

RESOLUTION NO. R-99- 699

RESOLUTION APPROVING ZONING PETITION DOA80-103(I)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FOUR FLORIDA SHOPPING CENTERS PROPERTIES
BY THOMAS YONGE, AGENT
(SANDALFOOT PLAZA - GOOD YEAR)

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 DOA80-103(I) was presented to the Board of County Commissioners at a public hearing conducted on April 22, 1999; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.



8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA80-103(I), the petition of Four Florida Shopping Centers Properties, by Thomas Yonge, agent, for a Development Order Amendment (DOA) to add general repair and maintenance use 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 April 22, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

Lots 2, 7 and 8, SANDALFOOT PLAZA, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 48, page 186, said lands situate lying and being in Palm Beach County, Florida, Less and Except that portion of Lot 7 taken by Palm Beach County, Florida, by Order of Taking recorded in Official Records Book 6611, page 977, of the Public Records of Palm Beach County, Florida, said parcel described as follows:

A parcel of land for road right-of-way purposes, lying in Section 31, Township 47 South, Range 42 East, Palm Beach County, State of Florida, being a portion of Tract 7 of the Plat of Sandalfoot Plaza, recorded in Plat Book 48, page 187, Public Records of said County and more particularly described as follows:

For the purpose of this description the right-of-way centerline of S.W. 19th Street, also known as Marina Boulevard, as shown in the Plat of Sandalfoot Cove, Section One, recorded in Plat Book 28, page 225, of the Public Records of said County, is assumed to bear North 89 degrees 05 minutes 05 seconds East, and all bearings recited hereon are relative thereto.

Commencing at the Northwest corner of said Section 31; thence South 01 degrees 49 minutes 40 seconds East, along the West line of the Northwest One-Quarter (NW1/4) of said Section, a distance of 1334.71 feet to the Westerly prolongation of the right-of-way centerline of S.W. 19th Street (Marina Boulevard); thence North 89 degrees 05 minutes 05 seconds East along said Westerly prolongation and along said centerline, a distance of 446.34 feet to a point 52.91 feet West of as measured along said right-of-way centerline, the intersection with the right-of-way centerline of S.W. 66th Avenue (Edgewood Parkway) as said Avenue is shown in said Plat of Sandalfoot Cove Section One; thence North 00 degrees 54 minutes 44 seconds West, a distance of 50.00 feet to the point of intersection with the existing North right-of-way line of S.W. 19th Street and the point of beginning; thence North 89 degrees 05 minutes 05 seconds East, along said existing North right-of-way line, a distance of 264.42 feet; thence North 85 degrees 53 minutes 10 seconds East, departing from said existing right-of-way line, a distance of 102.67 feet; thence South 89 degrees 05 minutes 05 seconds West, a distance of 71.50 feet to the beginning of a curve concave Northeastly having a radius of 16.00 feet and a central angle of 75 degrees 31 minutes 21 seconds; thence Northwestly along the arc of said curve, a distance of 21.09 feet to a non-tangent line; thence South 89 degrees 05 minutes 05 seconds West, along said non-tangent line, a distance of 66.00 feet; thence South 00 degrees 54 minutes 55 seconds East, a distance of 6.54 feet to the beginning of a curve concave Northwestly having a radius of 16.00 feet and a central angle of 64 degrees 39 minutes 30 seconds; thence Southwesterly along the arc of said curve, a distance of 18.05 feet to the Point of Beginning.

EXHIBIT B
VICINITY SKETCH

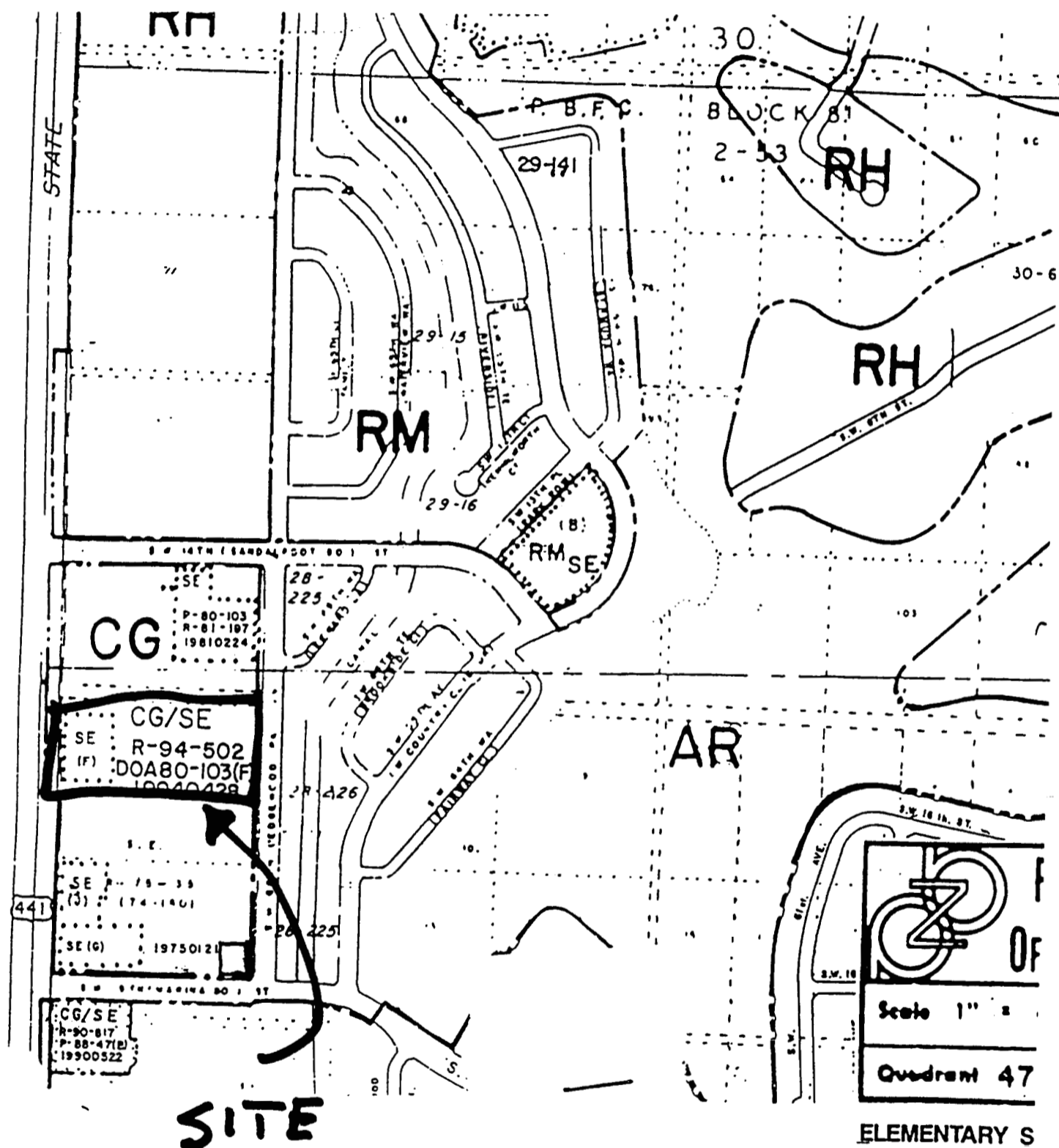


EXHIBIT C

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. Previous Condition A.1 of R-96-813, Petition DOA80-103(H) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions ~~R-75-35~~ (Petition 74-180), R-80-853 (Petition 80-103), R-87-225 (Petition 80-103(A)), R-88-1212 (Petition 80-103(B)), R-89-333 (Petition 80-103(C)), R-89-910 (Petition 80-103 (D)), ~~R-89-1444~~ (Petition 80-103(E) and R-94-0502 (Petition 80-103(F)), have been consolidated 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-35 (Petition 74-180), R-80-853 (Petition 80-103), R-87-225 (Petition 80-103(A)), R-88-1212 (Petition 80-103(B)), R-89-333 (Petition 80-103(C)), R-89-910 (Petition 80-103 (D)), R-89-1444 (Petition 80-103(E) and R-94-0502 (Petition 80-103(F), R-96-813, (Petition DOA80-103(H)) have been consolidated 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-96-813, Petition 80-103(H) which currently states:

Petitioner shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby deleted. Reason: duplicate condition

3. Prior to site plan certification, the petitioner shall record a Unity of Title agreement covering the entire site. Previous Condition A.3 of Resolution R-96-813, Petition 80-103(H). (CO ATTY)
4. Simultaneously with submittal to the Site Plan Review Committee, the petitioner shall submit, in duplicate, an executed cross access agreement with the overall shopping center. Previous Condition A.4 of Resolution R-96-813, Petition 80-103(H) (CO ATTY/ENG)
5. Condition A.5 of Resolution R-96-813, Petition 80-103(H) which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated March 30, 1996). 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.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 29, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN (OUTPARCEL L - GENERAL REPAIR AND MAINTENANCE USE ONLY)

1. Total gross floor area shall be limited to a maximum of 5,220 square feet. (Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less and subject to the approval of Engineering Department.) (DRC/ENG: ZONING)
2. The maximum height for all structures, including all air conditioning and mechanical equipment including satellite dishes, measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG-Zoning)
3. Openings shall not be permitted on the west facade of the building, except required emergency exits. (BLDG PERMIT: BLDG - Zoning)
4. All ground or roof mounted air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)

C. SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Square foot coverage of the canopy in the site data tabular.
 - b. A total interior landscape requirement in the site data tabular based on the number of parking spaces and the specialized vehicular use area. Previous Condition B.3 of Resolution R-96-813, Petition 80-103(H) (DRC: ZONING)
2. Prior to site plan certification, the site plan shall be amended to reflect the **(1)** loading space. Previous Condition B.4 of Resolution R-96-813, Petition 80-103(H) (DRC: ZONING)
3. Previous Condition B.5 of Resolution R-96-813, Petition 80-103(H) which currently states:

Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. Clearly define five **(5)** car stacking distance which does not interfere with traffic utilizing the site.
- b. Access dimensions to be labeled.
- c. Identify and label area between parking adjacent to structure and eastern property line.

~~Is~~ hereby deleted. Reason: Duplication of condition.

4. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. **A** clearly defined five **(5)** car stacking distance with by pass lane which does not conflict or interfere with other traffic utilizing the site;
- b. Clearly labeled access dimensions;
- c. Required perimeter landscape strips;
- d. Required transfer of interior landscaping from specialized vehicular use areas to the perimeter of the site; and
- e. A clear back up distance for all parking stalls. Previous Condition B.10 of Resolution R-96-813, Petition 80-103(H) (DRC: ZONING)

5. The petitioner shall relocate all parking stalls which conflict with:

- a. Traffic entering the site at the northeast corner; and
- b. Traffic exiting to the one-way drive in a easterly direction. Previous Condition B .II of Resolution R-96-813, Petition 80-103 (H) (ENG/ZONING)

6. The petitioner shall relocate the dumpster to an alternative location that allows for the realignment of the west to east one-way drive around the stacking area. Previous Condition B.12 of Resolution R-96-813, Petition 80-103(H) (ZONING)

7. Prior to certification, the site plan shall be amended to indicate the following:

- a. **A** twenty (20) foot wide by seventy **(70)** foot long landscape area north of the 2,100 square foot car wash. A paved access area for loading and periodic maintenance is allowed;
- b. Seven **(7)** foot wide sidewalk along the eastern facade as indicated on Exhibit 141;
- c. Thirty **(30)** foot dimension between the westernmost parking spaces and the five **(5)** foot wide sidewalk;
- d. Location of vacuum stations associated with the car wash;
- e. Directional signage and pavement striping for all stacking areas;

- f. Required handicap spaces adjacent to the seven **(7)** foot wide sidewalk;
 - g. Pavement markings identifying the six **(6)** easternmost parking spaces as "car wash only" detail areas for drying, polishing, waxing, etc.; and,
 - h. Thirty-four **(34)** foot dimension between the car wash and easternmost parking spaces;
 - i. Pedestrian access to the parcel to the south by providing a minimum four **(4)** foot sidewalk through the landscape strips connecting the front of the building; and,
 - j. **All** perimeter landscape strips shall be upgraded with mahogany trees twelve **(12)** feet in height spaced twenty **(20)** feet on center with a hedge thirty-six **(36)** inches in height and spaced twenty-four **(24)** inches on center. **Also** trees in terminal parking islands shall be upgraded to a minimum of twelve **(12)** feet in height at the time of installation. **All** landscaping shall be maintained in a viable healthy condition. Previous Condition 9.14 of Resolution R-96-813, Petition 80-103(H) (DRC: ZONING)
8. Concurrent with Site Plan submittal, the petitioner shall submit a current, legible overall master site plan for the Sandalfoot Planned Commercial Development. Revised tabular data for all building square footage, required parking and landscaping shall be keyed to the respective outparcels and the overall center. This tabular data shall be subject to final approval by the Zoning Division. Previous Condition E.15 of Resolution R-96-813, Petition 80-103(H) (DRC: ZONING)
9. Condition 9.16 of Resolution R-96-813, Petition 80-103(H) which currently states:
- Use of the subject sub parcel shall be limited to:
- a. **2,100** square foot car wash;
 - b. **1,440** square foot oil/lube facility; and,
 - c. **2,880** square feet of retail and/or consumer uses as outlined in the traffic report and approved by the County Engineer.
- Previous Condition B.16 of Resolution R-96-813, Petition 80-103(H). (ZONING)
[Note: Auto service station only]
10. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles is to be allowed in landscaped areas, rights-of-way or interior drives. Previous Condition 9.17 of Resolution R-96-813, Petition 80-103(H) (ONGOING: CODE ENF)
11. The western facade of the buildings shall be given architectural treatment consistent with the front facade. (Previously Condition B.19 of Resolution R-96-813, Petition 80-103(H)) (BLDG PERMIT: ZONING/BLDG)

12. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the **petitioner** shall amend the plan to indicate bus access and/or a bus **stop(s)** on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. Previous Condition B.23 of Resolution R-96-813, Petition 80-103(H) (DRC:Zoning)

D. DAY CARE CENTER

1. To ensure vehicles do not enter the outdoor play area, the petitioner shall, prior to certification of a final site plan by the DRC, amend the site plan to indicate a solid concrete wall or bollards, with a minimum height of three (3) feet, between the outdoor play area and the adjacent access aisle. The wall and/or bollards shall be installed prior to the issuance of the Certificate of Occupancy (C.O.) for the day care center. Previous Condition B.1 of Resolution R-96-813, Petition 80-103(H) (DRC/DO: ZONING/BLDG)
2. The day care facility shall be limited to **175** students. Previous Condition B.2 of Resolution R-96-813, Petition 80-103(H) (ONGOING: CODE ENF/ ZONING)

E. ENGINEERING

1. Condition E.1 of Resolution R-96-813, Petition 80-103(H) which currently states:

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 **\$57,750** (1050 trips X **\$55.00** per trip)

Is hereby deleted. [REASON: code requirement]

2. Condition E.2 of Resolution R-96-813, Petition 80-103(H) which currently states:

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 presently is \$27,031.00 (1,009 trips x \$26.79 per trip).

Is hereby deleted. [REASON: code requirement]

3. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$6,758.00** shall be credited toward the increased Fair Share Fee. Previous Condition E.3 of Resolution R-96-813, Petition 80-103(H). (IMPACT FEE COORD)

4. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional **\$6,758.00** toward Palm Beach County's existing Roadway Improvement Program, these total funds of **\$33,789.00** to be paid prior to the issuance of the first building permit or prior to certification of the Master Plan, or prior to October 1, 1987 whichever shall first occur. Previously Condition E.4 of Resolution R-96-813, Petition 80-103(H) (IMPACT FEE COORD)

5. Condition E.1 of Resolution R-96-813, Petition 80-103(H) which currently states:

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 presently is **\$12,163.00 (454 trips X \$26.79 per trip)**.

Is hereby deleted. [REASON: code requirement]

6. Condition E.6 of Resolution R-96-813, Petition 80-103(H) which currently states:

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 the proposed **6,420** square feet addition presently is **\$7,903.00 (295 trips X \$26.79 per trip)**.

Is hereby deleted. [REASON: code requirement]

7. Condition E.7 of Resolution R-96-813, Petition 80-103(H) which currently states:

The petitioner 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 presently is **\$13,342.00 (498 trips X \$26.79 per trip)**.

Is hereby deleted. [REASON: code requirement]

8. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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. Previous Condition E.8 of Resolution R-96-813, Petition 80-103(H) (ONGOING: ENG)

Is hereby deleted. Reason: Code Requirement.

9. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. Previous Condition E.9 of Resolution R-96-813, Petition 80-103(H) (ONGOING: ENG)

~~Is hereby deleted.~~ [Reason: ERM now monitors this type of condition.]

10. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for S.W. 19th Street, 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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. Previous Condition E.10 of Resolution R-96-813, Petition 80-103(H) (ENG) Completed.

11. The petitioner shall convey to the Lake Worth Drainage District an easement 20 feet in width, lying east of and parallel and/or concentric with the existing east top of bank for the required right-of-way for Equalizing Canal No. 1, by Quit Claim Deed or an Easement Deed in the form provided by the District within ninety (90) days of the approval of the Resolution approving this project. Previous Condition E.11 of Resolution R-96-813, Petition 80-103(H) (ENG)

12. 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, Zoning Petition 80-103(H), to be paid at the time of issuance of the Building Permit presently is:

- a. \$28,490.00 for the proposed fast food restaurant (1,036 additional trips X \$27.50 per trip)
- b. \$11,275.00 for the proposed 10,400 square feet of additional retail (205 additional trips X \$55.00 per trip). Previous Condition E.12 of Resolution R-96-813, Petition 80-103(H) (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)

~~Maybe deleted.~~ Reason: Impact fees are now Code Requirement.

Condition E.13 of Resolution R-96-813 which currently states:

13. LANDSCAPE WITHIN MEDIAN
 - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way of SR7 for the entire frontage of the shopping center along SR7. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost

Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG. PERMIT: BLDG - Eng)

- B. **All** required median landscaping including an irrigation system, if required, shall be installed at the property owners expense, **All** landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. **All** landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: BLDG - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: BLDG - Eng)

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Australian Avenue Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. If Certificates of Occupancy are requested prior to the final construction of the Australian Avenue Flyover then appropriate surety shall be posted for the landscape planting acceptable to the County Engineer. Landscape plantings shall then be completed within 90 days of the property owner that the construction of the Australian Avenue flyover is completed. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

F. ENVIRONMENTAL

- 1. Condition C.1 of Resolution R-96-813, Petition 80-103(H) which currently states:

A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to Site Plan certification.

Is hereby amended to read:

A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to final DRC site plan certification. (DRC: ERM)

- 2. Petitioner shall comply with the design requirements of the proposed wellfield protection ordinance applicable to wellfield protection Zone Two. Previous Condition C.2 of Resolution R-96-813, Petition 80-103(H) (ONGOING: ERM)
- 3. Petitioner shall have a water recycling system for the carwash facility. Previous Condition C.3 of Resolution R-96-813, Petition 80-103(H). (ONGOING: ERM)
- 4. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewerage works are constructed and used by project tenants or owners generating such effluent. Previous Condition C.4 of Resolution R-96-813, Petition 80-103(H) (ONGOING: ERM)
- 5. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. Previous Condition C.5 of Resolution R-96-813, Petition 80-103(H) (ONGOING: ERM/SWA)

6. There is a potential for restricted materials to be stored onsite including petroleum products and solvents. An Affidavit of Notification **must** be executed and the petitioner shall perform all necessary **preventative** measures to reduce the chances of contamination of the wellfield. It is recommended that double walled tanks and piping be included **as part** of those measures. Previous Condition C.6 of Resolution R-96-813, Petition 80-103(H) (ONGOING: ERM)

G. HEALTH

1. Since sewer service is available to the property, septic tank shall not be approved for use on said property. Previous Condition D.1 of Resolution R-96-813, Petition 80-103(H) (ONGOING: HEALTH)
2. Since water service is available to the property, a well shall **no**:be approved for use on said property. Previous Condition D.2 of Resolution R-96-813, Petition 80-103(H) (ONGOING: HEALTH)
3. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
4. The owner, occupant or tenant of this facility shall participate in an oil recycling program that ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)
5. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

H. LANDSCAPE - EXISTING

1. Trees planted in perimeter landscape strips shall be a minimum of ten (10) to twelve (12) feet upon planting. Previous Condition B.8 of Resolution R-96-813, Petition 80-103(H) (LANDSCAPE/ZONING)
2. Prior to July 1, 1999, the petitioner shall remove and replace any existing dead or damaged plant materials. (DATE: LANDSCAPE)

I. LANDSCAPING - STANDARD (PARCEL L/AFFECTED AREA ONLY)

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING - INTERIOR (OUTPARCEL L/AFFECTED AREA ONLY)

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 40% 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)

K. SIGNS

1. **Prior to site plan certification, the petitioner shall submit a master signage program to consist of uniform color and character in keeping with the architecture character of the building.** Previous Condition E.20 of Resolution R-96-813, Petition 80-103(H) (DRC: ZONING)
2. **Signage proposed for each of the development areas as outlined in DOA 80-103H shall not exceed 15 feet in height or 150 square feet in copy area.** Previous Condition B.22 of Resolution R-96-813, Petition 80-103(H) (BLDG PERMIT: BLDG-Zoning)
3. **No off-premise signs shall be permitted on the site.** Previous Condition B.7 of Resolution R-96-813, Petition 80-103(H) (ONGOING: CODE ENF)
4. **Maximum height of free standing signs on the site shall be twenty-five (25) feet.** Previous Condition B.9 of Resolution R-96-813, Petition 80-103(H) (BLDG PERMIT: BLDG/ZONING)
5. Wall signs shall be limited to the west facade of the building only. (Parcel L/affected area only). (BLDG PERMIT: BLDG/ZONING)

L. USE LIMITATIONS

1. Condition B.6 of Resolution R-96-813, Petition 80-103(H) which currently states:

No outside storage of disassembled vehicles or parts thereof shall be permitted on site.

Is hereby deleted. Reason: Duplication of condition.

2. **No** outside storage of disassembled vehicles or parts thereof shall be permitted on site. Previous Condition B.18 of Resolution R-96-813, Petition 80-103(H) (ONGOING: CODE ENF)
3. **No** advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock number; or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a building, or similar **objects**, gimmicks, or advertising designed to attract the public's attention **off-site** shall be displayed outdoors, upon any buildings, vehicles or **wall**, other than inside a window as may be permitted by the Sign **Code**. Previous Condition 6.21 of Resolution R-96-813, Petition 80-103(H). (ONGOING: CODE ENF)
4. **No** retail sales shall be allowed on site, except ancillary to the **proposed** auto service uses. Previous Condition 6.13 of Resolution R-96-813, Petition 80-103(H) (ZONING) [NOTE: Auto service station only]

M. 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)
2. Condition F.1 of Resolution R-96-813, Petition 80-103(H) which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; 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.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

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

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

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)