

RESOLUTION NO. R-2003- 1282

RESOLUTION APPROVING ZONING PETITION DOA1999-015B
DEVELOPMENT ORDER AMENDMENT
PETITION OF CROQUET FOUNDATION OF AMERICA
BY GEOFFREY B. SLUGGETT & ASSOCIATES, INC., AGENT
(CROQUET FOUNDATION OF AMERICA)

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 DOA1999-015B was presented to the Board of County Commissioners at a public hearing conducted on August 28, 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 has considered the findings in the staff report and 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 DOA1999-015B, the petition of Croquet Foundation of America, by Geoffrey B. Sluggett & Associates, Inc., agent, for a Development Order Amendment to modify 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 August 28, 2003, 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 28, 2003.

Filed with the Clerk of the Board of County Commissioners on 6 day of October, 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

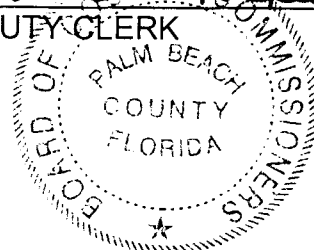


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN GOVERNMENT LOT 11, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT WHICH IS THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS STREET, BOTH ACCORDING TO THE PLAT OF REPLAT OF PATRICK'S ADDITION AS RECORDED IN PLAT BOOK 23, PAGE 205, IN AND FOR THE RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY OF ILLINOIS STREET, A DISTANCE OF 840.52 FEET TO A POINT; THENCE SOUTHERLY AT AN ANGLE OF 89 DEGREES 43 MINUTES 29 SECONDS TO THE PREVIOUS COURSE, TURNED FROM WEST TO SOUTH, A DISTANCE OF 213.59 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF NEW YORK STREET, ACCORDING TO THE PLAT OF GOVERNMENT LOT 11, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 22, PAGE 18, IN AND FOR THE RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF NEW YORK STREET, AT AN ANGLE OF 90 DEGREES 15 MINUTES 53 SECONDS TO THE PREVIOUS COURSE TURNED FROM NORTH TO WEST, A DISTANCE OF 846.75 FEET TO A POINT WHICH IS ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD AFORESAID; THENCE NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AT AN ANGLE OF 88 DEGREES 03 MINUTES 52 SECONDS TO THE PREVIOUS COURSE TURNED FROM EAST TO NORTH, A DISTANCE OF 213.56 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THEREFROM THE RIGHT -OF-WAY OF SUMMIT BOULEVARD AS NOW LAID OUT AND IN USE, **AND LESS** THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD RECORDED IN ROAD BOOK 3, PAGES 165 - 167 AND THE WESTERLY RIGHT-OF-WAY OF EASY STREET RECORDED IN PLAT BOOK 23, PAGE 205 (PATRICK'S ADDITION) RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE WESTERLY* PROLONGATION OF EASY STREET, A DISTANCE OF 80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LAND; THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 40 FEET; THENCE SOUTHERLY FROM AN ANGLE OF 90 DEGREES MEASURED EAST TO SOUTH, A DISTANCE OF 20 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD, A DISTANCE OF 40 FEET; THENCE NORTHERLY, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING.

AND

GOVERNMENT LOT 11, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST COMER OF GOVERNMENT LOT 11, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE IN A NORTHERLY DIRECTION NORTH 1 DEGREE 54 MINUTES 49 SECONDS EAST, A DISTANCE OF 1149.16 FEET TO A POINT; THENCE EAST 40.02 FEET TO THE POINT OF BEGINNING, SAID POINT BEING IN THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD; THENCE CONTINUE EAST, A DISTANCE OF 242.98 FEET TO A POINT; THENCE IN A SOUTHERLY DIRECTION SOUTH 1 DEGREE 54 MINUTES

49 SECONDS WEST, A DISTANCE OF 135 FEET TO A POINT; THENCE EAST, A DISTANCE OF 615.20 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF EASY STREET PROJECTED FROM THE REPLAT OF PATRICK'S ADDITION, AS RECORDED IN PLAT BOOK 23, PAGE 205, RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY LINE OF EASY STREET PROJECTED NORTH 0 DEGREES 14 MINUTES 38 SECONDS EAST, A DISTANCE OF 323.81 FEET TO A POINT; THENCE WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF NEW YORK STREET, AS NOW LAID OUT AND IN USE ACCORDING TO THE PLAT OF GOVERNMENT LOT 11, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 22, PAGE 18, RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 848.74 FEET TO A POINT; THE SAID POINT BEING IN THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD, AS NOW LAID OUT AND IN USE; THENCE IN A SOUTHERLY DIRECTION SOUTH 1 DEGREE 54 MINUTES 49 SECONDS WEST, A DISTANCE OF 188.89 FEET TO A POINT OF BEGINNING AND NEW YORK STREET, AS SHOWN IN PLAT BOOK 22, PAGE 18, PLAT OF GOVERNMENT LOT 11, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, FROM THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD EAST TO A POINT INTERSECTING THE EXTENDED WESTERLY RIGHT-OF-WAY LINE OF EASY STREET, ALL IN PALM BEACH COUNTY, FLORIDA.

AND THAT PART OF NEW YORK STREET AS SHOWN IN PLAT BOOK 22, PAGE 18, PLAT OF GOVERNMENT LOT 11, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, FROM EASTERLY RIGHT-OF-WAY LINE OF FLA-MANGO ROAD EAST TO A POINT INTERSECTING THE EXTENDED WESTERLY RIGHT-OF-WAY LINE OF EASY STREET AS SHOWN ON THE REPLAT OF PATRICK'S ADDITION, AS RECORDED IN PLAT BOOK 23, PAGE 205, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, **LESS** THEREFROM THE WESTERLY 7 FEET FOR THE ULTIMATE RIGHT-OF-WAY FOR FLA-MANGO ROAD.

LESS AND EXCEPT THEREFROM

THAT CERTAIN PARCEL OF LAND, FOR ROAD RIGHT-OF-WAY PURPOSES, CALLED "40' CORNER CLIP AT S.E. CORNER OF SUMMIT BOULEVARD & FLORIDA MANGO ROAD", ACCORDING TO THE WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 11656, PAGE 957 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

AND ALSO LESS AND EXCEPT THEREFROM

THAT CERTAIN PARCEL OF LAND, FOR ROAD RIGHT-OF-WAY PURPOSES, CALLED "25' CORNER CLIP AT THE SOUTHWEST CORNER OF SUMMIT BOULEVARD & WEST PATRICK CIRCLE", ACCORDING TO THE WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 11955, PAGE 1959 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

CONTAINING 439,537 SQUARE FEET OR 10.0904 ACRES, MORE OR LESS.

* - IN THIS SURVEYORS OPINION WESTERLY SHOULD BE SOUTHERLY

EXHIBIT B
VICINITY SKETCH

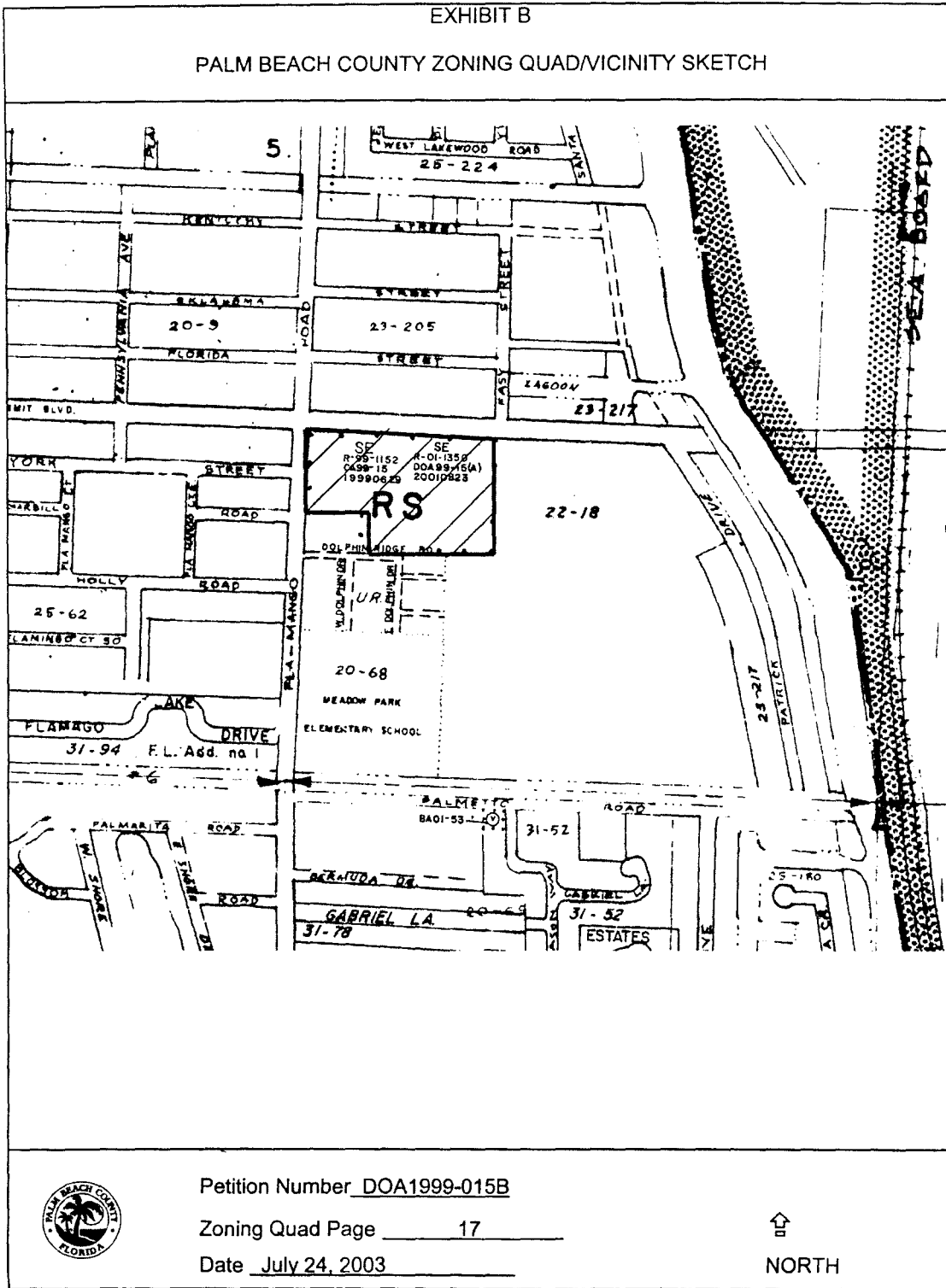


EXHIBIT C

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. Condition A.1 of Resolution R-2001-1350, Petition DOA1999-015A, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-1152 (Petition 99-015), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-1152 (Petition 99-015) and R-2001-1350 (Petition 99-015A), 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.2 of Resolution R-2001-1350, Petition DOA1999-015A, 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 May 16, 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 - 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 May 7, 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. **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) (Previous Condition B.1 of Resolution R-2001-1350, Petition DOA1999-015A)**

C. BUILDING AND SITE DESIGN

1. **Total gross floor area shall be limited to a maximum of 23,977 square feet (including the covered patio). Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less and shall be subject to Traffic Division's**

approval. (DRC: ZONING - Zoning) (Previous Condition C.1 of Resolution R-2001-1350, Petition DOA1999-015A)

2. **The maximum height for the museum/headquarters building, including all air conditioning and mechanical equipment, satellite dishes, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. The ornamental spires and decorative architectural elements shall not exceed thirty-nine (39) feet measured from finished grade to highest point. All other buildings shall be limited to one (1) story and not exceed twenty (20) feet measured from finished grade to highest point.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.2 of Resolution R-2001-1350, Petition DOA1999-015A)
3. **All roof or ground mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure or equivalent landscape material.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.3 of Resolution R-2001-1350, Petition DOA1999-015A)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A Phase I and limited Phase II Environmental Audit indicated that there is some localized contamination on the site. Prior to DRC site plan certification, the Petitioner shall meet with ERM staff with regard to the State requirements for the assessment of the contamination and the remediation of the site.** (DRC: ERM - ERM) (Previous Condition D.1 of Resolution R-2001-1350, Petition DOA1999-015A)

E. ENGINEERING

1. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Florida Mango Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.** (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.1 of Resolution R-2001-1350, Petition DOA1999-015A) [COMPLETED]
2. **The property owner shall convey to Palm Beach County Land Development Division by for:**
 - a) **road right-of-way warranty deed to provide for a 40 foot corner clip at Summit Boulevard and Florida Mango Road;** [COMPLETED]
 - b) **road right-of-way warranty deed to provide for a 25 foot corner clip at the intersection of West Patrick Circle and Summit Boulevard** [COMPLETED]
 - c) **a line of sight easement in the southwest corner of the intersection of West Patrick Circle and Summit Boulevard in accordance with the State of Florida Green Book Standards** [COMPLETED]

All right of way or easements shall be conveyed prior to the issuance of the first Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be 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 "Corner Clips" where appropriate as determined by the County Engineer.

(DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2001-1350, Petition DOA1999-015A)

3. **The Property owner shall construct a pedestrian pathway along the east side of Florida Mango Rd. from Summit Blvd. to the projects south property line.**

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 the first Building Permit. (BLDG PERMIT: Monitoring - Eng) (Previous Condition E.3 of Resolution R-2001-1350, Petition DOA1999-015A) [COMPLETED]**

C. **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.3.C of Resolution R-2001-1350, Petition DOA1999-015A) [COMPLETED]**

F. LANDSCAPING - STANDARD

1. **All canopy trees required to be planted on the perimeter of the site by this approval shall meet the following minimum standards at installation, unless specified herein:**

- 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) (Previous Condition F.1 of Resolution R-2001-1350, Petition DOA1999-015A)**

2. **All palms required to be planted along the north property line (Summit Boulevard) of the site by this approval shall meet the following minimum standards at installation:**

- a. **Palm heights: six (6) feet of grey wood; overall height minimum eighteen (18) feet;**
- b. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2001-1350, Petition DOA1999-015A)**

3. **All palms required to be planted on the remaining portion of the 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 F.3 of Resolution R-2001-1350, Petition DOA1999-015A)**

G. LANDSCAPING - INTERIOR

1. **One landscape island shall be provided for every ten (10) paved parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING - Zoning) (Previous Condition G.1 of Resolution R-2001-1350, Petition DOA1999-015A)**
2. **Foundation planting or grade level planters shall be provided along all facades of the museum/headquarters building 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 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 - Zoning) (Previous Condition G.2 of Resolution R-2001-1350, Petition DOA1999-015A)**
3. **Planting at the intersection of Summit Boulevard and Florida Mango Road shall consist of the following:**
 - a. **Two (2) palms or tiered understory planting adjacent to the sign. (CO: LANDSCAPE - Zoning) (Previous Condition G.3 of Resolution R-2001-1350, Petition DOA1999-015A)**
4. **Planting in landscape median for the parking lot shall consist of the following:**
 - a. **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. (CO: LANDSCAPE - Zoning) (Previous Condition G.4 of Resolution R-2001-1350, Petition DOA1999-015A)**
5. **Focal Point in the round-about shall consist of the following:**
 - a. **One large specimen palm (ie. Medjool Date or Paurotis) or clusters of palms, and tiered understory planting; or,**
 - b. **a fountain or a statue. Prior to final DRC certification, details of the fountain/statue shall be submitted to the Zoning Division for review (DRC/CO: LANDSCAPE - Zoning) (Previous Condition G.5 of Resolution R-2001-1350, Petition DOA1999-015A)**
6. **Additional planting on the west side of the museum building shall consist of the following:**
 - a. **A minimum of three (3) specimen palms to be located on each side of the museum building. (CO: LANDSCAPE - Zoning) (Previous Condition G.6 of Resolution R-2001-1350, Petition DOA1999-015A)**

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING SUMMIT BOULEVARD)

1. **Landscaping and buffering along the north property line shall be upgraded to include:**
 - a. **A minimum thirty (30) foot wide landscape buffer strip; and**

- b. **A six (6) foot black, vinyl chain link fence.** (CO: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-2001-1350, Petition DOA1999-015A)

2. **The following landscaping requirements shall be installed on the exterior side of the required fence:**

- a. **One (1) Royal palm for each twenty (20) linear feet of the frontage, with a maximum spacing of sixty (60) feet between clusters; and,**
- b. **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.** (CO: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-2001-1350, Petition DOA1999-015A)

I. **LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING CHURCH, RESIDENTIAL AND WEST PATRICK CIRCLE)**

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

- a. **A minimum thirty (30) foot wide landscape buffer strip;**
- b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb; and,**
- c. **A six (6) foot black, vinyl chain link fence.** (CO: LANDSCAPE - Zoning) (Previous Condition I.1 of Resolution R-2001-1350, Petition DOA1999-015A)

2. **The following landscaping requirements shall be installed alternately on the both sides of the required fence:**

- a. **One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location;**
- b. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters;**
- 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; and,**
- d. **One (1) Wax Myrtle shrub planted for each 300 square feet of the buffer. Shrub shall be seventy-two (72) inch high at installation.** (CO: LANDSCAPE - Zoning) (Previous Condition I.2 of Resolution R-2001-1350, Petition DOA1999-015A)

J. **LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING FLORIDA MANGO ROAD)**

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

- a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
- b. **A six (6) foot black, vinyl chain link fence.** (CO: LANDSCAPE - Zoning) (Previous Condition J.1 of Resolution R-2001-1350, Petition DOA1999-015A)

2. **The following landscaping requirements shall be installed on the exterior side of the required fence:**

- a. **One (1) Royal palm planted at twenty (20) feet on center. Palm heights shall be staggered with a minimum average height of twelve (12) feet of greywood;**

- b. **One (1) flowering tree planted at twenty (20) feet on center (except for driveway opening). Minimum height of the flowering trees shall be twelve (12) feet in height; 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). (CO: LANDSCAPE - Zoning) (Previous Condition J.2 of Resolution R-2001-1350, Petition DOA1999-015A)**

K. 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) (Previous Condition K.1 of Resolution R-2001-1350, Petition DOA1999-015A)**

- 2. Condition K.2 of Resolution R-2001-1350, Petition DOA1999-015A, which currently states:

All outdoor lighting fixtures shall not exceed fourteen (14) feet in height, and shall be setback a minimum of fifty (50) feet from any residential property line measured from finished grade to highest point. (CO: BLDG - Zoning)

Is hereby amended to read:

Outdoor lighting fixtures shall not exceed fourteen (14) feet in height, excluding fixtures used to illuminate playing courts, which shall not exceed twenty-seven (27) feet in height. All outdoor lighting fixtures shall be setback a minimum of fifty (50) feet from any residential property line measured from finished grade to highest point. (CO: BLDG - Zoning)

- 3. **All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Condition K.3 of Resolution R-2001-1350, Petition DOA1999-015A)**
- 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 - Zoning) (Previous Condition K.4 of Resolution R-2001-1350, Petition DOA1999-015A)**
- 5. Lighting for croquet courts shall be limited to courts 5, 7 and 11 only, as shown on the site plan dated May 7, 2003. (DRC/ONGOING: ZONING/BLDG/CODE ENF - Zoning)

L. MASS TRANSIT

- 1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN - Palm Tran)
- 2. Prior to final approval of the DRC, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, 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. (DRC: MONITORING/PALM TRAN - Palm Tran)

M. SIGNS

1. **Freestanding signs fronting on Florida Mango Road 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 - one (1); and,**
 - d. **Style - monument style only.** (CO: BLDG - Zoning) (Previous Condition L.1 of Resolution R-2001-1350, Petition DOA1999-015A)
2. **No off-premise signs or relocated billboards shall be permitted on the site.** (ONGOING/DRC: CODE ENF/ZONING - Zoning) (Previous Condition L.2 of Resolution R-2001-1350, Petition DOA1999-015A)
3. **No wall signs shall be permitted on any buildings.** (ONGOING/DRC: CODE ENF/ZONING - Zoning) (Previous Condition L.3 of Resolution R-2001-1350, Petition DOA1999-015A)

N. USE LIMITATION

1. Condition M.1 of Resolution R-2001-1350, Petition DOA1999-015A, which currently states:

Hours of operation including deliveries shall not be permitted prior to 6:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

Hours of operation shall not be permitted prior to 6:00 a.m. nor continue later than 12:00 a.m. daily. (ONGOING: CODE ENF - Zoning)

2. All activities shall be conducted within the main building area after 10:00 p.m. daily. Use of the patio or other outdoor facilities after 10:00 p.m. shall be prohibited. (ONGOING: CODE ENF - Zoning)
3. Deliveries shall be prohibited prior to 6:00 a.m. and later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
4. **Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.2 of Resolution R-2001-1350, Petition DOA1999-015A)
5. **Repair or maintenance of vehicles or large equipment shall not be permitted on site.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.3 of Resolution R-2001-1350, Petition DOA1999-015A)
6. Condition M.4 of Resolution R-2001-1350, Petition DOA1999-015A, which currently states:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space as indicated on the site plan dated May 17, 1999. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space as indicated on the site plan dated May 7, 2003. (ONGOING: CODE ENF - Zoning)

7. **No outdoor or amplified music shall be audible from the property lines.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.5 of Resolution R-2001-1350, Petition DOA1999-015A)
8. **Inward oriented loudspeakers may be permitted during special events or tournaments. A maximum of six (6) special events or tournaments shall be permitted for a total of fifteen (15) days per year.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.6 of Resolution R-2001-1350, Petition DOA1999-015A)

O. 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 N.1 of Resolution R-2001-1350, Petition DOA1999-015A)
2. **Failure to comply with any of the conditions of approval for the subject property at any time may result in:**
 - a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or**
 - b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
 - c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
 - d. **Referral to code enforcement; and/or**
 - e. **Imposition of entitlement density or intensity.**

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning) (Previous Condition N.2 of Resolution R-2001-1350, Petition DOA1999-015A)