

RESOLUTION NO. R-2019- 0165

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2018-01907
(CONTROL NO. 1975-00068)
a Development Order Amendment
APPLICATION OF TMT Properties Loggers Run, LLC
BY iPlan and Design, LLC, Saul Erwing Arnstein & Lehr, LLP, AGENT
(Loggers Run Commercial 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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2018-01907 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2019;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment ;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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/CA-2018-01907, the Application of TMT Properties Loggers Run, LLC, by iPlan and Design, LLC, Saul Erwing Arnstein & Lehr, LLP, Agent, for a Development Order Amendment to amend the Master Plan and Site Plan to add a Use; and, amend Conditions of Approval (Use Limitations), on a parcel of land generally described as shown on the legal description 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 January 24, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	- Aye
Commissioner Dave Kerner, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Robert S. Weinroth	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 24, 2019.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2019

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 & COMPTROLLER



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION – BOUNDARY PLAT OF ORIOLE COUNTY

A certain parcel of land in Sections 14, 15, 22, 23, 26 and 35, Township 47 South, Range 41 East, Palm Beach County, Florida, more particularly described as follows:

The West Three Quarters (W 3/4) of the North Quarter (N 1/4) of said Section 14; LESS the North 15 feet thereof...

TOGETHER WITH

The South Three Quarters (S 3/4) of the West Three Quarters (W 3/4) of said Section 14...

TOGETHER WITH

All that part of said Section 15 lying southeasterly of the Central and Southern Florida Flood Control District Levee L-40, so called, right-of-way...

TOGETHER WITH

The North 184.51 feet (as measured along the East Line of said Section 22) of said Section 22...

TOGETHER WITH

The West Three Quarters (W 3/4) of said Section 23; LESS all that part of the West 15 feet thereof lying southerly of the North 184.51 feet (as measure along the West Line of said Section 234) thereof...

TOGETHER WITH

All that part of the West Three Quarters (W 3/4) of said Section 26 lying northerly of the northerly right-of-way line of the 260 foot wide right-of-way of the Hillsboro Canal, so called; LESS the West 15 feet thereof...

TOGETHER WITH

All that part of the West Three Quarters (w 3/4) of said Section 35 lying northerly of the said northerly right-of-way line of the 260 foot wide right-of-way of the Hillsboro Canal;

LESS AND EXCEPTING THEREFROM all the platted roadways lying therein shown on the FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, as same is recorded in Plat Book 1, at Page 102, Public Records of Palm Beach County, Florida, lying in said Sections 14, 15 and 22, and lying northwesterly of that certain line identified by Courses 7, 8 and 13 of a description of land cited in a deed to Palm Beach County, dated December 22, 1975, and recorded in Official Record Book 2492 at Page 347, Public Records of Palm Beach County, Florida, and...

LESS AND EXCEPTING THEREFROM Track 37 in said Section 23 and all that part of the 30 foot wide platted roadway lying easterly of said Tract 37 and lying southerly of the easterly extension of the North Line of said Tract 37 and northerly of a line parallel with and 500 feet southerly from (as measured along the East Line of said Tract 37) the South Line of said Tract 37, as said Tract 37 and said roadway are shown on said FLORIDA FRUITLANDS COMPANY'S PLAT NO. 2

CONTAINING 1799.0154 acres, more or less.

Area of public road rights-of-way not included in this boundary

plat..... + 14.9790 Acres

TOTAL P.U.D AREA.....
1813.9952 Acres

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2012-938, Control No. 1975-00068, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-0484, Control No. 1975-068 and R-2009-1824, Control No. 1975-068, have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-938, Control No. 1975-068, have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2012-938, Control No. 1975-00068 which currently states:

Conditions in Resolution R-97-542, Petition 1975-68(L) (Publix/Retail uses in Parcel D) and Conditions in Resolution R-97-10, Petition 1975-68(M) (Wendy's fast food restaurant in Parcel M, Tract 3), Resolution R-98-564, Petition 1975-068R (Chevron gas station in Parcel M, Tract B), Resolution R-99-014, Petition 1975-068(T) (Fire Station 56), Resolution R-2003-1121, Petition DOA 1975-068(U), R-2003-1289, Petition DOA 1975-068(U), Resolution R-2007-1432, Control No. 1975-068, Resolution R-2009-0013, Control No. 1975-068, Resolution R-2009-1825, Control No. 1975-068, and R-2011-0969, Control No. 1975-068, shall remain in full force and in effect. (ONGOING: MONITORING-Zoning) ().

Is hereby amended to read:

Conditions in Resolution R-97-542, Petition 1975-68(L) (Publix/Retail uses in Parcel D); and Conditions in Resolution R-97-10, Petition 1975-68(M) (Wendy's fast food restaurant in Parcel M, Tract 3); Resolution R-98-564, Petition 1975-068R (Chevron gas station in Parcel M, Tract B); Resolution R-99-014, Petition 1975-068(T) (Fire Station 56); Resolution R-2003-1121, Petition DOA 1975-068(U); R-2003-1289, Petition DOA 1975-068(U); Resolution R-2007-1432, Control No. 1975-068; Resolution R-2009-0013, Control No. 1975-068; Resolution R-2009-1825, Control No. 1975-068, Place of Worship and Indoor Entertainment, Commercial Pod; R-2011-0969, Control No. 1975-068 (Indoor Entertainment, Commercial Pod); R-2018-0614 Control No. 1975-068 (Type 3 CLF, Pod N); shall remain in full force and in effect. (ONGOING: MONITORING-Zoning)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2012-938, Control No. 1975-00068, which currently states:

The approved Preliminary Master Plan is dated April 12, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Master Plan is dated November 26, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

4. The approved Preliminary Site Plan for the 12.56-acre Commercial Parcel is dated November 26, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW-(FINANCIAL INSTITUTION IN COMMERCIAL POD - BUILDING L)

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building "L" shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C 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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2012-938, Control No.1975-00068)

ARCHITECTURAL REVIEW-(RETAIL AND TYPE I RESTAURANT IN COMMERCIAL POD - BUILDING K)

2. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building "K" shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C 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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2012-938, Control No.1975-00068)

ARCHITECTURAL REVIEW

3. Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of buildings. (ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2012-938, Control No.1975-00068)

DRO

1. Prior to the issuance of the Certificate of Occupancy (CO) for Building E, all areas for dumpsters or receptacles shall be in compliance with ULDC section 5.B.1.A.8. (CO/ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous DRO Condition 1 of Resolution R-2012-938, Control No.1975-00068)

ENGINEERING

1. Developer shall construct four (4) lanes between the project and State Road No. 7 in the following manner:

- a. Two (2) lanes concurrent with the first plat.
- b. Two (2) lanes prior to platting more than forty (40) percent of the total units.
- c. The exact alignment and engineering plans for the roads shall conform to Palm Beach County Standards and shall be subject to the approval of the County Engineer.
- d. The above construction shall be along the following corridors: Palmetto Park Road, Glades Road or Hillsboro Boulevard. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2012-938, Control No.1975-00068)

2. Developer shall construct intersection improvements and signalization at the intersection of the aforesaid access roads and State Road No. 7, as warranted. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2012-938, Control No.1975-00068)

3. The property owner shall convey for the ultimate right-of-way of:

- a. Glades Road 120 feet total right-of-way. [Note: COMPLETED]
- b. Palmetto Park Road 200 feet of right-of-way. [Note: COMPLETED]
- c. Sixty (60) foot half right-of-way for Riverside Drive. [Note: COMPLETED]
- d. Four hundred twenty-six (426) foot right-of-way for University Expressway. [Note: COMPLETED]
- e. Sixty (60) foot half right-of-way for Hillsboro Boulevard from State Road No. 7 to the development. [Note: COMPLETED]
- f. The developer shall provide a 3' high mulched berm along the south side of Glades Road through Logger's Run. [Note: COMPLETED]

All within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of First Building Permit. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2012-938, Control No.1975-00068)

4. The ownership and maintenance of all canals and lakes shall be retained by and be the responsibility of the development's property owners association, unless transferred to a drainage district. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2012-938, Control No.1975-00068)

5. Developer shall obtain approval of all drainage specifications from the Central and South Florida Flood Control District. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2012-938, Control No.1975-00068)

6. Prior to site plan certification, the Master Plan will be revised to reflect the proposed amendments. In addition, the Master Plan site data shall reflect proposed and existing development dwelling unit counts. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2012-938, Control No.1975-00068)

7. Prior to site plan certification of the Master Plan the property owner shall identify the access locations to the site per the County Engineers approval. (ONGOING: ENGINEERING-Eng) (Previous Condition E7 of Resolution R-2009-1824, Control No. 1975-068) [Note: COMPLETED] (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2012-938, Control No.1975-00068)

8. The property owner shall construct turn lanes at the project's entrance(s) per the County Engineer's approval concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2012-938, Control No.1975-00068)

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

- a. No building permits for the site shall be issued after December 31, 2010. 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 Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2012-938, Control No.1975-00068)

10. No menu boards shall be permitted for the drive through vehicles. All vehicles will be required to pull up to the drive through window to place orders. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2012-938, Control No.1975-00068)

11. Prior to the issuance of the building permit for Building K, the existing utility easement conflicting with this building location shall be relocated. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2012-938, Control No.1975-00068)

12. Prior to final site plan approval by the DRO, the site plan as shown in application ZV/DOA-2008-1038, shall be revised such that there are no parking spaces that back out onto the drive aisle located on the north side of the proposed fast food and retail building. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2012-938, Control No.1975-00068)

LANDSCAPE - GENERAL

1. All newly planted or replacement of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements.] (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2012-938, Control No.1975-00068)

2. All newly planted or replacement palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2012-938, Control No.1975-00068)

3. Prior to the issuance of the Certificate of Occupancy (CO) the property owner shall replace all dead and missing plant materials on the entire subject property. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2012-938, Control No.1975-00068)

4. Prior to final DRO approval of the site plan, the petitioner shall meet with Landscape Section staff to discuss the incorporation of new or replacement landscaping with the existing vegetation on the site. An Alternative Landscape Plan shall be submitted for landscaping for the property to ensure that existing vegetation is integrated with the proposed landscaping. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2012-938, Control No.1975-00068)

LANDSCAPE - GENERAL- (FINANCIAL INSTITUTION IN COMMERCIAL POD)

5. A divider median shall be provided between the first two drive thru lane from the building as follows:

- a. a minimum of 3 feet width excluding curb and shall extend a minimum 5' beyond the boundary of the overhead canopy;
- b. within, the extension of the median, a palm tree with a minimum 10' grey wood and appropriate ground cover shall be planted;
- c. The remaining portions of the median not used for planters shall be surfaced with pavers, brick or other decorative paving. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2012-938, Control

No.1975-00068)

LANDSCAPE – GENERAL- ALONG THE EAST PROPERTY LINE ADJACENT TO PONDEROSA DRIVE (COMMERCIAL POD)

6. On or before October 1, 2007, the property owner of the Commercial Pod shall install a six (6) foot high hedge along the east property line. (DATE: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2012-938, Control No.1975-00068)

LANDSCAPE - GENERAL-FOUNDATION PLANTING

7. Foundation planting or grade level planters shall be provided along the south facade of Building E 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 the north side of the dog daycare facility; and,
- c) Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot or one (1) palm species for each fifteen (15) linear foot of building facade and appropriate ground cover. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 7 of Resolution R-2012-938, Control No.1975-00068)

PROPERTY & REAL ESTATE MANAGEMENT

1. Developer shall dedicate to Palm Beach County, the conservation area within the development as it relates to the Land Use Plan for Palm Beach County. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2012-938, Control No.1975-00068)

2. Developer shall deed to the Board of County Commissioners of Palm Beach County, Florida, thirty-six (36) acres to be used for schools, parks, recreation centers, fire station, police station and/or libraries. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2012-938, Control No.1975-00068)

3. The Developer shall construct an on-site utility facility if it becomes legally possible. The facility shall be conveyed to Palm Beach County for maintenance and operation. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2012-938, Control No.1975-00068)

4. The land area donated for the County Park shall continue to be counted gross land area of the development for the purpose of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (ONGOING: ZONING - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2012-938, Control No.1975-00068)

SIGNS

1. Freestanding point of purchase signs for the outparcels fronting on Palmetto Park Road in the commercial pod 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 (1) each; and
- d. Style - monument style only. (BLDG/PMT: BUILDING - INSPECTIONS - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2012-938, Control No.1975-00068)

2. New or replacement freestanding signs for the Commercial Pod fronting on Oriole Country Road, Palmetto Park Road, and Ponderosa Drive 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 - 75 square feet;
- c. maximum number of signs - one (1) for each frontage;
- d. style - monument style only; and,
- e. location - frontage of Oriole Country Road, Palmetto Park Road, and Ponderosa Drive;
- f. Signs shall be limited to identification of tenants only.
(BLDG/PMT: BUILDING - INSPECTIONS - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 2 of Resolution R-2012-938, Control No.1975-00068)

SITE DESIGN-DAY CARE CENTER (NW CORNER OF THE COMMERCIAL POD)

1. The day care center shall be limited to a maximum of 7,571 square feet and 150 children.

(ONGOING: CODE ENF - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2012-938, Control No.1975-00068)

2. The adjacent retail bay to the south of the proposed day care shall not be used for any business primarily engaged in the sale or use of flammable materials, for example, restaurants and paint sales. This condition shall not preclude the use of normally accessory cleaning materials and other products customarily used in the operation of a retail business. (ONGOING: CODE ENF - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2012-938, Control No.1975-00068)

3. Prior to final site plan certification 1 landscape island shall be provided along both the northern and the western parking areas (designated for the day care center). (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 3 of Resolution R-2012-938, Control No.1975-00068)

4. The day care center shall be limited to a maximum of eighty (80) students and 3,600 square feet of usable building area. (ONGOING: HEALTH DEPARTMENT - Zoning) (Previous SITE DESIGN Condition 4 of Resolution R-2012-938, Control No.1975-00068)

5. The perimeter of the outdoor activity area shall be fenced with a solid 6 foot tall visually opaque fence. Architecturally maintained compatible with the shopping center (painted/stained). Signage shall be affixed to the fence indicating no trespassing or loitering. (CO: ZONING - Zoning) (Previous SITE DESIGN Condition 5 of Resolution R-2012-938, Control No.1975-00068)

6. Landscaping around the exterior perimeter of the outdoor activity area shall be upgraded to include fifteen (15) foot tall canopy trees, fifteen (15) feet on center and a minimum of three (3) fifteen (15) foot canopy trees planted on the interior, in compliance with HRS requirements. (CO: ZONING - Zoning) (Previous SITE DESIGN Condition 6 of Resolution R-2012-938, Control No.1975-00068)

7. Travel in front of the center and drop-off area shall be limited to one-way (south to north) "One-way" and "Do Not Enter" signs shall be appropriately installed. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 7 of Resolution R-2012-938, Control No.1975-00068)

8. Maximum speed in front of the facility shall be limited to 5 mph with appropriate signage installed. (ONGOING: CODE ENF - Zoning) (Previous SITE DESIGN Condition 8 of Resolution R-2012-938, Control No.1975-00068)

9. Pavement in front of the facility shall be striped yellow and marked with caution signs. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 9 of Resolution R-2012-938, Control No.1975-00068)

10. Sufficient asphalt pavement located in the interior (along the eastern side) of the expanded play area shall be removed and replaced or covered with material suitable for a play area, subject to approval by the Palm Beach County Public Health Unit. Prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan for the day care to indicate the extent of asphalt pavement to be removed or

covered and material to be used. (DRO: HEALTH/BLDG Zoning) (Previous Day Care Center Condition 10 of Resolution R-2009-1824, Control No. 1975-068) [Note: COMPLETED] (DRO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 10 of Resolution R-2012-938, Control No.1975-00068)

11. Bollards shall be installed every ten (10) feet on center in the landscape strip around the outdoor play area, adjacent to all vehicular use areas. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 11 of Resolution R-2012-938, Control No.1975-00068)

12. Landscaping around the north and east exterior perimeters of the outdoor activity area shall be upgraded to include twenty-four (24) inch high shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 12 of Resolution R-2012-938, Control No.1975-00068)

SITE DESIGN-DAY CARE CENTER (MONTESSORI ACADEMY, NE CORNER OF THE COMMERCIAL POD)

13. The petitioner shall relocate all dumpsters a minimum of 75 feet from the outdoor activity area. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 13 of Resolution R-2012-938, Control No.1975-00068)

SOLID WASTE AUTHORITY

1. The property owner and lessee's 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. (ONGOING: SOLID WASTE AUTHORITY - Solid Waste Authority) (Previous SOLID WASTE AUTHORITY Condition 1 of Resolution R-2012-938, Control No.1975-00068)

USE LIMITATIONS-(CHURCH IN COMMERCIAL POD)

1. The church or place of worship within the commercial pod shall be limited to a maximum of 300 seats. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2012-938, Control No.1975-00068)

USE LIMITATIONS-(VETERINARY CLINIC IN COMMERCIAL POD)

2. The veterinary clinic within the commercial pod shall be limited to a maximum of 3,200 square feet. (DRO/ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2012-938, Control No.1975-00068)

3. Overnight boarding of animals shall be limited to hospitalization and associated medical services. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2012-938, Control No.1975-00068)

USE LIMITATIONS-(HOURS OF OPERATION)

4. Commercial uses adjacent to a residential district shall not commence business activities, including deliveries and stocking, prior to 6:00 a.m. nor continue business activities later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2012-938, Control No.1975-00068)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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