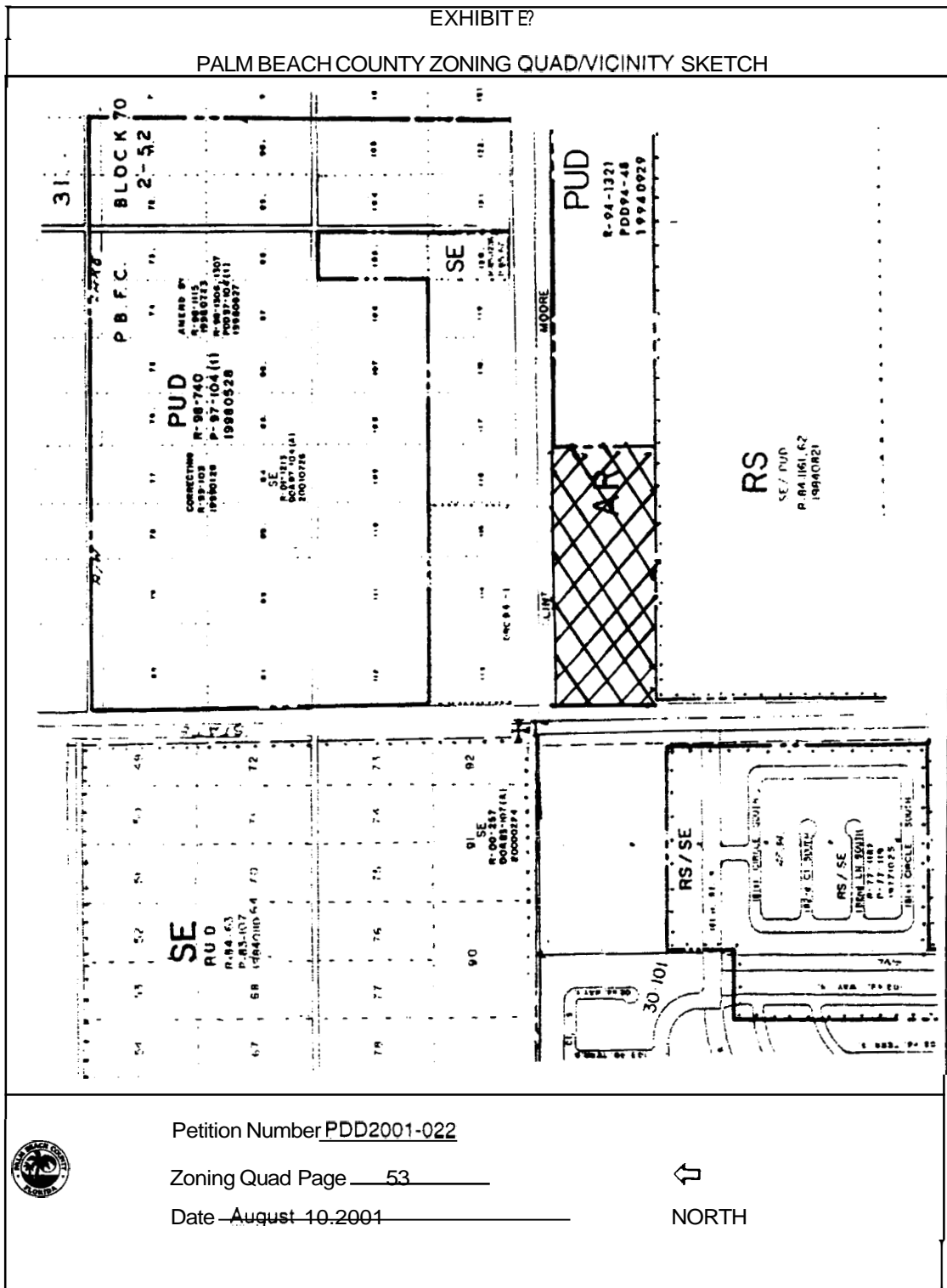


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 November 5, 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. (ONGOING: ZONING)
2. Prior to final DRC of the site plan, the petitioner shall revise the Concurrency application to be consistent with the site plan dated November 5, 2001. (DRC:CONCURRENCY)

B. ARCHITECTURAL CONTROL

1. The exterior elevations of all buildings shall include the following:
 - a. Full pitched roof or a hip-on-deck roof with varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 100 feet;
 - b. Varied building materials and textures;
 - c. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
 - d. Combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
 - e. Integrated design of gutters and downspouts into the architectural design of the building;
 - f. Similar architectural character and treatment shall be provided on all sides of the building;
 - g. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.);
 - h. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
 - i. All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division for review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

4. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to show a covered loading dock for the Retail B “Grocery store” building. A full pitched roof, a minimum of 25 feet in width and 50 feet in length, shall be provided over the loading dock. Design, color, pitch and material of the roof shall be consistent with the principal structure. (DRC:ZONING - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 143,750 square feet. (DRC: ZONING-Planning)
2. The maximum height for all structures including the clock tower and architectural focal elements, air conditioning, mechanical equipment and satellite dishes (except for Retail Building C and Financial Institution 2), shall not exceed thirty-five (35) feet. Retail building C and Financial Institution 2 shall not exceed twenty-seven (27) feet in height. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. Prior to final DRC certification of the site plan, the location of the dumpsters shall be revised to provide a minimum setback of ~~sixty~~ (60) feet from the south property line. No dumpster shall be located two hundred (200) feet west of the loading area of Retail Building C. (DRC:ZONING - Zoning)

D. LANDSCAPING - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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;
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk; ten (10) feet clear trunk for specimen palms;
 - 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. (CO: LANDSCAPE - Zoning) (CO: LANDSCAPE - Zoning)
3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. The petitioner/property owner shall sod and irrigate within the rights-of-way of the LWDD canals, subject to approval from the Lake Worth Drainage District, the County Engineer and the Zoning Division. This requirement shall be indicated on the site plan prior to final DRC certification of the site plan.

All required sodding including an irrigation system should be installed at the property owners expense. All sodding shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to fertilizing, mowing and irrigation. All sod and irrigation system shall be installed prior to the issuance of the first certificate of occupancy. (DRC/CO: MONITORING- Zoning)

E. ENGINEERING

1. A. On or before February 1, 2002, the property owner shall convey to Palm Beach County sufficient road drainage easement(s), as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Clint Moore Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system may be within the project, and/or at an offsite location, as approved by the County Engineer shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wing wall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING-Eng)
- B. Prior to DRC approval of the final site plan, the property owner shall submit a drainage statement approved by the County Engineer verifying that size(s) of stormwater management tract(s) is sufficient to accommodate the Clint Moore Road drainage.
2. The Property owner shall fund the construction of:
 - a. A traffic signal at the intersection of Clint Moore Road and the project's main entrance. This signal shall be installed if warranted as determined by the County Engineer. That determination will be made based upon a traffic study prepared by the developer and submitted to the Traffic Division no later than **24** months after the issuance of the first Certificate of Occupancy. If signalization is required, the signal shall be a mast arm structure. The cost of signalization shall also include any required utility relocation. (CO/DATE: Monitoring-Eng)
 - b. If the traffic signal is not warranted the developer shall construct a directional median opening (peanut) at the intersection of Clint Moore Road and the project's main entrance if determined to be necessary for safety purposes by the County Engineer. The construction of this directional median opening shall be completed 90 days from the County Engineer's determination that a traffic signal is not warranted at this intersection.

- c. a right turn lane west approach on Clint Moore Road at the project's west entrance road.

Funding for this construction shall be provided to Palm Beach County Roadway Production Division prior to March 15, 2002. Any and all costs associated with this construction shall be paid by the property owner with the total amount to be approved by the County Engineer. These turn lanes will then be incorporated into the widening of Clint Moore Road adjacent to the site. (DATE: MONITORING-Eng)

3. The Property owner shall construct:

- I) right turn lane south approach on SR 7 at the project's entrance road.
- II) right turn lane south approach on SR 7 at Clint Moore 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 the Florida Department of Transportation shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

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

No Building Permits shall be issued until the contract has been awarded for the 4 lane construction for Clint Moore Road from Jog Road to Lyons Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

5. Surety acceptable to the County Attorney and County Engineer in the amount of \$812,000 for the Clint Moore Road construction shall be posted with the Office of the Land Development Division on or before May 29, 2002. (TPS - Maximum 6 month time extension. (DATE: MONITORING-ENG)

6. LANDSCAPE WITHIN MEDIAN OF CLINT MOORE ROAD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Clint Moore Road Right-of-way. Landscaping shall consist of:
 - Concrete median cut out strips
 - Median Landscaping

As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and median plantings are permitted, the Landscape Material within the roadway median shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system if required, 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 the first certificate of occupancy. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the 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 the first building permit. (BLDG PERMIT: MONITORING-Eng)

7. LANDSCAPING WITHIN SR 7

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide both:
 - Concrete median cut out strips
 - Median Landscaping

All within the Median of SR 7 contiguous to the frontage. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG. PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing 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. The 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, and the irrigation system. 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)

- 8. Proposed Bridge crossing of the LWDD EI Canal shall have either street lights (Lumanars) or internal lighting within the Bridge walls to provide lighting for the Pedestrian Pathway along SR7. (PAVING & DRAINAGE PLANS – ENG)

F. LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES (ADJACENT TO CLINT MOORE ROAD AND SR7/US441 AND RESIDENTIAL)

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

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted. A maximum of five (5) foot utility easement encroachment may be permitted only along the north and west property lines;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree planted for each thirty (30) feet linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- g. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation;
- h. all shrub material shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:
eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches – medium shrub; and,
forty-eight (48) to sixty (60) inches – large shrub

Shrub material shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical/tiered effect. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a minimum two (2) foot high continuous berm, measured from top of the curb;

- c. an eight (8) foot high opaque concrete wall to be installed on the plateau of the berm. This wall shall begin at the east end of the south property line and extend westward a minimum of **1320** linear feet. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
 - d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
- a. one (1) native shrub for each two (2) linear feet of property line. Shrub shall be twenty-four (24) inches high at installation. Shrubs shall be maintained at a minimum height of six (6) feet at maturity. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install:
- a. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - b. one (1) native small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation;
 - c. one (1) native medium shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation.
 - d. all shrub material shall be planted in a hierarchy of layers consisting of a minimum of two (2) varying heights as follows:
eighteen (18) to twenty-four (24) inches – groundcover and small shrub; and,
twenty-four (24) to thirty-six (36) inches – medium shrub;
- These heights shall be continuously maintained to achieve the hierarchical/tiered effect. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING - INTERIOR

- 1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces with the exception of parking spaces adjacent to the south property line. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet with the exception of parking spaces adjacent to the south property line. (DRC: ZONING)
- 2. Landscape diamonds shall be installed in the parking area where landscape divider median is not provided. Landscaping for each diamond shall consist of:
 - a. a minimum of one (1) canopy trees; and,
 - b. appropriate groundcover. (DRC: ZONING)
- 3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum length of this median shall be twenty-five (25) feet. (DRC: ZONING)
- 4. Landscaping for terminal island in the parking area shall consist of the following:
 - a. a minimum of one (1) canopy trees; and,
 - b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty-six (36) inches. (CO: LANDSCAPE)

5. Special planting treatment shall be provided on both sides of the main access point of Clint Moore Road and SR7/US441. Planting shall consist of the following:
 - a. a minimum of one (1) specimen palm (Medjool or Canary);
 - b. a minimum of five (5) flowering trees; and
 - c. shrub or hedge materials. (CO:LANDSCAPE)

6. Special planting treatment shall be provided on both sides of the eastern and western access points on Clint Moore Road. Planting shall consist of the following:
 - a. a minimum of three (3) Royal Palms;
 - b. a minimum of three (3) flowering trees along the access drive; and
 - c. shrub or hedge materials. (CO:LANDSCAPE)

7. Special planting treatment shall be provided at the intersection of Clint Moore Road and SR7. Planting shall consist of the following:
 - a. a minimum of three (3) specimen palm (Medjool or Canary);
 - b. a minimum of five (5) flowering trees;
 - c. shrub or hedge materials; and,
 - d. an architectural design feature consists of a wall fountain or a project identification sign with planter. The wall fountain/sign shall be a minimum of six (6) feet in height and sixty (60) square feet in face (CO:LANDSCAPE)

8. Special planting treatment shall be provided at the median of the main access point on Clint Moore Road and the median at the access point of SR7. Planting shall consist of the following:
 - a. a minimum of five (5) specimen palm (Medjool or Canary) or five (5) Royal Palms; and,
 - b. shrub or hedge materials. (CO:LANDSCAPE)

I. LIGHTING

1. **All** outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height. Outdoor lighting within one hundred (100) feet of the south property line shall be limited to twenty-five (25) feet in height, and shall be setback a minimum of thirty (30) feet from the south property line. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than thirty (30) minutes after closing, excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

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 Palm Beach County School Board and/or the County Engineer. (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 the Palm Beach County School Board, Palm Tran, and County Engineer prior to 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. (CO: MONITORING - Eng)
3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)
4. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

K. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney.

The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
2. 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. (DRC: ZONING - Co Att)
3. Prior to final site plan certification of the site plan, the site plan shall be amended to show a focal point at the terminus of each access point from Clint Moore Road and SR7/US441, and the northwest corner of Retail Building C. The focal point shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public areas acceptable to the Public Hearing Section, Zoning Division. Decorative pavement shall be provided along the each main access point and at intersection of the main internal driveway. (DRC: ZONING)

L. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)
2. Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate interior shopping cart storage. (DRC: ZONING)

M. PLANNING

1. Prior to final Development Review Certification, the site plan shall reflect that the eastern 250 feet of the site be cross-hatched, which limits this portion of the site to drainage, landscaping and at-grade parking only. Vehicular storage, and/or storage of any kind is prohibited (with the exception of drainage and water retention, which is permitted on site). (DRC: ONGOING/PLANNING)
2. Prior to final Development Review Certification, the site plan shall reflect that the single largest tenant on the site shall be a grocery store, which is limited to a maximum of 55,000 square feet. This limitation shall include all of the square footage of the building including any space that might be allocated for a mezzanine. (DRC: ONGOING/PLANNING)

N. SIGNS

1. Freestanding point of purchase signs fronting on Clint Moore Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet and eight (8) feet ;
 - b. Maximum sign face area per side - one hundred (100) square feet and eighty (80) square feet;
 - c. Maximum number of signs - *two* (2); and,
 - d. Style - monument style only. (CO: BLDG)
2. Freestanding point of purchase signs fronting on SR 7/US441 shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Maximum number of signs - one (1); and,
 - d. Style - monument style only. (CO: BLDG)
3. Project identification signs fronting on Clint Moore Road and SR7/US441 shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - sixty (60) square feet;
 - c. Maximum number of signs - one (1) pair for each road frontage, and may be permitted a freestanding, project identification sign at the intersection of SR7 and Clint Moore Road per Condition H.7.d;
 - d. Style - monument style only; and
 - e. Project identification only (no tenant signs shall be permitted). (CO: BLDG)
4. Wall signs shall be limited to the following:
 - a. Retail A building – north and south facades of the building;

- b. Retail B (grocery store) building – north and west facades of the building;
 - c. Retail C building – north facade of the building;
 - d. Retail D (pharmacy) building – any two facades of the building;
 - e. Financial Institutions – any two facades of the building; and,
 - f. Restaurant – any two facades of the building.
5. Wall signs shall be limited to twenty-four (24) inches high for all buildings except for retail (51,673 square feet) buildings B and D. (CO: BLDG)
 6. Wall signs for Retail Building B (grocery store) shall be limited to fifty four (54) inches high for the west facade and twenty four (24) inches high for the north façade. (CO:BLDG)
 7. Wall signs for Retail Building D (pharmacy) shall be limited to thirty-six (36) inches high. (CO:BLDG)

O. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

P. USE LIMITATION

1. Retail business activity, excluding the restaurant and the pharmacy, shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 11:00 p.m. daily. Hours of operation for the restaurant and the pharmacy, including deliveries, shall be limited to the following:

7:00 a.m. to 12:00 a.m. Monday through Thursday, and Sundays; and may remain open until 1:00 a.m. Fridays and Saturdays (ONGOING: CODE ENF - Zoning)
2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
3. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
4. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning)

Q. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or

- approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 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. (MONITORING)