

RESOLUTION NO. R-2003- 0323

RESOLUTION APPROVING ZONING PETITION DOA1998-073(1)A
DEVELOPMENT ORDER AMENDMENT
PETITION OF HERBERT F. KAHLERT & KARL A. KAHLERT
BY KIERAN J. KILDAY, AGENT
(SHOPPES OF NEW ALBANY)

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 DOA1998-073(1)A was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2003; 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 DOA1998-073(1)A, the petition of Herbert F. Kahlert & Karl A. Kahlert, by Kieran J. Kilday, agent, for a Development Order Amendment to reconfigure site plan and add square footage on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 27, 2003, 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 McCarty and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 2003.

Filed with the Clerk of the Board of County Commissioners on 31 day of March, 2003.

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

PARCEL 1, SHOPPES AT NEW ALBANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 86, PAGE 11 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 238,819 SQUARE FEET OR 5.48 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

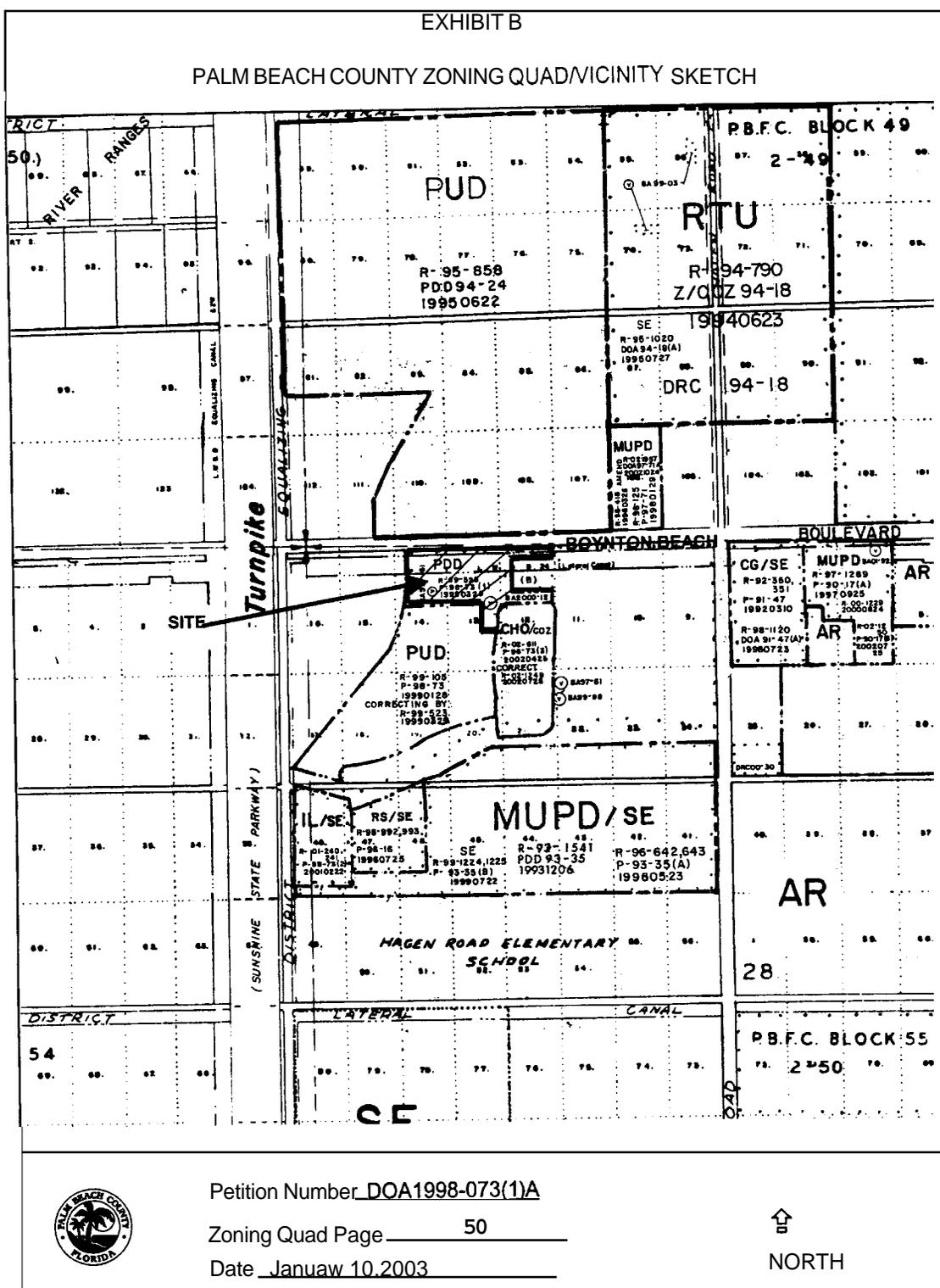


EXHIBIT C

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 Resolution R-99-0525 (Petition 98-073(1)), 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.I of Resolution R-99-0525, Petition 98-073(1), 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 January 24, **1999**. 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 site plan is dated January 24, 2003. 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)

B. ARCHITECTURAL CONTROL

1. Condition B.I of Resolution R99-0523, Petition 98-073(1), which currently states:

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** and shall be a Spanish Mission or Mediterranean style. (BLDG PERMIT: BLDG - Zoning / Planning)

~~Is~~ hereby deleted. REASON: [Code requirement].

2. Prior to application for building permit, architectural elevations shall be submitted for final architectural review and approval to ensure consistency with Section 6.6.E and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (DRC: BLDG/ZONING - Zoning)

C. LANDSCAPING- STANDARD

1. Condition C.1 of Resolution R99-0523, Petition 98-073(1), which currently states:

All canopy trees required to be planted on site by this approval, except on individual residential lots, 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

All canopy trees required to be planted on site by this approval 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; and,
- 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;
- 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 C.2 of Resolution R99-0523, Petition 98-073(1))

3. All landscaping shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (ONGOING: PLANNING- Zoning) (Previous Condition C.3 of Resolution R99-0523, Petition 98-073(1))

4. All trees within the perimeter landscape buffers shall be provided at a maximum of twenty-five (25) feet on center. (CO: LANDSCAPE - Planning) (Previous Condition C.4 of Resolution R99-0523, Petition 98-073(1))

5. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

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

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty-five **(25)** foot wide landscape buffer strip;
 - 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. Two staggered rows of canopy trees, each to be planted every twenty-five (25) feet on center;
 - d. One **(1)** palm for each forty **(40)** linear feet of frontage with a maximum spacing of **40** feet between clusters. A group of three or more palm trees may not supersede the requirement for a canopy tree in that location; and,
 - e. Thirty **(30)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (CO: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R99-0523, Petition 98-073(1))

E. ENGINEERING

1. Prior to the issuance of a building permit the Developer shall plat the MUPD parcel in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.1 of Resolution R99-0523, Petition 98-073(1))
2. Condition E.2 of Resolution R-99-0525, Petition 98-073(1), which currently states:

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

- a. In accordance with concurrency approval for the entire sixty-one **(61)** acres of which Pod B is a part of, building permits for no more than the equivalent of **2652** trips per day shall be issued until construction has commenced on a second left turn lane (dual left turn lanes) and exclusive right turn lane, east approach, Boynton Beach Boulevard/Hagen Ranch Road intersection. (BLDG PERMIT: MONITORING-Eng)
- b. No building permits after September **30, 1999** unless a new traffic study is submitted by the applicant and approved by the County Engineer's Office which justifies a longer buildout time frame. No further administrative time extensions may be granted as this project has already received one administrative time extension. (BLDG PERMIT: MONITORING-Eng)
- c. Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (DRC: ENG - Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, Boynton Beach Enterprise Center shall be restricted to the following phasing schedule:

- A) Building permits for no more than 5,777 trips/day shall be issued until construction commences on Boynton Beach Boulevard from Lyons Road to the Turnpike as a 4-lane section. The 5,777 total trips per day are currently identified with the following uses and associated square footages:

Building permits for no more than:

- 31,100 square feet of general retail,
- 1,686 square feet of convenience store
- gas station with a maximum of 12 fueling positions
- one car wash,
- one fire station
- 42 bed ACLF
- 71 bed nursing home,
- 264 multi family dwelling units
- 93,669 square feet self storage facility with one caretakers quarters
- maximum 6 truck rental facility,
- .2 acre outdoor storage
- 44,660 square feet medical office
- 5,340 square feet general office

- B) Building permits for no more than 5,808 trips/day shall be issued until construction commences on Woolbright Road from El Clair Ranch Road to Military Trail as a 4-lane section. The 5,808 total trips per day are currently identified with the following uses and associated square footages:

Building permits for no more than:

- 32,240 square feet of general retail,
- 1,686 square feet of convenience store
- gas station with a maximum of 12 fueling positions
- one car wash,
- one fire station
- 42 bed ACLF
- 71 bed nursing home,
- 264 multi family dwelling units
- 93,669 square feet self storage facility with one caretakers quarters
- maximum 6 truck rental facility,
- .2 acre outdoor storage
- 44,660 square feet medical office
- 5,340 square feet general office

The mix of allowable uses for Boynton Beach Enterprise Center, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)

3. The mix of allowable use uses, as permitted by the Zoning Division, listed in Planning Condition M.I. may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng) (Previous Condition E.3 of Resolution R99-0523, Petition 98-073(1))

4. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard Road Right-of-Ways. 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) (Complete)

- b. All required median landscaping, including an irrigation system, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or 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 prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng) (Complete)
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.4 of Resolution R-99-0525, Petition 98-073(1)). (Complete)

5. Condition E.5 of Resolution R99-0523, Petition 98-073(1), which currently states:

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 (BLDG PERMIT: MONITORING - Eng/ Planning)

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

6. Prior to final site plan approval, the site plan shall be amended to include landscaping along the existing sidewalk system adjacent to Boynton Beach Boulevard, subject to FDOT approval, in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE-Planning/ Eng) (Previous Condition E.6. of Resolution R99-0523, Petition 98-073(1))
7. Prior to final site plan approval by the Development Review Committee (DRC) the site plan shall be amended to indicate continuous pedestrian connections including but not limited to the PUD to the south, Boynton Beach Boulevard and on site circulation. The pedestrian connections shall comply with Recommendations 35, 37, 40, 47, and 53 from the West Boynton Area Community Plan.

The applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of thirty (30) feet or less along the pedestrian connections subject to approval of the County Engineer. (DRC: PLANNING - Eng) (Previous Condition E.7 of Resolution R99-0523, Petition 98-073(1))

F. LANDSCAPING ALONG THE EAST PROPERTY LINE

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty-five (25) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous Condition G.I of Resolution R99-0523, Petition 98-073(1))

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING TURNPIKE RIGHT-OF-WAY)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;

- b. One (1) canopy tree planted every twenty-five **(25)** feet between clusters;
- c. One (1) palm or pine tree for each thirty **(30)** linear feet. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
- d. Thirty **(30)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (CO: LANDSCAPE - Zoning) (Previous Condition H.I of Resolution R99-0523, Petition 98-073(1))

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

- 1. Landscaping and buffering along the west 480 feet of the south property line shall include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty-five **(25)** 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. A group of three or more palm or pine trees may supersede the requirement for **25%** of the canopy trees in that location; and,
 - d. Thirty **(30)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (CO: LANDSCAPE - Zoning) (Previous Condition F.I of Resolution R99-0523, Petition 98-073(1))
- 2. No fencing shall be permitted in the buffer area in order to accommodate and encourage pedestrian traffic. (CO: LANDSCAPE - Planning)

I. LANDSCAPING - INTERIOR

- 1. Condition 1.1 of Resolution R99-0523, Petition 98-073(1), which currently states:

Landscaped divider medians shall be provided every three **(3)** rows of abutting parking. The minimum width of this median shall be five **(5)** feet. One tree and appropriate ground cover shall be planted for each thirty **(30)** linear feet of the divider median, with a maximum tree spacing of sixty **(60)** feet between clusters. (DRC: ZONING - Zoning)

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

- 2. Condition 12 of Resolution R-99-0525, Petition 98-073(1), which currently states:

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 five **(5)** feet;
- b. The length of the required landscaped areas shall be no less than fifty **(50%)** percent of the total length of each required 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 - Zoning)

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the north, south and west facades of building 1 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 fifty (50%) percent of the total length of each required 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 - Zoning)
3. Foundation planting or grade level planters shall be provided along all exterior facades of buildings 2 and 3 (excluding the pedestrian walkway) to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet, except along the north side of buildings 2 and 3, where the minimum width shall be seven (7) feet;
 - b. The length of the required landscaped areas shall be no less than fifty (50%) percent of the total length of each required 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 - Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Palm Beach County Security Code, and shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition J.1 of Resolution R99-0523, Petition 98-073(1))
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning / Planning) (Previous Condition J.2 of Resolution R99-0523, Petition 98-073(1))
3. 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 - Zoning) (Previous Condition J.3 of Resolution R99-0523, Petition 98-073(1))
4. All outdoor lighting shall be extinguished one-half hour after business hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning)

K. MASS TRANSIT

1. Condition K.1 of Resolution R-99-0525, Petition 98-073(1), which currently states:

Prior to final certification of the site plan by the Development Review Committee, 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 by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING - Zoning)

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

2. Condition K.2 of Resolution R-99-0525, Petition 98-073(1), which currently states:

Mass transit access, shelters and/or bus stops 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 / Planning)

Is hereby amended to read:

Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, if required and subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (DRC / BLDG PERMIT: MONITORING - Palm Tran)

L. MUPD

1. Condition L.1 of Resolution R-99-0525, Petition 98-073(1), which currently states:

Total gross floor area shall be limited to a maximum of 19,200 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING - Zoning)

Is hereby deleted. REASON: [Code requirement].

2. Condition L.2 of Resolution R-99-0525, Petition 98-073(1), which currently states:

To ensure consistency with the site plan dated March **26, 1999** presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING - Zoning)

Is hereby deleted. REASON: [Code requirement].

3. 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, rooflines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Atty) (Previous Condition L.3 of Resolution R99-0523, Petition 98-073(1))

4. 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 Atty) (Previous Condition L.4 of Resolution R99-0523, Petition 98-073(1))

M. PLANNING

1. Condition M.I of Resolution R-99-0523, Petition 98-073(1), which currently states:

The underlying commercial land uses for the **LS/MU** designation for the entire subject property shall be as follows:

Land Use	Minimum Acreage	Maximum sq ft/ units	Maximum Acreage
Commercial High (CH) ---Hotel/Motel	5 acres --- 3 acres	300,000 sq. ft. -- 160 units plus ancillary facilities	30 acres -- 10 acres
Commercial High Office (CH-O)	3 acres	65,340 sq. ft. min. 200,000 sq. ft. max	30 acres

Based on the above information, if Petition **98-73(1)** is approved, additional commercial development can still be permitted. In addition, all future pods of development must comply with the mix of other uses as specified in Ordinance **96-66**. (DRC: PLANNING - Planning)

Is hereby amended to read:

The underlying Commercial High (CH) land use for the MLU designation for the entire subject property shall be as follows:

Land Use	Minimum Acreage	Maximum sq ft/ units	Maximum Acreage
Commercial High (CH)	5 acres	300,000 sq. ft. max	30 acres
Commercial High Office (CH-O)	3 acres	65,340 sq. ft. min. 200,000 sq. ft. max	30 acres

Based on the above information, if Petition 98-73(l) A is approved, additional commercial development can still be permitted provided the above thresholds are not exceeded. In addition, all future pods of development must comply with the mix of other uses as specified in Ordinance 96-66. (DRC: PLANNING - Planning)

2. Prior to final certification of the site plan by the Development Review Committee (DRC), all plans (preliminary development plan, site plan, conceptual master plan, and land use allocation master plan) shall be amended to indicate that the maximum allowable CH square footage (FAR) for the entire MLU site is 300,000 square feet. In addition all plans shall amend references that the site is a LS/MU to indicate that the site is a MLU. (DRC: PLANNING - Planning)

N. SIGNS

1. All signage along Boynton Beach Boulevard shall be designed and constructed in accordance with Section 5 - "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: BLDG - Planning) (Previous Condition N.1 of Resolution R99-0523, Petition 98-073(1))
2. Freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs -; two (2);
 - d. Style - monument style only; and,
 - e. An additional free-standing point of purchase sign shall be permitted should the property owner wish to relocate to Boynton Beach Boulevard the point of purchase sign facing the Florida Turnpike. The relocated sign shall comply with Conditions N.2.a, b and d. (CO: BLDG - Zoning) (Previous Condition N.2 of Resolution R99-0523, Petition 98-073(1))
3. Freestanding point of purchase signs facing the Florida Turnpike shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and,

- e. This sign may be eliminated and relocated to Boynton Beach Boulevard at the applicant's discretion and shall comply with the design criteria in Condition N.2.a, b, and d. (CO: BLDG - Zoning) (Previous Condition N.3 of Resolution R99-0523, Petition 98-073(1))
- 4. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING / DRC: CODE ENF / ZONING - Zoning) (Previous Condition N.4 of Resolution R99-0523, Petition 98-073(1))
- 5. Prior to final preliminary development plan approval by the DRC the regulating plan shall be amended to include directional signage internal to the overall New Albany Planned Development to guide vehicles to the Florida Turnpike and main arterials. (DRC: ZONING - Zoning) (Previous Condition N.5 of Resolution R99-0523, Petition 98-073(1))
- 6. All lighted signage including wall signage and freestanding point of purchase signs shall be extinguished upon termination of business each operating day. (ONGOING / DRC: CODE ENF / ZONING - Zoning) (Previous Condition N.6 of Resolution R99-0523, Petition 98-073(1))

O. USE LIMITATIONS

- 1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Condition 0.1 of Resolution R99-0523, Petition 98-073(1))
- 2. There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF - Zoning) (Previous Condition 0.2 of Resolution R99-0523, Petition 98-073(1))
- 3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within 200 feet of the front property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF - Zoning) (Previous Condition 0.3 of Resolution R99-0523, Petition 98-073(1))
- 4. Deliveries shall not commence prior to 7:00 a.m. nor occur after 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous Condition 0.4 of Resolution R99-0523, Petition 98-073(1))

P. 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) (Previous Condition P.1 of Resolution R99-0523, Petition 98-073(1))
- 2. Condition P.1 of Resolution R99-0523, Petition 98-073(1), 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. (ONGOING: MONITORING - Zoning)

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 the 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)