

RESOLUTION NO. R-2001- 0001

RESOLUTION APPROVING ZONING PETITION DOA98-089(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CHS PROPERTIES
BY LAND DESIGN SOUTH, AGENT
(CHS PROPERTIES 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 DOA98-089(A) was presented to the Board of County Commissioners at a public hearing conducted on November 30, 2000 and January 4, 2001; 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 DOA98-089(A), the petition of CHS Properties, by Land Design South, agent, for a Development Order Amendment (DOA) to delete land area and modify/delete conditions 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 and January 4, 2001, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 4, 2001.

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

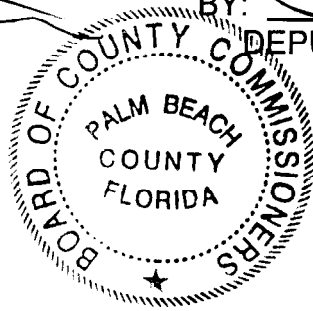


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A parcel of land being a portion of Lots 47 through 54, 54A, 56 through 58, 58A, 67 through 76, 80 through 87 and 89 through 91, MORRISON HOMES, according to the plat thereof, as recorded in Plat Book 23, pages 189 and 190, public records, Palm Beach County, Florida, and a portion of Gun Club Road as abandoned per Official Record Book 6446, page 1359 and Official Record Book 10959, page 1706 and a portion of West Grace Drive abandoned per Official Record Book 6446, page 1359 and Official Record Book 10959, page 1706 and a portion of South Grace Drive abandoned per Official Record Book 10959, page 1706, all abandonments recorded in the public records of Palm Beach County, Florida; said parcel being specifically described as follows:

Commencing at the Southwest Corner of said Lot 91, MORRISON HOMES;
Thence bear North 03°-04'-00" East, along the West line of said Lot 91 and the East right of way line of Congress Avenue, a distance of 60.68 feet to the POINT OF BEGINNING;

Thence, continue North 03°-04'-00" East, along said West line of Lot 91 and the East right of way line of Congress Avenue a distance of 234.68 feet to a point on the Easterly right of way line of Australian Avenue, as recorded in Official Record Book 10653, page 1526, public records, Palm Beach County, Florida;

Thence, North 1 5°-06'-35" East, along said Easterly right of way line, a distance of 133.20 feet to a point on a curve, concave to the Southeast having a radius of 790.00 feet and whose center bears South 70°-14'-33" East;

Thence, Northeasterly, along the arc of said curve through a central angle of 28°-29'-17", a distance of 392.79 feet to the end of said curve;

Thence, South 36°-03'-03" East, a distance of 304.98 feet to a point on a curve concave to the West having a radius of 185.00 feet and whose center bears North 58°-42'-46" West;

Thence, Northerly, along the arc of said curve through a central angle of 28°-50'-14", a distance of 93.11 feet to the point of tangency;

Thence, North 02°-27'-00" East, a distance of 108.00 feet to the point of curvature of a curve to the left; said curve having a radius of 125.00 feet, a central angle of 30°-23'-00" and a chord bearing of North 12°-44'-30" West;

Thence, Northerly, along the arc of said curve a distance of 66.29 feet to the end of said curve and a point on the South line of Florida Department of Transportation Parcel 192, as recorded in Official Record Book 10653, page 1526, public records, Palm Beach County, Florida;

Thence, North 62°-04'-00" East, along the Southerly line of said FDOT Parcel 192, a distance of 50.00 feet to a point on a curve concave to the West having a radius of 175.00 feet and whose center bears South 62°-04'-00" West;

Thence, Southerly, along the arc of said curve, through a central angle of 30°-23'-00", a distance of 92.80 feet to the point of tangency;

Thence, South 02°-27'-00" West, a distance of 108.00 feet to a point of curvature of a curve to the right; said curve having a radius of 235.00 feet, a central angle of 33°-50'-33" and a chord bearing of South 1 9°-22'-16" West;

Thence, Southerly, along the arc of said curve a distance of 138.81 feet to the end of said curve;

Thence, South 36°-03'-03" East, a distance of 65.13 feet to a point on the North line of Lot 71, said MORRISON HOMES;

Thence, South 87°-33'-00" East, along the North line of Lots 71 through 76, said MORRISON HOMES, a distance of 610.30 feet to the Northeast corner of said Lot 76;

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Thence, South 03°-26'-12" West, along the East line of said Lot 76, a distance of 125.86 feet to a point on a curve concave to the Northeast having a radius of 565.00 feet and whose center bears North 80°-12'-42" East; said curve being on the Easterly line of that portion of East Grace Drive and Gun Club Drive abandoned per Official Record Book 6446, page 1453, public records, Palm Beach County, Florida;

Thence, Southerly, along the arc of said curve and said Easterly line, through a central angle of 08°-27'-35", a distance of 83.42 feet to a point on the centerline of East Grace Drive;

Thence, South 03°-26'-12" West, along said centerline and said Easterly line, a distance of 7.23 feet to the intersection with the centerline of Gun Club Road, as shown on said plat of MORRISON HOMES;

Thence, South 87°-33'-00" East, along said centerline and said Easterly line, a distance of 2.91 feet to a point on a curve concave to the Northeast having a radius of 565.00 feet and whose center bears North 70°-57'-57" East;

Thence, Southeasterly, along the arc of said curve through a central angle of 3°-38'-40", a distance of 35.94 feet to a point on the North line of Lot 80, plat of MORRISON HOMES;

Thence, South 87°-33'-00" East, along said North line of Lot 80, a distance of 57.95 feet to the Northeast corner of said Lot 80;

Thence, South 02°-27'-00" West, along the East line of said Lot 80, a distance of 179.30 feet to the Southeast corner of said Lot 80;

Thence, North 87°-33'-00" West, along the South line of said Lot 80, a distance of 55.00 feet to a point on the East line of the West 45 feet of said Lot 80;

Thence, North 02°-27'-00" East, along said East line of the West 45 feet of Lot 80, a distance of 50.00 feet to a point on the North line of the South 50 feet of said Lot 80;

Thence, North 87°-33'-00" West, along said North line of the South 50 feet of Lot 80, a distance of 45.00 feet to a point on the West line of said Lot 80;

Thence, South 02°-27'-00" West, along said West line of Lot 80, a distance of 50.00 feet to the Southwest corner of said Lot 80;

Thence, North 87°-33'-00" West, along the South line of Lots 81 through 87, plat of MORRISON HOMES, a distance of 700.00 feet to the Southwest corner of said Lot 87;

Thence North 02°-27'-00" East, along said West line of Lot 87 and its Northerly prolongation, a distance of 212.30 feet to a point on the centerline of Gun Club Drive, as shown on said plat of MORRISON HOMES;

Thence, North 87°-33'-00" West, along said centerline, a distance of 161.39 feet to a point on the Northerly prolongation of a line 38.61 feet East of and parallel to the West line of Lot 89, plat of MORRISON HOMES;

Thence, South 02°-27'-00" West, along said parallel line, a distance of **182.30 feet** to a point on the Northerly right of way line of Ranch House Road (Gun Club Road) as recorded in Official Record Book 10653, page 1526, public records, Palm Beach County, Florida;

Thence, North 87°-33'-00" West, along said right of way line, a distance of 209.34 feet;

Thence North 46°-02'-20" West, along said right of way line, a distance of 46.29 feet to the POINT OF BEGINNING.

TOGETHER WITH **PARCEL 2**

A parcel of land being a portion of Lots 7 through 13, MORRISON SUBURBAN DEVELOPMENT, as recorded in Plat Book 20, page 40, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

BEGIN AT the Southwest corner of said Lot 7;

Thence, bear North 03°-26'-12" East, along the West line of said Lot 7, a distance of 368.05 feet;

Thence, South 87°-33'-00" East, a distance of 33.00 feet to a point on the East line of the West 33 feet of said Lot 7;

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Thence, North 03°-26'-12" East, along said East line of the West 33 feet of Lot 7, a distance of 205.04 feet to a point on the North line of said Lot 7;
Thence, South 87°-33'-00" East, along said North line of Lot 7, a distance of 99.97 feet to the Northeast corner of said Lot 7;
Thence, South 03°-26'-12" West, along the East line of said Lot 7, a distance of 272.00 feet to a point on the South line of the North 272 feet of Lot 8, MORRISON SUBURBAN DEVELOPMENT;
Thence, South 87°-33'-00" East, along South line of the North 272 feet of said Lot 8, a distance of 132.97 feet to a point on the East line of said Lot 8;
Thence, North 03°-26'-12" East, along said East line of Lot 8, a distance of 272.00 feet to the Northeast corner of said Lot 8;
Thence, South 87°-33'-00" East, along the North line of Lots 9 through 12, MORRISON SUBURBAN DEVELOPMENT, a distance of 531.85 feet to the Northeast corner of said Lot 12;
Thence South 03°-26'-12" West, along the East line of said Lot 12, a distance of 224.50 feet to a point on the South line of the North 224.5 feet of Lot 13, said plat of MORRISON SUBURBAN DEVELOPMENT;
Thence, South 87°-33'-00" East, along the South line of the North 224.5 feet of said Lot 13, a distance of 132.97 feet a point on the East line of said Lot 13;
Thence, South 03°-26'-12" West, along the East line of said Lot 13, a distance of 65.00 feet to a point on the South line of the North 289.5 feet of said Lot 13;
Thence, North 87°-33'-00" West, along said South line of the North 289.5 feet of Lot 13, a distance of 132.97 feet to a point on the West line of said Lot 13;
Thence, South 03°-26'-12" West, along said West line of lot 13, a distance of 0.51 feet to a point on the North line of the South 280 feet of said Lot 13;
Thence, South 87°-46'-16" East, along said North line of the South 280 feet of said Lot 13, a distance of 132.98 feet to a point on the East line of said Lot 13;
Thence, South 03°-26'-12" West, along said East line of Lot 13, a distance of 280.00 feet to the Southeast corner of said Lot 13;
Thence, North 87°-46'-16" West, along the South line of said Lot 13, a distance of 132.98 feet to the Southwest corner of said Lot 13;
Thence, North 03°-26'-12" East, along the West line of said Lot 13, a distance of 280.00 feet to a point on the North line of the South 280 feet of Lot 12, said plat of MORRISON SUBURBAN DEVELOPMENT;
Thence North 87°-46'-16" West, along said North line of the South 280 feet of Lot 12, a distance of 132.98 feet to a point on the West line of said Lot 12;
Thence, South 03°-26'-12" West, along the West line of said Lot 12, a distance of 280.00 feet to the Southwest corner of said Lot 12;
Thence, North 87°-46'-16" West, along the South line of Lots 7 through 11, said plat of MORRISON SUBURBAN DEVELOPMENT, a distance of 664.90 feet to the Southwest corner of said lot 7 and the POINT OF BEGINNING;

TOGETHER WITH PARCEL 3

A parcel of land being a portion of Lots 14, 15 and 21, MORRISON SUBURBAN DEVELOPMENT, as recorded in Plat Book 20, page 40, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

BEGIN AT the Southwest corner of said Lot 21;
Thence, bear North 03°-26'-12" East, along the East line of said Lots 21 and 14, a distance of 451.77 feet to a point on the North line of the South 150 feet of said Lot 14;
Thence, South 87°-33'-00" East, along said North line of the South 150 feet of Lot 14, a distance of 296.81 feet to a point on the West line of Lot 15, said plat of MORRISON SUBURBAN DEVELOPMENT;
Thence, North 03°-26'-12" East, along said West line of Lot 15, a distance of 151.73 feet to the Northwest corner of said Lot 15;

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Thence, South 87°-33'-00" East, along the North line of said Lot 15, a distance of 336.81 feet to the Northeast corner of said Lot 15;
Thence, South 03°-26'-12" West, along the East line of said Lot 15, a distance of 301.75 feet to the Southeast corner of said Lot 15;
Thence, North 87°-33'-00" West, along the South line of said Lot 15, a distance of 336.81 feet to the Northeast corner of Lot 21, said plat of MORRISON SUBURBAN DEVELOPMENT;
Thence, South 03°-26'-12" West, along the East line of said Lot 21, a distance of 301.75 feet to the Southeast corner of said Lot 21;
Thence, North 87°-33'-00" West, along the South line of said Lot 21, a distance of 296.81 feet to the Southwest corner of said Lot 21 and the POINT OF BEGINNING.

SUBJECT TO easements, reservations, restrictions and rights of way of record, if any.

Containing: 27.549 Acres, more or less.

EXHIBIT B

VICINITY SKETCH

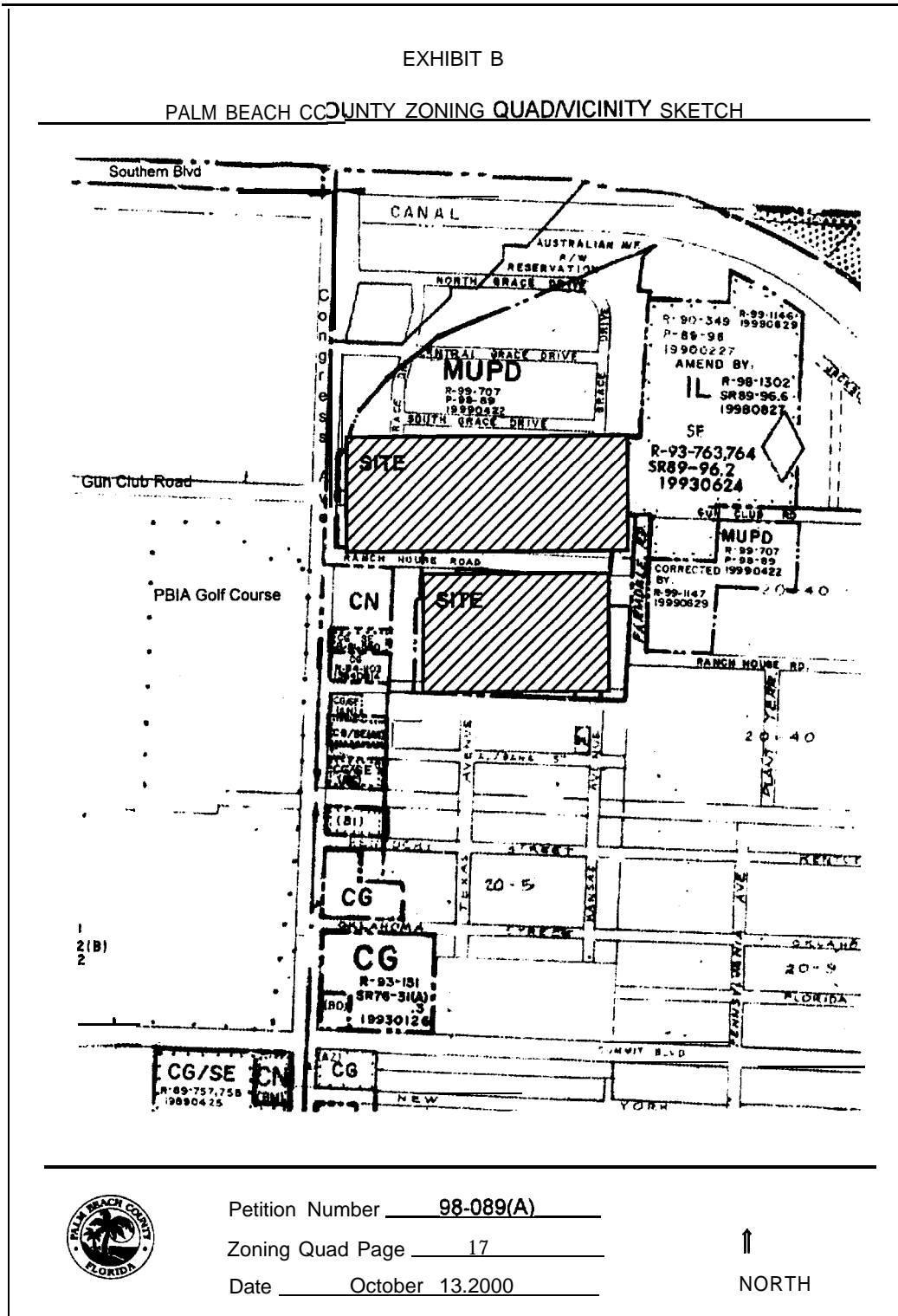


EXHIBIT C

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. Condition A. 1 of Resolution R-99-I 147, Petition PDD98-089 which currently states:

Resolutions R-89-I 383 and R-89-1384, granting approval of Petition 87-11 and Resolutions R-90-348, granting approval of Petition 87-11 (A), are hereby revoked. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-I 147 (Petition 98-089), 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. Condition A.2 of Resolution R-99-I 147, Petition PDD98-089 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 preliminary development and regulating plans are dated March 22, 1999 and conceptual site plan is dated March 22, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (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 preliminary development plan is dated August 24, 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, material, fenestration and roof lines, shall be provided on all sides of the buildings located in the MUPD. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.I of Resolution R-99-I 147, Petition PDD98-089)**
2. **The exterior elevations of all buildings shall include the following:**

- a. **Varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet;**
 - b. **Varied building materials and textures;**
 - c. **Varied building colors by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;**
 - d. **Combination architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;**
 - e. **Integrated design of gutters and downspouts into the architectural design of the building; and,**
 - f. **All building entries shall be easily identifiable and integrated into the building's architecture. (BLDG PERMIT: ZONING/BLDG) (Previously Condition B.2 of Resolution R-99-I 147, Petition PDD98-089)**
3. **All exterior base colors are limited to earthtones, pastels, or neutrals (whites and grays). No primary colors shall be used as a base color. (BLDG PERMIT: ZONING/BLDG) (Previously Condition B.3 of Resolution R-99-1147, Petition PDD98-089)**

c. CONVENIENCE STORE W/GAS SALES

1. **Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF) (Previously Condition C.1 of Resolution R-99-I 147, Petition PDD98-089)**
2. **The convenience store building and accessory gas station canopy shall be limited to a maximum of twenty-five (25) feet in height, including air conditioning and mechanical equipment and satellite dishes, measured from finished grade to the highest point. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy or attached lighting fixtures. (BLDG PERMIT/CO: BLDG/ZONING/BLDG - Zoning) (Previously Condition C.2 of Resolution R-99-I 147, Petition PDD98-089)**
3. **The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF) (Previously Condition C.3 of Resolution R-99-I 147, Petition PDD98-089)**

D. BUILDING AND SITE DESIGN

1. Condition D. 1 of Resolution R-99-I 147, Petition PDD98-089 which currently states:

The maximum height for all structures, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to highest point, shall not exceed thirty-five feet (35) within Pod C and thirty (30) feet for Pods B and D.

Is hereby amended to read:

The maximum height for all structures, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to highest point, shall not exceed thirty-five feet (35) within Pod C and thirty (30) feet for Pod B. (BLDG PERMIT: BLDG - Zoning)

2. **All air conditioning and 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) (Previously Condition D.2 of Resolution R-99-I 147, Petition PDD98-089)
3. **Barbed wire or razor wire shall not be permitted on the site.** (CO/ONGOING: BLDG -Zoning/CODE ENF) (Previously Condition D.3 of Resolution R-99-I 147, Petition PDD98-089)

E. ENGINEERING

1. **Prior to September 1, 1999 this property owner shall fund the following intersections improvements at the intersection of Congress Avenue and the newly aligned Gun Club Road:**
 - a. **left turn lane, east approach**
 - b. **right turn lane, east approach** (DATE: MONITORING - Eng) (Previously Condition E.1 of Resolution R-99-I 147, Petition PDD98-089)
2. **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:**
 - a) **Ranch House Road 80 feet north of the existing south right of way line from Congress Avenue to the existing day care.** (COMPLETE)
 - b) **Farmdale Road a total of 50 feet right of way.**
 - c) **East Grace Drive as an 80150 foot right of way as shown of the site plan dated 1/28/99 prepared by Kilday and Associates.**

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. Propertyownershall 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) (Previously Condition E.2 of Resolution R-99-I 147, Petition PDD98-089)

3. **Prior to the issuance of a Building Permit, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Ranch House Road along the property frontage. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways**

dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.3 of Resolution R-99-I 147, Petition PDD98-089)

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 2125 trips per day shall not be issued until a contract has been let for the construction of Australian Avenue as a 6 lane facility from Congress Avenue to Southern Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.4.a of Resolution R-99-I 147, Petition PDD98-089) [COMPLETE]**
 - b) **Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (DRC: ENG) (Previously Condition E.4.b of Resolution R-99-I 147, Petition PDD98-089) [COMPLETE]**

5. **LANDSCAPE WITHIN MEDIAN OF STATE ROADS**

Condition E.5.A, Band C of Resolution R-99-I 147, Petition PDD98-089) which currently states:

- A. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Australian Avenue 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 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) (Previously Condition E.5.A of Resolution R-99-1 147, Petition PDD98-089)

- 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. If Certificates of Occupancy are requested prior to the final construction of the Australian Avenue Flyover then appropriate surety shall be posted for the landscape planting acceptable to the County Engineer. Landscape plantings shall then be completed within 90 notice to the property owner that the construction of the Australian Avenue flyover is completed. (CO: MONITORING - Eng) (Previously Condition E.5.B of Resolution R-99-1147, Petition PDD98-089)**
- 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) (Previously Condition E.5.C of Resolution R-99-I 147, Petition PDD98-089)**

Is here by amended to read:

- A. Prior to issuance of a building permit, the property owner shall fund in the amount of \$53,392 to the Palm Beach Board of County Commissioners for landscaping the adjacent median of Congress Avenue Road Right-of-Way. All funding shall be completed prior to the issuance of a Building Permit. These funds shall then be used for the installation in the amount of \$12,784 and maintenance in the amount of \$40,608 for any landscape material installed by Palm Beach County or another Developer. If these funds are to be included in a landscape program by another Developer Palm Beach County may administer the disbursement of these fees. (BLDG PERMIT:MONITORING - Eng)
6. **The property owner shall participate in a Road Closure Public Hearing for any/all internal roads within or adjacent to the site. The site plan shall be modified to reflect Board of County Commissioners approved road closures affecting this site no later than October 1, 1999. Road closure improvements required by the Board of County Commissioners including but not limited to cul-de-sac, barricades, or guard rails, for**

Farmdale Road and/or Homewood Road adjacent to the site shall be funded by the petitioner. (DATE: ENG) (Previously Condition E.6 of Resolution R-99-I 147, Petition PDD98-089)

7. **Any road closure improvements if approved by the Board of County Commissioners shall be completed prior to January 1, 2000 or prior to the issuance of the first building permit whichever shall first occur.** (BLDG PERMIT/DATE: ENG) (Previously Condition E.7 of Resolution R-99-1147, Petition PDD98-089)
8. **During the construction phase of the project, there shall be no construction traffic permitted onto Ohio Road.** (ONGOING: CODE ENF) (Previously Condition E.8 of Resolution R-99-I 147, Petition PDD98-089)
9. **After the construction has been completed, there shall be no access onto Ohio Road from the site.** (ONGOING: CODE ENF) (Previously Condition E.9 of Resolution R-99-I 147, Petition PDD98-089)

F. DEPARTMENT OF AIRPORTS

1. **All construction on the site shall be pursuant to Article 18 (Airport Zoning Regulations) of the ULDC.** (DRC/BLDG PERMIT: ZONING/BLDG - DOA) (Previously Condition F.1 of Resolution R-99-I 147, Petition PDD98-089)
2. **Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall provide a aviation easement covering the entire property which is satisfactory to the Department of Airports and the County Attorney.** (DRC: ZONING - DOA/Co Atty) (Previously Condition F.2 of Resolution R-99-I 147, Petition PDD98-089)

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition G. 1 of Resolution R-99-I 147, Petition PDD98-089 which currently states:

A tree survey of existing native specimen sized trees for Pods B, C, and D shall be completed and submitted to ERM prior to DRC site plan submittal.

Is hereby amended to read:

A tree survey of existing native specimen sized trees for Pods B, and C shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM)

H. LANDSCAPING - STANDARD

1. **All canopy trees required to be planted within the right-of-way buffers 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 H.1 of Resolution R-99-I 147, Petition PDD98-089)**
2. **All palms required to be planted 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 H.2 of Resolution R-99-I 147, Petition PDD98-089)**
3. **A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE -Zoning) (Previously Condition H.3 of Resolution R-99-I 147, Petition PDD98-089)**
4. **The property owner shall maintain all landscaping within the MUPD in accordance with the Board of County Commissioners' conditions of approval and the ULDC. (ONGOING: CODE ENF) (Previously Condition H.4 of Resolution R-99-I 147, Petition PDD98-089)**

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 I.1 of Resolution R-99-I 147, Petition PDD98-089)**
- 2. **Foundation planting or grade level planters shall be provided along all facades of all structures and to consist of the following:**
 - a. **The minimum width of the required landscape areas shall be five (5) feet;**
 - b. **The length of the required landscaped areas shall be no less than 50% of the total length of each facade of the structure. Bay door lengths may be excluded from the total length calculation of the facades, 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-I 147, Petition PDD98-089)**

J. LANDSCAPING ALONG ALL PROPERTY LINES ADJACENT TO RIGHT-OF-WAYS

- 1. **Landscaping and buffering along the north/west property line (Congress Avenue and Australian Avenue frontages) up to the south side of the MUPD entrance onto Australian Avenue and along the 244' portion of the south property line (Ranch House Road frontage west of the daycare) shall be upgraded to include:**

- a. **A minimum twenty (20) foot wide landscape buffer strip;**
- b. **A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet, measured from top of curb;**
- c. **One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;**
- d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters. and,**
- e. **Thirty (30) 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 J.I of Resolution R-99-I 147, Petition PDD98-089)**

- 2. **Condition J.2 of Resolution R-99-I 147, Petition PDD98-089 which currently states:**

Landscaping and buffering along the remainder of the north/west property line adjacent to the Australian Avenue flyover shall be upgraded to include:

- a. **A minimum twenty (20) foot wide landscape buffer strip;**
- b. **One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;**
- c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters. and,**
- d. **Thirty (30) 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.**

An alternative landscape plan meeting the provisions of Section 7.3.D.4 of the ULDC may be substituted for the above requirements.

Is hereby deleted. (REASON : Pod D has been deleted from MUPD)

3. Condition J.3 of Resolution R-99-I 147, Petition PDD98-089 which currently states:

Landscaping and buffering along the 664' portion of the south property line (Ohio Street frontage) shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;**
- b. A continuous two (2) foot high measured from top of curb;**
- c. A six (6) foot black or green vinyl coated chain link fence, located at the plateau of the berm. If the required shrub or hedge materials of this condition are not maintained and have not reached the top of the required fence within eighteen (18) months of this approval (October 22, 2000), the chain link fence shall be replaced with a decorative aluminum or metal fence of the same height and at the same location;**
- d. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;**
- e. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,**
- f. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches.**

Is hereby amended to read:

Landscaping and buffering along the 664' portion of the south property line (Ohio Street frontage) shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A continuous two (2) foot high measured from top of curb;
- c. A six (6) foot black or green vinyl coated chain link fence, located at the plateau of the berm. If the required shrub or hedge materials of this condition are not maintained and have not reached the top of the required fence within eighteen (18) months of the issuance of the first Certificate of Occupancy (CO) for Pod C, Phase Three, the chain link fence shall be replaced with a decorative aluminum or metal fence of the same height and at the same location;
- d. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;
- e. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,
- f. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches. (CO: LANDSCAPE)

4. **Landscaping and buffering along all other right-of-way frontages shall be upgraded to include:**
 - a. **A minimum fifteen (15) foot wide landscape buffer strip, reductions shall not be permitted;**
 - b. **One (1) canopy tree planted every thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;**
 - c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters. and,**
 - d. **Thirty (30) 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 J .4 of Resolution R-99-I 147, Petition PDD98-089)**

K. LANDSCAPING ALONG ALL OTHER PERIMETER PROPERTY LINES

1. **Landscaping and buffering adjacent to residential zoning districts shall be upgraded to include the following in addition to the ULDC's opacity requirement for landscape barriers:**
 - a. **A minimum ten (10) foot wide landscape buffer strip, reductions shall not be permitted;**
 - b. **One (1) canopy tree for each twenty (20) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The required trees shall be installed on the exterior side of the non-living barrier;**
 - c. **One (1) palm for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters. and,**
 - d. **Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy-two (72) inches. The shrub and hedge material shall be installed on the exterior side of the non-living barrier; and**
 - e. **A six (6) foot opaque fence or prefabricated panel wall. (CO: LANDSCAPE) (Previously Condition K.I of Resolution R-99-I 147, Petition PDD98-089)**
2. **Landscaping and buffering adjacent to nonresidential zoning districts shall be upgraded to include:**
 - a. **A minimum ten (10) foot wide landscape buffer strip;**
 - b. **One (1) canopy tree for each thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location; and,**
 - c. **Thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previously Condition K.2 of Resolution R-99-I 147, Petition PDD98-089)**

L. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Building Security Code, shielded and directed down and away from adjacent properties and streets.** (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition L.1 of Resolution R-99-I 147, Petition PDD98-089)
2. **All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point.** (CO: BLDG - Zoning) (Previously Condition L.2 of Resolution R-99-I 147, Petition PDD98-089)
3. **All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding the lighting for the convenience store with gas sales and security lighting only.** (ONGOING: CODE ENF) (Previously Condition L.3 of Resolution R-99-I 147, Petition PDD98-089)
4. **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 L.4 of Resolution R-99-I 147, Petition PDD98-089)
5. **Lighting for the gas station canopy shall be flush mounted or recessed.** (BLDG PERMIT: BLDG -Zoning) (Previously Condition L.5 of Resolution R-99-1147, Petition PDD98-089)
6. **Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition L.1 above.** (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition L.6 of Resolution R-99-1147, Petition PDD98-089)

M. MASS TRANSIT

1. **A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer.** (DRC: ZONING) (Previously Condition M.I .A of Resolution R-99-I 147, Petition PDD98-089)
- B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the 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: BLDG - Eng) (Previously Condition M.1 .B of Resolution R-99-I 147, Petition PDD98-089)

2. **All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants.** (ONGOING: PALM TRAN) (Previously Condition M.2 of Resolution R-99-I 147, Petition PDD98-089)
3. **Commercial locations which are open to the public shall not restrict public mass transit access.** (ONGOING: PALM TRAN) (Previously Condition M.3 of Resolution R-99-I 147, Petition PDD98-089)

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. 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 N.1 of Resolution R-99-I 147, Petition PDD98-089)
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 N.2 of Resolution R-99-I 147, Petition PDD98-089)

O. PARKING

1. **Prior to final site plan certification by the Development Review Committee, all delivery and/or loading areas and bay doors shall be indicated and shall not be oriented towards adjacent residentially zoned property lines, unless the bay doors are inwardly oriented within the site.** (CO: BLDG -Zoning) (Previously Condition 0.1 of Resolution R-99-I 147, Petition PDD98-089)
2. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas.** (ONGOING: CODE ENF) (Previously Condition 0.2 of Resolution R-99-I 147, Petition PDD98-089)

3. **Prior certification of the final site plan by the Development Review Committee (DRC), the petitioner shall provide the parking spaces as required by the ULDC for the proposed uses indicated on the Preliminary Development Plan dated March 22, 1999 or obtain a variance from the Board of Adjustment. (DRC: ZONING) (Previously Condition 0.3 of Resolution R-99-I 147, Petition PDD98-089)**

P. SIGNS

1. Condition P.I of Resolution R-99-I 147, Petition PDD98-089 which currently states:

Freestanding sign on Australian Avenue shall be limited as follows:

- a. **One sign (maximum of two tenants with project identification) 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 Australian Avenue.**

Is hereby amended to read:

Freestanding sign on Australian Avenue shall be limited as follows:

- a. One sign (maximum of two tenants with project identification) 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 a monument style sign located within thirty (30) feet of the entrance on Australian Avenue per the July 27, 1999 Agreement for Purchase and Sale to Palm Beach County. (CO: BLDG)
2. **The proposed convenience store's freestanding point of purchase sign located at the Congress Avenue and Ranch House Road intersection shall be limited as follows:**
 - a. **One sign a maximum eight (8) 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) (Previously Condition P.2 of Resolution R-99-I 147, Petition PDD98-089)**
3. **Freestanding signs on Ranch House Road shall be limited as follows:**
 - a. **One multi-tenant 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 sign and located within thirty (30) feet of the project's entrance immediately east of the daycare on Ranch House Road; and,**
 - b. **One (1) multi-tenant sign a maximum eight (8) feet high, one on each side of Ranch House Road, 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 sign and be located on either side of the street, within thirty (30) feet of the project's easternmost entrances on Ranch House Road. (CO: BLDG) (Previously Condition P.3 of Resolution R-99-I 147, Petition PDD98-089)

4. **Freestanding signs on Congress Avenue 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 300 feet north of the intersecting right of way lines of Congress Avenue and Ranch House Road. (CO: BLDG) (Previously Condition P.4 of Resolution R-99-I 147, Petition PDD98-089)**
5. **Wall signage mounted on the buildings shall be limited to the north, south and west facades with frontages on Congress Avenue, Australian Avenue, or Ranch House Road. No signage shall be permitted on the gas station canopy. (BLDG PERMIT: BLDG -Zoning) (Previously Condition P.5 of Resolution R-99-I 147, Petition PDD98-089)**
6. **No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (Previously Condition P.6 of Resolution R-99-I 147, Petition PDD98-089)**
7. **No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning) (Previously Condition P.7 of Resolution R-99-I 147, Petition PDD98-089)**

Q. USE LIMITATION

1. Condition Q. 1 of Resolution R-99-I 147, Petition PDD98-089 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 March 22, 1999:

- a. **Pod A, Phase 1 - Convenience store with gas sales (3,400 sq. ft. w/ 8 fueling positions maximum);**
- b. **Pod B, Phase 2 - Professional office use (21,850 sq. ft. maximum) and other general land uses pursuant to Table 6.8-2, Section 6.4.D of the ULDC subject to approval by the Traffic Division;**
- c. **Pod C, Phase 3 -Warehouse use (142,897 sq. ft. maximum);**
- d. **Pod D -Open space or stormwater management purposes. Uses other than these shall be subject to future BCC approval;**
- e. **The general location of all retention and detention areas shall remain as indicated. Minor reconfiguration may be permitted to complywith applicable Palm Beach County and SFWMD permits; and,**

- f. **A maximum 1,000 sq. ft. increase above the 168,147 sq. ft. total gross floor area shall be permitted subject to approval by the Traffic Division.**

Is hereby amended to read:

1. Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated August 24, 2000:
 - a. Pod A, Phase 1 - Convenience store with gas sales (3,400 sq. ft. w/ 8 fueling positions maximum);
 - b. Pod B, Phase 2 - Professional office use (21,850 sq. ft. maximum) and other general land uses pursuant to Table 6.8-2, Section 6.4.D of the ULDC subject to approval by the Traffic Division;
 - c. Pod C, Phase 3 - Warehouse use (142,897 sq. ft. maximum);
 - d. The general location of all retention and detention areas shall remain as indicated. Minor reconfiguration may be permitted to comply with applicable Palm Beach County and SFWMD permits; and,
 - e. A maximum 1,000 sq. ft. increase above the 168,147 sq. ft. total gross floor area shall be permitted subject to approval by the Traffic Division. (DRC: ZONING)
2. **Hours of operation for all uses, including deliveries and stocking activities, shall be limited from 6:00 a.m. to 11:00 p.m. daily. The convenience store with gas sales use shall be excluded from this limitation.** (ONGOING: CODE ENF - Zoning) (Previously Condition Q.2 of Resolution R-99-I 147, Petition PDD98-089)
3. **Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the final site plan approved by the Development Review Committee.** (ONGOING: CODE ENF) (Previously Condition Q.3 of Resolution R-99-I 147, Petition PDD98-089)
4. **Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility.** (ONGOING: CODE ENF - Zoning) (Previously Condition Q.4 of Resolution R-99-I 147, Petition PDD98-089)
5. **The following uses shall be prohibited within the MUPD:**
 - a. **Broadcasting studio**
 - b. **Retail sales, mobile temporary or transient**
 - c. **Grain milling or processing**
 - d. **Amusements, temporary or special event**
 - e. **Air curtain incinerator**
 - f. **Chipping and mulching**
 - g. **Cornposting facility**
 - h. **Recycling facilities (i.e. recycling center, recycling collection station, recycling drop-off bin, and recycling plant.** (ONGOING: ZONING/CODE ENF) (Previously Condition Q.5 of Resolution R-99-1147, Petition PDD98-089)

R. 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 R.1 of Resolution R-99-I 147, Petition PDD98-089)**

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 R.2 of Resolution R-99-I 147, Petition PDD98-089)