

RESOLUTION NO. R-2000- 1578

RESOLUTION APPROVING ZONING PETITION DOA98-077(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF HERBERT F. KAHLERT AND KARL A. KAHLERT
BY KIERAN KILDAY, AGENT
(VILLAGE CORNER 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA98-077(A) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA98-077(A), the petition of Herbert F. Kahlert and Karl A. Kahlert, by Kieran Kilday, agent, for a Development Order Amendment (DOA) to modify Conditions E.5 and P.4 and reconfigure the master plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Nay
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Absent
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,
FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

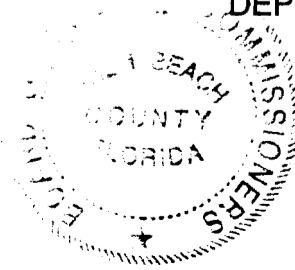


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN TRACTS 56 AND 57, BLOCK 24, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 56, BLOCK 24, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00 DEGREES, 37 MINUTES, 18 SECONDS EAST ALONG THE EAST LINE OF SAID TRACTS 56 AND TRACT 57, BLOCK 24, OF SAID PALM BEACH FARMS COMPANY PLAT No. 3, A DISTANCE OF 1251.68 FEET; THENCE SOUTH 89 DEGREES, 23 MINUTES, 23 SECONDS WEST ALONG A LINE THAT IS 62.0 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF CONSTRUCTION FOR LAKE WORTH ROAD, AS SHOWN ON ROAD PLAT BOOK 1, PAGE 128 OF SAID PUBLIC RECORDS, A DISTANCE OF 287.57 FEET; THENCE NORTH 77 DEGREES, 07 MINUTES, 12 SECONDS WEST, A DISTANCE OF 12.86 FEET; THENCE SOUTH 89 DEGREES, 23 MINUTES, 23 SECONDS WEST ALONG A LINE THAT IS 65.0 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE OF CONSTRUCTION FOR LAKE WORTH ROAD, A DISTANCE OF 280.00 FEET; THENCE NORTH 45 DEGREES, 38 MINUTES, 12 SECONDS WEST ALONG THE NORTH LINE OF THE ADDITIONAL RIGHT OF WAY FOR LAKE WORTH ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11507 PAGE 780 OF SAID PUBLIC RECORDS, A DISTANCE OF 56.59 FEET; THENCE NORTH 00 DEGREES, 39 MINUTES, 48 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5936, PAGE 1405 OF SAID PUBLIC RECORDS, A DISTANCE OF 345.00 FEET; THENCE NORTH 01 DEGREE, 34 MINUTES, 48 SECONDS WEST ALONG THE EAST LINE OF SAID ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, A DISTANCE OF 38.82 FEET; THENCE NORTH 00 DEGREES, 37 MINUTES, 18 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11507 , PAGE 770 OF SAID PUBLIC RECORDS, A DISTANCE OF 206.19 FEET; THENCE NORTH 01 DEGREE, 32 MINUTES, 20 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11507, PAGE 770 OF SAID PUBLIC RECORDS, A DISTANCE OF 230.91 FEET; THENCE NORTH 00 DEGREES, 39 MINUTES, 48 SECONDS WEST ALONG THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5936, PAGE 1405 OF SAID PUBLIC RECORDS, A DISTANCE OF 387.90 FEET; THENCE NORTH 89 DEGREES, 24 MINUTES, 00 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 56, BLOCK 24, A DISTANCE OF 624.98 FEET TO THE POINT OF BEGINNING.

CONTAINING: 17.84 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B

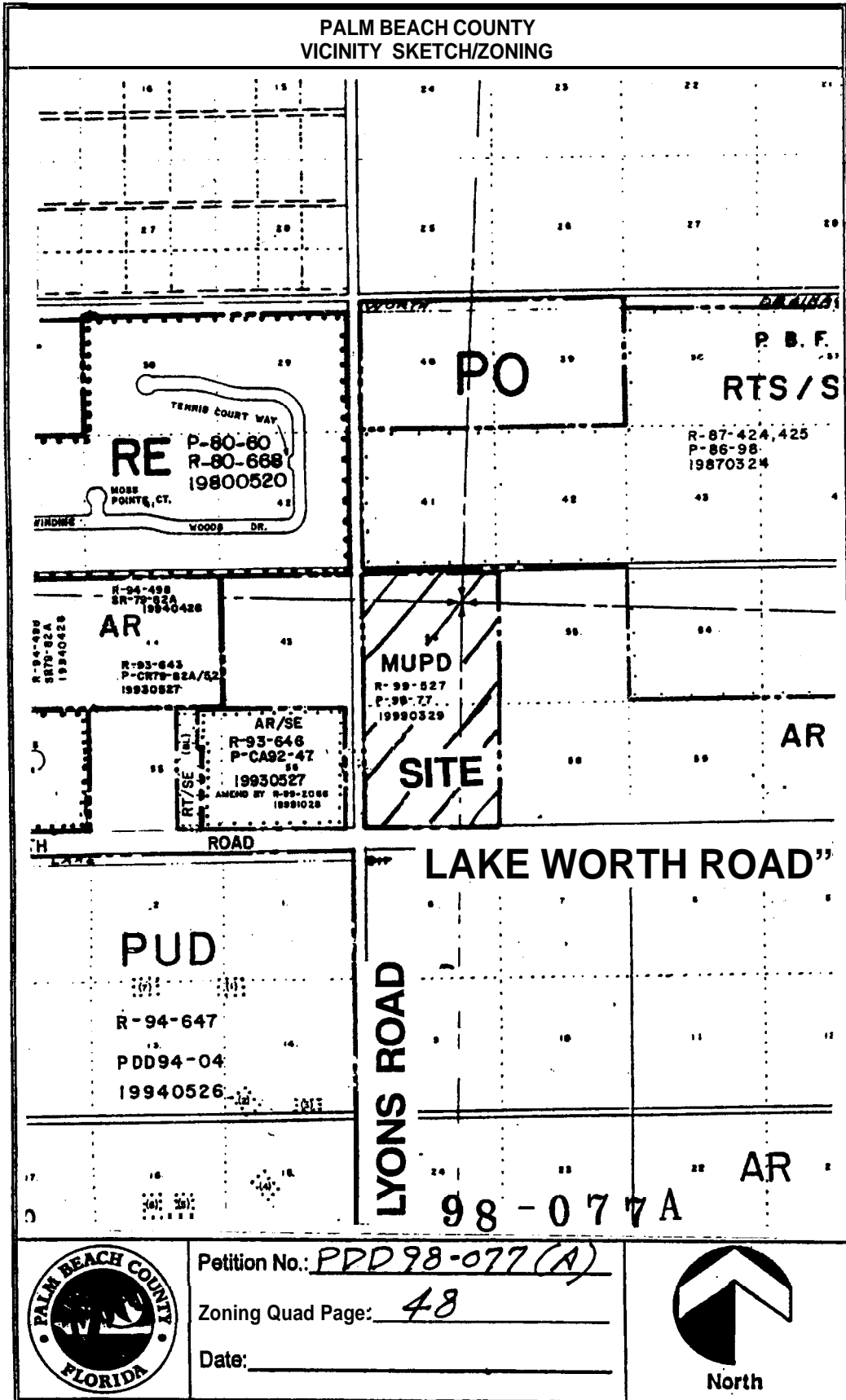


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Condition A. 1 of Resolution R-99-0527, Petition PDD98-077 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 November 23, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with Section 5.4.E.13 of the ULDC. (ONGOING: ZONING)

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 August 1, 2000. 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)

B. ARCHITECTURAL CONTROL

1. **Similar architectural character and treatment, including but not limited to color, building materials, fenestration, window treatment, roof treatment and roof lines, shall be provided on all sides of the buildings located in the MUPD.** (BLDG PERMIT: BLDG - Zoning) (Previously Condition 8.1 of Resolution R-99-0527, Petition PDD98-077)
2. **The proposed Convenience store building(s) shall be consistent with the style and appearance of the facade elevations prepared by Marc Wiener, A.I.A. dated March 26, 1999.** (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.2 of Resolution R-99-0527, Petition PDD98-077)
3. **Revised elevations for the convenience store shall be submitted and incorporated into the zoning petition file prior to DRC certification.** (DRC: Zoning) (Previously Condition B.3 of Resolution R-99-0527, Petition PDD98-077)

C. BUILDING AND SITE DESIGN

1. Condition C.I of Resolution R-99-0527, Petition PDD98-077 which currently states:

Total gross floor area shall be limited to 85,700 square feet with a maximum one thousand (1,000) square feet increase if approved by the Traffic Division. (DRC: ZONING)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 82,000 square feet. Any expansion shall be subject to approval by the Board of County Commissioner. (DRC: ZONING)

2. **The minimum setback for all structures shall be a minimum eighty (80) feet from east property line, a minimum of seventy (70) feet from the south and west property lines and a minimum of four hundred and fifty (450) feet from the north property line.** (DRC: ZONING) (Previously Condition C.2 of Resolution R-99-0527, Petition PDD98-077)
3. **The maximum height for Convenience store, measured from finished grade to highest point, shall be one story and not exceed twenty-seven (27) feet. The accessory Gas station canopy shall be limited to a maximum of twenty-seven (27) feet in height with a maximum sixteen (16) foot clearance and have flush mounted or recessed lighting.** (BLDG PERMIT: BLDG - Zoning) (Previously Condition C.3 of Resolution R-99-0527, Petition PDD98-077)
4. **The maximum height for the principal retail building, measured from finished grade to highest point, shall be one story and not exceed thirty-five (35) feet.** (BLDG PERMIT: BLDG - Zoning) (Previously Condition C.4 of Resolution R-99-0527, Petition PDD98-077)
5. **The accessory Gas station canopy shall be located on the south side of the Convenience store facing Lake Worth Road.** (DRC: ZONING) (Previously Condition C.5 of Resolution R-99-0527, Petition PDD98-077)

D. DUMPSTERS

1. **All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be located a minimum of one hundred (100) feet from north and west property lines, thirty-five (35) feet from the east property line and seventy-five (75) feet from the south property line.** (DRC / ONGOING: ZONING / CODE ENF) (Previously Condition D.I of Resolution R-99-0527, Petition PDD98-077)

E. ENGINEERING

1. **Prior to the recordation of the first plat the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on:**
 - a) **Lake Worth Road at the projects entrance road**
 - b) **Lyons Road at the projects north entrance road (if required by the County Engineer)**

This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the Florida Department of Transportation for Lake Worth Road and the County Engineer for Lyons Road. Any adjustment to the site plan as a requirement from the Florida Department of Transportation to accommodate this required right turn lane shall be made prior to DRC approval of the site plan. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation

acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (PLAT: ENGINEERING-Eng) (Previously Condition E.1 of Resolution R-99-0527, Petition PDD98-077)

2. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road, (if required by the County Engineer) to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG PERMIT: MONITORING-Eng) (Previously Condition E.2 of Resolution R-99-0527, Petition PDD98-077)**
3. **The Property owner shall construct:**
 - A) **right turn lane east approach on Lake Worth Road at the projects entrance road.**
 - B) **right turn lane south approach on Lyons Road at the projects north entrance road.**
 - a) **This construction shall be concurrent with the paving and drainage improvements for POD One as shown on the current site plan. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.**
 - b) **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the Building Permit for POD One as shown on the current site plan. (BLDG PERMIT: MONITORING-Eng)**
 - c) **Construction shall be completed prior to the issuance of the Certificate of Occupancy for POD One as shown on the current site plan. (CO: MONITORING-Eng) (Previously Condition E.3 of Resolution R-99-0527, Petition PDD98-077)**
4. **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 10,500 gross leasable floor area of retail shall not be issued until contract has been let for the construction of SR 7 as a 6 lane facility from Lake Worth Road to Lantana Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)**
 - b) **Building Permits for more than 28,430 gross leasable floor area of retail shall not be issued until contract has been let for the construction of Lantana Road as a 4 lane facility from SR 7 to Hagen Ranch Road plus the appropriate paved tapers.**
 - c) **The financial institution shall be limited to no more than three drive up tellers. This use may be adjusted by the County Engineer only if an approved Traffic Study is submitted which complies with Mandatory Traffic Performance Standards in place at the time of the request. The site plan for the site may then be adjusted accordingly. (DRC: ENG) (Previously Condition E.4 of**

5. Condition E.5 of Resolution R-99-0527, Petition PDD98-077 which currently states:

Following the issuance of the first Building Permit, the Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the intersection of Lyons Road and Lake Worth Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng)

Is hereby amended to read:

The property owner shall contribute \$30,000 toward the cost of the signalization at the intersection of Lake Worth Road and Lyons Road. These funds shall be paid prior to July 1, 2001. Payment of these funds shall then complete the Developer's obligation for the cost of the signalization. (DATE: MONITORING - Eng)

6. Condition E.6 of Resolution R-99-0527, Petition PDD98-077 which currently states:

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 along the entire frontage of the MUPD for the Lake Worth Road Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)**
- 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's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All**

landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

- 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.** (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting Florida Department of Transportation Lake Worth Road Right-of-Ways. 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 latest revision to the Palm Beach County Engineering and Public Works Department 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. (TC: ENG)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed concurrent with the improvements with the first plat. (PLAT FINAL: ENG)
- C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

- 7. Prior to obtaining a building permit, the property owner shall provide for pavement markings (crosswalk) and warning signs on Lyons Road,**

at the intersection of Lake Worth road, subject to approval of the County Engineer. (BLDG PERMIT: MONITORING - Eng.) (Previously Condition E.7 of Resolution R-99-0527, Petition PDD98-077)

8. The Property owner shall construct or fund the construction of the remaining 6 foot pedestrian pathway from Lake Worth Road to the Palm Beach County School Boards' south property line on Lyons Road. All construction or funding shall be completed prior to August 1, 2001, subject to the approval of the County Engineer. (DATE: MONITORING-Eng)

F. LANDSCAPING - STANDARDS

1. **Fifty (50%) percent of all canopy trees required to be planted on site 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.** (CO: LANDSCAPE - Zoning) (Previously Condition F. 1 of Resolution R-99-0527, Petition PDD98-077)
2. **All palms required to be planted on site by this approval, shall meet the following minimum standards at installation:**
 - a. **Palm heights: twelve (12) feet clear trunk;**
 - b. **Clusters: staggered heights twelve (12) to eighteen (18) feet; and,**
 - c. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements.** (CO: LANDSCAPE - Zoning) (Previously Condition F.2 of Resolution R-99-0527, Petition PDD98-077)
3. **A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location.** (CO: LANDSCAPE - Zoning) (Previously Condition F.3 of Resolution R-99-0527, Petition PDD98-077)

G. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (LAKE WORTH AND LYONS ROAD FRONTAGES)

1. **Landscaping and buffering along the south and west property lines shall be upgraded to include:**
 - a. **A minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) feet overlap into a utility easement;**
 - 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. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the south and west property line buffers;**
 - c. **Equivalent of one (1) canopy tree planted every twenty (20) feet of linear property line;**
 - d. **Equivalent of one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of fifty (50) feet**

between clusters. A group of three or more palms/pines in a cluster may not supersede the requirement for a canopy tree in that location; and

- e. **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. (CO: LANDSCAPE) (Previously Condition G.I of Resolution R-99-0527, Petition PDD98-077)**

H. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (EXCLUDING THE SOUTH 300' OF EAST PROPERTY LINE)

- 1. **Landscaping and buffering along the north and east property lines shall be upgraded to include:**
 - a. **A minimum twenty (20) foot wide landscape buffer strip;**
 - b. **Continuous two (2) foot high berm measured from top of curb. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the north and east property line buffers;**
 - c. **Equivalent of one (1) canopy tree planted every twenty (20) linear feet of property line;**
 - d. **Equivalent of one (1) palm or pine tree for each twenty-five (25) linear feet of property line, with a maximum spacing of fifty (50) feet between clusters. A group of three or more palms/pines may not supersede the requirement for a canopy tree in that location; and**
 - e. **Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE) (Previously Condition H.I of Resolution R-99-0527, Petition PDD98-077)**

I. LANDSCAPING - INTERIOR

- 1. **Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING) (Previously Condition 1.1 of Resolution R-99-0527, Petition PDD98-077)**
- 2. **Foundation planters shall be provided along all facades of the MUPD buildings 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 fifty percent (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. (DRC / CO: ZONING / LANDSCAPE) (Previously Condition 1.2 of Resolution R-99-0527, Petition PDD98-077)**

J. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity (minimum wattage necessary to satisfy the Security Code), shielded and directed down and away from adjacent properties and streets.** (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition J.1 of Resolution R-99-0527, Petition PDD98-077)
2. **All freestanding outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point.** (CO: BLDG - Zoning) (Previously Condition J.2 of Resolution R-99-0527, Petition PDD98-077)
3. **All outdoor lighting fixtures shall be set back a minimum of fifty (50) feet from the north and east property line.** (CO: BLDG - Zoning) (Previously Condition J.3 of Resolution R-99-0527, Petition PDD98-077)
4. **All outdoor lighting shall be extinguished no later than thirty (30) minutes after the hours of operation, excluding security lighting only.** (ONGOING: CODE ENF) (Previously Condition J.4 of Resolution R-99-0527, Petition PDD98-077)
5. **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) (Previously Condition J.5 of Resolution R-99-0527, Petition PDD98-077)

K. MASS TRANSIT

1. **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) (Previously Condition K. 1 of Resolution R-99-0527, Petition PDD98-077)
2. **Mass transit access, shelters and/or bus stops shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, 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.** (CO: - Eng) (Previously Condition K.2 of Resolution R-99-0527, Petition PDD98-077)

L. MUPD

1. **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, muted colors, 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. (DRC: ZONING - Co Att) (Previously Condition L.1 of Resolution R-99-0527, Petition PDD98-077)**
2. **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. (DRC: ZONING - Co Att) (Previously Condition L.2 of Resolution R-99-0527, Petition PDD98-077)**

M. PARKING

1. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF) (Previously Condition M.1 of Resolution R-99-0527, Petition PDD98-077)**

N. PLANNING

1. **Prior to final site plan approval by the Development Review Committee, the site plan shall not have any commercial intensity and/or commercial square footage assigned to the northern 6.45 acre portion of the site. This portion of the site shall be limited to at-grade parking, landscaping, and water retention. (DRC/PLANNING) (Previously Condition N.1 of Resolution R-99-0527, Petition PDD98-077)**
2. **Vehicle storage, or storage of any kind is prohibited on the northern 6.45 acre portion of the site. This portion of the site shall be limited to at-grade parking, landscaping, and water retention. (ONGOING/PLANNING) (Previously Condition N.2 of Resolution R-99-0527, Petition PDD98-077)**

O. SIGNS

1. **Freestanding sign on Lake Worth Road shall be limited as follows:**
 - a. **One multi-tenant sign a maximum fifteen (15) feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30) feet of the project's entrance on Lake Worth Road. (CO/BLDG PERMIT: BLDG - Zoning) (Previously Condition 0.1 of Resolution R-99-0527, Petition PDD98-077)**

2. **The proposed Convenience store's Freestanding point of purchase sign located at the Lake Worth and Lyons Road intersection shall be limited as follows:**
 - a. **One sign a maximum ten (10) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style and located within fifty (50) feet measured from the intersecting right of way lines. (CO/BLDG PERMIT: BLDG - Zoning) (Previously Condition 0.2 of Resolution R-99-0527, Petition PDD98-077)**
3. **Freestanding sign on Lyons Road shall be limited as follows:**
 - a. **One multi-tenant sign a maximum twelve (12) feet high, measured from finished grade to highest point with a maximum one hundred and twenty (120) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30) feet of the project's northern entrance on Lyons Road. (CO/BLDG PERMIT: BLDG - Zoning) (Previously Condition 0.3 of Resolution R-99-0527, Petition PDD98-077)**
4. **Wall signage for the proposed buildings and canopies shall be limited to the south and west facades facing Lake Worth and Lyons Road. (CO/BLDG PERMIT: BLDG -Zoning) (Previously Condition 0.4 of Resolution R-99-0527, Petition PDD98-077)**

P. USE LIMITATIONS

1. Condition P.I of Resolution R-99-0527, Petition PDD98-077 which currently states:

Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated November 23, 1998:

- a. **Convenience store with gas sales - 3,000 sq. ft. with 6 pumps (maximum/12 fueling stations) and 900 sq. ft. accessory car wash;**
- b. **3,820 sq. ft of financial institution or retail Pod 2 Phase 2; and**
- c. **77,980 sq. ft. of general retail sales with a maximum one thousand (1,000) square feet increase if approved by the Traffic Division. (DRC: ZONING)**

Is hereby amended to read:

The use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated August 1, 2000:

- a. convenience store with gas sales - 3,000 sq. ft. with 6 pumps (maximum/12 fueling stations) and 900 sq. ft. accessory car wash;
 - b. 3,820 sq. ft. of financial institution or retail Pod 2 Phase 2; and
 - c. maximum of 74,280 sq. ft. of general retail sales. Any expansion shall require approval by the Board of County Commissioners. (DRC: ZONING)
2. **Hours of business operation (open to the public) shall be limited from 6:00 a.m. to 11:00 p.m. daily. This condition shall not apply to a drive thru lane designated for the sale of pharmaceutical items only.**

(ONGOING: ZONING/CODE ENF) (Previously Condition P.2 of Resolution R-99-0527, Petition PDD98-077)

3. **The owner of the Convenience store with gas sales facility shall provide free air and water to the public.** (DRC/ONGOING: ZONING/CODE ENF) (Previously Condition P.3 of Resolution R-99-0527, Petition PDD98-077)
4. Condition P.4 of Resolution R-99-0527, Petition PDD98-077 which currently states:

Individual tenants or users in the building(s) shall be limited to a maximum of thirty thousand (30,000) square feet. (BLDG PERMIT/ DRC: ZONING)

Is hereby amended to read:

Individual tenants or users in the building(s) shall be limited to a maximum of thirty thousand (30,000) square feet, with the exception of a neighborhood serving grocery store, which shall be limited to a maximum of fifty-five thousand (55,000) square feet. Any expansion shall require approval by the Board of County Commissioners. (BLDG PERMIT/DRC: ZONING)

5. **Prior to final DRC certification, the petitioner shall list the “Subject to DRC and General” type tenant uses permitted in the CL/MUPD district on the mylar submitted to Palm Beach County.** (DRC: ZONING) (Previously Condition P.5 of Resolution R-99-0527, Petition PDD98-077)
6. The following uses shall be prohibited within the MUPD:
 - a. liquor sales (beer/wine excluded)
 - b. pawn shops
 - c. adult entertainment
 - d. photography studio(s)
 - e. tanning salon(s)
 - f. auto repair (ONGOING: ZONING/CODE ENF)

Q. 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) (Previously Condition Q. 1 of Resolution R-99-0527, Petition PDD98-077)
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. (MONITORING) (Previously Condition Q.2 of Resolution R-99-0527, Petition PDD98-077)