

RESOLUTION NO. R-2002- 0143

RESOLUTION APPROVING ZONING PETITION DOA1991-047(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF HAGEN REALTY HOLDINGS INC.
BY ROBERT BASEHART, AGENT
(HAGEN RANCH COMMERCE CENTER)

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 DOA1991-047(B) was presented to the Board of County Commissioners at a public hearing conducted on January 31, 2002; 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 DOA1991-047(B), the petition of Hagen Realty Holdings Inc., by Robert Basehart, agent, for a Development Order Amendment (DOA) to modify/delete conditions of approval 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 January 31, 2002, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 31, 2002.

Filed with the Clerk of the Board of County Commissioners on 12 day of February, 2002.

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

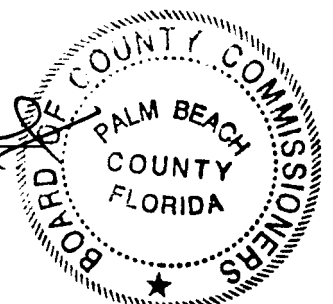


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE PLAT OF AHAGEN RANCH COMMERCE CENTER REPLAT, P.C.D.®, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGES 127 AND 128 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 7.479 ACRES, MORE OR LESS.

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 Resolutions R-92-350 (Petition 91-47), and R-92-351 (Petition 91-47), 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) (Previous Condition A. 1 of Resolution R-98-0728, Petition DOA91-47(A))
2. Previous Condition A.2 of Resolution R-98-0728, Petition DOA91-47(A) 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 March 12, 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. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master/site plan is dated October 17, 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)

B. ACCESS

1. Prior to site plan certification, the petitioner shall record in the public record a cross access agreement which provides access to the property owner to the east (Petition No. 90-17) in a form acceptable to the County Attorney. (DRC: ZONING - Co Att) (Previously Condition B.1 of Resolution R-98-0728, Petition DOA91-47(A))

C. AUTO SERVICE (WITH REPAIRS)

1. The car wash facility shall utilize a 100% water recycling system. (DRC: ZONING) (Previously Condition A.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. No outdoor speaker or public address systems which are audible off-site shall be permitted. (DRC: ZONING) (Previously Condition C.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (DRC: ZONING) (Previously Condition C.3 of Resolution R-98-0728, Petition DOA91-47(A))

4. Vehicles shall not be tested off-site on residential streets. (DRC: ZONING) (Previously Condition C.4 of Resolution R-98-0728, Petition DOA91-47(A))
5. There shall be no outdoor repair or storage of vehicles. (DRC: ZONING) (Previously Condition C.5 of Resolution R-98-0728, Petition DOA91-47(A))
6. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF) (Previously Condition C.6 of Resolution R-98-0728, Petition DOA91-47(A))

D. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **56,727** square feet. Expansion shall be limited to five percent (5%) or **1,000** square feet, whichever is less. (DRC: ZONING) (Previously Condition D.2 of Resolution R-98-0728, Petition DOA91-47(A))
2. Architectural character and treatment which is compatible and harmonious with abutting residential developments shall be provided on the rear facades of the retail buildings. (DRC: ZONING) (Previously Condition D.3 of Resolution R-98-0728, Petition DOA91-47(A))
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. (DRC: ZONING) (Previously Condition D.4 of Resolution R-98-0728, Petition DOA91-47(A))

E. ENGINEERING

1. Condition E.1 of Resolution R-92-351, Petition 91-47, was deleted by Resolution R-98-0728.
2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (Previously Condition E.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. Prior to March **15, 1992** or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Hagen Ranch Road, **60.5** feet from centerline free of all 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 all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. Note: [Completed] (Previously Condition E.3 of Resolution R-98-0728, Petition DOA91-47(A))
4. The Property owner shall construct at the project middle entrance and Hagen Ranch Road a left turn lane north approach.

- 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 building permits for more than **13,000** square feet of commercial floor area, including the existing convenience store. (BLDG. PERMIT: MONITORING-Eng)
 - c. Construction shall be completed prior to the issuance of certificates of Occupancy for more than **13,000** square feet of commercial floor area, including the existing convenience store. (CO: MONITORING-Eng) (Previously Condition E.4 of Resolution R-98-0728, Petition DOA91-47(A))
5. Prior to site plan approval:
- a. The site plan shall be revised to relocate the proposed north entrance onto Hagen Ranch Road a distance of **120** feet to the south. [Complete]
 - b. The property owner shall convey an access easement to the adjoining property owner to the east. Location to be approved by the County Engineer. (BLD. PERMIT: Monitoring-Eng) (Previously Condition E.5 of Resolution R-98-0728, Petition DOA91-47(A))
6. Condition E.6 of Resolution R-92-351, Petition 91-47 was deleted by Resolution R-98-0728.
7. The property owner shall convey to the Lake Worth Drainage District the north 75 feet of the subject tracts the required right-of-way for Lateral Canal No. **24**, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to March **15, 1992**. (DATE: Monitoring-LWDD) (Previously Condition E.7 of Resolution R-98-0728, Petition DOA91-47(A))
8. Condition E.8 of Resolution R-92-351, Petition 91-47 was deleted by Resolution R-98-0728.
9. The property owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. (BLD. PERMIT: Monitoring-Eng) (Previously Condition E.9 of Resolution R-98-0728, Petition DOA91-47(A))
10. Condition E.10 of Resolution R-92-351, Petition 91-47 was deleted by Resolution R-98-0728.
11. **LANDSCAPE WITHIN MEDIAN OF BOYNTON BEACH BOULEVARD**
- At the option of the County Engineer the property owner shall either complete A or B of the following condition:
- A. Landscaping by the property owner as follows:

1. 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) (Previously Condition E.11.A.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. All required median landscaping, including an irrigation system if required, 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' 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) (Previously Condition E.11.A.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. 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) (Previously Condition E.11.A.3 of Resolution R-98-0728, Petition DOA91-47(A))

B. Funding for Landscaping by the property owner as follows:

Funding for the required landscaping by the property owner shall be provided to the County Engineer within 60 days notice that payment is requested. Funding may then be provided to the Palm Isles Homeowner's Association for an irrigation system or the planting of Landscape material within the median of Boynton

Beach Boulevard adjacent to the site. (ENG) (Previously Condition E . II.B of Resolution R-98-0728, Petition DOA91-47(A))

F. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Drainage District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. (DRC: LWDD) (Previously Condition F.1 of Resolution R-98-0728, Petition DOA91-47(A))

G. DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

1. The extent of soil and groundwater contamination shall be defined and summarized in a complete Contamination Assessment Report (CAR) to be submitted to the Department of Environmental Resources Management (ERM) concurrent with site plan review application and approved by ERM prior to site plan certification. (ERM) (Previously Condition G.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. Prior to issuance of building permits, all petroleum contaminated soils located in stormwater retention areas, building or parking areas, driveways, or other areas to be covered by slabs, foundations, paving, or exfiltration trenches, shall be removed to levels designated by the Department of Environmental Resources Management and the area(s) shall be backfilled with clean, non-deleterious material. Petroleum contaminated soils in other areas shall be assessed and remediated in accordance with Chapter 17-770, Florida Administrative Code and Department of Environmental Regulation guidelines. (BLDG: ERM) (Previously Condition G.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. Remediation of contaminated groundwater shall be performed by the petitioner in accordance with Chapter 17-770, Florida Administrative Code requirements. Time frames and schedules described in the rule shall be met by the petitioner unless extensions are granted by the Department of Environmental Resources Management. (ERM) (Previously Condition G.3 of Resolution R-98-0728, Petition DOA91-47(A))
4. Plans for any underground storage tanks must be signed off by ERM prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Doublewalled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ERM) (Previously Condition G.4 of Resolution R-98-0728, Petition DOA91-47(A))
5. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. ERM staff are willing to provide guidance on appropriate protective measures. (ERM) (Previously Condition G.5 of Resolution R-98-0728, Petition DOA91-47(A))

H. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (DRC / ONGOING: ZONING / CODE ENF) (Previously Condition H.1 of Resolution R-98-0728, Petition DOA91-47(A))

2. There shall be no dumpsters located within fifty (50) feet of any residentially zoned property. (DRC: ZONING) (Previously Condition H.2 of Resolution R-98-0728, Petition DOA91-47(A))

I. HEALTH

1. 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 I.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH) (Previously Condition 12 of Resolution R-98-0728, Petition DOA91-47(A))
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previously Condition 13 of Resolution R-98-0728, Petition DOA91-47(A))
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil. (ONGOING: HEALTH) (Previously Condition 14 of Resolution R-98-0728, Petition DOA91-47(A))
5. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C. (HEALTH) (Previously Condition 15 of Resolution R-98-0728, Petition DOA91-47(A))

J. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (HEALTH) (Previously Condition J.1 of Resolution R-98-0728, Petition DOA91-47(A))

K. LANDSCAPING - GENERAL

1. All trees planted on-site shall be a minimum of fourteen (14) feet in height at installation with a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level. (CO: LANDSCAPE - Zoning) (Previously Condition K.2 of Resolution R-98-0728, Petition DOA91-47(A))

L. LANDSCAPING - INTERIOR

1. Interior grade-level tree planters shall be required within all applicable parking areas of Phase 2 as indicated on the site plan approved May 27, 1992 Exhibit 24. (CO: LANDSCAPE - Zoning) (Previously Condition L.1 of Resolution R-98-1120, Petition DOA91-47(A))
2. The site plan shall be amended to indicate five (5) foot wide landscape strips along the rear of the 14,250 and 12,700 square foot in-line retail center, except adjacent to access points to the rear of each building. The landscape strips shall be planted with a minimum of thirty (30) inch

tall hedge or shrub material planted twenty-four **(24)** inches on center. (DRC: ZONING) (Previously Condition L.2 of Resolution R-98-0728, Petition DOA91-47(A))

3. 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 **40%** 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. (DRC / CO: ZONING / LANDSCAPE) (Previously Condition **L.4** of Resolution R-98-0728, Petition DOA91-47(A))

M. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING BOYNTON BEACH BOULEVARD)

1. Landscaping along Boynton Beach Boulevard shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip.
 - b. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet of frontage;
 - c. Thirty **(30)** inch tall hedge or shrub material planted twenty-four **(24)** inches on center. (CO: LANDSCAPE - Zoning) (Previously Condition M.1 of Resolution R-98-0728, Petition DOA91-47(A))

N. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping within a fifteen **(15)** foot wide buffer strip along the south property line shall be upgraded to include:
 - a. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE - Zoning) (Previously Condition N.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet.
 - b. Thirty **(30)** inch high shrubs 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. (CO: LANDSCAPE - Zoning) (Previously Condition N.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. The following landscaping requirements shall be installed on the interior side of the required wall:

- a. Twenty-four **(24)** inch high shrubs 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. (CO: LANDSCAPE - Zoning) (Previously Condition N.3 of Resolution R-98-0728, Petition DOA91-47(A))

O. LANDSCAPING ALONG THE EAST PROPERTY LINE

- 1. Landscaping within a ten **(10)** foot wide buffer strip along the east property line shall be upgraded to include:
 - a. A six (6) foot high opaque concrete wall for that portion of the property line abutting property with residential land use. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
 - b. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - 1. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet.
 - 2. Thirty **(30)** inch high shrubs 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. (CO: LANDSCAPE - Zoning)
 - c. The following landscaping requirements shall be installed on the interior side of the required wall:
 - 1. Twenty-four **(24)** inch high shrubs 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.
 - d. For the portion of the east property line abutting commercial zoning, the following landscape requirements shall be installed within the required ten **(10)** foot wide landscape strip:
 - 1. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet.
 - 2. Twenty-four **(24)** inch high shrubs 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. (CO: LANDSCAPE - Zoning) (Previously Condition 0.1 of Resolution R-98-0728, Petition DOA91-47(A))

P. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING HAGEN RANCH ROAD)

- 1. Landscaping within the required fifteen **(15)** foot buffer along Hagen Ranch Road shall be upgraded to include:
 - a. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet of frontage;

- b. Thirty **(30)** inch tall hedge or shrub material planted twenty-four **(24)** inches on center. (CO: LANDSCAPE - Zoning) (Previously Condition P.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. Landscaping along **110** feet of Hagen Ranch Road, adjacent to the **3,600** square foot outparcel shall be upgraded to include:
 1. The landscape buffer adjacent to the **3,600** square foot out-parcel shall maintain a twenty **(20)** foot buffer excluding any easement encroachments in addition to the above requirements. (CO: LANDSCAPE - Zoning) (Previously Condition P.2 of Resolution R-98-0728, Petition DOA91-47(A))

Q. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning) (Previously Condition Q.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. Lighting fixtures shall not exceed twenty **(20)** feet in height. Lighting fixtures within one hundred and sixty **(160)** feet of residential areas shall not exceed twelve **(12)** feet in height. (CO: BLDG - Zoning) (Previously Condition Q.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. All outdoor lighting within fifty (50) feet of residential areas shall be extinguished no later than **11:00 p.m.** Security lighting only is excluded from this requirement. (CO / ONGOING: BLDG / CODE ENF - Zoning) (Previously Condition Q.3 of Resolution R-98-0728, Petition DOA91-47(A))
4. There shall be no rooftop lighting allowed on-site. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition Q.4 of Resolution R-98-0728, Petition DOA91-47(A))

R. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (CO: BLDG - Zoning) (Previously Condition R.1 of Resolution R-98-0728, Petition DOA91-47(A))
2. No parking of any vehicles shall be permitted along the rear of the facility except in parking spaces or unloading areas designated on the site plan. (CO: BLDG - Zoning) (Previously Condition R.2 of Resolution R-98-0728, Petition DOA91-47(A))

S. PLANNING

1. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design **Guidelines**" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November **12, 1996**. (BLDG PERMIT: BLDG - Planning) (Previously Condition S.1 of Resolution R-98-0728, Petition DOA91-47(A))

2. Prior to the issuance of a building permit, the property owner shall include in the landscape median permit application, landscaping **details/ specifications** meeting the standards as set forth in Section **2B (1) (2)** of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November **12,1996**. In lieu of this requirement, prior to the issuance of a building permit, if an agreement is reached between Palm Isles PUD and Palm Beach County for the landscaping of the median, the property owner may provide a cash contribution to the Palm Isles Homeowners Association for the landscaping of the median provided the landscape **details/specifications** of the Palm Isles landscaping plan are consistent with the Boynton Beach Turnpike Interchange Corridor- Design Guidelines. (BLDG PERMIT: MONITORING - Planning) (Previously Condition S.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. Trees within the perimeter landscape buffers shall be provided at a maximum of twenty-five **(25)** feet on center. (CO: LANDSCAPE - Planning) (Previously Condition S.3 of Resolution R-98-0728, Petition DOA91-47(A))
4. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November **12, 1996**, inclusive of the following landscaping provisions:
 - a) Section **2: Boynton Beach Boulevard Buffers/Streetscape** and Median including a twenty-five **(25)** foot landscape buffer on Boynton Beach Boulevard with the exception of landscape buffering in front of the existing gas station use. The twenty-five **(25)** foot buffer will not be required in front of the existing gas station use; and
 - b) Section **3: Landscaping Guidelines**. (ONGOING: PLANNING) (Previously Condition S.4 of Resolution R-98-0728, Petition DOA91-47(A))

T. RECYCLE SOLID WASTE

1. The property owner and/or all lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA) (Previously Condition T. 1 of Resolution R-98-0728, Petition DOA91-47(A))

U. SCHOOL BOARD

1. The petitioner shall install stop bars and stop signs at the project's entrances on Boynton Beach Boulevard and Hagen Ranch Road in accordance with the manual of Uniform Traffic control Devise. This petitioner shall also install pedestrian crossing signs warning vehicles entering and exiting this project that school children are crossing in this area to Hagen Road Elementary School between the hours of **7:30 a.m. - 8:15 a.m. and 2:00 p.m. - 2:45 p.m.** Plans detailing these control devices for vehicular and pedestrian traffic safety shall be submitted to the Growth Management Center of the School Board for approval prior to site plan certification. (ONGOING: SCHOOL BOARD) (Previously Condition U. 1 of Resolution R-98-0728, Petition DOA91-47(A))

V. SIGNS

1. Signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area per sign - 100 sq. ft. total.
 - c. Maximum number of signs - one (1) monument type sign. (CO: BLDG) (Previously Condition V.1 of Resolution R-98-0728, Petition DOA91-47(A))

2. Condition V.2 of Resolution R-98-0728, Petition DOA91-47(A) which currently states:

Signs fronting on Hagen Ranch Road shall be limited as follows:

- a. Maximum sign height - ten (10) feet.
- b. Maximum total sign face area - 100 sq. ft. total
- c. Maximum number of signs - one (1) monument type sign. (CO: BLDG)

Is hereby amended to read:

Freestanding Point of purchase sign on Hagen Ranch Road 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); and,
 - d. style - monument style only. (CO: BLDG-Zoning)
3. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (CO: BLDG) (Previously Condition V.3 of Resolution R-98-0728, Petition DOA91-47(A))
 4. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. (CO: BLDG) (Previously Condition V.4 of Resolution R-98-0728, Petition DOA91-47(A))
 5. The service station gasoline price information shall comply with the minimum requirements of the applicable County Ordinance. (ONGOING/DRC: CODE ENF/ZONING) (Previously Condition V.5 of Resolution R-98-0728, Petition DOA91-47(A))
 6. Should the existing freestanding Point of purchase sign at the intersection of Hagen Ranch Road and Boynton Beach Boulevard be replaced, removed or relocated, the new sign 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); and,
 - d. style - monument style only. (CO: BLDG-Zoning)

W. UNITY OF CONTROL

1. Prior to site plan certification, the petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. (DRC: ZONING - Co Att) (Previously Condition W. 1 of Resolution R-98-0728, Petition DOA91-47(A))

X. USE LIMITATION

1. Retail business activities, excluding the auto service station and convenience store, shall not be allowed on site, including deliveries, prior to **6:00** a.m. nor continue later than **11:00 p.m.** The fast food facility may be open until 12 o'clock midnight. (ONGOING: CODE ENF - Zoning) (Previously Condition X. 1 of Resolution R-98-0728, Petition DOA91-47(A))
2. No storage or placement of any material, refuse, equipment or debris shall be permitted in the rear of any of the facilities. (ONGOING: CODE ENF - Zoning) (Previously Condition X.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. No outdoor retail business activities shall be allowed on the site, excluding deliveries. (ONGOING: CODE ENF - Zoning) (Previously Condition X.3 of Resolution R-98-0728, Petition DOA91-47(A))

Y. UTILITIES

1. The developer shall design the project on-site irrigation system to facilitate a suitable connection to a future reclaimed water transmission main on Hagen Ranch Road. The irrigation system shall be designed to allow a disconnection of the irrigation well and/or surface water irrigation pump providing irrigation water on an interim basis until connection to the reclaimed water system becomes available. There shall be no physical connection between the irrigation system and the potable water system. The design of the irrigation system shall be subject to the review and approval of the Palm Beach County Water Utilities Department. (BLDG PERMIT: Water Utilities) (Previously Condition Y. 1 of Resolution R-98-0728, Petition DOA91-47(A))
2. Upon the availability of reclaimed water from the Palm Beach County Southern Region Wastewater Treatment Plant, the Property Owner will enter into a Reclaimed Water Use Agreement with Palm Beach County and the Palm Beach County Water Utilities Department for the provision of reclaimed water to the project for the purpose of irrigating grassed and landscaped areas. (BLDG PERMIT: Water Utilities) (Previously Condition Y.2 of Resolution R-98-0728, Petition DOA91-47(A))
3. The developer shall extend the 16-inch water main in Boynton Beach Boulevard, from the west property line of Palm Isles PUD to Hagen Ranch Road, and thence extend a 20-inch water main in Hagen Ranch Road, from the north side of Boynton Beach Boulevard to the entrance of Hagen Ranch Commerce Center, in accordance with Palm Beach County Water Utilities Department requirements. (BLDG PERMIT: Water Utilities) (Previously Condition Y.3 of Resolution R-98-0728, Petition DOA91-47(A))

4. The developer shall construct a 6-inch force main from the existing 8-inch force main in Boynton Beach Boulevard, at the entrance to the Palm Isles PUD development to the project site, in accordance with Palm Beach County Water Utilities Department requirements. (BLDG PERMIT: Water Utilities) (Previously Condition Y.4 of Resolution R-98-0728, Petition DOA91-47(A))

Z. 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) (Previously Condition Z. 1 of Resolution R-98-0728, Petition DOA91-47(A))
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. (MONITORING) (Previous Condition Z.2 of Resolution R-98-0728, Petition DOA91-47(A))