

RESOLUTION NO. R-2015-0236

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2014-01874
(CONTROL NO. 1998-00079)
a Development Order Amendment
APPLICATION OF Lowes Home Centers Inc.
BY Dunay, Miskel, Backman and Blattner, LLP, AGENT
(Pollo Tropical at Palmetto Park MUPD)

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 applications relating to zoning;

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

WHEREAS, Zoning Application DOA/R-2014-01874 was presented to the Board of County Commissioners at a public hearing conducted on February 26, 2015;

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/R-2014-01874, the petition of Lowes Home Centers Inc., by Dunay, Miskel, Backman and Blattner, LLP, Agent, for a Development Order Amendment to reconfigure the site plan, add square footage, add a use, and modify and delete Conditions of Approval (Architectural Control; Lighting; and Building and Site Design), 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 26, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	- Aye
Commissioner Mary Lou Berger, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 26, 2015.

Filed with the Clerk of the Board of County Commissioners on February 26th, 2015

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

LOWES SHOPPING CENTER – M.U.P.D. AS RECORDED IN PLAT BOOK 87,
PAGES 52-55 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

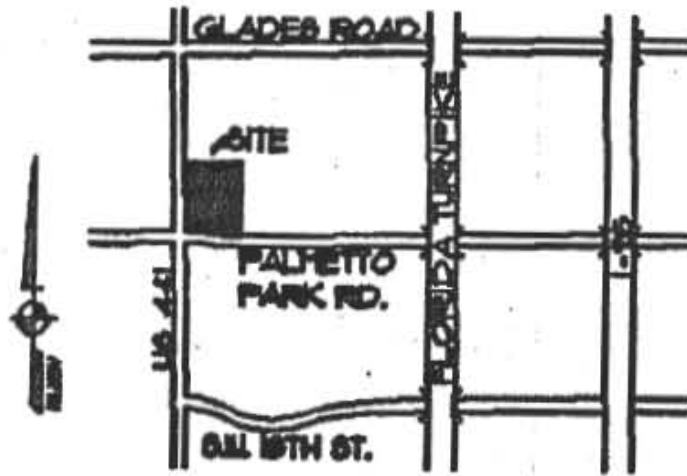


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

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 19,1999. 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

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 December 15, 2014. 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)

2. Previous A condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Prior to DRC final certification of the site plan, the petitioner shall revise the site plan to reflect the total floor area of 176,900 square feet

Is hereby deleted. [REASON: Subject to All Petition Condition 1 for revised Preliminary Site Plan.]

ARCHITECTURAL REVIEW-BUILDING B ELEVATIONS

1. All buildings, accessory structures and signage shall be designed and constructed to be consistent with the facade elevations for the drugstore by Marc Wiener Architects dated April 28, 1999. Consistency shall include but is not limited to the building's color, materials, fenestration, architectural trims and details, and doors, windows and roof treatment. The following requirements shall also be included in the design of the buildings, accessory structures and/or signs: a. All exterior colors, excluding sign copy, are limited to earth or neutral tones; b. All roof top mechanical and electrical equipment and satellite dishes shall be screened from view on all four (4) sides by the parapet or pitched roof so as not to be visible from any property line; c. All blank wall areas greater than ten (10) feet in height by twenty (20) feet in length shall have additional vertical architectural treatment (ie. reveal, score lines, banding or other details acceptable to the Zoning Division) to reduce building mass and provide visual interest at pedestrian scale; and, d. Similar architectural treatment shall be provided on all sides of the building; e. Prior to the DRC final certification of the site plan, the petitioner shall revise the north (rear) architectural elevations to be consistent with the rest of the building facades and shall submit these architectural elevations to the Zoning Review Section for further review. (ONGOING: BUILDING DIVISION - Zoning) (Previous B condition 1 of Resolution R-1999-1138, Control No.1998-00079)

ARCHITECTURAL REVIEW-BUILDING A ELEVATIONS

2. All buildings, accessory structures and signage for the home improvement center (Lowe's) shall be designed and constructed to be consistent with Condition B.I a through B.I .d. and the architectural elevations by Lowe's Companies Inc. dated May 19, 1999. Prior to the DRC final certification of the site plan, the petitioner shall submit revised architectural elevations for the right (south)elevation of the home improvement center to the Zoning Review Section for further review. (ONGOING: BUILDING DIVISION - Zoning) (Previous B condition 2 of Resolution R-1999-1138, Control No.1998-00079)

ARCHITECTURAL REVIEW-BUILDING C ELEVATIONS

3. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type I Restaurant shall be submitted for finalization by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated February 11, 2014. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

ENGINEERING

1. The Property owner shall construct:

- a) Separate right turn lane on Palmetto Park Road at its intersection with Parkview Estates at Boca.
- b) Separate right turn lane on Palmetto Park Road at its intersection with Via Emilie;
- c) Separate right turn lane south approach on S.R. 7 at the projects south entrance road;
- d) left turn north approach on S.R. 7 at the projects north entrance road;
- e) left turn lane west approach including a directional median opening and a separate right turn lane east approach on Palmetto Park Road at the projects west entrance Road.
- f) pedestrian pathway along the north right of way of Palmetto Park Road from the west entrance to Veterans Park to SR 7. This construction shall include any required drainage improvements along Palmetto Park Road.
- g) an additional left-turn lane south approach (dual left turn lanes) on SR 7 at Oriole Country Road.
- h) an additional left-turn lane north approach (dual left turn lanes) on SR 7 at S.W.18th Street, including appropriate receiving lanes on SW 18th Street (minimum 28 feet in width), plus any appropriate tapers.
- i) lengthen the existing right-turn lane east approach at Palmetto Park Road and SR 7 as required by the County Engineer.

All 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.

Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.

Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 1 of Resolution R-1999-1220, Control No.1998-00079)

2. Previous E condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No building permits shall be issued until construction has begun for an additional left-turn lane south approach (dual left turn lanes) on S.R. 7 at Oriole Country Road
- b. Building Permits for no more than 551 50 square feet of gross leasable floor area (2,639 net new daily trips) shall not be issued until construction has begun for an additional left-turn lane north approach (dual left turn lanes) on S.R. 7 at S.W.18th Street, including appropriate receiving lanes on SW 18th Street (minimum 28 feet in width), plus any appropriate paved tapers
- c. Acceptable surety required for the offsite road improvements as outlined in Condition a and b above shall be posted with the Office of the Land Development Division on or before September 25, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer (TPS)
- d. The entire Center, including all out parcels, shall be built out with Certificates of Occupancy issued for not less than 80% of the approved square footage as defined in accordance with Article 15 of the ULDC prior to 12/31/2000. This date 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

e. If 80% of the approved square footage as defined in accordance with Article 15 have not been obtained then no further Building permits or certificate of occupancy shall be issued after January 1,2001 until the following roadway improvements are under construction³

1. Eight(8) laning of S.R. 7 from Palmetto Park Road to Oriole Country Road
2. At the intersection of State Road 7 and Palmetto Park Road: an additional right-turn lane south approach (dual right turn lanes) will be required at the intersection of S.R.7 at the Palmetto Park Road;
3. A separate right turn lane south approach will be required at the intersection of S.R. 7 at the S.W.18th Street

f. Acceptable surety required for the offsite road improvements as outlined in Condition E2e1, E2e2 and E2e3 shall be posted with the Land Development Division prior to the issuance of any further building permits or certificates of occupancy issued for the center after January 1,2001. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Completion of these roadway improvements identified in E2e1 , E2e2 and E2e3 shall be completed within 12 months after the start of the construction. (TPS)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No building permits shall be issued until construction has begun for an additional left-turn lane south approach (dual left turn lanes) on S.R. 7 at Oriole Country Road (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
 - b. Building Permits for no more than 551 50 square feet of gross leasable floor area (2,639 net new daily trips) shall not be issued until construction has begun for an additional left-turn lane north approach (dual left turn lanes) on S.R. 7 at S.W.18th Street, including appropriate receiving lanes on SW 18th Street (minimum 28 feet in width), plus any appropriate paved tapers (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
 - c. Acceptable surety required for the offsite road improvements as outlined in Condition a and b above shall be posted with the Office of the Land Development Division on or before September 25, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer (TPS) (DATE: MONITORING - Engineering) [Note: COMPLETED]
 - d. The entire Center, including all out parcels, shall be built out with Certificates of Occupancy issued for not less than 80% of the approved square footage as defined in accordance with Article 15 of the ULDC prior to 12/31/2000. This date 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 - Engineering) [Note: COMPLETED]
 - e. If 80% of the approved square footage as defined in accordance with Article 15 have not been obtained then no further Building permits or certificate of occupancy shall be issued after January 1,2001 until the following roadway improvements are under construction³
1. Eight(8) laning of S.R. 7 from Palmetto Park Road to Oriole Country Road
 2. At the intersection of State Road 7 and Palmetto Park Road: an additional right-turn lane south approach (dual right turn lanes) will be required at the intersection of S.R.7 at the Palmetto Park Road;
 3. A separate right turn lane south approach will be required at the intersection of S.R. 7 at the S.W.18th Street (DATE: MONITORING - Engineering) [Note: COMPLETED]
- f. Acceptable surety required for the offsite road improvements as outlined in Condition E2e1, E2e2 and E2e3 shall be posted with the Land Development Division prior to the issuance of any further building permits or certificates of occupancy issued for the center after January 1,2001. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Completion of these roadway improvements identified in E2e1 , E2e2 and E2e3 shall be completed within 12 months after the start of the construction. (TPS) (DATE: LAND DEVELOPMENT - Land Development) [Note: COMPLETED]
- g. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE/ONGOING: MONITORING - Engineering)

3. The Property Owner shall fund the cost of signal installation prior to December 1 , 1999 as determined by the County Engineer or as directed by the Board of County Commissioners at: Veterans Park and Palmetto Park Road. If required, this signal shall include a "U" turn signal for east bound "U" turn traffic (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. "CUTOOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF PALMETTO PARK ROAD

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 provide for landscape cutouts within the concrete median of Palmetto Park Road Rights-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material and paver block shall be funded at the property owners expense. All new landscape material and paver block shall also be the perpetual maintenance obligation of the petitioner and its successors, or assignees or duly established Property Owner's Association Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit, (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 4 of Resolution R-1999-1220, Control No.1998-00079)

5. 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 SR 7 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 (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. 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 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. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 5 of Resolution R-1999-1138, Control No.1998-00079)

6. Property owner shall fund a no "U" turn sign at the next adjacent median opening to the east on Palmetto Park Road if warranted as determined by the County Engineer. Funding shall be completed prior to the issuance of the first building permit (BLDGPM: MONITORING - Engineering) (Previous E condition 6 of Resolution R-1999-1138, Control No.1998-00079)

ENVIRONMENTAL

1. A tree survey of existing native specimen sized trees shall be completed and submitted to ERM prior to DRC site plan submittal. [Note: COMPLETED] (Previous D condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. The final size and location of the upland preserve areas shall be reviewed and approved by ERM prior to DRC Site Plan certification [Note: COMPLETED] (Previous D condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. [Note: COMPLETED] (Previous D condition 3 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - GENERAL

1. Previous F condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

All canopy trees required to be planted on the perimeter buffer 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.

Is hereby amended to read:

All canopy trees required to be planted on the perimeter buffer by this approval shall meet the following minimum standards at installation: a. Tree height: fourteen (14) feet. (ONGOING: ZONING - Landscape)

2. Previous F condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

All palms required to be planted on the perimeter buffer 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 c. Credit may be given for existing or relocated palms provided they (12) feet; and, meet current ULDC requirements.

Is hereby amended to read:

All palms required to be planted on the perimeter buffer 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. (ONGOING: ZONING - Landscape)

LANDSCAPE - INTERIOR-ALONG THE PAVED VEHICULAR AREA

3. Landscaping and buffering along the easterly edge of the paved vehicular area a. A minimum width of ten (10) feet; b. An eight (8) foot high opaque concrete wall or screen panel. Both sides of the wall shall be given a finished architectural treatment. (ONGOING: ZONING - Landscape) [Note: COMPLETED] (Previous H condition 1 of Resolution R-1999-1138, Control No.1998-00079)

4. Previous H condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

The following landscaping requirements shall be installed on the interior side of the required wall: a. One (1) canopy tree planted twenty (20) feet on center (except adjacent to Lowe's outdoor storage area); b. One (1) canopy tree planted fifteen (15) feet on center in area adjacent to Lowe's outdoor storage area; c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches

Is hereby amended to read:

The following landscaping requirements shall be installed on the interior side of the required wall: a. One (1) canopy tree planted twenty (20) feet on center (except adjacent to Lowe's outdoor storage area); b. One (1) canopy tree planted fifteen (15) feet on center in area adjacent to Lowe's outdoor storage area; c. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation. (ONGOING: ZONING - Landscape)

5. Previous H condition 3 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall: a. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches.

Is hereby amended to read:

The following landscaping requirements shall be installed on the exterior side of the required wall: a. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation. (ONGOING: ZONING - Landscape)

6. This required wall shall be connected to the wall as described in Condition G.I. The wall shall also extend along the entire length of the easterly edge of the paved vehicular area. (ONGOING: ZONING - Landscape) [Note: COMPLETED] (Previous H condition 4 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - INTERIOR- ALONG THE PAVED VEHICULAR AREA

7. Previous H condition 5 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

5. Prior to the issuance of the Certificate of Occupancy of the first building on the property, the above required landscaping shall be completed. (ONGOING: ZONING - Landscape)

Is hereby deleted. [REASON: Subject to Landscape General Conditions]

LANDSCAPE - INTERIOR

8. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner may apply for an Alternative Landscape Plan to relocate interior islands/ divider medians to obtain maximum tree preservation on the site. (ONGOING: ZONING -

Landscape) [Note: COMPLETED] (Previous I condition 1 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - INTERIOR- BUILDINGS A AND B

9. 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 50% 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. (DRO/ONGOING: ZONING - Landscape) (Previous I condition 2 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - INTERIOR

10. Prior to final DRC approval of the site plan, the petitioner shall submit a Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to the ULDC requirements for vegetation preservation and shall also provide the required intersection planting on Palmetto Park Road and SR 7/US 441. The intersection planting shall be consistent to the existing planting on the commercial developments located at the northwest, southeast and southwest corners of Palmetto Park Road and SR 7/US 441. (ONGOING: ZONING - Landscape) (Previous I condition 3 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - PERIMETER-ALONG THE WEST 730 FEET OF NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

11. Landscaping and buffering along the above property line shall include: a. A minimum fifteen (15) foot wide landscape buffer strip; b. A minimum two foot high continuous berm feet measured from top of curb; c. An eight (8) foot high opaque concrete wall to be placed at the plateau of the berm. The wall shall begin at the west corner of the north property line and shall extend easterly measuring 690 feet in length, the wall shall continue southerly measuring eighty (80) feet in length and to be connected to the wall as described in Condition H.I. b; d. Both sides of the wall shall be given a finished architectural treatment. (ONGOING: ZONING - Landscape) (Previous G condition 1 of Resolution R-1999-1138, Control No.1998-00079)

12. Previous G condition 4 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Prior to the issuance of the Certificate of Occupancy of the first building on the property, the above required landscaping shall be completed (ONGOING: ZONING - Landscape)

Is hereby deleted. [REASON: Subject to Landscape General Conditions]

13. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub 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 (ONGOING: ZONING - Landscape) (Previous G condition 3 of Resolution R-1999-1138, Control No.1998-00079)

14. Previous G condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

The following landscaping requirements shall be installed alternating on both sides of the required wall: a. One (1) canopy tree planted twenty (20) feet on center; b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches

Is hereby amended to read:

The following landscaping requirements shall be installed alternating on both sides of the required wall: a. One (1) canopy tree planted twenty (20) feet on center; b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and c. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation. (ONGOING: ZONING - Landscape)

15. Previous G condition 5 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Should the thirty (30) foot road reservation along the north property line be abandoned, the south fifteen (15) feet of this right-of-way shall be added to the north buffer and landscaped pursuant to Conditions G.2 and G.3 where applicable

Is hereby amended to read:

Should the thirty (30) foot road reservation along the north property line be abandoned, the south fifteen (15) feet of this right-of-way shall be added to the north buffer and landscaped pursuant to applicable Perimeter Landscape Conditions. (ONGOING: ZONING - Landscape)

LANDSCAPE - PERIMETER-ALONG WEST PROPERTY LINE (ABUTTING US441/SR7)

16. Previous J condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Landscaping and buffering along the above property line shall include: a. A minimum twenty (20) foot wide landscape buffer strip; b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb; c. One (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center; d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches.

Is hereby amended to read:

Landscaping and buffering along the above property line shall include: a. A minimum twenty (20) foot wide landscape buffer strip; b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb; c. One (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center; d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and e. Thirty-six (36) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center. (ONGOING: ZONING - Landscape)

17. Prior to the issuance of the Certificate of Occupancy of the first building on the property, the above required landscaping shall be completed. [Note: COMPLETED] (Previous J condition 2 of Resolution R-1999-1138, Control No.1998-00079)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning) (Previous K condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured

from finished grade to highest point and shall be setback a minimum of fifty (50) feet from residential property lines. (ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous K condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. 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 - Code Enforcement) (Previous K condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. Previous K condition 4 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Freestanding lighting for the entire site (except in areas adjacent to Building 1, drugstore facility) shall be extinguished no later than 10:30 p.m. daily

Is hereby deleted. [REASON: Current code applies.]

PALM TRAN

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right of- way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. [Note: COMPLETED] (Previous L condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM-TRAN - Palm-Tran) (Previous L condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM-TRAN - Palm-Tran) (Previous L condition 3 of Resolution R-1999-1138, Control No.1998-00079)

PLANNED DEVELOPMENT-MUPD

1. Previous M condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

To ensure consistency with the site plan dated May 19, 1999 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered.

Is hereby amended to read:

To ensure consistency with the site plan presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (ONGOING: ZONING - Zoning)

2. Prior to certification of the preliminary development plan by the Development Review Committee, 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, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. [Note: COMPLETED] (Previous M condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant 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 shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. [Note: COMPLETED] (Previous M condition 3 of Resolution R-1999-1138, Control No.1998-00079)

SIGNS

1. Freestanding point of purchase signs on US441/SR7 shall be limited as follows: a. Maximum sign height, measured from finished grade to highest point - ten (10) feet; b. Maximum sign face area per side - 100 square feet; c. Maximum number of signs - two; d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. Freestanding point of purchase signs on Palmetto Park Road shall be limited as follows: a. Maximum sign height, measured from finished grade to highest point - ten (10) feet; b. Maximum sign face area per side - 100 square feet; c. Maximum number of signs -one; d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. No signs shall be permitted at the intersection of Palmetto Park Road and SR7/US441 (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING: CODE ENF - Zoning) (Previous N condition 4 of Resolution R-1999-1138, Control No.1998-00079)

SITE DESIGN

1. Previous C condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Proposed buildings on the property are limited to a total gross floor area of 176,900 square feet and broken down into the following uses: a. A 16,380 square foot pharmacy; and, b. A 160,520 square foot general retail building; and, Total gross floor area shall be limited to a maximum increase of 1,000 square feet and is subject to approval from the Traffic Division

Is hereby deleted. [REASON: Subject to All Petition Condition 1 for revised Preliminary Site Plan.]

SITE DESIGN-BUILDING A

2. The maximum height for the Lowe's building excluding the front entrance facade (inclusive of all AC/mechanical equipment and satellite dishes) measured from finished grade to highest point of the parapet, shall not exceed thirty-five (35) feet. The decorative entry feature of the home improvement center shall not exceed fifty (50) feet in height, measured from finished grade of the building to the highest point. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous C condition 2 of Resolution

SITE DESIGN-BUILDING B

3. The maximum height for the Walgreen's building excluding the decorative entry feature (inclusive of all AC/mechanical equipment and satellite dishes) measured from finished grade to highest point of the parapet , shall not exceed twenty-eight (28) feet. The decorative entry feature of the pharmacy building may exceed the twenty-eight (28) feet height limitation up to a maximum height of thirty-five (35) feet, measured from finished grade to the highest point (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous C condition 3 of Resolution R-1999-1138, Control No.1998-00079)

SITE DESIGN

4. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the buildings' architecture. (BLDG/PMT/ONGOING: MONITORING - Building Division) (Previous C condition 4 of Resolution R-1999-1138, Control No.1998-00079)

5. All areas or receptacles for the storage and disposal of trash, garbage or vegetation (i.e. dumpsters) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure, opaque gate. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous C condition 5 of Resolution R-1999-1138, Control No.1998-00079)

6. Previous C condition 6 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

To ensure compliance with the requirements of the ULDC, the petitioner shall, prior to final site plan certification by the Development Review Committee (DRC), delete all excess parking above the minimum amount required under MUPD parking reduction bonus for the proposed uses

Is hereby deleted. [REASON: Current code applies.]

USE LIMITATIONS

1. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility except in designated areas as indicated on the site plan dated May 19, 1999.

Is hereby amended to read:

Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility except in designated areas as indicated on the site plan dated December 15, 2014. (ONGOING: CODE ENF - Zoning)

2. No outdoor unenclosed business activities, or display or storage of retail materials, shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous O condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. Hours of business operation including deliveries for the drugstore including the drive thru may be open 24 hours daily. Should the drugstore be converted to retail or other permitted uses, the hours of operation shall be consistent with Condition 0.5. (ONGOING: CODE ENF - Zoning) (Previous O condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. Alcohol sales within the drugstore shall be limited to 7:00 a.m. to 6:00 p.m. daily. (ONGOING: CODE ENF - Code Enforcement) (Previous O condition 4 of Resolution R-1999-1138, Control No.1998-00079)

5. Hours of business operation for the home improvement center shall be limited to the

following: 7:00 a.m. to 10.00 p.m. Monday to Saturday, 8:00 a.m. to 6:00 p.m. on Sunday. Deliveries and loading: 7:00 am to 9:00 p.m. Monday to Saturday; 9:00 a.m. to 6:00 p.m. on Sunday. (ONGOING: CODE ENF - Code Enforcement) (Previous O condition 5 of Resolution R-1999-1138, Control No.1998-00079)

6. Previous O condition 6 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading spaces located as shown on the site plan dated May 19,1999. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Current code applies.]

7. Previous O condition 7 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas for the home improvement center and as indicated on the site plan dated May 19, 1999.

Is hereby amended to read:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas for Building A as indicated on the approved Site Plan. (ONGOING: CODE ENF - Code Enforcement)

8. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous O condition 8 of Resolution R-1999-1138, Control No.1998-00079)

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) (Previous P condition 1 of Resolution R-1999-1138, Control No.1998-00079)

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 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 (ONGOING: MONITORING - Monitoring) (Previous P condition 2 of Resolution R-1999-1138, Control No.1998-00079)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.