

RESOLUTION NO. R-93- 1372

RESOLUTION APPROVING ZONING PETITION EAC80-114(F)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF BOCA INVESTMENT PROPERTIES, LTD.

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

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

WHEREAS, Zoning Petition EAC80-114(F) was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1993; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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 **EAC80-114(F)**, the petition of BOCA INVESTMENT PROPERTIES, LTD., for a DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION in the General Commercial (CG) Zoning District, to amend conditions E.13; **H.3**; 1.2; 5.2; K.1; and **0.1** (Landscaping, Pedestrian Access) of Resolution R-93-514, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on October 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Xaronson moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of October, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

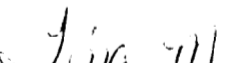
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

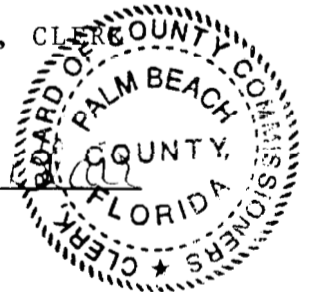


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying in the southeast one-quarter of Section 24, Township 47 South, Range 41 East lying in Palm Beach County, Florida and being more fully described as follows: Commence at the south quarter of said section; thence N 89°59'54" E, along the southerly boundary of said section, 2082.11 feet to the Point of Beginning of the herein described parcel; thence continue along the previous course, 464.51 feet to a point of intersection with the existing westerly right-of-way line of State Road 7; thence N 1°58'47" E, along said West line, 2323.00 feet to a point; thence N 87°52'30" W, 853.73 to a point; thence S 01°52'11" W, 1314.00 feet to a point of curve to the left, having a radius of 839.35 feet; thence run southerly along said curve, thru an angle of 38°00'26", an arc length of 556.78 feet to a point of reverse curve to the right having a radius of 839.35 feet; thence run southerly along said curve thru an angle of 30°51'02", 451.94 feet to a point of intersection with the existing northerly right-of-way of Palmetto Park Road; thence N 89°59'54" E, 30.12 feet to a point on a curve to the right having a radius of 869.35 feet; thence from a tangent bearing S 5°06'14" E, run southerly along said curve, thru an angle of 6°35'51", an arc distance of 100.10 feet to the Point of Beginning;

Less the rights-of-way for Palmetto Park Road and State Road 7 (U.S. 441), and less a triangular parcel for sight distance, being 25 feet along the rights-of-way of Palmetto Park Road and State Road 7 (U.S. 441). Containing 1,475,612.4 square feet (33.9) Acres, more or less, and subject to easements, rights-of-way, and reservations of record.

EXHIBIT B  
VICINITY SKETCH

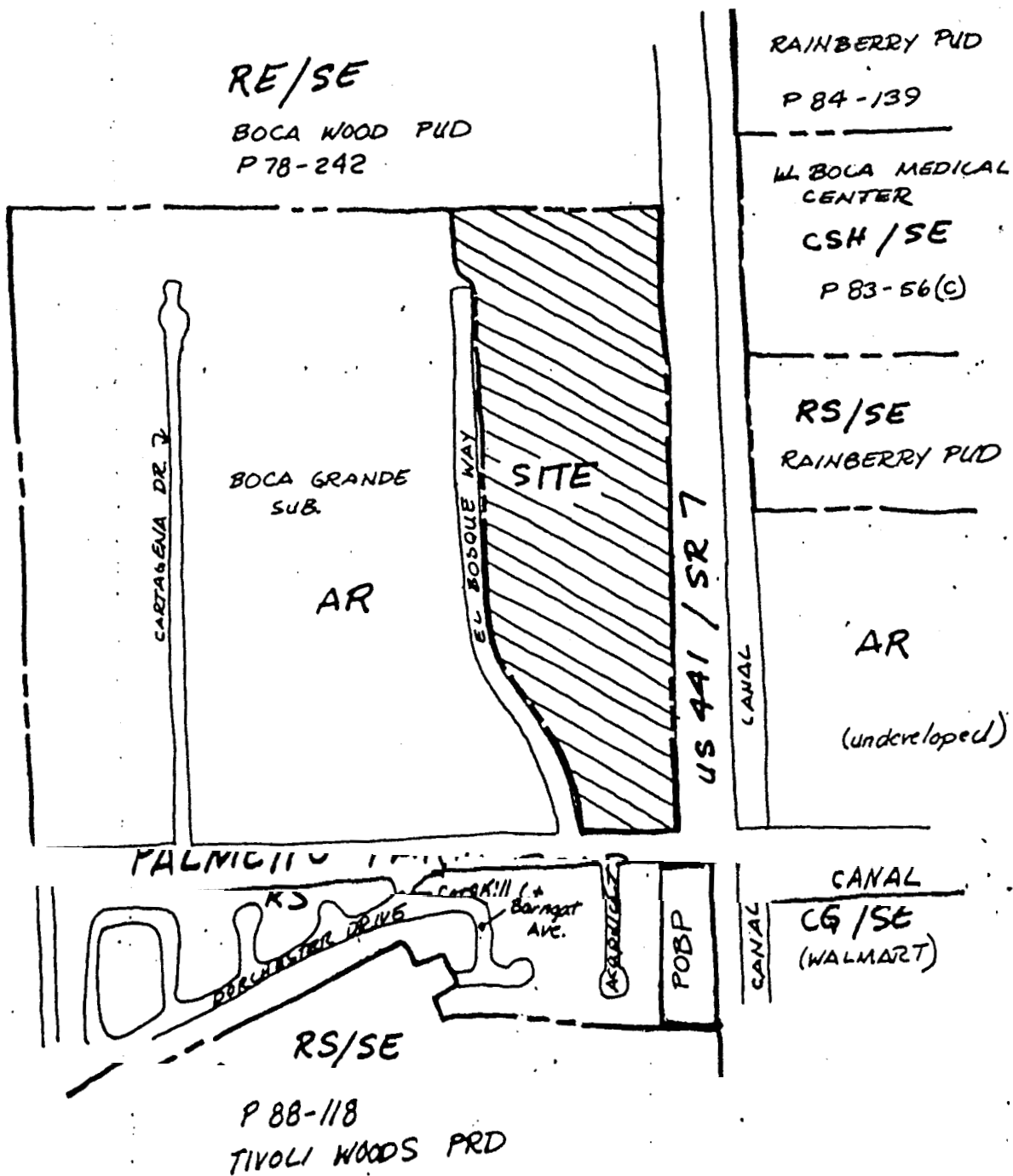


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Article 5.8 (Palm Beach County Land Development Code), as amended, unless expressly modified. (Previously Condition A, 1 of Resolution R-93-514). (MONITORING)

B. ACCESS

1. No more than three (3) access points shall be permitted. (Previously Condition No. B.1 of Resolution No. R-93-514) (ENGINEERING)
2. Contiguous access to all portions of the PCD for pedestrians, bicyclists, and the handicapped shall be provided. (Previously Condition No. B.2 of Resolution R-93-514) (ENGINEERING)
3. Access to mass transit facilities shall be provided. (Previously Condition No. B.3 of Resolution No. R-93-514) (ENGINEERING)

C. BUILDING & SITE DESIGN

1. All perimeter lighting along the west wall of the subject property shall be extinguished no later than 10:00 p.m. (CODE ENFORCEMENT) (Previously Condition C.1 of Resolution R-93-514).
2. The gross leasable area (GLA) of the entire PCD shall not exceed 300,000 square feet. At least five percent (5%) of the total GLA shall be professional offices. The location of office space shall be clearly delineated on the site plan prior to approval. (Previously Condition C.2 of Resolution R-93-514). (ZONING/BUILDING)
3. All out-parcels shall be no less than 3/4 acre in size. (Previously Condition No. C.3 of Resolution No. R-93-514) (ZONING/BUILDING)
4. The minimum setback for structures, vehicular circulation and parking areas adjacent to residential uses shall be exceeded by at least twenty percent (20%). (Previously Condition No. C.4 of Resolution No. R-93-514) (ZONING/BUILDING)
5. Receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of El Bosque Way. (Previously Condition No. C.5 of Resolution No. R-93-514) (ZONING/CODE ENFORCEMENT)
6. All areas or receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall be screened by a gated four-sided enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. Enclosures shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians. (Previously Condition No. C.6 of Resolution No. R-93-514) (ZONING/BUILDING)

7. **The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet.** (Previously Condition No. C.7 of Resolution No. R-93-514) (ZONING/BUILDING)
8. **All mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.** (Previously Condition No. C.8 of Resolution No. R-93-514) (ZONING/BUILDING)
9. **The rear portion of all structures shall be stucco. Elevations shall be provided which show (minimal) architectural treatment.** (Previously Condition No. C.9 of Resolution No. R-93-514) (ZONING/CODE ENFORCEMENT)
10. **All outdoor lighting behind the center shall be directed away from residential areas through the use of reflective shields. Lighting fixtures in this portion of the site shall not exceed twelve (12) feet in height. Lighting in the eastern portion of the center shall not exceed thirty-six (36) feet in height.** (Previously Condition No. C.10 of Resolution No. R-93-514) (ZONING/CODE ENFORCEMENT)
11. **Solid waste collection from the subject site shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday.** (Previously Condition C.11 of Resolution R-93-514) (SWA - Code Enforcement)
12. **Prior to April 1, 1994, the petitioner shall apply a finish to any portion of the existing wall along SR 7 and Palmetto Park Road not entirely covered by landscaping. The required finish shall be consistent with the architectural character of the center.** (MONITORING)

**D. ENVIRONMENTAL RESOURCES MANAGEMENT**

1. **The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification.** (Previously Condition D.1 of Resolution R-93-514). (ERM)
2. **Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.** (Previously Condition D.2 of Resolution R-93-514). (BUILDING - ERM)
3. **Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures.** (Previously Condition D.3 of Resolution R-93-514). (BUILDING - ERM)

**E. ENGINEERING**

1. **The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in**

an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition No. E.1 of Resolution No. R-93-514). (ENGINEERING)

2. NO positive outfall shall be permitted into the Palmetto Park Road Drainage System unless approved by the County Engineer. Drainage from this project shall be contained onsite with outfall only being permitted into a drainage district subject to their permission and approval. (Previously Condition No. E.2 of Resolution No. R-93-514). (ENGINEERING)
3. Prior to March 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for state Road 7, 200 feet free of all encumbrances and encroachments on an alignment approved by the county Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. E.2 of Resolution No. 93-514). (ENGINEERING)
4. All trips traveling north when exiting the site shall, turn left onto U.S. Highway 441. Traffic devices, to ensure that vehicles may safely cross the southbound lane; of U.S. Highway 441, must be acceptable to the County Engineer and the Florida Department of Transportation, (Previously Condition No. E.4 of Resolution No. R-93-514). (ENGINEERING)
5. The Property owner shall construct on State Road 7 at the project's:
  - a. north entrance a right turn lane, north approach
  - b. middle entrance a right turn lane, north approach and a left turn lane, south approach
  - c. south entrance a left turn lane, south approach and a right turn lane, north approach

all concurrent with the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition No. E.5 of Resolution No. R-93-514). (ENGINEERING)

6. a) The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$499,950. (9,090 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR)
- b) A traffic generation study in accordance with Article 10, Section 10.8 of the Palm Beach County Land Development Code (PBCLDC) shall be submitted and approved by the County Engineer prior to site plan certification in order to establish the appropriate impact fee for this project. Payment shall be made prior to December 1, 1992. (Previously Condition E.6 of Resolution R-93-514). (MONITORING/ENGINEERING)

7. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
  - a. A minimum of 15,000 square feet of the project shall remain in professional office use.
  - b. No Building Permits shall be issued after December 31, 1992. (Previously Condition E.7 of Resolution R-93-514). (BUILDING)
8. In addition to the impact fee this developer shall contribute the amount of \$1,000,000 toward roadway improvements in the project area. These funds shall be delivered to Palm Beach County prior to twenty (20) days after receipt of the resolution approving this project. (Previously Condition No. E.8 of Resolution No. R-93-514). (ENGINEERING)
9. The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance(s) and State Road 7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition No. E.9 of Resolution NO. R-93-514). (ENGINEERING)
10. Planting within the Palmetto Park and 441 intersection shall be in conformance with the graphics presented at the Board of County Commissioners. All graphics shall be made a part of the record prior to Site Plan Review Committee. (Previously Condition No. E.10 of Resolution No. R-93-514). (ENGINEERING)
11. No access shall be permitted onto El Bosque Way. (Previously Condition No. E.11 of Resolution No. R-93-514) (ENGINEERING)
12. The petitioner shall provide sod and irrigation within all rights-of-way of SR7 and Palmetto Park Road) subject to County Engineering approval. All landscaping and irrigation shall be maintained in accordance with Palm Beach County standards. (Previously Condition E.12 of Resolution No. R-93-514). (ENGINEERING)
13. Subject to approval by County Engineer, the petitioner shall provide a pedestrian and bicycle access along Palmetto Park Road into the interior of the shopping center. Conceptual plans shall be submitted to the County Engineer and conceptually approved prior to site plan certification by the DRC. If necessary, an appropriate culvert shall be included by the property owner. This shall be constructed prior to April 30, 1993. (Previously Condition E.13 of Resolution R-93-514). (ENGINEERING)

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on site. (Previously Condition No. F.1 of Resolution No. R-93-514). (ENGINEERING)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. F.2 of Resolution No. R-93-514). (ENGINEERING)



3. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulations (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previously Condition No. F.3 of Resolution No. R-93-514). (UTILITY - Code Enforcement)
4. Water service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. (Previously Condition # 4 of Resolution No. R-93-514). (HEALTH - Building)

G. LANDSCAPING (GENERAL)

1. All trees on site shall be permitted to reach and maintained at a mature height of a minimum of fifteen (15) feet. Maintenance shall conform to Arbor Society recommended practices. (Previously Condition No. G.1 of Resolution No. R-93-514). (ZONING)
2. All landscape areas shall be fully irrigated. (Previously Condition No. G.2 of Resolution No. R-93-514). (ZONING)
3. A complete set of landscape plans shall be submitted to the Zoning Division demonstrating conformance to all Landscape Code Requirements and conditions of approval. (Previously Condition No. G.3 of Resolution No. R-93-514). (ZONING)
4. Prior to site plan approval, a tree survey shall be submitted which locates all oaks or slash pines found on site. Those trees within the perimeter buffer shall be incorporated into the project design. (Previously Condition No. G.4 of Resolution No. R-93-514). (ZONING)
5. All trees required by this petition, replacement material and/or subsequent plantings shall meet the following minimum standards:
  - 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. (Previously Condition G.5 of Resolution No. R-93-514). (ZONING)

H. LANDSCAPING (INTERIOR)

1. The above noted perimeter landscape conditions shall be modified to accommodate special landscaping for the intersection of Palmetto Park and US 441 as reflected on Exhibit 47.

Parking shall be based upon a ninety-five percent (95%) net leasable floor area figure. All excess stalls shall be used to break up the expansive eastern parking area. One (1) additional tree shall be planted for each ninety (90) square feet of additional interior landscape area. (Previously Condition No. H.1 of Resolution No. R-93-514). (ZONING)

2. One landscape island shall be provided for every twelve (12) parking spaces. Previously Condition No. H.2 of Resolution No. R-93-514). (ZONING)

3. Condition H.3 of Resolution R-93-514, which currently states:

Prior to April 30, 1993, one (1) at grade planter a minimum of five (5) feet by five (5) feet shall be provided for every three (3) facing parking spaces. Each at grade planter shall be planted with one (1) native tree consistent with Condition 0.6. and appropriate groundcover and an equal distance between the required landscape islands. (ZONING)

Is hereby amended to state:

Prior to April 1, 1994, the petitioner shall install all landscaping as indicated in the submitted supplemental landscape plan dated October 12, 1993. (ZONING)

4. Condition No. H.4 of Resolution R-93-514, which currently states:

Prior to site plan certification, the site plan shall be amended to indicate all required at grade tree planters and a detail for said planters.

Is hereby amended to state:

Prior to site plan certification, the site plan shall be amended to indicate all required supplemental landscape pursuant to Exhibit dated October 12, 1993. (ZONING)

I. LANDSCAPING SOUTH & EAST PROPERTY LINES (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the twenty-five (25) foot landscape buffers abutting rights-of-way shall be upgraded to include:

a. Native canopy trees an average of fifteen (15) feet on center.

1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall; fifty percent (50%) of these trees shall be twelve (12) foot tall; twenty percent (20%) of these trees shall be ten (10) foot tall.

b. One (1) native palm for each thirty (30) linear feet of required buffer.

c. A landscape buffer a minimum of thirty-six (36) inches in height at installation to be maintained at forty-two (42) inches. (Previously Condition No. 1.1 of Resolution No. R-93-514). (ZONING)

2. Condition 1.2 of Resolution R-93-514, which currently states:

Prior to site plan certification, the petitioner shall apply to the County Engineer and/or the Florida Department of Transportation for a permit for the installation of the following landscaping requirements which shall be installed on the exterior side of the existing retaining wall along SR7 (Highway 441) and Palmetto Park Road. All permitted landscaping required by this condition shall be installed prior to April 30, 1993:

- a. One (1) native canopy tree planted every twenty (20) feet on center.
- b. One (1) twelve (12) foot tall native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location.
- c. 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 forty-eight (48) inches.  
(MONITORING/ZONING)

Is hereby amended to state:

Prior to site plan certification, the petitioner shall apply to the County Engineer and/or the Florida Department of Transportation for a permit for the installation of the following landscaping requirement; which shall be installed on the exterior side of the existing retaining wall along SR7 (Highway 441) and Palmetto Park Road. All permitted landscaping required by this condition shall be installed prior to April 30, 1994:

- a. One (1) twelve (12) foot tall native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location; and,
- b. 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 forty-eight (48) inches.  
(MONITORING/ZONING)

J. LANDSCAPING WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Condition J.1 of Resolution R-93-514, which currently states:

Landscaping along the western property line shall include:

- a. An eight (8) foot tall concrete block and steel wall installed along the western edge of parking and loading area.
- b. A minimum thirty (30) foot wide landscape buffer along the entire western base building line.
- c. A minimum three (3) foot tall berm sloping from the wall to the western base building line.
- d. Native canopy trees shall be planted an average of fifteen (15) foot on center.
  - 1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall;
  - 2. Fifty percent (50%) of these trees shall be twelve (12) foot tall;
  - 3. Twenty percent (20%) of these trees shall be ten (10) foot tall.

Trees shall be compatible with the adjacent pine flatwoods.

- e. One (1) native palm for each 30 linear feet.
- f. A double row of shrubs.
  - 1. Planted an average of thirty-six (36) inches on center (1,468 plants).
  - 2. Fifty percent (50%) shall be native.
  - 3. Ten percent (10%) of these shrubs shall be forty-two (42) inches in height; Fifty percent (50%) of these shrubs shall be thirty-six (36) inches in height; forty percent (40%) of these shrubs shall be twenty-four (24) inches in height.
  - 4. An average height of forty-two (42) inches shall be reached within one (1) year of installation and shall be maintained at an average height of sixty (60) inches.

Is hereby amended to state:

Landscaping along the western property line shall include:

- a. An eight (8) foot tall concrete block and steel wall installed along the western edge of parking and loading area.
- b. A minimum thirty (30) foot wide landscape buffer along the entire western base building line.
- c. A minimum three (3) foot tall berm sloping from the wall to the western base building line.
- d. Native canopy trees shall be planted an average of fifteen (15) foot on center.
  - 1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall;
  - 2. Fifty percent (50%) of these trees shall be twelve (12) foot tall;
  - 3. Twenty percent (20%) of these trees shall be ten (10) foot tall.

Trees shall be compatible with the adjacent pine flatwoods.

- e. One (1) native palm for each 30 linear feet.
- f. A double row of shrubs.
  - 1. Planted an average of thirty-six (36) inches on center (1,468 plants).
  - 2. Fifty percent (50%) shall be native.
  - 3. Ten percent (10%) of these shrubs shall be forty-two (42) inches in height; Fifty percent (50%) of these shrubs shall be thirty-six (36) inches in height; forty percent (40%) of these shrubs shall be twenty-four (24) inches in height.

4. An average height of forty-two (42) inches shall be reached within one (1) year of installation and shall be maintained at an average height of eight (8) feet. (ZONING)
2. Condition No. 5.2 of Resolution r-93-514, which currently states:

Ten foot tall native canopy (non-deciduous) trees shall be installed twenty (20) feet on center on top of the berm along the west property line. The trees shall be maintained with a minimum 6 to 8 foot diameter canopy spread. (ZONING)

Is hereby deleted.

K. LANDSCAPE WITHIN THE MEDIAN

1. Condition K.1 of Resolution R-93-514, which currently states:

Prior to site plan certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department, All landscape material shall be selected for the following list:

<u>Trees :</u>	<u>Groundcover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site,
- b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or

before April 30, 1993. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING/BUILDING)

Is hereby amended to state:

Prior to site plan certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All, landscape material shall be selected for the following list:

Trees:

Laurel Oak  
Live Oak  
slash Pine  
Sabal Palmetto

Groundcover:

Wedilia  
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principle; and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
- b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before February 1, 1994 except for any delays caused by the County. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING/BUILDING)

L. SHARED PARKING

1. All uses shall utilize shared parking arrangements acceptable to the Planning, Zoning and Building Department. Appropriate cross access and parking agreements shall be submitted. (Previously Condition No. L. 1 of Resolution No. R-93-514). (ZONING/BUILDING/ENGINEERING)

M. SIGNS

1. **No off-premise signs shall be permitted on site.** (Previously Condition No. M.1 of Resolution No. R-93-514). (ZONING/BUILDING)
2. **Pole mounted signs shall not be permitted.** (Previously Condition No. M.2 of Resolution No. R-93-514). (ZONING/BUILDING)
3. **Monument signs shall not exceed ten (10) feet in height nor a total of 1,000 square feet in area.** (Previously Condition No. M.3 of Resolution No. R-93-514). (ZONING/BUILDING)
4. **One (1) point of purchase sign shall be permitted on Palmetto Park Road and a maximum of three (3) shall be permitted on U.S. 441.** (Previously Condition No. M.4 of Resolution No. R-93-514). (ZONING/BUILDING)
5. **A master signage program shall be submitted prior to site plan approval demonstrating conformance to these conditions.** (Previously Condition No. M.5 of Resolution No. R-93-514). (ZONING/ BUILDING)

N. UNITY OF CONTROL

1. **The entire property shall be master planned as a single Planned Commercial Development (PCD) and subject to unity of control. The unity of control shall be approved by the County Attorney prior to site plan approval.** (Previously Condition No. N.1 of Resolution No. R-93-514). (ZONING/COUNTY ATTORNEY)

O. COMPLIANCE

1. Condition No. 0.1 of Resolution R-93-514, which currently states:

**The petitioner and owner(s) of the subject property shall completely satisfy all previous conditions of approval and applicable code and land development regulations prior to the issuance of any subsequent certificate of occupancy and all other conditions prior to April 30, 1993.** (BUILDING)

Is hereby amended to state:

**The petitioner and owner(s) of the subject property shall completely satisfy all previous conditions of approval and applicable code and land development regulations prior to the issuance of a building permit for the remaining vacant outparcel on or before July 1, 1994.** (BUILDING)

2. Condition No. 0.2 of Resolution No. R-93-514, which currently states:

**"Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.**

Is hereby deleted.

(REASON: Replaced by new standard condition)

3. As provided in Zoning Code Article 5.8, Palm Beach County Land Development Code (PBCLDC), failure to comply with any of these conditions of approval at any time may result in one or more of the following:
  - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
  - b. The revocation of any special exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
  - c. Rezoning of the property;
  - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
  - e. Citation of the property owner for violation of the Zoning Code. (Previously Condition No. 0.3 of Resolution R-93-514). (MONITORING)
4. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of county Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition No. 0.4 (MONITORING))
5. No administrative time extensions to any conditions of approval shall be granted. Non-compliance with any time certain conditions of approval shall result in the initiation of a Status Report to the Board of County Commissioners in accordance with Article 5.8 of the Palm Beach County Land Development Code. (Previously Condition No. 0.5 of Resolution No. R-93-514). (MONITORING)
6. To insure compliance with all requirements, violations of these conditions or any applicable requirement of the ULDC shall result in the return of this petition directly to the Board of County Commissioners for further review pursuant to Section 5.8 of the ULDC. (MONITORING)
7. Prior to site plan certification by the Development Review Committee, the petitioner shall provide the Zoning Division with surety in a manner and form acceptable to Palm Beach County to ensure compliance with the conditions of approval. At a minimum, the surety shall meet the following criteria:
  - a. The amount of the surety shall be 120% of a certified cost estimate of all improvements necessary to satisfy conditions C.12; H.3; I.2; and K. 1.
  - b. the surety shall be valid until August 1, 1994 or later; and,
  - c. prior to issuance of the surety, the cost estimate shall be submitted and approved by the County Engineer and Zoning Division. (ZONING/ENGINEERING/MONITORING)