

RESOLUTION NO. R-2002- 0843

RESOLUTION APPROVING ZONING PETITION DOA2000-020(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PHOENIX 441 LAND DEVELOPMENT LTD
BY PRESS TOMKINS JR., P.E., AGENT
(CYPRESS LAKES PRESERVE MUPD)

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

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

WHEREAS, Zoning Petition DOA2000-020(A) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 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 DOA2000-020(A), the petition of Phoenix 441 Land Development Ltd, by Press Tompkins Jr., P.E., agent, for a Development Order Amendment to reconfigure master plan, modify/delete conditons and to allow a self-service storage facility 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 May 23, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by commissioner Aaronson 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 May 23, 2002.

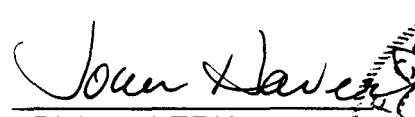
Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2002.

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

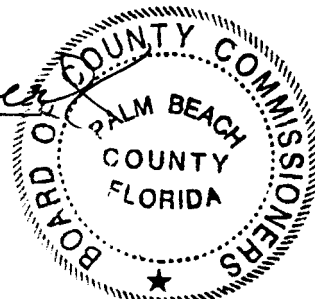


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL LYING IN SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF TRACTS 9 AND 16, BLOCK 35, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, THENCE ALONG THE FOLLOWING NUMBERED COURSES:

- 1.) N.01°27'11"E, (AS A BASIS OF BEARING) ALONG THE EAST LINE OF SECTION 36, A DISTANCE OF 2574.92 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT 16;
- 2.) S.89°00'53"W ALONG THE SOUTH LINE OF TRACT 16 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 222.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. 441 (STATE ROAD NO. 7) AS RECORDED IN OFFICAL RECORD BOOK 10507, PAGE 1304, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
- 3.) N.01°28'20"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 150.66 FEET;
- 4.) N.01°28'04"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 49.52 FEET TO THE POINT OF BEGINNING;
- 5.) CONTINUE N.01°28'04"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 790.18 FEET TO THE NORTH LINE OF THE SOUTH HALF OF TRACT 9;
- 6.) S.89°01'11"W., ALONG THE NORTH LINE OF THE SOUTH HALF OF TRACT 9, A DISTANCE OF 338.27 FEET TO THE WEST LINE OF TRACT 9;
- 7.) S 01°07'49"E ALONG THE WEST LINE OF TRACTS 9 AND 16, A DISTANCE OF 789.49 FEET;
- 8.) N 89°00'53"E ALONG A LINE PARALLEL WITH AND 200 FEET (MEASURED PERPENDICULAR) NORTH OF THE SOUTH LINE OF TRACT 16, A DISTANCE OF 302.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 252.917 SQUARE FEET (5.806 ACRES).

EXHIBIT B
VICINITY SKETCH

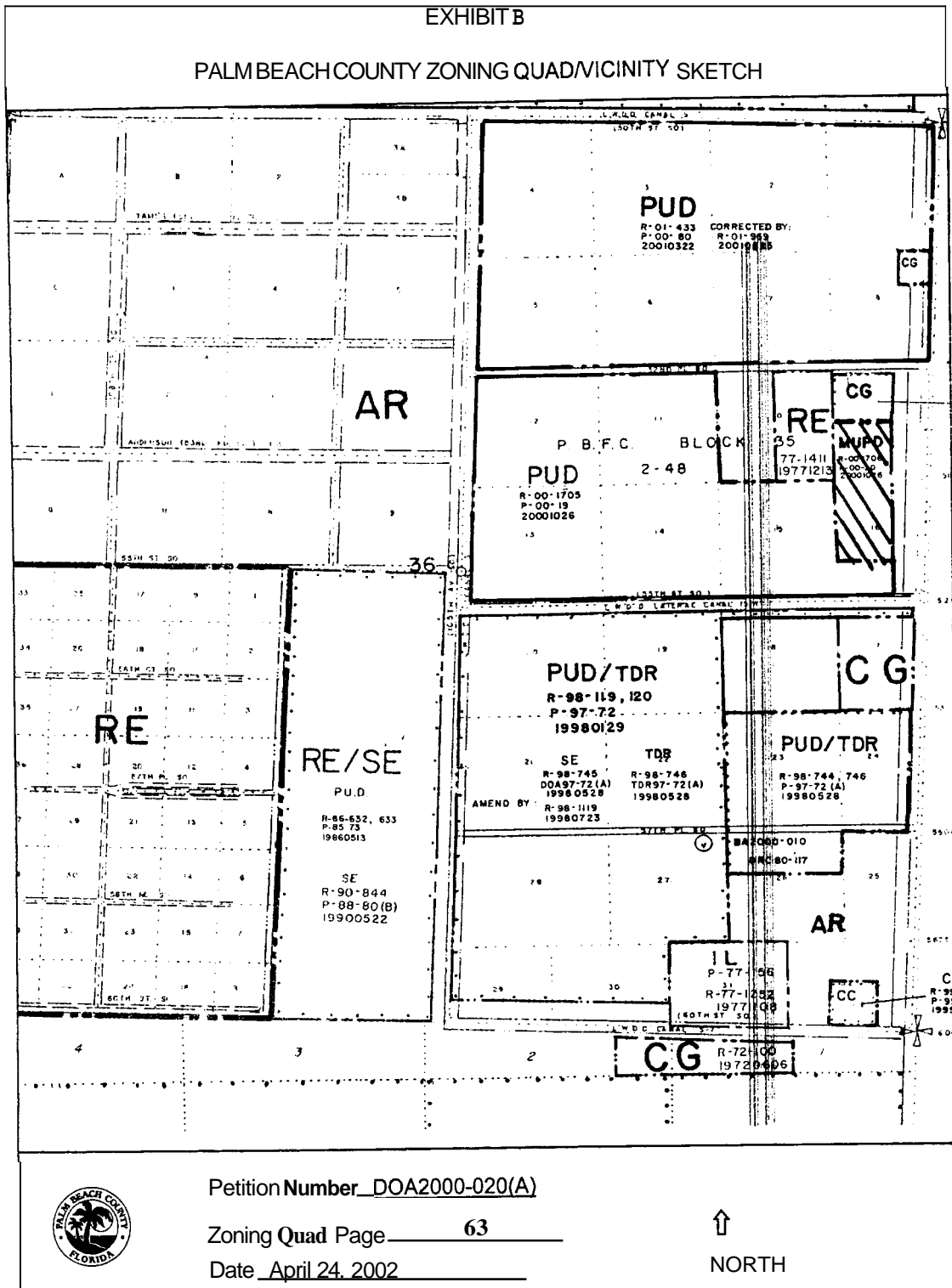


EXHIBIT C

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-2000-1706 (Petition 2000-020) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (~~ONGOING~~: MONITORING-Zoning)

2. Condition A.1 of Resolution R-2000-1706, Petition PDD2000-020, 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 preliminary development plan is dated August 22, 2000 and the site plan for Phase 1 (Pod A) is dated September 19, 2000. All modifications must be approved by the Board ~~of~~ County Commissioners unless the proposed changes are required to meet conditions ~~of~~ approval or are in accordance with the ULDC. (~~ONGOING~~: ZONING-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 preliminary development/site plan is dated April 4, 2002. 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 – Zoning)

3. Condition A.2 of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

The development of Phases 2 and 3 shall be subject to the Board of County Commissioners' approval. (DRC: ZONING)

Is hereby deleted. [REASON: the current site plan only shows one development phase.]

B. ARCHITECTURAL REVIEW

1. Condition B.1 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

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)

Is hereby amended to read:

At time of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural 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: ZONING/BLDG PERMIT - Zoning)

2. Condition B.2 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

The exterior elevations of all buildings shall include the following:

- a. 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 (excluding the one (1) story buildings);
- 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. To avoid a blank wall appearance a combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, decorative columns or pilasters, recesses and projections, and/or quoins. Recesses and projections shall be a minimum of five (5) feet in width;
- e. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
- f. All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)

Is hereby deleted. [REASON: Replaced by Condition B.1]

3. Condition B.3 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for Phase 1 (Pod A) and the concrete wall along the west property line to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

Is hereby amended to read:

All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (DRC: ZONING - Zoning)

4. Condition B.4 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

The entire 5.8 acre site shall be limited to two (2) one story, freestanding buildings. (DRC: BLDG PERMIT - Zoning)

Is hereby deleted. REASON: [Superseded by new condition.]

C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

Total gross floor area for Phase 1 (Pod A) shall be limited to a maximum of 16,100 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-Zoning)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 88,500 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or thousand (1,000) square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING – Zoning)

2. The minimum setback for all structures adjacent to the west property line shall be fifty (50) feet. (DRC: ZONING) (Previous Condition C.2 of Resolution R-2000-1706, Petition PDD2000-020)
3. Condition C.3 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

The maximum height for all structures, including air conditioning, mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG – Zoning)

Is hereby amended to read:

The maximum height for the two-story structure, shall not exceed thirty (30) feet and the maximum height for all one story structures shall not exceed fifteen (15) feet, including air conditioning, mechanical equipment, and satellite dishes. All heights including air conditioning, mechanical equipment, and satellite dishes shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG – Zoning)

4. All ground or roof mounted air conditioning and mechanical equipment including 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) (Previous Condition C.4 of Resolution R-2000-1706, Petition PDD2000-020)

D. HEALTH

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

3. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENFORCEMENT-Health)

E. ENGINEERING

1. Condition E.1 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

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

- a. Building Permits for more than 108 single family dwelling units and 1740 square feet of retail building area shall not be issued until construction has begun for the 4 laning of Lantana Road as a 4 lane section from Lyons Road to SR 7 plus the appropriate paved tapers. (BLDG PERMIT: MONITORING – Eng)

The mix of allowable residential and commercial, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (TPS)

Is hereby deleted. [REASON: No longer required.]

2. **LANDSCAPE WITHIN THE MEDIAN OF SPATE ROAD 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 landscape the adjacent median of SR 7 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 latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing 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) (Previous Condition E.2.A of Resolution R-2000-1706, Petition PDD2000-020)

- 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 Homeowner'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 April 1, 2002. (CO: MONITORING- Eng) (Previous Condition E.2.B of Resolution R-2000-1706, Petition PDD2000-020)

- C. if the County does not assume maintenance responsibility, then appropriate property owner's 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) (Previous Condition E.2.C of Resolution R-2000-1706, Petition PDD2000-020)

F. LANDSCAPING - STANDARD

- 1. Fifty percent (50%) of the 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 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R-2000-1706, Petition PDD2000-020)

- 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;
 - 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) (Previous Condition D.2 of Resolution R-2000-1706, Petition PDD2000-020)

- 3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply to the five (5) foot wide compatibility buffer. (CO: LANDSCAPE – Zoning)

4. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG EAST PROPERTY (SR 7/US 441 FRONTAGE)

1. Condition G.I of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

Landscaping and buffering along the south and east property lines shall be upgraded to include:

- a. a minimum twenty **(20)** foot wide landscape buffer strip. No width reductions shall be permitted;
- b. a minimum continuous three **(3)** foot high berm measured from top of curb;
- c. one **(1)** canopy tree planted every thirty **(30)** feet on center;
- d. one **(1)** palm or pine tree for each twenty **(20)** linear feet with a maximum spacing of sixty **(60)** feet between clusters;
- e. twenty-four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches; and,
- f. installation of the eastern buffer and the west ninety (90) feet of the south property line shall be completed prior to the issuance of the Certificate of Occupancy for Phase 1 building.

Is hereby amended to read:

Landscaping along the east property line abutting SR7/US 441 shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
- b. A continuous three (3) foot high berm measured from finished grade;
- c. One (1) canopy tree for each thirty (30) linear feet of property line;
- d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING COMMERCIAL)

1. Condition F.I of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. one (1) canopy tree planted every thirty **(30)** feet on center;
- c. one (1) palm or pine tree for each twenty **(20)** linear feet with a maximum spacing of sixty **(60)** feet between clusters;

- d. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches; and,
- e. installation of this buffer shall be completed prior to the issuance of the Certificate of Occupancy of Phase 1 building.

Is hereby amended to read:

Landscaping along the north property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

I LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Condition H.I of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reductions shall be permitted;
- b. a continuous three (3) foot high berm measured from top of curb; and
- c. a six (6) foot high opaque concrete wall to be placed on the plateau of the berm. This wall shall continue along the west ninety (90) feet of the south property line. The exterior side of the wall shall be given a finished architectural treatment. No concrete panel wall shall be permitted.

Is hereby amended to read:

Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No easement encroachment or width reductions shall be permitted;
- b. a continuous three (3) foot high berm measured from top of curb;
- c. one (1) canopy tree for each twenty (20) feet on center of property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
- f. one (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches.
- g. one (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) canopy tree planted every thirty **(30)** feet on center;
 - b. one (1) palm or pine tree for each thirty **(30)** linear feet with a maximum spacing of sixty (60) feet between clusters; and,
 - c. twenty-four **(24)** inch high shrub or hedge material spaced no more than twenty-four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (Previous Condition H.2 of Resolution R-2000-1706, Petition PDD2000-020) (CO: LANDSCAPE – Zoning)

Is hereby deleted. Reason: [Replaced with Condition I.1]

3. Condition H.3 of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

Along the interior side of the required wall, the property owner shall install the following:

- a. twenty-four **(24)** inch high shrub ~~or~~ hedge material spaced no more than twenty four **(24)** inches on center, to be maintained at a minimum height of thirty-six **(36)** inches. In area where climbing vine/trellis is installed, two (2) shrub or hedge materials may be replaced; and,
- b. one (1) trellis with climbing vine installed at a minimum of thirty **(30)** feet on center.

Is hereby deleted. [REASON: Superseded by new condition.]

4. (Previous Condition H.4 of Resolution R-2000-1706, Petition PDD2000-020) Installation of this buffer shall be completed prior to the issuance of the Certificate of Occupancy for Phase 1 building. (CO: LANDSCAPE-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

J. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping along the south property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. One ~~(1)~~ canopy tree for each twenty (20) linear feet of property line;
 - c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

K. LANDSCAPING - INTERIOR

1. A minimum of one landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING) (Previous Condition I.1 of Resolution R-2000-1706, Petition PDD2000-020)
2. Foundation planting 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 eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE) (Previous Condition 12 of Resolution R-2000-1706, Petition PDD2000-020)
3. Condition 13 of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

Prior to final DRC certification of the site plan, the petitioner shall submit details of the focal points for the area in front of the General retail use (Phase 1 building). This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade or any other site element or architectural design acceptable to the Zoning Division.

Is hereby deleted. [REASON: No longer applicable.]

L. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF -Zoning) (Previously Condition J.1 of Resolution R-2000-1706, Petition PDD2000-020)
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point and shall setback a minimum thirty-five (35) feet from residential p. (CO: BLDG - Zoning) (Previously Condition J.2 of Resolution R-2000-1706, Petition PDD2000-020)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (ONGOING: CODE ENF) (Previously Condition J.3 of Resolution R-2000-1706, Petition PDD2000-020)
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) (Previously Condition J.4 of Resolution R-2000-1706, Petition PDD2000-020)

M. 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) (Previous Condition K.1 of Resolution R-2000-1706, Petition PDD2000-020)
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 issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING-Eng) (Previous Condition K.2 of Resolution R-2000-1706, Petition PDD2000-020)

N. MUPD

1. Condition L.1 of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

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.

Is hereby deleted. [REASON: Superseded by new condition.]

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) (Previous Condition L.2 of Resolution R-2000-1706, Petition PDD2000-020)

3. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate a focal point at the main access from **SR7/US441**. The focal points shall be in the form of a fountain, trellis or columns with special planting. (DRC: ZONING) (Previous Condition L.3 of Resolution R-2000-1706, Petition PDD2000-020)

O. PLANNING

1. Condition M.1 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to indicate that the maximum allowable FAR for the site is 63,227 or 0.25 FAR. (DRC: PLANNING)

Is hereby deleted. [REASON: No longer has any retail component. A higher FAR is allowed.]

2. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the existing or proposed location of sidewalks along State Road 7 since this site is within two (2) miles of a school. (DRC: PLANNING) (Previous Condition M.2 of Resolution R-2000-1706, Petition PDD2000-020)

3. Condition M.3 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include a notation which shall read "proposed cross access to be paved to the property line for future access to adjacent parcel" at the northern property line as shown on the site plan with an arrow pointing to the adjacent northern property. (DRC: PLANNING)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include a notation which shall read "proposed cross access to be paved to the property line for future vehicular and pedestrian access to adjacent parcel" at the northern property line as shown on the site plan with an arrow pointing to the adjacent northern property. (DRC: PLANNING)

4. Condition M.4 of Resolution R-2000-1706, Petition PDD2000-020 which currently states:

Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the eastern property line at the location shown on the site plan on the northern property line for "proposed cross access". (CO/BLDG PERMIT: MONITORING-BUILDING)

Is hereby amended to read:

Prior to the issuance of the certificate of occupancy, the petitioner shall construct a 20' service road to the end of the northern property line at the location shown on the site plan that reads "proposed cross access". (CO: MONITORING – Planning)

P. SIGNS

1. Freestanding sign fronting on **SR7/US441** shall be limited as follows:
 - a. Maximum sign height - ten (10) feet measured from the adjacent sidewalk to the highest point;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Maximum number of signs - one (1);
 - d. Monument style only. (CO: BLDG) (Previously Condition N.1 of Resolution R-2000-1706, Petition PDD2000-020)
2. Wall signs (per single tenant) shall be limited to the eastern facade of the building. Dimension of wall signs shall be limited to a height of eighteen (18) inches. (CO: BLDG) (Previously Condition N.2 of Resolution R-2000-1706, Petition PDD2000-020)

Q. USE LIMITATIONS

1. Hours of operation for retail business activities, including deliveries, shall be **8:00 a.m. to 11:00 p.m.** (ONGOING: CODE ENF – Zoning) (Previously Condition 0.1 of Resolution R-2000-1706, Petition PDD2000-020)
2. Outdoor retail and associated business activities shall not be allowed on site. (ONGOING: CODE ENF – Zoning) (Previously Condition 0.2 of Resolution R-2000-1706, Petition PDD2000-020)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF – Zoning) (Previously Condition 0.3 of Resolution R-2000-1706, Petition PDD2000-020)

R. 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 P.1 of Resolution R-2000-1706, Petition PDD2000-020)
2. Condition P.2 of Resolution R-2000-1706, Petition PDD2000-020, which currently states:

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.

Is hereby amended to read:

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. (ONGOING: MONITORING – Zoning)