

RESOLUTION NO. R-2000- 1945

RESOLUTION APPROVING ZONING PETITION DOA74-126(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF AMPROP DEVELOPMENT CORP.
BY KILDAY & ASSOCIATES, AGENT
(GUN CLUB 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, 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 DOA74-126(D) was presented to the Board of County Commissioners at a public hearing conducted on November 30, 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 DOA74-126(D), the petition of AMPROP Development Corp., by Kilday & Associates, agent, for a Development Order Amendment (DOA) to add access point, add square footage, reconfigure master plan and modify conditions of approval 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 November 30, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Warren Newell, Chair		Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on November 30, 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

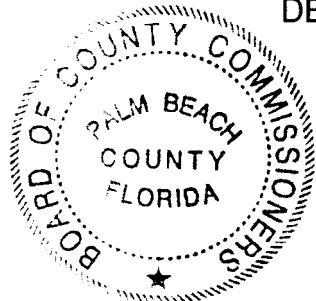


EXHIBIT A
LEGAL DESCRIPTION

TRACTS 1 AND 2, OF "GUN CLUB CENTER NO. 1", ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 62, PAGES 41 AND 42 INCLUSIVE, AND LESS THAT CERTAIN PROPERTY SHOWN IN THAT STIPULATED ORDER OF TAKING AS RECORDED IN OFFICIAL RECORD BOOK 6548, PAGE 1314.

EXHIBIT B
VICINITY SKETCH

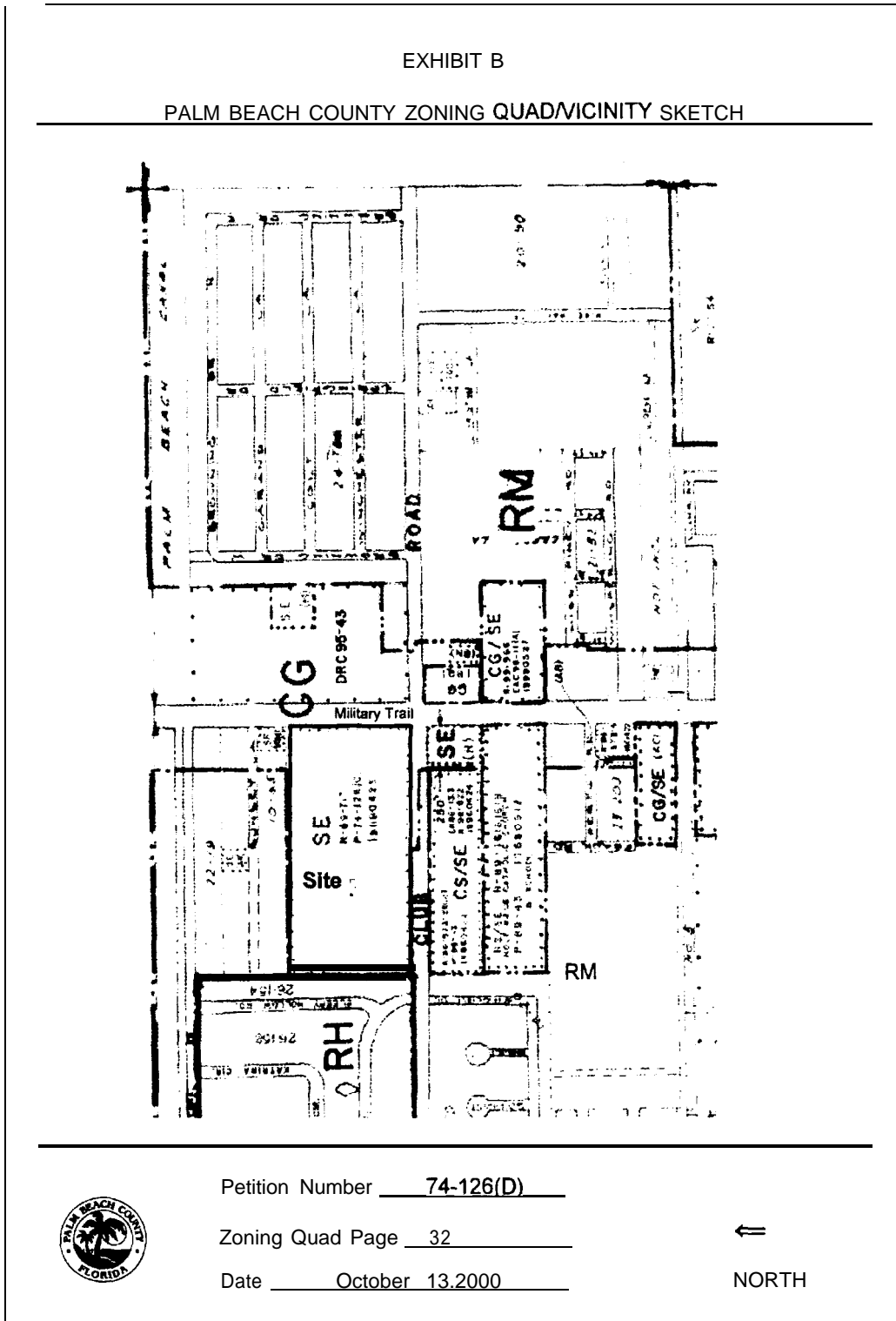


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-74-768, Petition 74-I 26; R-86-573, Petition 74-126(A); R-87-497, Petition 74-I 26(B) and R-89-71 7, Petition 74-I 26(C) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary development Plan and site plan for Phase I are dated October 2, 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)
3. Condition 1 of Resolution R-87-0497, petition 74-126(B)) which currently states:

The developer shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby deleted. [REASON: superceded by Condition A. I]
4. **Prior to site plan certification, the site plan shall be amended to show the following:**
 - a. **the required number of handicap parking spaces.**
 - b. **the required landscaping for the entire center, including the required number of trees.** (DRC: LANDSCAPE - Zoning) (Previously Condition 2 of Resolution R-87-0497, Petition 74-126(B))
5. **Prior to site plan certification, the developer shall record cross-access agreements between Phases I, I and III, subject to approval by the County Attorney's office.** (DRC: COUNTY ATTY - Zoning)(Previously Condition 3 of Resolution R-87-0497, Petition 74-126(B))
6. Condition 1 of Resolution R-89-071 7, Petition 74-I 26(C) which currently states:

Prior to certification, the site plan shall be amended to indicate the following:
 - a. **The location of the required number of the loading spaces;**
 - b. **An eradication program for all prohibited plant species on site, with the exception of the Australian pines, which shall be controlled in Condition No. 4 below; and**
 - c. **Handicapped parking spaces located in the parking area immediately to the south of the drop-off area for the day care center.**

Is hereby deleted. [REASON: Code requirements]

7. Condition No. 7 for Resolution R-86-0573, Petition 74-I 26(A) which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Is hereby deleted. [REASON: Code requirements]

8. Condition No. 8 for Resolution R-86-0573, Petition 74-I 26(A) which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Is hereby deleted. [REASON: Code requirements]

9. Condition No. 15 for Resolution R-86-0573, Petition 74-I 26(A) which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. [REASON: DRC review requirements]

10. The development of Phase 3 shall be subject to the Board of County Commissioners' approval. (DRC: ZONING)

B. ARCHITECTURAL CONTROL (PHASE I)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for the drugstore to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
3. Prior to the issuance of Building permit for each retail building, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN (PHASE I)

1. Total gross floor area shall be limited to a maximum of 39,280 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)

2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. Condition No. 1 for Resolution R-86-0573, Petition 74-I 26(A) which currently states:

Prior to site plan certification, the site plan shall be revised to reflect the following:

- a) **A two-way access dimension of twenty-five (25) feet or greater.**
- b) **No parking stalls within the twenty (20) foot backup distance.**
- c) **The required number of parking spaces outside the building or variance relief shall be obtained from the Board of Adjustment.**

Is hereby deleted. [REASON: revised site plan and uses]

D. DAYCARE (PHASE II)

1. **The required six (6) foot high fence around the outdoor activity area for the day care center shall be either constructed to provide a solid visual screen, or receive supplemented planting consisting of a four (4) foot high continuous hedge, planted thirty (30) inches on center.** (DRC: LANDSCAPE-Zoning) (Previously Condition 2 of Resolution R-89-0717, petition 74-I 26(C))
2. **The vehicular circulation aisle directly to the south of the drop-off area for the day care center shall be restricted to one-way traffic circulation from east to west.** (DRC: LANDSCAPE-Zoning) (Previously Condition 3 of Resolution R-89-071 7, petition 74-I 26(C))

E. ENGINEERING

1. **Developer shall construct Gun Club Road as a four-(4) laned paved facility from Military Trail (S.R. 809) to the development's main entrance;** (Previously Condition No. 1 for Resolution R-74-0768, Petition 74-126)
COMPLETED

2. Condition No. 2 of Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall construct at the development's entrance and Military Trail (S.R. 809) a right turn lane north approach; left turn lane south approach and right and left turn lanes west approach;

Is hereby deleted. [REASON: Florida DOT has reconstructed the adjacent median along Military Trail.]

3. Condition No. 3 for Resolution R-74-0768, Petition 74-126 which currently states:

Median cut at development's entrance and Military Trail (S.R. 809) to facilitate left turn movement into the development shall be temporary;

Is hereby deleted. [REASON: Florida DOT has reconstructed the adjacent median along Military Trail.]

4. Condition No. 4 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall up-grade the left turn lane south approach, if warranted, and up-grade the signal at Military Trail (S.R. 809) and Gun Club Road and construct a right turn lane north approach, an additional left turn lane and right turn lane west approach and right turn lane east approach;

Is hereby amended to read:

The Property owner shall construct a right turn lane north approach on Military Trail at Gun Club Road.

- a) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations not including the existing signal pole mast arm which shall be relocated if necessary by Palm Beach County.
 - b) Permits required by Palm Beach County and the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
5. Condition No. 5 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall construct a right turn lane east approach at Gun Club Road and development's east entrance;

Is hereby deleted. [REASON: Turn lane conditions of approval are being amended for the site.]

6. Condition No. 6 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall provide signalization when warranted at Gun Club Road and the development's main entrance and construct two (2) left and one (1) right turn lane north approach, right turn lane east approach and left turn lane west approach; (ONGOING: ENG) (Note: left turn lane complete)

Is hereby deleted. [REASON: no longer required]

7. Condition No. 7 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall provide signalization, if warranted, at Gun Club Road and development's west entrance and construct a left turn lane west approach and left and right turn lanes north approach; (ONGOING: ENG)
Is hereby deleted. [REASON: no longer required]

8. Condition No. 10 for Resolution R-86-0573, Petition 74-126(A) which currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. This drainage system shall be maintained in an acceptable condition per the County Engineers approval.

Is hereby deleted. [REASON: Code requirement.]

9. Condition No. 11 for Resolution R-86-0573, Petition 74-1 26(A) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$5,787.00 (216 trips X \$26.79 per trip).

Is hereby deleted. [REASON: Code requirement.]

10. Condition No. 12 for Resolution R-86-0573, Petition 74-1 26(A) which currently states:

The property owner shall not be permitted access onto Military Trail.

Is hereby deleted. [REASON: This access currently exists for the site.]

11. **The property owner shall plat the subject parcel (entire Gun Club Shopping Center Site) prior to certification of the Site Plan per the requirements of the Subdivision and Platting Regulations Ordinance 73-4 as amended.** (Previously Condition No. 13 for Resolution R-86-0573, Petition 74-126(A)) COMPLETED

12. Condition No. 14 for Resolution R-86-0573, Petition 74-1 26(A) which currently states:

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

Is hereby deleted. [REASON: Code requirement.]

13. Condition No. 7 for Resolution R-89-071 7, Petition 74-1 26(C) which currently states:

The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff

generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. REASON: Code requirement.]

14. **Prior to the issuance of any Building permit for any portion of the Gun Club center the property owner (s) shall record a plat/replat which includes Phase I, Phase II and Phase III subject to approval by the County Engineer, which may be platted/replatted in phases.** (Previous Condition 8 of Resolution R-89-071 7, petition 74-I 26(C)) COMPLETED

15. Prior to the issuance of a building permit 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 Gun Club Road at the project's main entrance road 600 feet west of Military Trail.
- b) right turn lane on Military Trail at the project's entrance road. Dedication shall be limited to that portion of additional right of way owned by this petitioner.

Right-of-way identified in condition a) above 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 County Engineer. All 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. This 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. (BLDG PERMIT: MONITORING-Eng)

16. The property owner for Phase 1 shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Military Trail, 65 feet from centerline on or before **July 1, 2001** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

17. The Property owner shall fund the construction of a right turn lane north approach on Military Trail at the projects entrance road. Funding for this construction shall be based upon a certified cost estimate provided by the Developers Engineer. Funding shall be completed prior to the issuance of a certificate of occupancy for the drive thru drugstore. These funds shall then be administered by Palm Beach County for the Construction of the Right Turn Lane when the adjacent out parcel is developed. (CO: MONITORING-Eng)

18. The Property owner shall construct a right turn lane east approach on Gun Club Road at the projects entrance road located 600 feet west of Military Trail.
 - a) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
19. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

The use of the 14520 square foot commercial building shall be limited to a drugstore or equivalent traffic as determined by the County Engineer. (ONGOING)

20. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF MILITARY TRAIL
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Military Trail Right-of-Way contiguous to the frontage. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
 - b. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing 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. The 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, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)

- c. If the County does not assume maintenance responsibility, then appropriate property owner 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)

F. ERM

1. Condition 4 of Resolution R-89-071 7, Petition 74-I 26(C) which currently states:

The Australian pine hedge shall be continuously maintained at a maximum height of twelve (12) feet.

Is hereby deleted. [REASON: this condition does not meet current code requirements, Australian pines are prohibited species]

2. Condition No. 9 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall leave as many of the existing pine trees as possible on the site.

Is hereby deleted. [REASON: will be handled at the vegetation permit]

3. **The developer shall preserve existing vegetation wherever possible and incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.** (Previous Condition No. 2 for Resolution R-86-0573, Petition 74-I 26(A))

G. HEALTH

1. **Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.** (Previous Condition No. 5 for Resolution R-86-0573, Petition 74-126(A))
2. **Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with chapter 17-30, FAFC.** (Previous Condition No. 6 for Resolution R-86-0573, Petition 74-126(A))
3. **The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.** (Previously Condition No. 9 for Resolution R-86-0573, Petition 74-126(A))
4. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (Previous Condition 5 of Resolution R-89-071 7, petition 74-I 26(C))

5. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (Previous Condition 6 of Resolution R-89-071 7, petition 74-I 26(C))

H. LANDSCAPING - STANDARD (PHASE 1)

1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer 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)
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)
3. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
4. **Developer shall provide a wall and screening along the west and north property lines.** (Previous Condition No. 8 for Resolution R-74-0768, Petition 74-126) (PHASE 2)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO GUN CLUB ROAD, PHASE I)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - 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; and,
 - d. 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)

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ADJACENT TO MILITARY TRAIL, PHASE I)

1. Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) canopy tree planted every thirty (30) feet on center;
- 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; and,
- d. 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)

K. LANDSCAPING - INTERIOR (PHASE I)

- 1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. A minimum of one (1) landscape island shall be provided for every eleven (11) parking spaces in area adjacent to the northwestern building. (DRC: ZONING)
- 2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. the minimum width of the required landscape areas shall be eight (8) feet;
 - b. the length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure;
 - 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; and,
 - d. the required foundation planting may be reconfigured on-site so long the area is equivalent to the total required area referenced in K.2.a and K.2.b. (DRC / CO: ZONING / LANDSCAPE)
- 3. Landscaping within the Military Trail access easement of Phase 1 shall be installed at the property owners expense. All existing and proposed landscaping shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of plant material during periods of drought in order to maintain healthy plant material. A declaration of maintenance covenants shall be recorded prior to the issuance of the first building permit. (BLDG.PERMIT: MONITORING-LANDSCAPE)

L. LIGHTING

- 1. Condition No. 4 for Resolution R-86-0573, Petition 4-126(A) which currently states:

Security lighting shall be directed away from nearby residences.

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - 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)
4. All outdoor lighting for Phase 1 shall be extinguished no later than, one half (½) hour after the closing of each individual use, excluding security light only. (ONGOING: CODE ENF)

M. 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)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm 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: MONITORING - Eng)

N. 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 of Phase 1. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner of Phase 1 shall record a covenant in the public record indicating that all structures, uses and parking areas within Phase 1 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)

0. SIGNS

1. **No off-premise signs shall be permitted on the site.** (ONGOING/DRC: CODE ENF/ZONING) (Previous Condition 9 of Resolution R-89-71 7, Petition 74-I 26(C)).
2. Proposed freestanding point of purchase signs fronting on Military Trail (Phase 1) 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 - one hundred (100) square feet;
 - c. Maximum number of signs - one (1) for Military Trail and
 - d. Style - monument style only. (CO: BLDG)
3. Proposed freestanding point of purchase signs Gun Club Road's project entrance (Phase 1) shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8);
 - b. Maximum sign face area per side - eighty (80) square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (CO: BLDG)
4. Proposed freestanding point of purchase signs fronting on Gun Club Road (Phase 1) 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 - one hundred (100) square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (CO: BLDG)
5. No relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
6. Wall signs for Phase 1 shall be limited to the south and east facades for the drugstore and the westernmost retail building and the north and east facade for the northernmost building and shall be limited to eighteen (18) inches high letters. (CO: BLDG)
7. All signs with changeable copies shall be limited to two (2) lines and shall be limited to twelve (12) inches high letters. (CO: BLDG)

P. USE LIMITATIONS

1. **No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.** (Previous Condition No. 3 for Resolution R-86-0573, Petition 74-126(A))
2. Hours of operation for all uses in Phase 1 shall be limited to 6:00 a.m. to 11:00 p.m. except for drugstore. (ONGOING: 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)
2. Condition 10 of Resolution R-89-71 7, petition 74-l 26(C)) which currently states:

Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Is hereby amended to read:

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)