

RESOLUTION NO. R-98- 728

RESOLUTION APPROVING ZONING PETITION DOA91-47(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF RICK NEWMAN
BY ROBERT BASEHART, AGENT
(HAGEN RANCH COMMERCE CENTER)

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

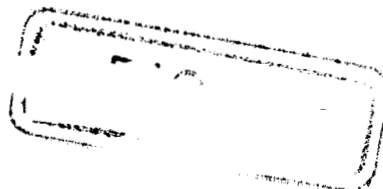
WHEREAS, Zoning Petition DOA91-47(A) was presented to the Board of County Commissioners at a public hearing conducted on May 28, 1998; and

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 DOA91-47(A), the petition of Rick Newman, by Robert Basehart, agent, for a Development Order Amendment (DOA) to Redesign site plan and reduce square footage (-8,503 sq. ft.) 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 May 28, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 20, 1998.

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

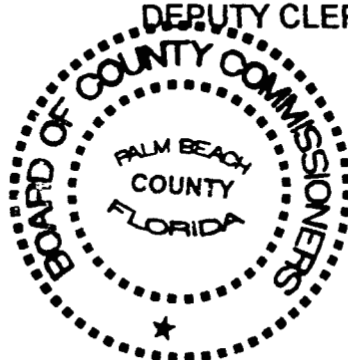


EXHIBIT A
LEGAL DESCRIPTION

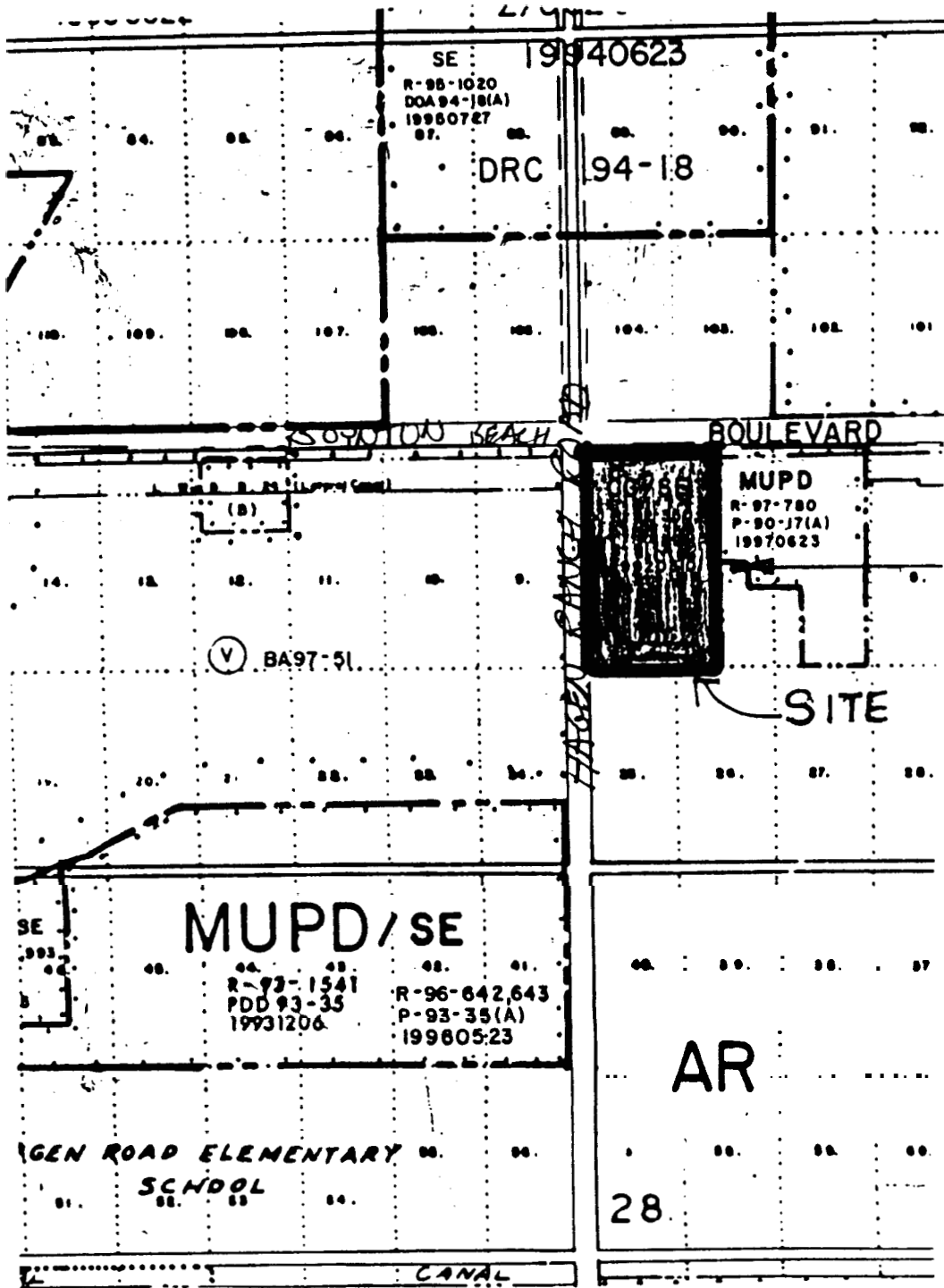
LAND DESCRIPTION:

Parcel "A", **HAGEN RANCH ROAD COMMERCE CENTER - P.C.D.**, according to the Plat thereof as recorded in Plat **Book** 75, Pages 187 and 188, of the Public Records of Palm Beach County, Florida.

Said lands lying and situate in Palm Beach County, Florida containing 326,033 square feet, 7.385 acres, more or less.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 91-47(A)
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 Date: 6/20/97



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: **All** previous conditions ~~of~~ approval are shown in **BOLD** and will **be** carried forward with this petition unless expressly **modified**.

A. **ALL PETITIONS**

1. **All** previous conditions **of** approval applicable to the subject property, as **contained** in Resolutions R-92-350 (Petition 91-47), and R-92-351 (Petition 91-47), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section **5.8** of the ULDC and the Board **of** County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition No. A.2. ~~of~~ R-92351, Petition **No. 91-47** which currently states:

This Special Exception is granted concurrent with a rezoning. Development of the site is **limited** to the uses and site design shown on the **site** plan approved by the **Board** of County Commissioners (Exhibit **No. 3**). Any modifications must be approved **by** the Board **of** County Commissioners unless the proposed use **or** design changes are permitted pursuant to Zoning Code Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions **of** approval contained herein.

Is hereby amended to state:

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 March 12, **1998**. **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)

3. Condition No. **A.1** of R-92-351, Petition No. 9147 which currently states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations **and** land development requirements **of** Palm Beach County.

Is hereby deleted. [REASON: Code Requirement]

4. Condition No. A.3. **of** R-92-351, Petition No. **91-47** which currently states:

The petitioner shall submit an application to the Site Plan Review Committee for the certification **of** the site plan approved by the Board **of** County Commissioners for this site prior to April **7, 1992**.

Is hereby deleted. [REASON: Condition no longer applicable]

B. ACCESS

1. Prior to site plan certification, the petitioner shall record in the public record a cross access agreement which provides access to the property owner to the east (Petition No. **90-17**) in a form acceptable to the County Attorney. (Previously Condition No. 6.1 of Resolution No. R-92-351, Petition No. 91-47). (DRC: ZONING - Co Att)

C. AUTO SERVICE (WITH REPAIRS)

1. The car wash facility shall utilize a **100%** water recycling system. (Previously Cond. No. C.1 of R-92-351, Pet. No. 9147). (DRC: ZONING)
2. **No** outdoor speaker **or** public address systems which are audible **off-site** shall **be** permitted. (Previously Condition No. C.2 of Resolution No. R-92-351, Petition No. 9147). (DRC: ZONING)
3. **No** outside storage **of** disassembled vehicles, **or** parts thereof, shall be permitted on site. (Previously Condition No. C.3 of Resolution No. R-92-351, Petition No. 9147). (DRC: ZONING)
4. Vehicles shall not **be** tested off-site on residential streets. (Previously Cond. No. C.4 of Reso No. R-92-351, Petition No. 9147). (DRC: ZONING)
5. There shall be no outdoor repair **or** storage of vehicles. (Prev. Cond. No. C.5 of Resolution No. R-92-351, Petition No. 91-47). (DRC: ZONING)
6. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at **no** charge. (Previously Condition No. C.6 of Reso. No. R-92-351, Petition No. 91-47). (DRC/ONGOING: ZONING/CODE ENF)

D. BUILDING AND SITE DESIGN

1. Condition No. D.1 of Resolution No. R-92-351, Petition No. 91-47 which currently states:

Prior to site plan certification, the applicant shall amend the site plan to indicate that the total square footage (for the northern-most **local** retail near the center of the east property line) is **14,966** square **feet**. The site plan shall also be amended to indicate the cross-access point to be shared with Petition No. **90-17**.

~~Is~~ hereby deleted. [**REASON:** Limitation addressed in other conditions]

2. Cond No. D.2 of R-92-351, Petition No. 914 7 ~~which~~ currently states:

Total **gross floor** area shall be limited to **65,230** square feet. Additional square footage may be permitted in accordance with Zoning Code Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review).

~~Is~~ hereby amended to state:

2. **Total** gross floor area **shall be** limited to a maximum of 56,727 square Feet. Expansion **shall be** limited to five percent (5%) or 1,000 square feet, whichever is **less**. (DRC: ZONING)
3. Architectural character and treatment which is compatible and **harmonious** with abutting residential development shall be **provided** on **the rear** facades of the **retail** buildings. (Previously Condition No. **D 3 of Resolution No.** R-92-351, Petition No. 91-47). (DRC: ZONING)
4. All **air** conditioning and mechanical equipment shall be screened **from** view **on all** sides by a visually opaque **barrier** consistent with the **color** and character **of** the principle structure **or** equivalent landscape material. (Previously Condition No. 0.4 **of** Resolution No. R-92-351, Petition No. 9147). (DRC: ZONING)

E. ENGINEERING

1. Condition No. E.1 of Resolution R-92-351, Petition No. 91-47, which currently states:

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 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.

Is hereby deleted. **[REASON: Code Requirement]**

2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous **or** undesirable **waste** shall **be** separate from stormwater runoff from the remainder of the site. (Previously Cond. No. E.2 of Resolution No. R-92-351, Petition No. 91-47).
3. Prior to March **15, 1992** or **prior** to the issuance of the first Building Permit **whichever** shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Hagen Ranch Road, **60.5** feet from centerline free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall **also** include "Safe Sight Corners" where appropriate at intersections **as** determined by the County Engineer. (Previously Condition **No. E.3 of** Resolution No. R-92-351, Petition No. 91-47). Note: [Completed]
4. Condition No. E.4 of Resolution No. R-92-351, Petition No. 91-47, which currently states:

The Property owner shall construct Hagen Ranch Road as a 3 lane section minimum **3-12** foot travel lanes from Boynton Beach **Boulevard** to the project's southernmost entrance on Hagen Ranch Road plus the appropriate paved tapers concurrent with onsite paving and drainage improvements. Construction shall be completed prior to **the issuance of the first Certificate of Occupancy**. **This** construction may be phased subject to approval by the County Engineer.

Is hereby amended to state:

The Property ~~owner shall construct~~ at ~~the project~~ middle entrance and Hagen Ranch Road a left ~~turn~~ lane north approach.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall **be** paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of building permits for more than 13,000 square feet of commercial floor area, including the existing convenience store. (BLDG. PERMIT: MONITORING-Eng)
 - c. Construction shall be completed prior to the issuance of **certificates** of Occupancy for more than 13,000 square feet of commercial floor area, including the existing **convenience store**. (CO: MONITORING-Eng)
5. Prior to site plan approval:
- a. The site plan shall be revised to relocate the proposed north entrance onto Hagen Ranch Road a distance of **120** feet to the south. [Complete]
 - b. The property owner shall convey an access easement to the adjoining property owner to the east. Location to be approved by the County Engineer. (Previously Condition No. E.5 of Resolution No. R-92-351, Petition **No.** 9147). (BLD. **PERMIT: Monitoring-Eng**)
6. 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 **\$230,670.00 (4,178 trips X \$55.00 per trip)**. (Previously Cond. No. E.6 of Reso. No. R-92-351, Petition No. 9147). (BLD. PERMIT: Monitoring-Eng)
- Is hereby deleted. [REASON: Impact fees are now a code requirement.
7. The property owner shall convey to the Lake **Worth** Drainage District the north **75** feet of the subject tracts the required right-of-way **for** Lateral Canal **No. 24**, by Quit Claim Deed **or** an Easement Deed in the **form** provided by said District prior to March **15, 1992**. (Prev. Condition No. E.7 of R-92-351, Petition No. 9147). (DATE: Monitoring-LWDD)

0. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the proposed uses and square footages identified in the proposed site plan Exhibit #3 which generates 4,178 net trips on the surrounding roadway network. Changes in the square footage or uses requires a concurrency equivalency determination. (Previously Condition No. E.8 of Resolution No. R-92-351, Petition No. 91-47). (BLD. PERMIT: Monitoring-Eng)

Is hereby deleted. [The site plan is now required to match the concurrency for project at the time of DRC certification.]

9. The property owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. (Previously Condition No. E.9 of R-92-351, Petition No. 9147). (BLD. PERMIT: Monitoring-Eng)

10. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title may be broken upon approval by the County Engineer and the Executive Director of the Planning, Zoning and Building Department. (Previously Cond. E.10 of R-92-351, Petition 9147). (DRC: ZONING - Co Att)

Is hereby deleted. [This property has now been platted and the condition is no longer required.]

11. Condition No. Q.1 of R-92-351, Petition 91-47, which currently states:

LANDSCAPE WITHIN MEDIAN

Prior to site plan certification, the petitioner shall apply for, and make good faith efforts to obtain, permission from the Florida State Department of Transportation (FDOT) or the County Engineer to landscape the median of all abutting rights-of-way. This landscaping shall consist of a minimum of one (1) twelve (12) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing or sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list.

Trees:

Turkey Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

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

- a. All plants shall be container grown, except sabal palms.
- b. Except for sabal palms, the bottom cushion of each planting area shall include a minimum four (4) inch thick, high moisture retaining, marl based soil.

- c. **Potting soil shall be placed around the plant root balls at time of planting.**

This landscaping shall be the daily irrigation responsibility (minimum 90 days from installation) and daily maintenance obligation (in perpetuity) of the property owner.

Is hereby amended to state:

LANDSCAPE WITHIN MEDIAN OF BOYNTON BEACH BOULEVARD)

At the option of the County Engineer the property owner shall either complete A or B of the following condition:

- A. Landscaping by the property owner as follows:
1. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard road right-of-way. 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)
 2. **All** required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or 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 prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)
 3. 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)

B. Funding for Landscaping by the property Owner as follows:

Funding for the required landscaping by the property owner shall be provided to the County Engineer within 60 days notice that payment is requested. Funding may then be provided to the Palm Isles Homeowner's Association for an irrigation system or the planting of Landscape material within the median of Boynton Beach Boulevard adjacent to the site. (ENG)

F. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Drainage District to sod, imgate and perpetually maintain the adjacent bank of all abutting canals. (Previously Cond. F.1 of R-92-351, Petition 91-47). (DRC: LWDD)

G. DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

1. The extent of soil and groundwater contamination shall be defined and summarized in a complete Contamination Assessment Report (CAR) to be submitted to the Department of Environmental Resources Management (ERM) concurrent with site plan review application and approved by ERM prior to site plan certification. (Previously Condition No. G.1 of Resolution No. R-92-351, Petition No. 91-47). (ERM)
2. Prior to issuance of building permits, all petroleum contaminated soils located in stormwater retention areas, building or parking areas, driveways, or other areas to be covered by slabs, foundations, paving, or exfiltration trenches, shall be removed to levels designated by the Department of Environmental Resources Management and the area(s) shall be backfilled with clean, non-deleterious material. Petroleum contaminated soils in other areas shall be assessed and remediated in accordance with Chapter 17-770, Florida Administrative Code and Department of Environmental Regulation guidelines. (Previously Condition G.2 of R-92-351, Petition No. 91-47). (BLDG: ERM)
3. Remediation of contaminated groundwater shall be performed by the petitioner in accordance with Chapter 17-770, Florida Administrative Code requirements. Timeframes and schedules described in the rule shall be met by the petitioner unless extensions are granted by the Department of Environmental Resources Management. (Previously Condition G.3 of R-92-351, Petition 91-47). (ERM)
4. Plans for any underground storage tanks must be signed off by ERM 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 G.4 of R-92-351, Petition 91-47). (ERM)
5. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. ERM staff are willing to provide guidance on appropriate protective measures. (Prev. Condition No. G.5 of R-92-351, Petition No. 91-47). (ERM)

H. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, ~~garbage~~ or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (Previously Condition No. H.1 of Resolution No. R-92-351, Petition No. 9147). (~~DR~~C / ONGOING: ZONING / CODE ENF)
2. There shall be **no** dumpsters located within **fifty (50)** feet of any residentially zoned property. (Previously Condition No. H.2 of Resolution No. R-92-351, Petition No. 9147). (DRC: ZONING)

I. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (**FDER**) and Agency responsible for sewage works are **constructed and used** by project tenants or owners generating such **effluents**. (Previously Cond. I.1 of R-92-351, Petition No. 9147). (HEALTH)
2. Sewer service is available to the property. Therefore, no septic **tank** shall be permitted on the site. (Previously Condition 12 of ~~R-92-351~~, Petition No. 9147). (HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. **13** of Resolution No. R-92-351, Petition No. 91-47). (HEALTH)
4. **The** owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste **oil**. (Previously Cond. **14** of R-92-351, Petition 91-47). (~~ONGOING~~: HEALTH)
5. **No** portion of this project is to be approved on potable well or ~~septic~~ tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter **10-D-6**, FAC. (Previously Condition No. I.1 of Resolution No. R-92-351, Petition No. 91-47). (HEALTH)

J. IRRIGATION QUALITY WATER

1. **When** irrigation quality water **is** available within **500** feet of the property, the petitioner shall connect to the system. The cost for connection shall be **borne** by the property owner. (Previously Condition No. J.1 of Resolution No. R-92-351, Petition No. 91-47). (HEALTH)

K. LANDSCAPING - GENERAL

1. Condition No. **K.1** of R-92-351, Petition No. 91-47 ~~which~~ currently states:
Prior to site plan certification, the petitioner shall revise the landscape tabular data on **the** site plan to reflect conformance to **minimum** Landscape Code requirements and all **landscape/vegetation** preservation conditions of approval.

~~Is~~ hereby deleted: [REASON: Code Requirement]

2. **All** trees planted on-site shall be a minimum of fourteen (14) feet in height at installation with a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level. (Previously Condition No. K.2 of Resolution No. R-92-351, Petition No. 91-47). (CO: LANDSCAPE - Zoning)

3. Condition No. K.3 of R-92-351, Petition No. 91-47 which currently states:

All planted on-site trees shall have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread.

Is hereby deleted: [REASON: Code & Height restrictions are sufficient]

L. LANDSCAPING- INTERIOR

1. Cond. No. L.1 of R-92-351, Petition No. 91-47 which currently states:

The interior of the vehicular use areas shall be upgraded to include landscape material planted and maintained pursuant to **Section 500.35.G.2.a.(2)(b)**, which allows Interior Grade-Level Tree Plantings. One native canopy tree shall be provided for each planting area.

Is hereby amended to state:

Interior grade-level tree planters shall be required within all applicable parking areas of Phase 2 as indicated on the site plan approved May ~~27, 1992~~ 28, 1998 Exhibit 24. (CO: LANDSCAPE - Zoning)

2. Condition No. L.2. of R-92-351, Petition No. 91-47) which currently states:

Prior to site plan certification, the site plan shall be amended to include:

Five (5) foot wide landscape strips along the rear of the 14,966 square foot and 29,540 square foot retail buildings, except adjacent to access points to the rear of each building. The landscape strips shall be planted with a minimum of thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center.

Is hereby amended to state:

The site plan shall be amended to indicate five (5) foot wide landscape strips along the rear of the 14,250 and 12,700 square foot in-line retail center, except adjacent to access points to the rear of each building. The landscape strips shall be planted with a minimum of thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center. (DRC: ZONING)

3. Condition No. L.3 of R-92-351, Petition No. 91-47 which currently states:

Prior to site plan certification, the site plan shall be amended to indicate **typical** landscape island grade level planters, subject to approval by the Zoning Division.

Is hereby deleted: [REASON: Code Requirement]

4. Foundation plantings 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 the applicable exterior side of the **structure**; and,
- c. Landscape areas shall **be** planted with a minimum of one (1) **tree** or palm **every twenty (20)** linear foot of building facade and appropriate ground **cover**. (DRC / CO: ZONING / LANDSCAPE)

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

- 1. Landscaping along Boynton Beach Boulevard shall be **upgraded** to include:
 - a. **A minimum fifteen (15) foot** wide landscape buffer strip.
 - b. One fourteen **(14)** foot tall tree for each twenty **(20)** linear **feet** of frontage;
 - c. **Thirty (30)** inch tall hedge or shrub material planted **twenty-four (24)** inches on center. (Previously Condition No. **M.1** of Resolution No. R-92-351, Petition No. 91-47). (CO: LANDSCAPE - Zoning)

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

- 1. Landscaping within a fifteen **(15)** foot wide buffer strip along the **south** property line shall be upgraded to include:
 - a. **A six (6) foot high** opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting **development**. (Previously Condition No. **N.1** of Resolution No. R-92-351, Petition No. 91-47). (CO: LANDSCAPE - Zoning)
- 2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One fourteen **(14)** foot tall tree for each twenty **(20)** linear **feet**.
 - b. **Thirty (30)** inch high shrubs 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**. (Previously Condition No. **N.2** of Resolution No. R-92-351, Petition No. 91-47). (CO: LANDSCAPE - Zoning)
- 3. The following landscaping requirements shall be installed on the interior side of the required wall:
 - a. **Twenty-four (24) inch** high shrubs or hedge material spaced **no more** than twenty four **(24)** inches on center, to be maintained at a minimum height **of** thirty-six **(36)** inches. (Previously Condition **N.3** of R-92-351, Petition 91-47). (CO: LANDSCAPE - Zoning)

O. LANDSCAPING ALONG THE EAST PROPERTY LINE

- 1. Landscaping within a ten **(10)** foot wide buffer **strip** along the east property line shall be upgraded to include:

- a. A six **(6)** foot high opaque concrete wall for that portion of the property line abutting property with residential land use. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
- b. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - 1. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet.
 - 2. Thirty **(30)** inch high shrubs 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. (CO: LANDSCAPE - Zoning)
- c. The following landscaping requirements shall be installed on the interior side of the required wall:
 - 1. Twenty-four **(24)** inch high shrubs or hedge material spaced no more than twenty four **(24)** inches on center; to be maintained at a minimum height of thirty-six **(36)** inches.
- d. For the portion of the east property line abutting commercial zoning, the following landscape requirements shall be installed within the required ten **(10)** foot wide landscape strip:
 - 1. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet.
 - 2. Twenty-four **(24)** inch high shrubs or hedge material spaced no more than twenty four **(24)** inches on center, to be maintained at a minimum height of thirty-six **(36)** inches. (Previously Condition No. 0.1 of Resolution No. R-92-351, Petition No. 91-47). (CO: LANDSCAPE - Zoning)

P. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING HAGEN RANCH ROAD)

- 1. Landscaping within the required fifteen **(15)** foot buffer along Hagen Ranch Road shall be upgraded to include:
 - a. One fourteen **(14)** foot tall tree for each twenty **(20)** linear feet of frontage;
 - b. Thirty **(30)** inch tall hedge or shrub material planted twenty-four **(24)** inches on center. (Previously Condition No. P.1 of Resolution No. R-92-351, Petition No. 91-47). (CO: LANDSCAPE - Zoning)
- 2. Landscaping along 110 feet of Hagen Ranch Road, adjacent to the 3,600 square foot outparcel shall be upgraded to include:
 - 1. The landscape buffer adjacent to the 3,600 square foot out-parcel shall maintain a twenty (20) foot buffer excluding any easement encroachments in addition to the above requirements. (CO: LANDSCAPE - Zoning)

Q. LIGHTING

1. **All** outdoor lighting used to illuminate the premises and identification signs shall be **of** low intensity, shielded and directed downward **and** away from adjacent properties and streets. (Previously Condition No. R. 1 of Resolution **No.** R-92-351, Petition No. 9147). (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. Lighting fixtures **shall** not exceed twenty **(20)** feet in height. Lighting fixtures within one hundred and sixty **(160)** feet of residential **areas shall** not exceed twelve **(12)** feet in height. (Previously Condition No. R.2 of Resolution No. R-92-351, Petition No. 9147). (CO: BLDG - Zoning)
3. **All** outdoor lighting within **fifty (50)** feet **of** residential areas shall be extinguished no later than **11:00 p.m.** Security lighting only is **excluded from** this requirement (Previously Condition No. R.3 of Resolution No. R-92-351, Petition No. 9147). (CO / ONGOING: BLDG / CODE ENF - Zoning)
4. There shall be no rooftop lighting allowed on-site. Lighting fixtures shall **be limited to the** minimum needed **for** essential lighting of the **site and structures.** (Previously Condition **No. R.4** of Resolution No. R-92-351, Petition No. 91-47). (CO / ONGOING: BLDG / **CODE** ENF - Zoning)

R. PARKING

1. **Overnight** storage **or** parking **of** delivery vehicles **or** trucks shall not be permitted on site, except within the loading and delivery **areas** designated on the site plan. (Previously Condition **No. S.1** of Resolution **No.** R-92-351, Petition **No.** 9147). (CO:BLDG - Zoning)
2. **No** parking of any vehicles shall be permitted along the rear **of** the facility except in parking spaces **or** unloading areas designated on the site plan. (Previously Condition No. **S.2** of Resolution No. R-92-351, Petition **No.** 91-47). (CO: BLDG - Zoning)

S. PLANNING

1. **All** buildings and structures shall **be** designed and constructed in accordance with Section **4** - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning)
2. Prior to the issuance **of** a building permit, the property owner shall include in the landscape median permit application, landscaping **details/specifications** meeting the standards as set forth in Section 2B (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines **and** Standards Manual, dated November 12, 1996. In lieu of this **requirement,** prior to the issuance **of** a building permit, if an agreement is **reached between** Palm Isles PUD and Palm Beach County for the landscaping **of** the median, the property owner may provide a cash contribution to the Palm Isles Homeowners Association for the landscaping **of** the median **provided the** landscape **details/specifications** of the Palm Isles landscaping plan are consistent with the Boynton Beach Turnpike Interchange Corridor-**Design** Guidelines. (BLDG PERMIT: MONITORING - Planning)
3. Trees within the perimeter landscape buffers shall be provided at a maximum of twenty-five (25) feet **on** center. (CO: LANDSCAPE - Planning)

4. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions:
 - a) **Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median including** a twenty-five **(25)** foot landscape buffer on Boynton Beach Boulevard with the exception of landscape buffering in front of the existing gas station use. The twenty-five **(25)** foot buffer will not be required in front of the existing gas station use; and
 - b) Section 3: Landscaping Guidelines. (ONGOING: PLANNING)

T. RECYCLE SOLID WASTE

1. The property owner **and/or all** lessees shall participate in a **recycling** program when available in the area. Material to be recycled **shall** include, but not **be** limited to, paper, plastic, metal and glass products. (Previously Cond. **No. T.1** of Resolution No. R-92-351, Petition **No. 91-47**). **(SWA)**

U. SCHOOL BOARD

1. The petitioner shall install stop bars and stop signs at the **project's** entrances on Boynton Beach Boulevard and Hagen Ranch Road in accordance with the manual of Uniform Traffic Control Devices. This petitioner shall **also** install pedestrian crossing signs warning **vehicles** entering and exiting this project that school children are **crossing** in this area to Hagen Road Elementary School between the hours of **7:30 am - 8:15 am and 2:00 pm - 2:45 pm**. Plans detailing these **control** devices **for** vehicular and pedestrian traffic safety shall be **submitted** to the **Growth** Management Center of the School Board for approval **prior** to site plan certification. (Previously Condition **No. U.1** of Resolution **No. R-92-351**, Petition **No. 91-47**). (ONGOING: SCHOOL BOARD)

V. SIGNS

1. Signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. Maximum sign height - ten **(10)** feet.
 - b. Maximum total sign face area per sign - **100 sq. ft.** total.
 - c. Maximum number of signs - one **(1)** monument type sign. (Previously Condition **V.1** of R-92-351, Petition 91-47). (CO: BLDG)
2. Signs fronting on Hagen Ranch Road shall be limited as follows:
 - a. Maximum sign height - ten **(10)** feet.
 - b. **Maximum** total sign face area - **100 sq. ft.** total
 - c. Maximum number of signs - one **(1)** monument type sign. (Previously Condition **No. V.2** of Resolution No. R-92-351, Petition **No. 91-47**). (CO: BLDG)
3. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (Previously Cond. **No. V.3** of R-92-351, Petition 91-47). (CO: BLDG)

4. **If**, prior to the issuance of a building permit for the project, the ~~Sign Code~~ **is** amended to be more restrictive than the ~~condition~~ **of** approval, the regulations of the amended Sign **Code** shall ~~supersede~~ **all** sign-related conditions of approval. (Previously Condition No. **V.4** of Resolution No. R-92-351, Petition No. 91-47). (CO: BLDG)
5. **The** service station gasoline price information shall comply with the minimum requirements of the applicable County Ordinance. (Previously Condition No. **V.5** of Resolution No. R-92-351, Petition No. 91-47). (ONGOING/DRC: **CODE ENF/ZONING**)

W. UNITY OF CONTROL

1. Prior to site plan certification, the petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. (Previously Condition No. **W.1** of Resolution No. R-92-351, Petition No. 9147). (DRC: ZONING - Co AtI)

X. USE LIMITATION

1. Retail business activities, excluding the auto service station ~~and~~ convenience store, shall not be allowed on site, including deliveries, prior to **6:00** am. nor continue later than **11:00** p.m. The fast food facility may **be** open until **12** o'clock ~~midnight~~. (Previously Condition No. **X.1** of R-92-351, Petition No. 9147). (ONGOING: **CODE ENF - Zoning**)
2. **No** storage or placement ~~of~~ any material, refuse, equipment or ~~debris~~ shall **be** permitted in the rear of any ~~of~~ the facilities. (Prev. Condition No. **X.2** of R-92-351, Petition No. 91-47). (ONGOING: **CODE ENF - Zoning**)
3. **No** outdoor retail business activities shall be allowed on the site, excluding deliveries. (Previously Condition No. **X.3** of Resolution No. R-92-351, Petition No. **91-47**). (ONGOING: **CODE ENF - Zoning**)

Y. UTILITIES

1. The developer shall design the project on-site **irrigation** system to facilitate a suitable connection to a future reclaimed water **transmission** main on Hagen Ranch Road. The irrigation system shall be designed to allow **a** disconnection of the irrigation well and/or surface **water irrigation** pump providing irrigation water on an interim basis **until** connection to the reclaimed water system becomes available. There shall **be** no physical connection between the irrigation system and the potable water system. The design of the **irrigation** system shall **be** subject to the review and approval of the Palm Beach County **Water Utilities** Department. (Previously Condition No. **Y.1** of Resolution **No. R-92-351**, Petition No. 91-47). (BLDG PERMIT: Water Utilities)
2. Upon the availability of reclaimed water from the Palm Beach County **Southern** Region Wastewater Treatment Plant, the **Property** Owner will enter into a Reclaimed Water Use Agreement with Palm Beach **County** and **the** Palm Beach County Water Utilities Department for the **provision of** reclaimed water to the project for the purpose of irrigating **grass** and landscaped areas. (Previously Condition No. **Y.2** of Resolution No. **R-92-351**, Petition **No. 91-47**). (BLDG **PERMIT**: Water Utilities)

3. The developer shall extend the 16-inch water main in Boynton Beach Boulevard, from the west property line of Palm Isles PUD to Hagen Ranch Road, and thence extend a 20-inch water main in Hagen Ranch Road, from the northside of Boynton Beach Boulevard to the entrance of Hagen Ranch Commerce Center, in accordance with Palm Beach County Water Utilities Department requirements. (Previously Condition Y.3 of R-92-351, Petition No. 91-47). (BLDG PERMIT: Water Utilities)
4. The developer shall construct a 6-inch force main from the existing 8-inch force main in Boynton Beach Boulevard, at the entrance to the Palm Isles PUD development to the project site, in accordance with Palm Beach County Water Utilities Department requirements. (Previously Condition Y.4 of Resolution No. R-92-351, Petition No. 91-47). (BLDG PERMIT: Water Utilities)

Z. 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 No. 2.2 of Resolution No. R-92-351, Petition No. 91-47 which currently states:

As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. 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; and/or
 - b. The revocation of the 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; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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. (Previously Condition No. Z.1 of Resolution No. R-92-351, Petition No. 91-47).
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 Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

It hereby amended to state:

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 noncompliance, 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)