

RESOLUTION NO. R-94-1089

RESOLUTION APPROVING ZONING PETITION DOA80-114(G)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF DISCOUNT AUTO PARTS, INC.

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 DOA80-114(G) was presented to the Board of County Commissioners at a public hearing conducted on August 25, 1994; 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 reservation/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 DOA80-114(G), the petition of Discount Auto Parts, Inc., for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to amend Condition C.2 (use limitation) and E.7 (phasing) of Resolution R-93-1372, 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 August 25, 1994, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of August, 1994.

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

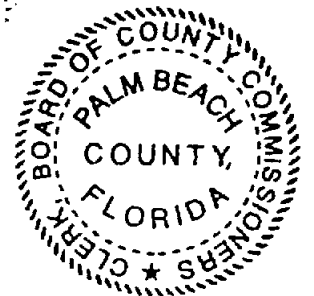
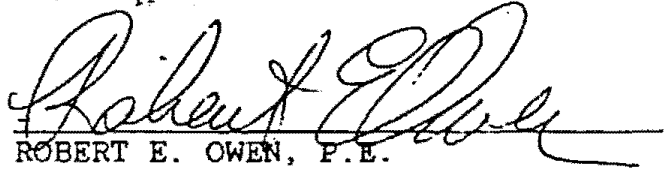


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4, WEST BOCA SQUARE REPLAT, AS RECORDED IN PLAT BOOR 67,  
PAGE 141, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

  
ROBERT E. OWEN, P.E.

80-114G

EXHIBIT B  
VICINITY SKETCH

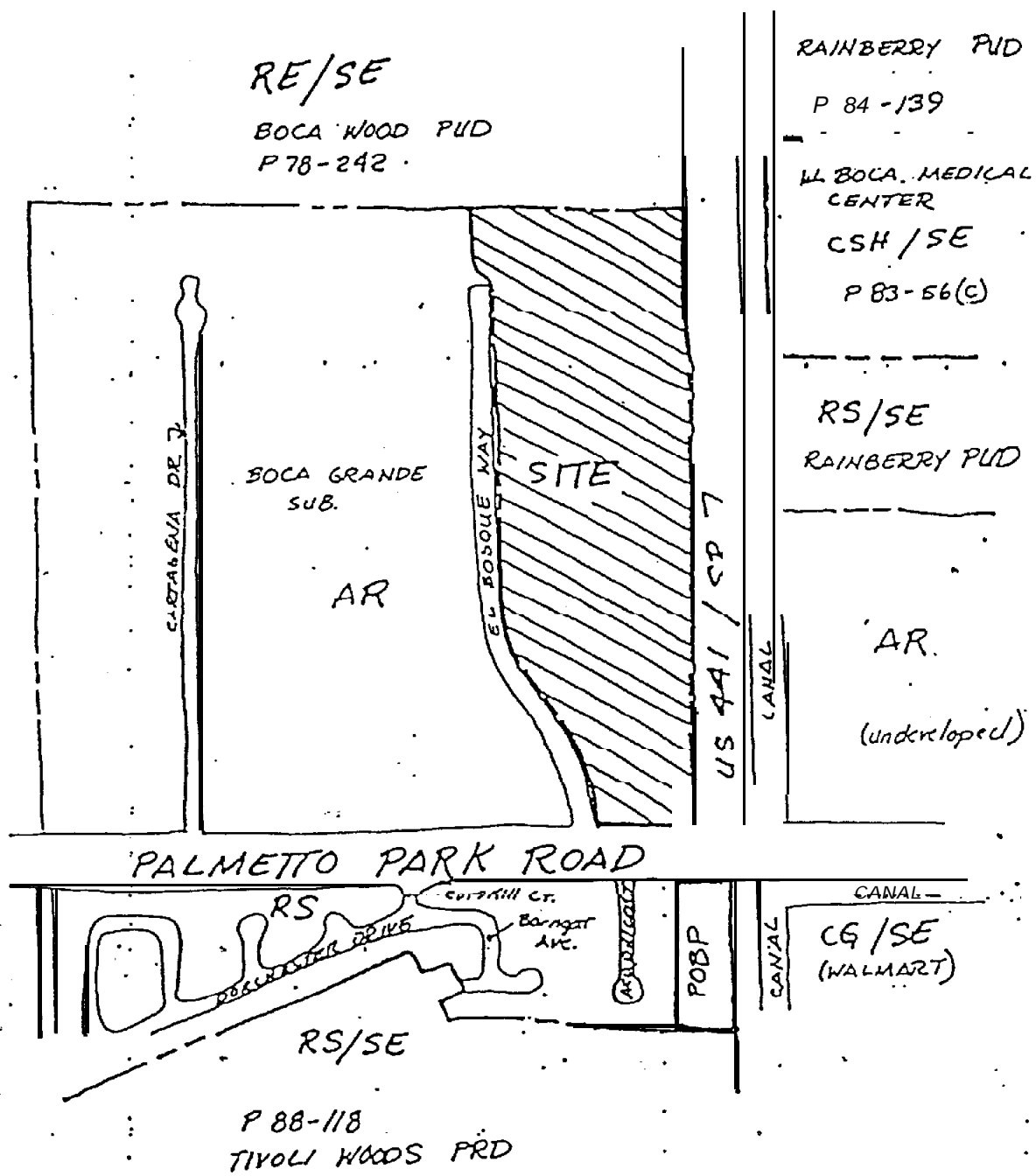


EXHIBIT C

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 **deadline** for Article 5.8 (Palm Beach County Land Development code), as **amended**, unless expressly modified. (Previously Condition No. A.1 of Resolution No. R-93-1372, **Petition** 80-114 (F)). (MONITORING)

B. ACCESS

1. No more than three (3) access points shall be **permitted**. (Previously Condition No. B.1 of Resolution No. R-93-1372, **Petition 80-114(F)**). (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** No. R-93-1372, **Petition 80-114(F)**). (ENGINEERING)
3. Access to mass transit facilities shall be provided. (Previously Condition No. B.3 of Resolution No. **R-93-1372**, **Petition 80-114(F)**). (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. (Previously Condition No. C.1 of Resolution No. **X-93-1372**, **Petition 80-114(F)**). (CODE ENFORCEMENT)
2. Condition No. C.2 of Resolution No. R-93-1372, **Petition 80-114(F)**), which currently states:

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.

Is hereby amended to state:

The gross leasable area (GLA) of the entire PCD shall **not** exceed 300,000 square feet. At least 8,700 square feet of the total GLA shall be professional offices. The location of the minimum required office space shall be clearly delineated on the site plan prior to approval. (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-93-1372, **Petition 80-114(F)**). (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-93-1372, **Petition 80-114(F)**). (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-93-1372, **Petition 80-114(F)**). (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-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (ZONING/BUILDING)**
- a. **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 principal structure. (Previously Condition No. C.8 of Resolution No. R-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (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 No. C.11 of Resolution No. R-93-514, Petition 80-114(F)). (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. (Previously Condition No. C.12. of Resolution No. R-93-1372, Petition 80-114(F)). (MONITORING)**
13. **Vehicle service bays shall not be permitted. (BUILDING - Code Enforcement)**
14. **The architectural design of the remaining outparcel shall incorporate material, appearance and lighting as; the principal structure and as required by the POA. An elevation and rendering of the proposed structure shall be approved by the Development Review Committee (DRC). The building permits for the structure shall be consistent with the architectural design approved by the DRC.**

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 No. D.1 of Resolution No. R-93-1372, Petition 80-114(F)). (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 No. D.2 of Resolution No. R-93-1372, Petition 80-114(F)). (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 No. D.3 of Resolution No. R-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (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 warrant 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. 93-1372, Petition 80-114(F)). (ENGINEERING)

4. All trips traveling north when exiting the site shall turn left onto **U.S. Highway 441**. Traffic **device**: , 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-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (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**" its 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-L372, Petition 80-114(F)). (MONITORING/ENGINEERING)

7. **Condition No. E.7 of Resolution No. R-93-1372, Petition 80-114(F)), which currently states:**

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.

**Is hereby amended to state:**

In order to comply with the mandatory traffic **performance standards** the Developer shall provide a minimum of 3,700 square feet of the project shall **remain in professional office use**. (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. X-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F) ). (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-93-1372, Petition 80-114(F)). (ENGINEERING)
11. No access shall be permitted onto El **Bosque** Way. Previously Condition No. E.11 of Resolution No. R-93-1372, Petition 80-114(F)). (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 No. E.12 of Resolution No. R-93-1372, Petition **80-114(F)**). (ENGINEERING)
13. Condition No. **E.13** of Resolution No. R-93-1372, Petition 80-114 (F) , which currently states:

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. (ENGINEERING)

Is hereby amended to state:

Prior to the issuance of the any further building **permit** for the site the property owner shall **complete** a pedestrian/bicycle access from the SR 7 and Palmetto Park Road intersection into the interior of the **shopping** center or provide surety for these improvements as allowed by Condition 0.6. The property owner shall provide Palm Beach County necessary **construction easements** to build this pedestrian/bicycle pathway including any site plan revisions. If necessary, an appropriate culvert shall be included by the property owner.

14. The property owner shall pay a Fair Share Fee in the amount and manner required by the "**Fair Share** Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the **time** of the Building Permit presently is \$7590 (138 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

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-93-1372, **Petition** 80-114(F)). (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-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (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 F.4 of Resolution No. R-93-1.372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (ZONING)
2. All landscape areas shall be fully **irrigated**. (Previously Condition No. G.2 of Resolution No. R-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (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-93-1372). (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 No. G.5 of Resolution No. R-93-1372, Petition 80-114(F)). (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. F-93-1372, Petition 80-114(F)). (ZONING)

2. One landscape island shall be provided for every twelve (12) parking spaces. (Previously Condition No. H.2 of Resolution No. R-93-1372, Petition 80-114(F)). (ZONING)
3. Prior to April 1, 1994, the petitioner shall install all landscaping as indicated in the submitted supplemental landscape plan dated October 12, 1993. (Previously Condition H.3 of Resolution R-93-1372, Petition 80-134(F)) (ZONING)
4. Prior to site plan certification, the site plan shall be amended to indicate all required supplemental landscape pursuant to Exhibit dated October 12, 1993. (Previously Condition No. H.4 of Resolution R-93-1372, Petition SO-114(F)) (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. I.1 of Resolution No. R-93-1372, Petition SO-114(F)). (ZONING)
2. Condition No. I.2 of Resolution No. R-93-1372, Petition 80-114(F)), 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, 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)

Is hereby amended to state:

Prior to issuance of any further building permits for the site the property owner shall complete 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** or provide surety for these improvements as allowed by Condition 0.6. All landscape material shall be permitted by the Florida Department of Transportation and the County Engineer. Landscape material shall consist of a minimum of:

- 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**.  
(ENGINEERING/ZONING)

J. LANDSCAPING WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. 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) **irches** 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. (Previously Condition J.1 of Resolution R-93-1572, Petition 80-114(F)) (ZONING)

K. LANDSCAPE WITHIN THE MEDIAN

1. Condition No. K.1 of Resolution No. R-93-1372, Petition 80-114(F)), 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 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. [Note: This condition has received a time extension until August 1, 1994]

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 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 prior to the issuance of the next building permit for the site or provide surety for these improvements as allowed by Condition 0.6. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the next building permit to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING)

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-93-1372, Petition 80-114(F)). (ZONING/BUILDING/ENGINEERING)

M. SIGNS

1. No off-premise signs shall be permitted on site. (Previously Condition No. M.1 of Resolution No. R-93-1372, Petition 80-114(F)). (ZONING/BUILDING)
2. Pole mounted signs shall not be permitted. (Previously Condition No. M.2 of Resolution No. R-93-1372, Petition 80-114(F)). (ZONING/BUILDING)

3. Monument signs shall not exceed ten (10) feet in **height** nor a total of 100 square feet in area. (Previously Condition No. M.3 of Resolution No. R-93-1372, Petition 80-114(F)). (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-93-1372, **Petition** 80-114(F)). (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-93-1372, Petition 80-114(F)). (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-93-1372, Petition 80-114(F)). (ZONING/COUNTY ATTORNEY)

O. COMPLIANCE

1. 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. (Previously Condition No. 0.1 of Resolution R-93-1372, Petition 80-114(F)) (BUILDING)
2. 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 **permitt**: 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-93-1372, **Petition** 80-114(F)). (MONITORING)

3. 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 of Resolution No. F-93-1372, Petition 80-114(F)). (MONITORING)**
  
4. 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-93-1372, Petition 80-114(F)). (MONITORING)**
  
5. 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. **(Previously Condition No. 0.6 of Resolution No. R-93-1372, Petition 80-114(F)). (MONITORING)**
  
6. 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; E.13: I.3; 1.2; 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**. **(Previously Condition. No. 0.7. of Resolution No. R-93-1:172, Petition 80-114 (F)). (ZONING/ENGINEER::NG/MONITORING)**