

RESOLUTION NO. R-2001- 0246

RESOLUTION APPROVING ZONING PETITION **DOA1996-072(B)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF SOUTHERN DEVELOPMENT CORP  
BY ROBERT BASEHART, AGENT  
(WALGREENS)

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 **DOA1996-072(B)** was presented to the Board of County Commissioners at a public hearing conducted on February **22, 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; contingent upon the approval of Small Scale Development Amendment No. OI-SCA 83 COM 1.
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 DOA1996-072(B), the petition of Southern Development Corp, by Robert Basehart, agent, for a Development Order Amendment (DOA) to add land area, square footage, reconfigure site plan and modify/delete 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 February 22, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on **February 22, 2001** and shall be effective upon the effective date of Small Scale Development Amendment No. OI-SCA 83 COM 1.

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

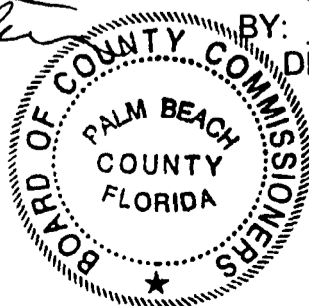


EXHIBIT A

LEGAL DESCRIPTION

**Parcel 1:**

The North 115 feet of the South 180 feet of the West 100 feet of the East 450 feet of Section 6, Township 45 South, Range 43 East, Palm Beach county, Florida, (a/k/a lot 9, Block 1, HYPOLUXO VILLAGE, AM/116 unrecorded Plat).

**Parcel 2:**

The North 125 feet of the South 305 feet of the West 100 feet of the East 350 feet of Section 6, Township 45 South, Range 43 East, Palm Beach County, Florida, (a/k/a Lot 3, Block 1, HYPOLUXO VILLAGE, Plat No. 1, unrecorded).

**Parcel 3:**

Lot Six (6), Block One, (I), HYPOLUXO VILLAGE, being an unrecorded plat in the SE 1/4 of Section 6, Township 45 South, Range 43 East. Beginning at a point which is 180 feet north and 550 west of the southeast corner of Section 6, Township 45 South, Range 43 East; thence north parallel to East line of said Section, 125 feet; thence west parallel to the south line of said Section, 125 feet; thence south parallel to the East line of said Section, 125 feet; thence east parallel to the South line of said Section, 125 feet to the point of beginning. Subject to an easement for road purposes over the north 25 feet and west 25 feet.

**Parcel 4:**

Lot 4, Block 1, HYPOLUXO VILLAGE, an unrecorded plat: said lot more particularly described as follows: The North 125 feet of the south 305 feet of the West 100 feet of the East 450 feet of Section 6, Township 45 South, Range 43 East.

**Parcel 5:**

Lot 8, Block 1, HYPOLUXO VILLAGE PLAT 1, an unrecorded Plat in the southeast 1/4 of Section 6, Township 45 south, Range 43 East, Palm Beach County, Florida. Beginning at a point which is 80 feet North and 450 feet West of The Southeast corner of Section 6, Township 45 South, Range 43 East; thence North parallel to the East line of said Section 100 feet; thence West parallel to the South line of said Section, 100 feet; thence South parallel to the East line of said Section, 100 feet; thence East parallel to the south line of said Section, 100 feet to the point of beginning.

**Parcel 6:**

Lot 7, Block 1, an unrecorded plat in the Southeast 1/4 of Section 6, Township 45 South, Range 43 East. Beginning at a point which is 80 feet North and 550 feet West of the Southeast corner of Section 6, Township 45 South, Range 43 East; thence North parallel to the east line of said Section, 100 feet; thence West parallel to the South line of said Section, 100 feet; thence South parallel to the East side of said Section, 100 feet; thence East parallel to the South line of said Section, 100 feet to the point of beginning. Subject to an easement for road purposes over the West 25 feet.

**Parcel 7:**

Lot 5, Block 1, HYPOLUXO VILLAGE PLAT NO. 1, an unrecorded plat in the Southeast 1/4 of Section 6, Township 45 South, Range 43 East. Beginning at a point which is 180 feet North and 450 feet West of the southeast corner of Section 6, Township 45 South, Range 43 East; thence North parallel to the East line of said Section, 100 feet; thence West parallel to the South line of said Section, 100 feet; thence South parallel to the East line of said Section, 100 feet; thence East parallel to the South line of said Section, 100 feet to the point of beginning. Subject to an easement for road purposes over the north 25 feet.

EXHIBIT A  
LEGAL DESCRIPTION

**Zank Parcel:**

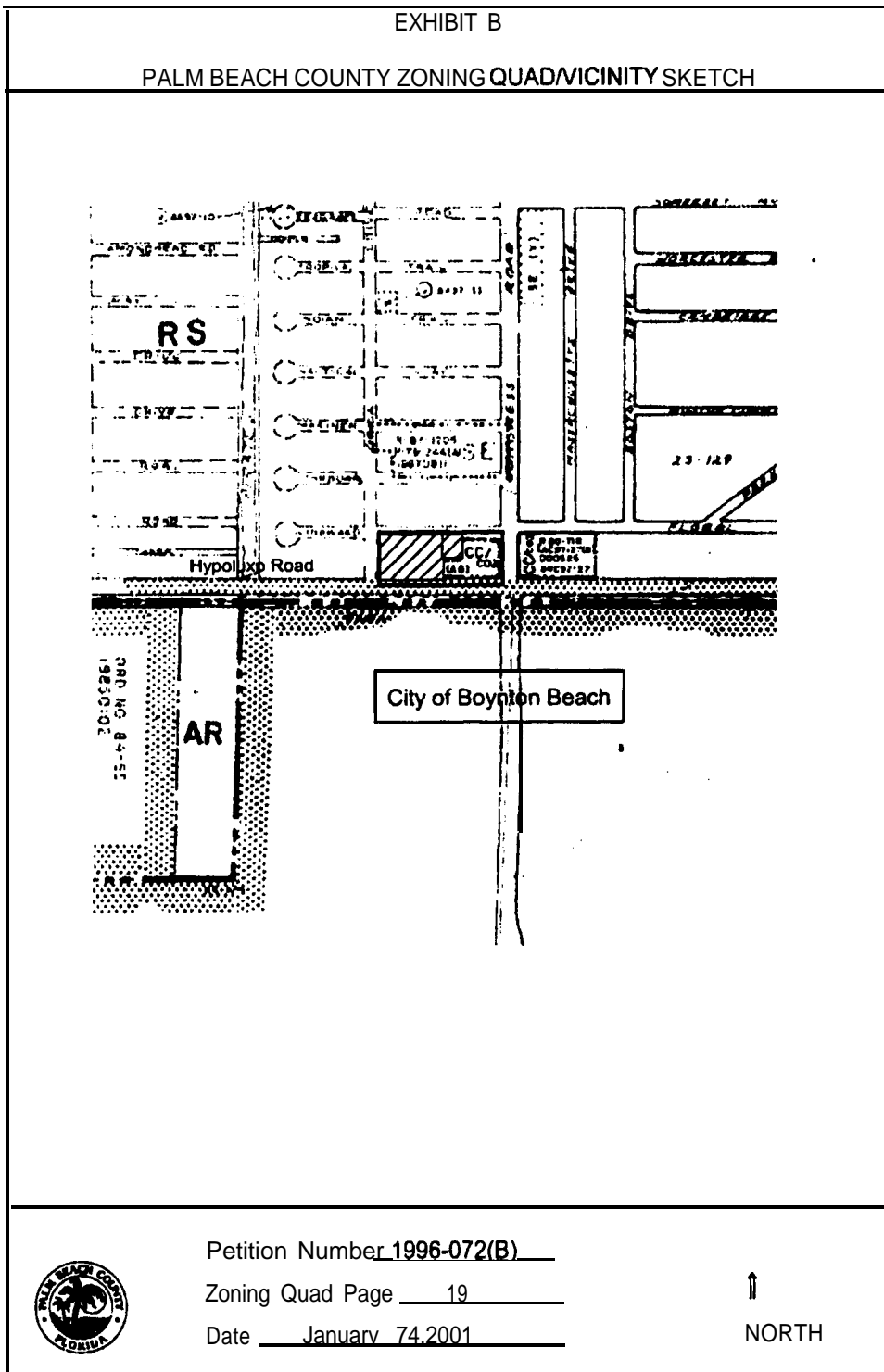
Lots 1, 2, 10, 11 and 12, Block 1, HYPOLUXO VILLAGE PLAT NO. 1, unrecorded, being more particularly described as follows:

Commencing at the Southeast corner of Section 6, Township 45 South, Range 43 East, said lands situate, lying, and being in Palm Beach County, Florida; thence North 00 degrees, 16 minutes, 56 seconds West along the East line of said Section 6, a distance of 80.02 feet; thence South 88 degrees, 26 minutes, 04 seconds West, parallel to the south line of said Section 6, a distance of 84.46 feet to the point of beginning; thence continue South 88 degrees, 26 minutes, 04 seconds West, a distance of 265.55 feet; thence North 00 degrees, 16 minutes, 56 seconds West, a distance of 100.00 feet; thence North 88 degrees, 26 minutes, 04 seconds East, a distance of 100.00 feet; thence North 00 degrees, 16 minutes, 56 seconds West, a distance of 100.00 feet; thence North 88 degrees, 26 minutes 04 seconds East, a distance of 164.43 feet; Thence South 45 degrees, 55 minutes 26 seconds East, a distance of 35.75 feet; thence South 00 degrees, 16 minutes, 56 seconds East, a distance of **149.98 feet**; thence south 44 degrees, 04 minutes, 34 seconds West, a distance of 34.96 feet to the point of beginning.

LESS and EXCEPT therefrom that portion as conveyed to Palm Beach County by Warranty Deed recorded October 16, 1997 in Official Records Book 10036, page 1571, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of Section 6, Township 45 South, Range 43 East, said lands lying, situate, and being in Palm Beach County, Florida; thence North 00 degrees, 16 minutes, 56 seconds West along the East line of said Section 6, a distance of 80.05 feet, thence South 88 degrees, 25 minutes, 07 seconds West, parallel with the South line of said Section 6, a distance of 84.43 feet to the point of beginning; thence South 88 degrees, 25 minutes, 07 seconds West along a line parallel with and 54 feet Northerly of the centerline of Hypoluxo Road, a distance of 264.05 feet; thence North 00 degrees, 14 minutes, 51 seconds West, a distance of 6.50 feet; thence North 88 degrees, 25 minutes, 07 seconds East along a line parallel with and 60.5 feet Northerly of the centerline of Hypoluxo Road, a distance of 233.36 feet; thence North 44 degrees; 04 minutes, 06 seconds East, a distance of 55.92 feet; thence North 00 degrees, 16 minutes, 56 seconds West along a line parallel with and 76.0 feet Westerly of the centerline of Congress Avenue, a distance of 146.21 feet; thence South 43 degrees, 58 minutes, 29 seconds East, a distance of 23.16 feet; thence South 00 degrees, 16 minutes, 56 seconds East along a line parallel with and 60 Westerly of the centerline of Congress Avenue, a distance of 150.25 feet; thence South 44 degrees, 01 minutes, 07 seconds West, a distance of 34.94 feet to the point of beginning.

EXHIBIT B  
VICINITY SKETCH



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Date January 74, 2001



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 Resolution R-97-0001 (Petition **96-072**), 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. 1 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 2, 1996. 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 site plan is dated December 12, 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. ACCESS

1. Condition B. 1 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**Vehicular ingress to the site shall be prohibited from Windward Drive. The site plan shall be redesigned to provide one way - right out only vehicular egress from the site to Windward Drive. (DRC: ZONING)**

Is hereby amended to read:

Access to the site shall be limited to Congress Avenue and Hypoluxo Road. (DRC: ZONING/PLANNING)

C. ARCHITECTURAL CONTROL

1. Condition C.I of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**Similar architectural character and treatment shall be provided on all sides of the building.** (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. Reason:[replaced with revised Condition C.2]

2. Condition C.2 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**The perimeter roof area shall be covered by a cement tile mansard roof.**  
(BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The exterior elevations of the building shall include the following:

- a. Varied building materials and textures;
  - b. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied 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;
  - c. Combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
  - d. Integrated design of gutters and downspouts into the architectural design of the building;
  - e. Similar architectural character and treatment shall be provided on all sides of the building;
  - f. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.);
  - g. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
  - h. All building entries shall be easily identifiable and integrated into the building's architecture.(DRC/BLDGPERMIT:ZONING/BLDG/ZONING)
3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for the principal structure, perimeter wall and trellis to the Zoning Division for review. Development shall be consistent with the architectural elevations prepared by Richard Wensing A. IA. and dated January 29, 2001 (revised February 13, 2001). (DRC: BLDG PERMIT - Zoning)

#### **D. BUILDING AND SITE DESIGN**

1. Total gross floor area shall be limited to a maximum of 15,035 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 and mechanical equipment including 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)

E. ENGINEERING

1. **Prior to June 1, 1997 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for**

**a) Congress Avenue, 76 feet from centerline; and [Completed]**

**b) Hypoluxo Road, 60.5 feet from centerline. [Completed]**

**This additional right of way shall be along the project's entire frontage, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING/Eng) (Previously Condition E.1 of Resolution R-97-0001, Petition Z/COZ96-072)**

2. Condition E.2 of Resolution R-97-0001, Petition Z/COZ96-072, which currently states:

**In order to comply with the mandatory Traffic Performance Standards, the Developer shall not be issued any further building permits for the site after January 1, 1999. This date may be adjusted by the County Engineer based upon an approved Traffic Study which complies with the Mandatory Traffic Performance Standards in place at the time of the request. (DATE/BLDG PERMIT: MONITORING/Eng)**

Is hereby deleted. [REASON: New traffic study has been submitted.]

3. Prior to January 1, 2002 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Hypoluxo Road, 60.5 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. The 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
4. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Hypoluxo Road and Congress Avenue to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)



5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - A) No Building Permits shall be issued until construction has begun for the widening of Hypoluxo Road as a 6-lane section from Lawrence Road to Congress Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
  - B) Prior to final DRC site plan approval, use of the property shall be restricted to a drive thru drug store by means of a restrictive covenant recorded in the public records. This condition shall remain in effect unless a revised traffic impact analysis is provided and approved. (DRC: Eng)
  
6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
  - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Hypoluxo Road and Congress Avenue Right-of-Way. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing 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 landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING- Eng)
  - B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owners 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 the first certificate of occupancy. If the roadway adjacent to the site is under construction at the time of the CO, then surety shall be posted for the required work with landscape material installed within 60 days notice to the developer that the road work has been completed. (CO: MONITORING- Eng)

- C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)
7. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF HYPOLUXO ROAD AND CONGRESS AVENUE
- 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 Hypoluxo Road and Congress Avenue 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. If the roadway adjacent to the site is under construction at the time of the CO, then surety shall be posted for the required work with landscape material installed within 60 days notice to the developer that the road work has been completed. (CO: MONITORING-Eng)
  - C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

8. Prior to the issuance of a building permit the Developer shall **plat** the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
9. The property owner shall pave Windward Drive from Congress Avenue to Florida Road to Palm Beach County construction standards concurrent with site development. Construction of this improvement shall be completed **prior to** the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng.)

F. DUMPSTER

1. Condition D. 1 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within seventy-five (75) feet of the west property line adjacent to the Hypoluxo Road access and shall be confined to the areas designated on the site plan.** (DRC / ONGOING: ZONING / CODE ENF)

Is hereby amended to read:

Prior to final DRC certification of the site plan, the petitioner shall relocate the dumpster/compactor from the 200 feet cross-hatched area. (DRC: ZONING/PLANNING)

G. HEALTH

1. Condition F. 1 of Resolution R-97-0001, Petition **Z/COZ96-072**, which currently states:

**Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter IOD-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Unit prior to final site plan approval.** (DRC: HEALTH)

Is hereby deleted. [REASON: No longer required.]

2. Condition F.2 of Resolution R-97-0001, Petition **Z/COZ96-072**, which currently states:

**Location of the proposed OSTDS shall be shown on site plan.** (DRC: HEALTH)

Is hereby deleted: [REASON: No longer required.]

3. The property owner shall extend potable water and sewer services along Windward Drive from Congress Avenue, to service homes along Windward east of Florida Road concurrent with site development. These improvements must be completed and accepted by the City of Lake Worth prior to the issuance of a Certificate of Occupancy. (CO: MONITORING - Health)

H. LANDSCAPING - STANDARD

1. Condition G.1 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**All trees required to be planted on site by this approval shall meet the following minimum standards at installation:**

- a. **Tree height: fourteen (14) feet.**
- b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

Fifty percent (50%) of the trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- 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 time of installation:**

- a. **Palm heights: twelve (12) feet clear trunk;**
- b. **Clustering: staggered heights twelve (12) to eighteen (18) feet; and**
- c. **Pruning: minimum six (6) fronds, no clipped or spiked cuts.**
- d. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**  
(Previously Condition G.2 of Resolution R-97-0001, Petition **Z/COZ96-072**)

- I. Condition H. 1 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

LANDSCAPING ALONG NORTH, SOUTH AND EAST PROPERTY LINES  
(ABUT-I-ING R-O-W)

1. **Landscaping and buffering along the north, south and east property lines shall be upgraded to include:**
- a. **A minimum fifteen (15) foot wide buffer;**
  - b. **One (1) canopy tree planted every twenty (20) feet on center;**

- c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; 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. (DRC / CO: ZONING / LANDSCAPE)**

Is hereby amended to read:

**LANDSCAPING ALONG THE NORTH PROPERTY LINE (ADJACENT TO WINDWARD DRIVE)**

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
  - b. a six (6) foot high opaque concrete wall to be installed along the north property line measuring a minimum of four hundred and seventy (470) feet and continuing southward measuring a minimum of one hundred sixty (160) feet and as shown on the site plan dated December 12, 2000. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)
- 2. The following landscaping requirements shall be installed on the exterior side of the required wall (on the northern portion of the wall):
  - a. one (1) canopy tree for each twenty (20) linear feet with a maximum spacing of forty (40) feet between clusters;
  - b. one (1) booted Sabal palm for each sixteen (16) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
  - c. 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)
- 3. The following landscaping requirements shall be installed on the exterior side of the required wall (on the southern portion of the wall):
  - a. a minimum of nine (9) native canopy trees,
- 4. Along the interior side of the required wall (entire length), the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

**J. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (HYPOLUXO ROAD AND CONGRESS AVENUE FRONTAGES)**

- 1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
  - b. a continuous two and one half (2.5) foot high berm measured from top of curb;

- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) booted Sabal palm for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters;
- e. three (3) Foxtail palms on both sides on each access point of the site; and,
- f. 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. A minimum fifty percent (50%) of the shrubs or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

K. Condition I of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

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

- a. **A minimum ten (10) foot wide landscape buffer strip; and**
- b. **A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DRC / CO: ZONING / LANDSCAPE)**

2. **The following landscaping requirements shall be installed on the exterior side of the required wall:**

- a. **One (1) canopy tree planted every twenty (20) feet on center;**
- b. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and**
- c. **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 forty-eight (48) inches. (DRC / CO: ZONING / LANDSCAPE)**

3. **Along the interior side of the required wall, the property owner shall install the following:**

- a. **One (1) canopy tree planted every twenty (20) feet on center;**
- b. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. (DRC /CO: ZONING/ LANDSCAPE)**
- c. **Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)**

Is hereby amended to read:

LANDSCAPING ALONG WEST PROPERTY LINE (FLORIDA ROAD FRONTAGE)

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

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
- b. one (1) canopy tree for each twenty (20) linear feet with a maximum spacing of forty (40) feet between clusters;
- c. one (1) booted Sabal palm for each sixteen (16) linear feet 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)

L. LANDSCAPING - INTERIOR

- 1. **Landscape islands shall be provided along the east and south facades of the structure. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRCICO: ZONING I LANDSCAPE) (Previously Condition J. 1 of Resolution R-97-0001, Petition Z/COZ96-072)**
- 2. Condition J.2 of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

**Landscape buffer areas shall be provided along the north and west facades of the structures. These buffers shall be located between the required perimeter buffers and the facades of the building and be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING/ LANDSCAPE)**

Is hereby deleted. Reason: [ no longer applicable].

M. LIGHTING

- 1. Condition K. 1 of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

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

Is hereby amended to read:

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 Security Code, shielded and directed down and **away** from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

- 2. **All outdoor light poles shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition K.2 of Resolution R-97-0001, Petition Z/COZ96-072)**
- 3. Condition K.3 of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

**All outdoor light poles over six (6) feet in height shall be located a minimum of thirty (30) feet from residentially zoned properties. (CO: BLDG - Zoning)**

Is hereby deleted. Reason: [ no longer applicable].

4. Condition K.4 of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

**All outdoor lighting, except security lighting, shall be extinguished no later than 10:00 p.m. daily. (ONGOING: CODE ENF)**

Is hereby amended to read:

All outdoor lighting, except security lighting, shall be extinguished no later than 12:30 a.m. daily. (ONGOING: CODE ENF)

5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

N. PARKING

1. **The parking area along the west property line shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (CO: BLDG) (Previously Condition L.1 of Resolution R-97-0001, Petition Z/COZ96-072)**

2. Condition L.2 of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

**Prior to final site plan certification, the parking area along the east property line shall be revised to reflect angled parking. (DRC: ZONING)**

Is hereby deleted. Reason:[ no longer applicable].

3. Condition L.3 of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

**Prior to final site plan certification, the site plan shall be revised to reflect a minimum queuing distance of twenty (20) feet between the property line and first parking space. (DRC: ZONING)**

Is hereby deleted. Reason:[ no longer applicable].

O. SIGNS

1. Condition M.1 of Resolution R-97-0001, Petition Z/COZ96-072 which currently states:

**Freestanding point of purchase signs on Congress Avenue and Hypoluxo Road shall be limited as follows:**

- a. **Maximum sign height, measured from finished grade to highest point - ten (10) feet;**
- b. **Maximum sign face area per side - 100 square feet:**



- c. **Maximum number of signs - one (1) each on Congress Avenue and Hypoluxo Road; and**
- d. **Style - monument style only. (CO: BLDG)**

Is hereby amended to read:

Freestanding point of purchase signs on Congress Avenue and Hypoluxo Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - sixty (60) square feet;
  - c. Maximum number of signs - one (1) each on Congress Avenue and Hypoluxo Road; and
  - d. **Style - monument style only. (CO: BLDG)**
2. No relocated billboards shall be permitted on **the site. (ONGOING/DRC: CODE ENF/ZONING)**
  3. Wall signs shall be limited to the south and east facades of the building. Wall signs shall be limited to twenty-four (24) inches high. Wall signs shall be limited to the tenant identification only. (CO: BLDG)
  4. No changeable type faced sign shall be allowed on the property. (ONGOING/BLDG PERMITS - Zoning)

P. USE LIMITATIONS

1. Condition A. 1 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**The subject property shall be restricted to the following:**

- a. **8,400 square feet of building with no drive-thru facilities. (BLDG PERMIT: BLDG)**
- b. **Retail general use. (ONGOING: ZONING/BUILDING)**

Is hereby deleted. Reason: [no longer applicable].

2. **The uses in the CC district will also be allowed, except for the following:**
  - a. **Automotive service station;**
  - b. **Car wash and auto detailing;**
  - c. **Convenience store, no gas sales;**
  - d. **Convenience store with gas sales;**
  - e. **Laundry services;**
  - f. **Lounge, cocktail;**
  - g. **Restaurant, fast food;**
  - h. **Restaurant, general;**
  - i. **Restaurant, specialty;**
  - j. **Retail sales, mobile, temporary or transient;**
  - k. **Vehicle inspection center;**
  - l. **Vehicle repair and related services, mobile minor;**
  - m. **Vehicle sales and rental;**
  - n. **Veterinary clinic. (ONGOING: ZONING/BUILDING) (Previous Condition N.2 of Resolution R-97-0001, Petition **Z/COZ96-072**)**

3. Condition N.3 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**Hours of business operation (open to the public) shall be limited to 8:00 a.m. to 9:00 p.m. daily. (ONGOING: ZONING/CODE ENF)**

Is hereby amended to read:

Hours of business operation (open to the public) shall be limited to 8:00 a.m. to 12:30. a.m. daily. The drive thru lane adjacent to the building may be open twenty four (24) hours daily and for the sale of pharmaceutical items only. (ONGOING: ZONING/CODE ENF)

4. Condition N.4 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**Prior to final site plan certification, the petitioner shall list the uses permitted in the CC district on the mylar submitted to Palm Beach County. (DRC: ZONING)**

Is hereby deleted. [conditions on mylar is a DRC requirement].

5. **The petitioner shall perpetually maintain the exterior side of all walls. Maintenance shall include the exterior surface of the wall, landscaping, irrigation and daily garbage/trash pick up. (ONGOING: CODE ENF)** (Previously Condition N.5 of Resolution R-97-0001, Petition **Z/COZ96-072**)
6. The west two hundred (200) feet of the site shall be restricted to retention, landscaping and parking use. No outdoor storage including dumpster/compactor is permitted in this area. (ONGOING: CODE ENF/PLANNING)
7. No overnight parking of vehicles allowed. (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 0.1 of Resolution R-97-0001, Petition **Z/COZ96-072** which currently states:

**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; 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.**

**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)**

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)