

RESOLUTION NO. R-2004- 2020

RESOLUTION APPROVING ZONING PETITION PDD2003-058  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF CORAL LAKES APARTMENTS  
BY RICHARD W. CARLSON, JR., ESQ., AGENT  
(CORAL LAKES 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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2003-058 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2004; and,

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 PDD2003-058, the petition of Coral Lakes Apartments by Richard W. Carlson, Jr., Esq., agent, for an Official Zoning Map Amendment from the Residential Planned Unit Development District to the Multiple Use Planned Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 30, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner   MASILOTTI   moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on September 30, 2004.

Filed with the Clerk of the Board of County Commissioners on   9th   day of   NOVEMBER  , 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY


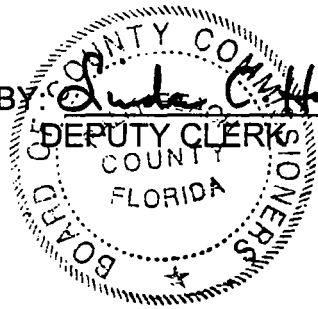
BY:   
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

All of Lot C, and the North 19 feet of Lot D, Tract 64, Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 5 at Page 72, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH, the following:

Lot E, Block 33, Lot E, Block 34; Lots A, B and C, Block 63; Lots A and B, Block 64; Lots A, B, C, D and E, Block 61; Lots A, B, C, D and E, Block 62; Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 72, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH, the following:

The 30 foot Road Right-of-Way lying between Lots A, B & C, Block 63 and Lots A, B & C, Block 62, of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

TOGETHER WITH, the following:

The East 15 foot of the 30 foot Road Right-of-Way lying contiguous to Lots A, B, C, D & E Block 61 of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

TOGETHER WITH, the following:

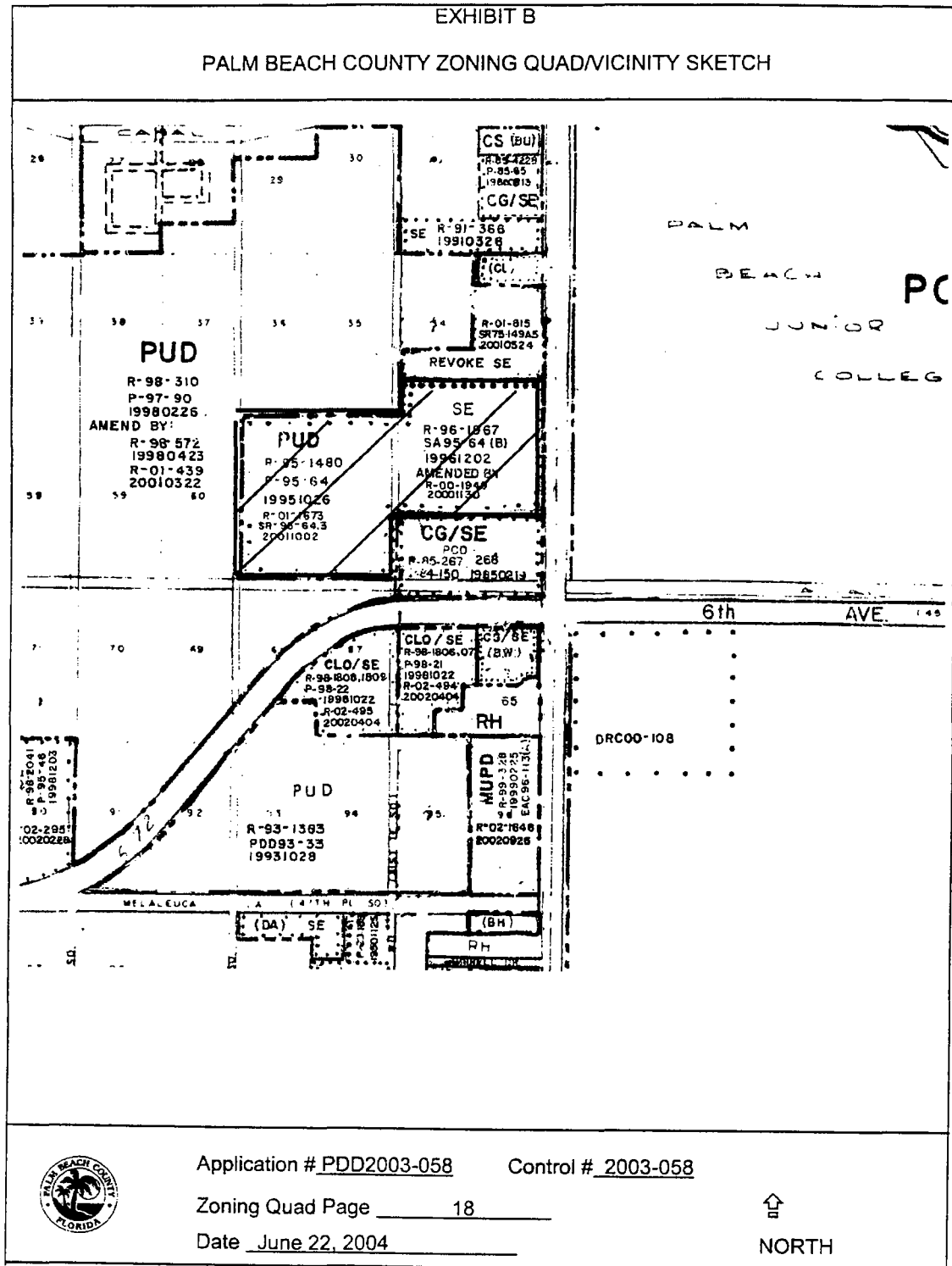
The East 15 foot of the 30 foot Road Right-of-Way lying contiguous to Lot E Block 34 of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

LESS AND EXCEPTING, the following:

A certain TRACT of Land in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

The East 10.00 feet of Lot E, Block 33; the East 10.00 feet of Lots A, B, C and the East 10.00 feet of the North 19.00 feet of Lot D, Block 64, Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the plat thereof, as recorded in Plat Book 5 at Page 72, of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 14, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

#### B. ARCHITECTURAL REVIEW

1. At time of submittal final Development Review Officer (DRO) approval, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sections 6.6.C., 6.6.E., and 6.7.J.6. of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height for all buildings shall be thirty-five (35) feet including air conditioning, mechanical equipment, satellite dishes and architectural features. All heights shall be measured from finished grade to highest point, excluding decorative elements required per Condition B.5. (DRO/BLDG PERMIT: ZONING/BLDG - Zoning)
3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier that is consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDG PERMIT/CO: ARCH REVIEW/LANDSCAPE - Zoning)
4. Design of gutters and downspouts shall be integrated into the architectural design of the buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (BLDG PERMIT: ARCH REVIEW - Zoning)
5. A decorative element, subject to review and approval by the Architectural Review Section, shall be provided as follows:
  - a. above the southeast corner of building A;
  - b. above each corner along the south façade of building B, excluding the westernmost corner;
  - c. above the northeast corner, northwest corner, and midpoint of the north façade of building C;
  - d. above the northeast corner of building D;
  - e. above the midpoint of the east façade of building E; and,
  - f. each element shall be generally consistent. (DRO: ARCH REVIEW - Zoning)

#### C. BUILDING AND SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate decorative paving treatment (pre-cast concrete paver blocks and/or stamped concrete) at all points of ingress/egress from Congress Avenue. This treatment shall:

- a. begin at the property line or base building line, as applicable;
  - b. extend westward a minimum distance of sixty (60) feet;
  - c. cover the entire surface area of the drive aisle; and,
  - d. the same pavement shall be provided at each applicable location.  
(DRO/CO: ZONING/LANDSCAPE - Zoning)
2. A promenade, subject to review and approval by the Architectural Review Section, shall be provided as follows:
- a. along the south, east and west façades of building A;
  - b. along the south and east facades of building B;
  - c. along the north, east and west facades of buildings C and D;
  - d. along the east façade of building E;
  - e. each promenade shall have a minimum overall width of eight (8) feet and a minimum unobstructed width of seven (7) feet measured from the applicable façade of each building. Required benches and permitted pedestrian amenities shall be permitted within the required unobstructed area;
  - f. each promenade shall have a minimum clearance of twelve (12) feet measured from top of sidewalk surface to the underside of the canopy;
  - g. each promenade shall have a pitched roof with a minimum slope of 4/12;
  - h. each promenade shall extend the entire length of the applicable building façade; and,
  - i. each promenade shall include a minimum of one (1) bench for each fifty (50) linear feet of the applicable building façade. All benches shall be located in a manner that is acceptable to the Architectural Review Section. (DRO/CO: ARCH REVIEW/LANDSCAPE - Zoning)
3. All focal points shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)

**D. LANDSCAPING - STANDARD**

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
- a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: 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. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
- a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;

- b. Twenty-four (24) to thirty-six (36) inches – medium shrub; and,
  - c. Forty-eight (48) to seventy-two (72) inches – large shrub. (BLDG PERMIT: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)
  5. A group of three (3) or more palm trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
  6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list as suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG PERMIT: LANDSCAPE - Zoning)
  7. Field adjustment of berms and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
  8. Berm height shall be measured from the nearest top of the curb, the crown of the nearest road, or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: LANDSCAPE - Zoning)

**E. ENGINEERING**

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:
  - a. Building Permits for more than 16,000 square feet of gross leasable floor general commercial floor area plus 30,500 square feet of gross leasable medical office floor area (the equivalent of up to 200 new external PM peak hour trips per day) shall not be issued until the contract has been awarded for the construction of Congress Avenue as a 6 lane facility from Lantana Road to Melaleuca Lane plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
  - b. No Building Permits for the site may be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)
  - c. The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING - Eng)
2. Prior to issuance of a building permit, the property owner shall convey a temporary roadway construction easement along Congress Avenue to Palm Beach County for the six laning of Congress Avenue or intersection improvements at Melaleuca Lane and Congress Avenue, which shall expire by its terms upon completion of construction. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng)

3. Prior to issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for:
  - a. an expanded intersection at Melaleuca Lane and Congress Avenue as set forth on the site plan dated May 14, 2004; and,
  - b. the construction of a right turn lane on Congress Avenue at the Project's southern entrance onto Congress Avenue. This right turn lane right of way shall be 12 feet in width from the project's main entrance north to the north property line as set forth on the site plan dated May 14, 2004.

This additional right of way shall be free of all encumbrances and encroachments and shall include "corner clips" where appropriate as determined by the County Engineer as set forth on the site plan dated May 14, 2004. 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. (DATE: MONITORING - Eng)

4. The property owner shall construct a right turn lane north approach on Congress Avenue at the project's southern entrance onto Congress Avenue.
  - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
  - c. Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. LANDSCAPE WITHIN THE MEDIAN OF CONGRESS AVENUE

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Congress Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- c. At the property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the



petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING: MONITORING - Eng)

- d. Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Congress Avenue. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT: MONITORING - Eng)

6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)

F. LANDSCAPING ALONG THE NORTH 562 FEET OF THE EAST PROPERTY LINE (FRONTAGE OF CONGRESS AVENUE) AND THE EAST 285 FEET OF THE NORTH PROPERTY LINE (ABUTTING CHURCH/PLACE OF WORSHIP)

1. Landscaping and buffering along the north 562 feet of the east property line and the east 285 feet of the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet;
  - c. one (1) canopy tree for each twenty-five (25) linear feet of the property line;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE WEST 705 FEET OF THE EAST 990 FEET OF THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the western 705 feet of the eastern 990 feet of the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a continuous three (3) foot high berm;
  - c. a six (6) foot high opaque concrete wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
  - d. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the wall. Field adjustment shall be permitted subject to approval by the Landscape Section;

- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. Field adjustment shall be permitted subject to approval by the Landscape Section;
- f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation, to be planted on both sides of the wall; and,
- g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be planted on both sides of the wall. (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE WEST 300 FEET OF THE NORTH PROPERTY LINE, THE WEST PROPERTY LINE, AND THE WEST 650 FEET OF THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the west 300 feet of the north property line, the west property line, and the west 650 feet of the south property line shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted, except for a maximum five (5) feet of utility easement encroachment along the south property line;
  - b. a continuous three (3) foot high berm;
  - c. a six (6) foot high opaque barrier that is acceptable to both the Landscape Section and South Florida Water Management District shall be located on the plateau of the berm. If a wall is provided, the exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
  - d. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
  - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;
  - f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation, to be planted on both sides of the wall; and,
  - g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be planted on both sides of the wall. (BLDG PERMIT: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH 271 FEET OF THE EAST PROPERTY LINE (ABUTTING COMMERCIAL)

- 1. Landscaping and buffering along the south 271 feet of the east property line shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) canopy tree for each twenty-five (25) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE EAST 645 FEET OF THE SOUTH PROPERTY LINE (ABUTTING COMMERCIAL)

- 1. Landscaping and buffering along the east 645 feet of the south property line shall be upgraded to include:
  - a. a minimum ten (10) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
  - b. one (1) canopy tree planted for each twenty-five (25) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

K. LANDSCAPING - INTERIOR

- 1. A minimum of one (1) 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. (DRO: ZONING - Zoning)
- 2. Landscaping for terminal islands in the parking area shall consist of the following:
  - a. one (1) canopy or flowering tree for each island; and,
  - b. a continuous row of shrub or hedge between all trees within the islands, where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (BLDG PERMIT: LANDSCAPE - Zoning)
- 3. Landscaping for divider medians in any parking area shall consist of the following:
  - a. one (1) canopy tree for each twenty (20) linear feet of the median;
  - b. one (1) palm for each thirty (30) linear feet of the median; and,
  - c. a continuous row of shrub or hedge between all trees and palms within the median where applicable. Shrub or hedge materials and groundcover shall be maintained at a maximum height of thirty (30) inches. (BLDG PERMIT: LANDSCAPE - Zoning)
- 4. Landscaped diamonds with a minimum planting area of twenty-five (25) square feet shall be provided within all rows of abutting parking. These diamond shall be located at the common intersection of four (4) parking spaces and be spaced a maximum of four (4) parking spaces apart. A minimum of one (1) canopy tree and appropriate ground cover shall be provided within each diamond. (DRO/BLDG PERMIT: ZONING/LANDSCAPE - Zoning)
- 5. Foundation planting or grade level planters shall be provided along the following:
  - a. south, east and west facades of buildings A and B;
  - b. north, east and west facades of buildings C and D;
  - c. north, south, east and west facades of building E;

- d. the minimum width of the required landscape areas shall be five (5) feet, excluding the east façade of buildings A and D and all facades of building E, where the minimum width shall be eight (8) feet;
  - e. the length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each applicable facade; and,
  - f. 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. (DRO/BLDG PERMIT: ZONING/LANDSCAPE - Zoning)
6. The north and south sides of the southern spine drive from Congress Avenue shall be landscaped as follows:
- a. a divider median with a minimum unobstructed width of eight (8) feet;
  - b. one (1) palm (Royal Palm) planted with a maximum spacing of twenty (20) feet on center;
  - c. a continuous row of medium shrub or hedge material between all palms, where applicable. Shrub or hedge material shall be maintained at a maximum height of thirty (30) inches at maturity;
  - d. appropriate ground cover, where applicable;
  - e. all planting shall be provided between the drive aisle and sidewalk; and,
  - f. this treatment shall be applied to the entire length of the spine drive. (DRO/BLDG PERMIT: ZONING/LANDSCAPE - Zoning)

L. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 3. All outdoor lighting shall be extinguished no later than thirty (30) minutes after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning)
- 4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

M. MASS TRANSIT

- 1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the site plan prior to the final approval of the DRO. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)
- 2. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. (BLDG PERMIT: PALM TRAN - Palm Tran)

N. MUPD

- 1. Prior to approval of the site plan by the DRO, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at

a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING/COUNTY ATTY - Zoning)

2. Prior to approval of the site plan by the DRO, the property owner shall record a covenant/unity of control in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Atty)

O. PLANNING

1. Prior to final DRO approval, the site plan shall indicate a minimum of one (1) future cross access point to the adjacent commercial parcel to the south, and in a location that was shown on the site plan dated May 14, 2004. The westernmost cross access point shall be provided only if the property owner is unable to enter into a cross access agreement with the property owner at the southeast corner of the site. The property owner shall provide the Planning Division with documentation indicating which cross access point will become the preferred cross access point. The final site plan shall read "potential vehicular and pedestrian cross access to be paved to the property line" at the final cross access location. (DRO: PLANNING - Planning)
2. Prior to the issuance of a certificate of occupancy (CO), the property owner shall pave the vehicular and pedestrian cross access point to the south of the site. This paving shall be at the final location of the cross access point to the parcel to the south of the site, as determined at time of DRO site plan approval and as shown on the final site plan. (CO: MONITORING - Planning)
3. The final site plan shall be generally consistent with the site plan dated May 14, 2004 with regards to the location of decorative concrete, benches, sidewalks, and recommendations pertaining to the Lake Worth Road Corridor Study Area. (DRO: PLANNING - Planning)

P. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - ten (10) feet for sign A and eight (8) feet for sign B;
  - b. maximum sign face area per side - one hundred (100) square feet for sign A and eighty (80) square feet for sign B;
  - c. maximum number of signs - two (2) for the entire site;
  - d. style - monument style only;
  - e. location - on the south side of the southernmost driveway for sign A, and within seventy-five (75) feet to the south of the northern driveway for sign B; and,
  - f. signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)
2. Wall signs shall be permitted as follows:
  - a. on the south, east and west facades of building A;
  - b. on the south and east facades of building B;
  - c. on the north and east facades of building C;
  - d. on the north, east and west facades of building D;

- e. on the east façade of building E;
- f. individual lettering size shall be limited to a maximum height of twenty-four (24) inches; and,
- g. wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

Q. USE LIMITATION

- 1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
- 2. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
- 3. Storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
- 4. No outdoor business activities shall be allowed on site, excluding deliveries. (ONGOING: CODE ENF - Zoning)
- 5. Outdoor speaker or public address systems shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

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

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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

certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING -  
Zoning)