

RESOLUTION NO. R-2024- 0593

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/CA-2022-01898
(CONTROL NO. 2003-00099)
a Development Order Amendment
APPLICATION OF Lantana Parcel LLC
BY Cotleur & Hearing, Inc., AGENT
(Lantana Plaza)

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 ABN/DOA/CA-2022-01898, Lantana Parcel LLC, by Cotleur & Hearing, Inc., Agent, for a Development Order Abandonment to abandon a Requested Use for a Financial Institution, a Development Order Amendment to modify the Site Plan, to add and delete uses, to add square footage and, to modify Conditions of Approval and a Class A Conditional Use to allow Retail Gas and Fuel Sales and Convenience Store on 9.65 acres was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2024;

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:

1. The foregoing recitals are true and correct and are incorporated herein
2. Zoning Application ABN/DOA/CA-2022-01898, the Application of Lantana Parcel LLC, by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment to modify the Site Plan, to add and delete uses, to add square footage, and to modify Conditions of Approval on 9.65 acres was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2024, 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 May 23, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Barnett moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	-	Aye
Commissioner Maria G. Marino, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 23, 2024.

Filed with the Clerk of the Board of County Commissioners on May 23, 2024.

This resolution shall not become effective until the effective date of the Small Scale Land Use Amendment No. (SCA-2023-00021).

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

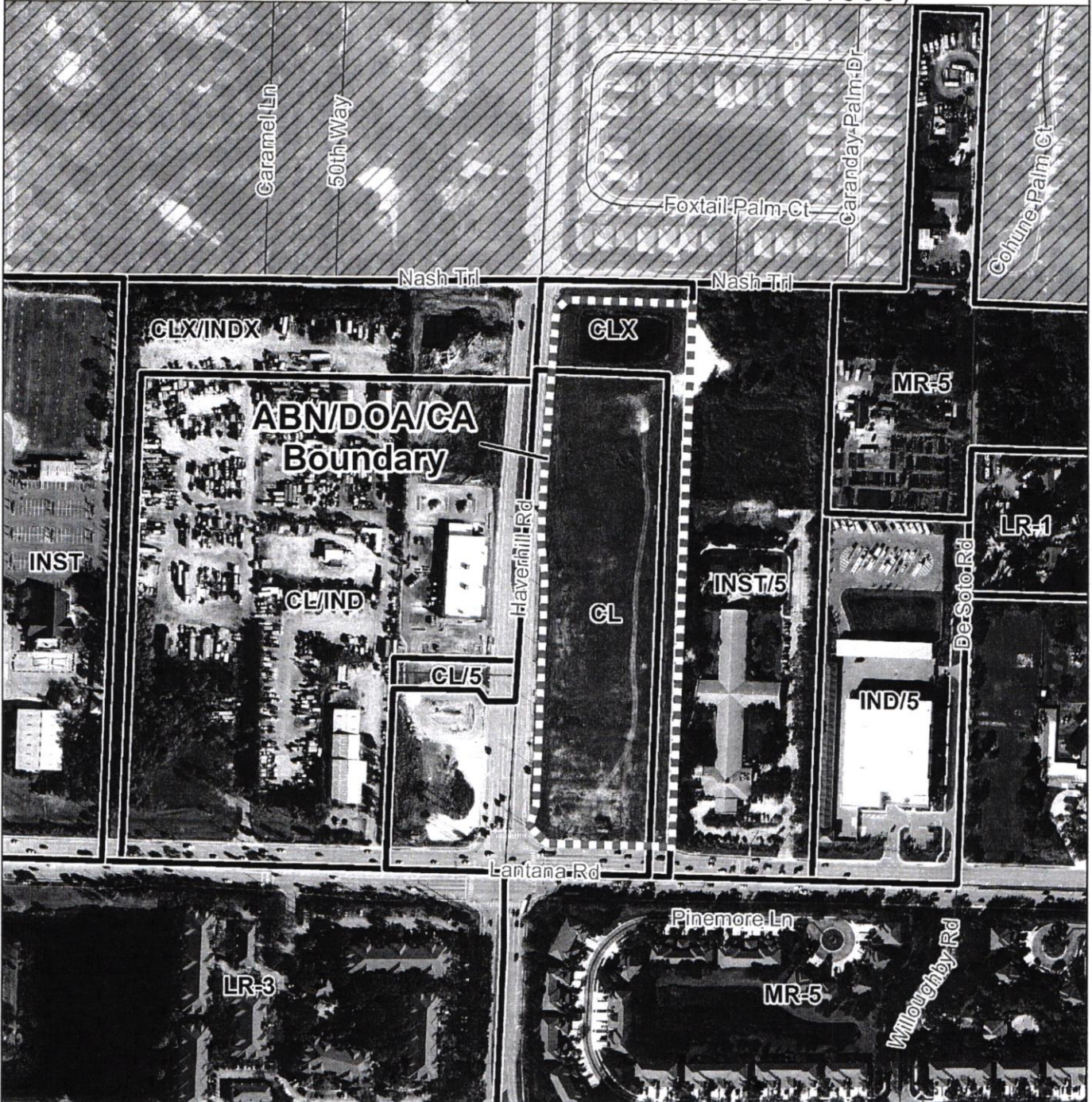
PARCEL A, LANTANA PLACE ALSO KNOWN AS LANTANA PLAZA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 111, PAGES 134 AND 135, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING IN ALL 9.6545 ACRES OR 420,548 SQUARE FEET, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

Zoning Application

Lantana Plaza (ABN/DOA/CA-2022-01898)



Site Data

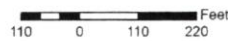
Size: 9.65 acres
 Existing Use: Vacant
 Proposed Use: Commercial
 Zoning: MUPD
 Zoning Quad: 33

Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CLX	Commercial Low crosshatching
LR-3	Low Residential, 3 units/acre	CLX/INDX	Com Low crosshatch, underlying IND crosshatch
MR-5	Medium Residential, 5 units/acre	IND/5	Industrial, underlying MR-5
CL	Commercial Low	INST	Institutional
CL/5	Commercial Low, underlying MR-5	INST/5	Institutional, underlying MR-5
CL/IND	Commercial Low, underlying IND		



Date: 04/01/2024
 Contact: PBC Zoning
 Filename: X:\PlanningZoningCoord\DRO-Maps\2024\05-May\2024-0898
 Note: Map is not official, for presentation purposes only



Planning, Zoning & Building
 2300 N Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment on 9.65 acres

ACCESS

1. Vehicular access to the property shall be prohibited from Nash Trail. (DRO: ZONING - Zoning) (Previous ACCESS Condition 1 of Resolution R-2009-11, Control No.2003-00099)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2009-11, Control No.2003-00099, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-2426 (Control 2003-099), 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, 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-2009-0011 (Control 2003-099), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated November 14, 2008. 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 approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated March 27, 2024. 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)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval for the commercial structures. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2009-11, Control No.2003-00099)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Prior to final approval of the site plan by the Development Review Officer (DRO), the site plan shall be revised to indicate a plaza at the front facade of Building B.

The plaza shall be subject to the following:

- a. located approximately midpoint of Building B;
- b. a minimum of one thousand (1,000) square feet in area;
- c. an architectural feature with a design consistent with the principal structure;
- d. details of the plaza shall be submitted to the Architectural Review Section for review and approval.

(DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: No longer applicable as the site has been modified]

3. Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Prior to final approval of the site plan by the Development Review Officer (DRO), the site plan shall be revised to relocate Building A to the southwest corner of the site. Relocation of building square footage from Building C to Building A shall also be permitted. Building setback, property development regulations; parking requirements may be deviated from ULDC requirements subject to Board of Adjustment approval. The approved variances shall be reflected in the final site plan. (DRO: BOARD - BOARD OF ADJUSTMENT - Zoning)

Is hereby deleted. [REASON: No longer applicable as the site has been modified]

4. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations shall be revised to be consistent with Article 5.C of the ULDC. (DRO: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2009-11, Control No.2003-00099, which currently states:

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

- a. Building Permits for more than the 4,500 square foot convenience store, 5,000 square foot drive-in bank, and 12,000 square foot retail gross leasable floor area (325 net external PM peak hour trips) shall not be issued until the contract has been awarded for the construction of Melaleuca Lane from Jog Road to Haverhill Road as a 5 lane facility plus the appropriate paved tapers. (BLDGPMT: MONITORING - Engineering)
- b. No Building Permits for the site may be issued after December 31, 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 Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

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. Building Permits for more than the 4,500 square foot convenience store, 5,000 square foot drive-in bank, and 12,000 square foot retail gross leasable floor area (325 net external PM peak hour trips) shall not be issued until the contract has been awarded for the construction of Melaleuca Lane from Jog Road to Haverhill Road as a 5 lane facility plus the appropriate paved tapers. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. No Building Permits for the site may be issued after December 31, 2028, or as amended. 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: MONITORING - Engineering)

2. The mix of allowable commercial uses listed above may be adjusted based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request.
(ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2009-11, Control No.2003-00099)

3. The property owner shall convey to Palm Beach County Land Development Division by warranty deed right of way required for:

- a. an expanded intersection at Haverhill Road and Lantana Road as approved by the County Engineer;
[Note:Complete]
- b. right turn lane south approach on Haverhill Road at the projects north and south entrance. Right turn lane right of ways shall be 12 feet in width, 280 feet in length, plus a taper length of 50 feet or as approved by the County Engineer;
[Note: Complete]

- c. An additional 30 feet of right of way for Nash Trail.
[Note: Complete]

All right of way shall be conveyed on or before June 1, 2005, or prior to the issuance of the first Building Permit, whichever shall first occur. Right of way conveyance shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Right-of-way conveyances shall also include "Corner Clips." (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2009-11, Control No.2003-00099)

4. The Property Owner shall construct:

- a. Right turn south approach on Haverhill Road at the projects south entrance; (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2009-11, Control No.2003-00099)
- b. 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; and (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2009-11, Control No.2003-00099)
- c. Left turn lane north approach on Haverhill Road at projects north entrance, including median modifications; (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2009-11, Control No.2003-00099)

The Property Owner shall construct

- d. Right turn lane south approach on Haverhill Road at the projects north entrance: and (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2009-11, Control No.2003-00099)
- e. Permits required by Palm Beach County for the construction in a-c shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)
- f. Construction for the improvements in a-c shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2009-11, Control No.2003-00099)

5. LANDSCAPE WITHIN THE MEDIAN OF HAVERHILL ROAD

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Haverhill Road. 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 petitioner, 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering)
- c. At the petitioner'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 Petitioner. (ONGOING: MONITORING - Engineering)

d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Haverhill Road. 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.

(ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2009-11, Control No.2003-00099)

6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2009-11, Control No.2003-00099)

7. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to the issuance of the first building permit, the applicant shall provide a letter of no objection from Florida Department of Environmental Protection or the United States Environmental Protection Agency to confirm that the proposed Type 2 Excavation will not have an adverse effect to the existing contamination and/or the environment, including but not limited to the groundwater and surface water, on or off the site. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, a Site Assessment Report ("SAR") shall be provided to ERM for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to the issuance of the first building permit, the applicant shall: (1.) provide an analysis that calculates and graphically depicts the anticipated hydrologic function(s) of the site. While accounting for the surrounding area's lakes, canals and wellfields, inter alia; and, (2.) provide hydrological modeling to ERM for review and acceptance, if the aforementioned items are required by FDEP. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to issuance of the first building permit or a land development permit, the applicant shall file a new or modified Notice of Intent to Construct for the excavation and meet the requirements outlined in the Unified Land Development Code, Article 4.B.10. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. Until such time that the FDEP issues a site closure order, the applicant shall ensure that the Department of Environmental Resources Management are included on all permits, plans and/or reports transmitted to FDEP and SFWMD in a timely fashion. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Previous HEALTH Condition 1 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Prior to the issuance of the Certificate of occupancy, the property owner shall provide to the Palm Beach County Health Department a letter from the Florida Department of Environmental Protection (FDEP) that "No Further Action" is required for the soil remediation.(CO: MONITORING- Health)

Is hereby amended to read:

Prior to the issuance of the Certificate of Completion, the property owner shall provide to the Florida Department of Health a letter from the Florida Department of Environmental Protection (FDEP) that "No Further Action" is required for the site. (CC: MONITORING - Health Department)

2. Prior to the issuance of the Certificate of Occupancy the property owner shall submit to the Palm Beach County Health Department proof that a groundwater remediation plan has been submitted to the Florida Department of Environmental Protection (FDEP). (CO: MONITORING - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2009-11, Control No.2003-00099)

3. The property owner shall employ all reasonable measures on the subject site to prevent any activity that causes human or animal exposure to toxic materials/ contaminants to an extent that is likely to adversely affect human health and welfare. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 5 of Resolution R-2009-11, Control No.2003-00099)

4. Previous HEALTH Condition 6 of Resolution R-2009-11, Control No.2003-00099, which currently states:

All clearing, grading, construction, renovations and repairs shall be carried out with dust control measure adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading, or improvement plans shall require that measures such as the following to be undertaken to achieve effective dust control. These measures including watering, application or approved surfactants, shrouding, control of vehicle speed, paving of access areas or other operational or technological measures to reduce dispersion of dust. (ONGOING: HEALTH DEPARTMENT - Health Department)

Is hereby deleted. [REASON: Addressed by "Dust Control Letter"]

ZONING - LANDSCAPING

1. Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2009-11, Control No.2003-00099, which currently states:

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. (BLDGPMT/DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Deleted to meet current ULDC requirements]

2. All 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. (BLDGPMT/DRO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2009-11, Control No.2003-00099)

3. Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2009-11, Control No.2003-00099, which currently states:

All trees and palms shall be planted in a meandering and naturalistic pattern.

Is hereby deleted. [REASON: Code Requirement]

4. Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2009-11, Control No.2003-00099, which currently states:

A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy trees in that location, unless specified herein.

Is hereby deleted. [REASON: Code Requirement]

5. Field adjustment of plant materials and berm locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing native vegetation. (Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2009-11, Control No.2003-00099)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH, PROPERTY LINE (ABUTTING NASH TRAIL)

6. In addition to Code requirements, landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot landscape buffer strip along the north property line. No width reduction or easement encroachment shall be permitted;
- b. one (1) native canopy tree for each thirty (30) 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. (BLDG Permit: LANDSCAPE – Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot landscape buffer strip along the north property line with a six (6) foot high opaque fence and hedge or wall;
- b. one (1) native canopy tree for each twenty (20) 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. (BLDGPMT: LANDSCAPE – Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING LANTANA ROAD AND HAVERHILL ROAD)

7. Previous ZONING - LANDSCAPING Condition 10 of Resolution R-2009-11, Control No.2003-00099, which currently states:

In addition to Code requirements, landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip along the south and west property lines. A maximum five (5) foot easement overlap shall be permitted;
- b. one (1) native canopy tree for each thirty (30) 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. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby deleted. [REASON: Deleted to meet current ULDC Requirements]

ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

8. In addition to Code requirements, landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum of five (5) foot easement overlap along the north 160 feet of the east portion only (adjacent to the lake) shall be permitted;
- b. a continuous two (2) foot high berm;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and
- 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. (BLDG PERMIT: LANDSCAPE Zoning) (Previous ZONING - LANDSCAPING Condition 11 of Resolution R-2009-11, Control No.2003-00099)

ZONING - LANDSCAPING-INTERIOR

9. Previous ZONING - LANDSCAPING Condition 13 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Decorative pavers (paving blocks or stamped concrete) shall be provided at the entrances located on Haverhill Road and Lantana Road. The minimum dimension for each area shall be as follows:

- a. both access points located on Haverhill Road 2,460 square feet;

- b. the access point located on Lantana Road 3,000 square feet;
- c. all T-intersections minimum of 750 square feet;
- d. all pedestrian cross-walks minimum of seven (7) feet wide. Alternating colors shall be provided where pedestrian cross-walks intersect with decorative paver areas for vehicular traffic.

Is hereby amended to read:

Decorative pavers (paving blocks or stamped concrete) shall be provided at the entrances located on Haverhill Road. The minimum dimension for each area shall be as follows:

- a. both access points located on Haverhill Road
- b. all pedestrian cross-walks minimum of seven (7) feet wide. Alternating colors shall be provided where pedestrian cross-walks intersect with decorative paver areas for vehicular traffic. (DRO: ZONING - Zoning)

10. Previous ZONING - LANDSCAPING Condition 14 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a mulch pedestrian path around the lake area located at the north end of the subject site. The path shall be connected to the internal pedestrian circulation system of the MUPD. (DRO: DEVELOPMENT REVIEW OFFICER - Zoning)

Is hereby deleted. [REASON: No longer applicable, as the site and uses have been modified]

11. Previous ZONING - LANDSCAPING Condition 15 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Shade structures (trellis and/or gazebo) shall be provided in the following locations:

- a. a minimum of three (3) shade structures to be placed along the mulch path located around the lake;
- b. the shade structure shall have a minimum dimension of 100 square feet.
- c. details of the shade structures shall be submitted to the Architectural Review Section for review and approval. (DRO: DEVELOPMENT REVIEW OFFICER - Zoning)

Is hereby deleted. [REASON: No longer applicable, as the site and uses have been modified]

12. Previous ZONING - LANDSCAPING Condition 16 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate an architectural focal point at the following locations:

- a. the area located in front of building B;
- b. the southwest corner of building C.
- c. the focal points shall be in the form of a plaza, fountain, columns, arcade or any other site element or similar pedestrian oriented public areas; and,
- d. details of these architectural focal points shall be submitted to the Architectural Review Section for review and approval. (DRO: ARCH REVIEW - Zoning) (Previous Condition J.4 of Resolution R-2004-2426, Control No. 2003-099)

Is hereby deleted. [REASON: No longer applicable as the site design has been modified]

13. Previous ZONING - LANDSCAPING Condition 19 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Special planting treatment shall be provided on both sides of the two (2) access points located on Haverhill Road and the access point located on Lantana Road. Planting shall consist of the following:

- a. a minimum of three (3) Royal Palms;
- b. a minimum of three (3) flowering trees along the access drive; and
- c. shrub or hedge materials. (CO: LANDSCAPE - Zoning) (Previous Condition J.7 of Resolution R-2004-2426, Control No. 2003-099)

Is hereby deleted. [REASON: No longer applicable due to changes in the site design and uses]

14. There shall be no improvements in the required divider median landscape area adjacent to the eastern property line. (ONGOING: ZONING - Zoning)

LIGHTING

1. Previous LIGHTING Condition 2 of Resolution R-2009-11, Control No.2003-00099, which currently states:

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG PERMIT Zoning) (Previous LIGHTING Condition 3 of Resolution R-2009-11, Control No.2003-00099)

Is hereby amended to read:

All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDGPMT: ZONING - Zoning)

2. Previous LIGHTING Condition 3 of Resolution R-2009-11, Control No.2003-00099, which currently states:

All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty-five (65) feet from the east property line. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2009-11, Control No.2003-00099)

Is hereby amended to read:

All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty-five (65) feet from the east property line and shall have zero (0) illumination along the east property line. (BLDGPMT: ZONING - Zoning)

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 - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2009-11, Control No.2003-00099)

PALM TRAN

1. Prior to issuance of the Certificate of Occupancy, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (CO: MONITORING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2009-11, Control No.2003-00099)

PARKING

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the northernmost row consisting of 23 parking spaces may be removed and replaced with landscaping if necessary due to the modifications to the northern landscape buffer and water management reconfiguration. If at a later time when site is developed and the demand of the uses calls for the 23 spaces, the DRO will have the authority to modify the Final Site Plan to approve the 23 spaces. (DRO: ZONING - Zoning)

PLANNED DEVELOPMENT

1. Previous ZONING - LANDSCAPING Condition 18 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Prior to final approval of the site plan by the Development Review Officer (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.

Is hereby amended to read:

Prior to final approval of the site plan by the Development Review Officer (DRO), the property owner shall record in the public record a Unity of Control indicating that all structures, uses and

parking areas within the project are part of a single unified planned development, regardless of ownership and shall require 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, rooflines, muted colors, fenestration, architectural features, and architectural elements. The Unity of Control shall be recorded in a form and manner acceptable to the Zoning Division, Land Development Division, and County Attorney. The Unity of Control shall not be removed, altered, changed or amended without written approval from the Zoning Director and County Engineer. (DRO: ZONING - County Attorney)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Vehicular access to the site shall be limited to Haverhill Road and Lantana Road.

Is hereby amended to read:

Pursuant to SCA-2023-00021 condition 1: Vehicular access to the site shall be limited to Haverhill Road and Lantana Road. (ONGOING/DRO: PLANNING - Planning)

2. Previous PLANNING Condition 2 of Resolution R-2009-11, Control No.2003-00099, which currently states:

The easternmost (50) feet of the property shall be cross-hatched, which will limit that portion of the property to landscaping, drainage, or at-grade parking. Vehicular storage, and/or storage of any kind is prohibited (with the exception of drainage and water retention, which is permitted on site).

Is hereby amended to read:

Pursuant to SCA-2023-00021 condition 2: The easternmost (40) feet of the site shall be limited to parking, water retention, landscaping and/or drainage, including access to Lantana Road. (ONGOING/DRO: PLANNING - Planning)

3. Previous PLANNING Condition 3 of Resolution R-2009-11, Control No.2003-00099, which currently states:

The northernmost 200 feet of the property shall be cross-hatched, which will limit that portion of the property to landscaping, drainage, or at-grade parking. Vehicular storage, and/or storage of any kind is prohibited (with the exception of drainage and water retention, which is permitted on site).

Is hereby amended to read:

Pursuant to SCA-2023-00021 condition 3: The northernmost 165 feet of the site shall be limited to parking, water retention, landscaping and/or drainage. (ONGOING: PLANNING - Planning)

4. Previous PLANNING Condition 4 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Prior to Final Site Plan Approval by the Development Review Officer (DRO), circulation on the site shall be organized along a spine road" which shall be designed as a pedestrian oriented street, as determined by the Planning Division (Previous Condition L.4. of Resolution R-2004-2426, Control No. 2003-099) (DRO:PLANNING-Planning) (DRO: PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable as the site design has changed.]

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2009-11, Control No.2003-00099, which currently states:

Freestanding point of purchase signs fronting on Lantana Road and Haverhill 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 three (3);
- d. style - monument style only; and,
- e. location - the east side of the entrance located on Lantana Road and the north side of both entrances Haverhill Road as indicated on the site plan dated June 11, 2004
- f. Signs shall be limited to identification of tenants only.

Is hereby amended to read:

Freestanding point of purchase signs fronting on Lantana Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point – fifteen (15) feet;
- b. maximum sign face area per side - 100 square feet;
- c. maximum number of signs two (2);
- d. style - monument style only; and,
- e. location - the east side of the entrance and along the west side of located on Lantana Road as indicated on the site plan dated March 27, 2024 (DRO: ZONING - Zoning)

2. Freestanding point of purchase signs fronting on Haverhill 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 (1);
- d. style - monument style only; and,
- e. location - the south side of the entrance located on Lantana Road as indicated on the site plan dated March 27, 2024.

SITE DESIGN

1. Loading for commercial vehicles shall be limited to 36 12 foot x 18.5 foot and 2 55 foot x 15 foot loading spaces as shown on the Preliminary Site Plan, dated March 27, 2024. (ONGOING: ZONING - Zoning)

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.