

RESOLUTION NO. R-2001-0612

RESOLUTION APPROVING ZONING PETITION PDD2000-091
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF FRANK RAINER, ANN THROGMORTON
ST. HERMANS ORTHODOX CHURCH
BY SARA LOCKHART, AGENT
(HYPOLUXO SQUARE)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2000-091 was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2001; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD2000-091, the petition of Frank Rainer, Ann Throgmorton, St. Hermans Orthodox Church by Sara Lockhart, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) and Community Commercial (CC) to Multiple Use Planned Development (MUPD) with a fast food restaurant on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 26, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 26, 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

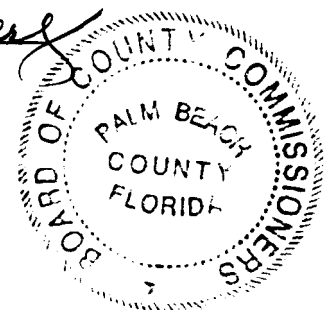


EXHIBIT A

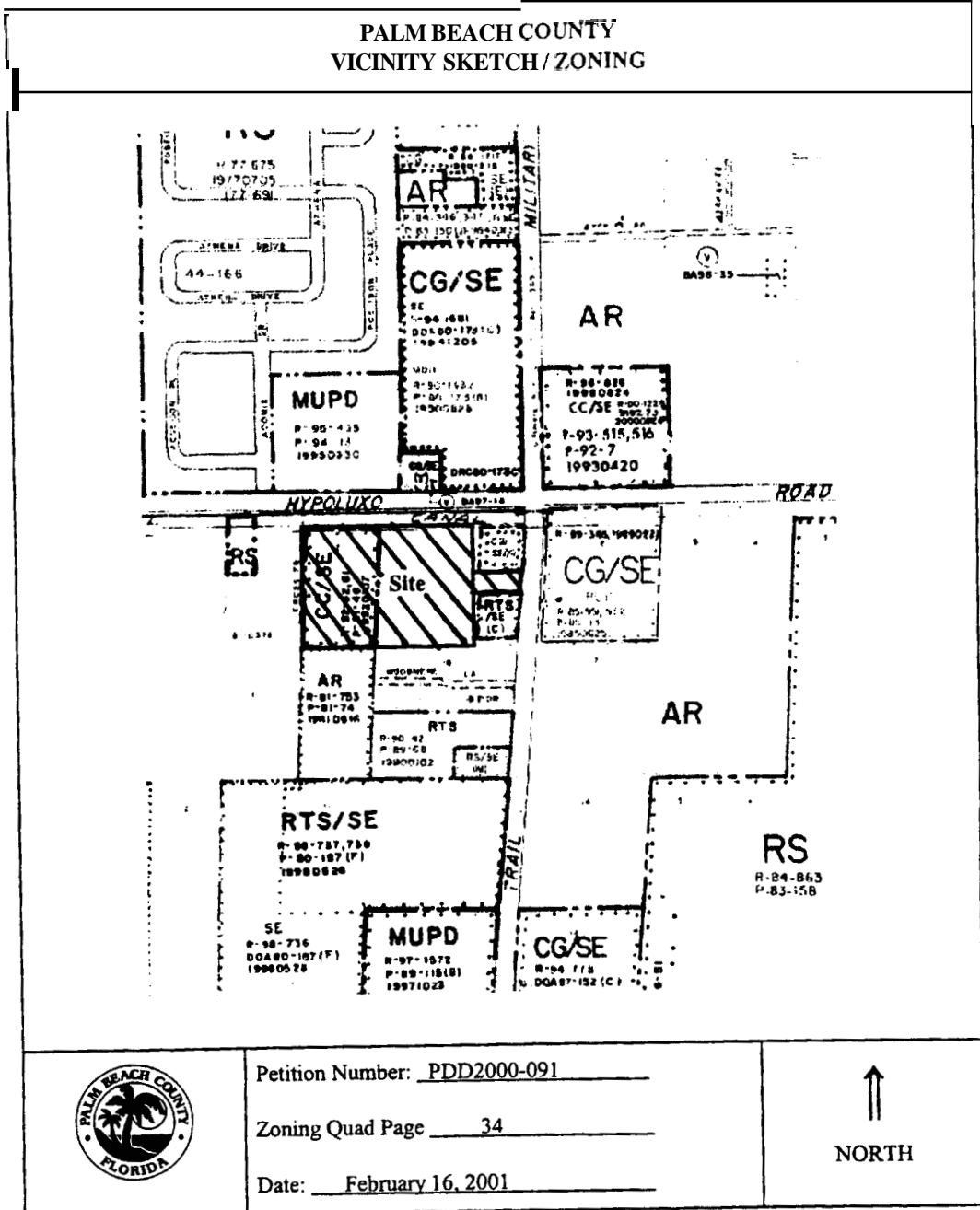
LEGAL DESCRIPTION

A PORTION OF TRACT 1 AND 2 IN THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, OF THE "AMENDED PLAT OF SEC. 12 IWP. 45 S. R. 42 E." ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9 AT PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SAID SECTION 12; THENCE RUN NORTH 88 DEGREES 50 MINUTES 22 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 12 FOR A DISTANCE OF 778.71 FEET TO A POINT; THENCE RUN SOUTH 03 DEGREES 28 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 53.04 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 88 DEGREES 50 MINUTES 22 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF L.W.D.D. L-18 CANAL FOR A DISTANCE OF 462.16 FEET TO A POINT; THENCE RUN SOUTH 03 DEGREES 11 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 287.18 FEET TO A POINT; THENCE RUN SOUTH 88 DEGREES 50 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 240.17 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE WEST, THE CENTER OF WHICH BEARS NORTH 86 DEGREES 03 MINUTES 08 SECONDS WEST FROM SAID POINT; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE (ALSO BEING THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL), HAVING A RADIUS OF 11,392.16 FEET, THRU A CENTRAL ANGLE OF 00 DEGREES 18 MINUTES 48 SECONDS, FOR AN ARC DISTANCE OF 62.30 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 12 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 190.69 FEET TO A POINT; THENCE RUN SOUTH 04 DEGREES 39 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 209.84 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 12 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 160.88 FEET TO A POINT; THENCE RUN NORTH 86 DEGREES 59 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 30.28 FEET TO A POINT; THENCE RUN SOUTH 04 DEGREES 39 MINUTES 09 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL 89 DEGREES 12 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 1080.07 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 52 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 624.88 FEET TO A POINT; THENCE RUN SOUTH 88 DEGREES 50 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 388.61 (CONTAINING: 566,481 SQUARE FEET)

EXHIBIT B
VICINITY SKETCH

EXHIBIT B



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EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 January 9, 2001. 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. (BLDG PERMIT: BLDG - Zoning)
2. The exterior elevations of all buildings shall include the following:
 - a. varied elevations shall be accomplished by horizontally offsetting or joggling the roof plane so that all roof lines shall not run in a continuous distance for more than 100 feet;
 - b. varied building materials and textures;
 - c. 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;
 - d. to avoid a blank wall appearance a combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, decorative columns or pilasters, recesses and projections, and/or quoins. Recesses and projections shall be a minimum of five (5) feet in width;
 - e. exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
 - f. all building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for all buildings to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
3. The same architectural character and treatment, including roof treatment, of the shopping center (Shoppes of Jonathan's Landings) located at the southeast corner of Indiantown Road and Alt. A1A, shall be provided on all sides of the proposed buildings. If the architectural treatments of Condition B.3 conflicts with Condition B.1, then the more restrictive of the two conditions shall be applied. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area for the entire MUPD shall be limited to a maximum of 79,697 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 and DRC. (DRC: ZONING)

2. The maximum height for all structures, including air conditioning, mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet for all buildings except for the grocery store which may 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)

D. LANDSCAPING- STANDARD

1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval (except for the south property line) shall be native booted Sabal palms and meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Military Trail at the project's north entrance. The right-of-way on Military Trail shall be a minimum of 210 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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. 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. (BLDG PERMIT: MONITORING-Eng)

2. The Property owner shall construct:
 - I) a merge lane, and associated directional median opening on Hypoluxo Road at this project main entrance (left out only). Palm Beach County shall reserve the right to adjust or close this median opening due to accident history or unacceptable traffic congestion as determined by the County Engineer.
 - II) Right turn lane north approach on Military Trail at the project entrance road.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

3. 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 widening of Hypoluxo Road as a 6 lane section from Military Trail to Congress Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

4. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS
 - 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 Military Trail Right-of-Ways. 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 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 the first certificate of occupancy. (CO: MONITORING- Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the 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 the first building permit. (BLDG PERMIT: MONITORING- Eng)

5. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF HYPOLUXO ROAD AND MILITARY TRAIL

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Hypoluxo Road and Military Trail right-of-way contiguous to the frontage. 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. 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 Palm Beach County 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 the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. 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 the first certificate of occupancy. (CO: MONITORING - Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the 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 the first building permit. (BLDGPERMIT:MONITORING-Eng)
 - 6. 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)
 - 7. Prior to technical compliance of the plat the Property Owner shall record a cross access easement with the adjacent gas station to the east. The location of the cross access easement shall be approved by the County Engineer and the content approved by the County Attorney. At the time of Construction of the right turn lane by the adjacent gas station this cross access shall be open to traffic. (TC ENGINEERING)
- F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (HYPOLUXO ROAD FRONTAGE)
- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted. A maximum five (5) foot easement encroachment of the buffer may be permitted as per ULDC requirements;
 - b. a minimum two (2) foot high continuous berm measured from top of curb;
 - c. one (1) canopy tree planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty (50) percent of the shrub or hedge materials be planted on plateau of the berm. (CO: LANDSCAPE)
- G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)
- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted except for the east two hundred and eighty (280) feet and the west three hundred thirty (330) feet of the south property line. These portions of the property line may be reduced in width as per Board of Adjustment approval and as per ULDC width reduction requirements. No landscape buffer shall be required for the opening of the roadway easement;
 - b. a continuous minimum two and half (2.5) foot high berm measured from top of curb. The required berm shall be exempted from the east 280 feet and the west 330 feet of the south property line;

- c. a six (6) foot high opaque concrete wall shall be installed on the entire length of the buffers and to be located on the plateau of the berm to provide an overall height of eight and one half (8.5) foot high measured from top of curb. The wall shall be located at grade in the area where the berm is not required,

The wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE)

2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) small canopy tree planted every twenty (20) feet on center;
 - b. one (1) small native palm for each thirty (30) linear feet with a maximum spacing of thirty (30) feet between clusters; and,
 - c. twenty-four (24) inch high shrub or hedge materials 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. Along the interior side of the required wall, the property owner shall install the following:
 - a. twenty-four (24) inch high shrub or hedge materials spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. In the area where climbing vine/trellis is installed, two (2) shrub or hedge materials may be replaced; and,
 - b. one (1) trellis with climbing vine installed at a minimum of thirty (30) feet on center. (CO: LANDSCAPE)
4. Installation of this buffer shall be completed prior to the issuance of the Certificate of Occupancy for the first building. (CO: LANDSCAPE)
5. Vehicular bollards shall be provided at the southwest corner of the buffer (intersection of south and west property lines) to prevent traffic from cutting through the buffer onto Cross Trail (71st Court South). (ONGOING: LANDSCAPE)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous minimum two (2) foot high berm measured from top of curb;
 - c. a six (6) foot high opaque concrete wall on the entire length of the buffers and to be located on the plateau of the berm to provide an overall height of eight (8) foot high measured from top of curb. The wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: 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 pinetree for each thirty (30) 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. Along the interior side of the required wall, the property owner shall install the following:
 - a. 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. In area where climbing vine/trellis is installed, two **(2)** shrub or hedge materials may be replaced; and,
 - b. one (1) trellis with climbing vine installed at a minimum of thirty (30) feet on center. (CO: LANDSCAPE)
 4. Installation of this buffer shall be completed prior to the issuance of the Certificate of Occupancy for the first building. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet, the width may be reduced to five **(5)** feet in areas east of the main entrance of the grocery store and in front of the liquor store;
 - b. The length of the required landscaped areas shall be no less than **40%** of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty **(20)** linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. Prior to final DRC certification of the site plan, the petitioner shall submit details of the focal points for the area in front of the General retail uses. These focal points shall be pedestrian oriented public areas and be in the form of a plaza, fountain, arcade or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)

J. 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 Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All lighting fixtures shall not exceed thirty (30) feet in height measured from finished grade to highest point and shall setback a minimum thirty-five (35) feet from the south and west property lines. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 12:30 a.m., excluding security lighting only. (ONGOING: CODE ENF)
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)

K. MASSTRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING-Eng)

L. MUPD

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

M. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with Recommendation #37 of the West Boynton Area Community Plan. To address this recommendation, the site plan shall be revised to include a shaded landscaped pathway/sidewalk system, excluding palm trees, along the walkways fronting the retail uses shown on the site plan and on the northern pedestrian access that leads to Hypoluxo Road. The applicant shall also submit cross section details depicting this shaded landscaped pathway/sidewalk system. (DRC: LANDSCAPE-Planning)

2. Prior to the issuance of the first certificate of occupancy (CO), mass transit stops shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall accommodate the requirement for a mass transit stop by providing pedestrian access and 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 contained, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING- Eng- Planning)

N. SIGNS

1. Freestanding sign fronting on Hypoluxo Road shall be limited as follows:
 - a. maximum number of signs -three (3).
 - i. Signs A and C
 - a. maximum sign height - six (6) feet measured from the adjacent sidewalk to the highest point;
 - b. maximum sign face area per side - sixty (60) square feet;
 - c. monument style only. (CO: BLDG)
 - ii. Sign B
 - a. maximum sign height -fifteen (15) feet measured from the adjacent sidewalk to the highest point;
 - b. maximum sign face area per side - one hundred and fifty (150) square feet;
 - c. monument style only. (CO: BLDG)
2. Freestanding sign fronting on Military Trail shall be limited as follows:
 - a. maximum sign height - fifteen (15) feet measured from the adjacent sidewalk to the highest point;
 - b. maximum sign face area per side - one hundred and fifty (150) square feet
 - c. maximum number of signs - one (1); and,
 - d. monument style only. (CO: BLDG)
3. Wall signs (per single tenant) shall be limited to the north and west facades of each building. Lettering size of wall signs shall be limited to a height of twenty-four (24) inches, except for the grocery store which may be permitted to increase the lettering size to thirty-six (36) inches in height. (CO: BLDG)

O. USE LIMITATIONS

1. Hours of operation for retail business activities, excluding deliveries, shall be 7:00 a.m. to 11:00 p.m. for all uses. Deliveries shall be permitted between 7:00 a.m. to 9:00 p.m. (ONGOING: CODE ENF - Zoning)
2. Hours of operation for the fast food restaurant, including business activities and deliveries, shall be 6:00 a.m. to 11:00 p.m. weekdays and 12:00 a.m. weekends. Deliveries shall be permitted between 7:00 a.m. to 9:00 p.m. (ONGOING: CODE ENF - Zoning)

3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF)
4. No outdoor storage of any materials, pallets, refuse, equipment or accumulated debris shall be allowed in the rear of the shopping center. (CODE ENFORCEMENT)
5. All storage areas shall be screened on all four sides. The storage area shall be enclosed by a minimum eight (8) foot high concrete block or panel wall. A solid, opaque gate shall be provided at the opening of the enclosure. All heights shall be measured from finished grade to the highest point of the enclosure. (BLDG/CODE ENF)

P. 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. 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)