

RESOLUTION NO. R-2001-2068

RESOLUTION APPROVING ZONING PETITION DOA1998-013(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SOUTHERN DEVELOPMENT SERVICES
BY JOE LELONEK, AGENT
(MILITARY LANTANA 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 DOA1998-013(B) was presented to the Board of County Commissioners at a public hearing conducted on November 29, 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 DOA1998-013(B), the petition of Southern Development Services, by Joe Lelonek, agent, for a Development Order Amendment (DOA) to reconfigure site plan and to allow restaurant, fast food 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 29, 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, Chairman	-	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 November 29, 2001.

Filed with the Clerk of the Board of County Commissioners on 29 day of November, 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

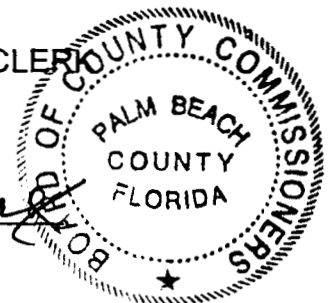


EXHIBIT A

LEGAL DESCRIPTION

BEING A PORTION OF LOTS 1 AND 2, HIATUS TRACT 37, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN LOTS 1 AND 2, HIATUS TRACT 37, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER SECTION CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE NORTH 88 DEGREES, 29 MINUTES, 42 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 467.95 FEET; THENCE SOUTH 01 DEGREE, 30 MINUTES, 18 SECONDS WEST, ALONG A LINE PERPENDICULAR TO SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 36, A DISTANCE OF 44.74 FEET TO THE SOUTH RIGHT OF WAY LINE OF LANTANA ROAD AS DESCRIBED IN THAT CERTAIN AGREED ORDER OF TAKING AND FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 5543, PAGE 1966 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREE, 30 MINUTES, 18 SECONDS WEST ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 458.67 FEET TO THE INTERSECTION WITH A LINE 55.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 2, HIATUS TRACT 37, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST; THENCE NORTH 89 DEGREES, 26 MINUTES, 54 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 778.07 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 2358.67 FEET AND A RADIAL BEARING OF SOUTH 72 DEGREES, 20 MINUTES, 49 SECONDS WEST AT SAID INTERSECTION, SAID CURVE IS ALSO THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL AS DESCRIBED IN SAID AGREED ORDER OF TAKING AND FINAL JUDGEMENT; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE OF MILITARY TRAIL AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 DEGREES, 32 MINUTES, 27 SECONDS, A DISTANCE OF 22.27 FEET TO THE POINT OF TANGENCY; THENCE NORTH 18 DEGREES, 11 MINUTES, 38 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE OF MILITARY TRAIL, A DISTANCE OF 409.50 FEET; THENCE NORTH 53 DEGREES, 22 MINUTES, 00 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE OF MILITARY TRAIL, A DISTANCE OF 28.80 FEET; THENCE NORTH 88 DEGREES, 32 MINUTES, 21 SECONDS WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD, SAID SOUTH RIGHT OF WAY LINE BEING 52.50 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 140.33 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 2767.29 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02 DEGREES, 15 MINUTES, 49 SECONDS, A DISTANCE OF 109.33 FEET TO A NON-TANGENT INTERSECTION; THENCE NORTH 83 DEGREES, 58 MINUTES, 54 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD, A DISTANCE OF 202.64 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 2821.79 FEET AND A RADIAL BEARING OF SOUTH 00 DEGREES, 55 MINUTES, 49 SECONDS WEST AT SAID INTERSECTION; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES, 11 MINUTES, 21 SECONDS, A DISTANCE OF 157.06 FEET TO THE POINT OF BEGINNING

EXHIBIT B
VICINITY SKETCH

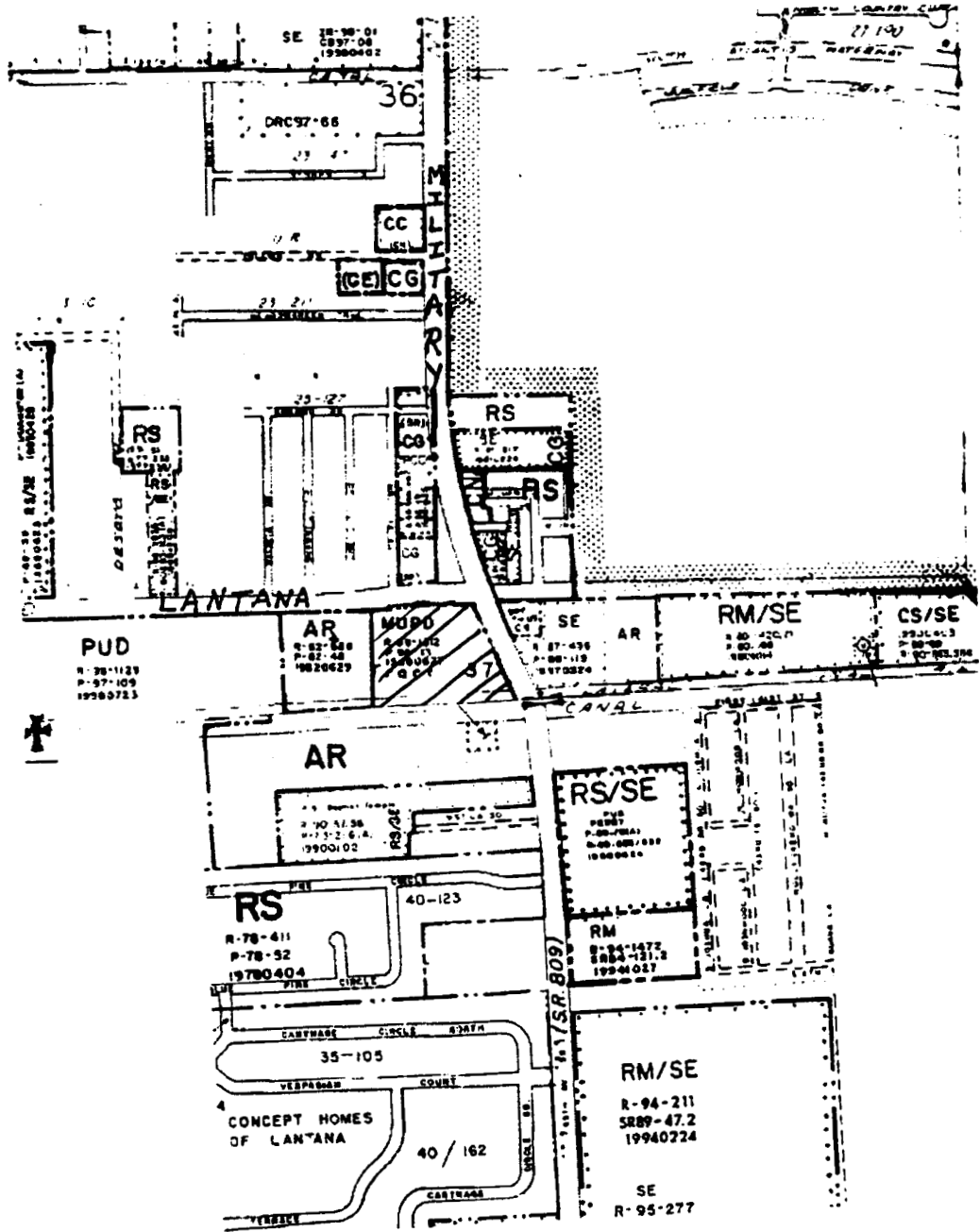


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-1312 (Petition 98-13) has 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-98-1312, Petition PDD98-13 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 June 9, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 23, 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 building. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.1 of Resolution R-98-1312, Petition PDD98-13)
2. Exterior storage and loading areas shall be screened from view and integrated into the building design. (BLDG PERMIT: MONITORING - Bldg) (Previously Condition B.2 of Resolution R-98-1312, Petition PDD98-13)
3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations of the fast-food restaurant to the Architectural Review Section of the Zoning Division for review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Developments shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures (except Building No. 1), including air conditioning and mechanical equipment, shall be one story and not exceed twenty-five (25) feet measured from finished grade to highest point. Building No. 1 in the northeast portion of the property shall not exceed thirty (30) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previously Condition C.1 of Resolution R-98-1312, Petition PDD98-13)

2. All air conditioning and mechanical equipment 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 C.2 of Resolution R-98-1312, Petition PDD98-13)

D. LANDSCAPING - STANDARD

1. All right of way frontage trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen **(14)** feet;
 - b. Trunk diameter: 3.5 inches measured **4.5** feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at **3** points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition D.1 of Resolution R-98-1312, Petition PDD98-13)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve **(12)** feet clear trunk;
 - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition D.2 of Resolution R-98-1312, Petition PDD98-13)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning) (Previously Condition D.3 of Resolution R-98-1312, Petition PDD98-13)
4. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the south 170 feet of the east property line and the east 330 feet of the south property line where existing native vegetation may affect the proposed landscaping in the required buffers. (DRC: LANDSCAPE-Zoning/Planning)
5. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE)

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:
 - a. The construction of a right turn lane on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 200 feet in storage length, twelve feet in width 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. (COMPLETE)

- b. Additional right of way to provide for an expanded intersection on Lantana Road at Military Trail as shown on the current site plan, drawing number 5971SP27.DOG Dated 2/18/98. 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) (Previously Condition E.1 of Resolution R-98-1312, Petition PDD98-13) (COMPLETE)
- 2. Prior to January 1, 1999 the property owner shall convey a temporary roadway construction easement along Lantana Road and Military Trail 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. (DATE: MONITORING-Eng) (Previously Condition E.2 of Resolution R-98-1312, Petition PDD98-13) (COMPLETE)
- 3. The Property owner shall:
 - A) Modify the existing median opening on Lantana Road at Cherokee Drive to provide for a directional median opening in accordance with the County Engineers approval.
 - 1) This Construction shall be concurrent with building permits for more than 16,000 square feet of commercial area. 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 relocation of the existing pedestrian pathway.
 - 2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of building permits for more than 16,000 square feet of commercial area. (BLDG PERMIT: Monitoring- Eng)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for more than 16,000 square feet of commercial area.
 - B) Construct a right turn lane north approach on Military Trail at the projects entrance
 - 1) All 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 relocation of the existing pedestrian pathway.
 - 2) 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)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previously Condition E.3 of Resolution R-98-1312, Petition PDD98-13)

4. 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 6 laning of Lantana Road from Military Trail to Congress Avenue. (BLDG PERMIT: MONITORING-Eng)(Previously Condition E.4 of Resolution R-98-1312, Petition PDD98-13) (COMPLETE)

5. 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 for a permit to landscape the adjacent median of Lantana Road and Military Trail right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County . When permitted by Palm Beach County Department of Engineering and Public Works, 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 Street scape 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 Street scape 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.6.A of Resolution R-98-1312, Petition PDD98-13) (COMPLETE)

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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng) (Previously Condition E.6.B of Resolution R-98-1312, Petition PDD98-13) (COMPLETE)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG. PERMIT: MONITORING - Eng.) (Previously Condition E.6.C of Resolution R-98-1312, Petition PDD98-13) (COMPLETE)

6. LANDSCAPE WITHIN MEDIAN OF MILITARY TRAIL AND LANTANA ROAD

A. Prior to issuance of the next 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 both Lantana Road and Military Trail Right-of-way. Landscaping shall consist of:

- Concrete median cut out strips

As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and median plantings are permitted, the Landscape Material within the roadway median shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system for the median cutouts 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 next 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 next building permit. (BLDG PERMIT: MONITORING- Eng)

- 7. The Property owner shall modify the existing median opening on Military Trail 900 feet south of Lantana Road to provide for a directional median opening allowing for only northbound left turns.
 - A) This construction shall be concurrent with additional 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.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the next Building Permit. (BLDG PERMIT: MONITORING- Eng)
 - C) Construction shall be completed prior to the issuance of the next Certificate of Occupancy. (CO: MONITORING- Eng)

F. LANDSCAPING ALONG MILITARY TRAIL AND LANTANA ROAD

- 1. **Landscaping and buffering along the Military Trail and Lantana Road property lines shall include:**
 - a. **A minimum twenty (20) feet wide landscape buffer strip with a maximum five (5) feet overlap in the existing ten (10) feet utility easement for an overall twenty-five (25) feet width;**

- b. An undulating berm with an average height of two (2) feet. This berm shall be a minimum one (1) foot and a maximum of three (3) feet in height. The berm with groundcover and hedge material shall be a minimum three (3) feet high at time of installation measured from the top of curb.
- c. One (1) canopy tree planted for each twenty (20) linear feet, with a maximum spacing of twenty-five (25) feet on center;
- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE / CODE ENF - Zoning) (Previously Condition F.1 of Resolution R-98-1312, Petition PDD98-13)

G. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES

Condition G.1 of Resolution R-98-1312, Petition PDD98-13 which currently states:

- 1. Landscaping and buffering along the south and west property lines shall include:
 - a. A six (6) foot high black colored vinyl coated chain link fence.
 - 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, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; 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 sixty (60) inches. (CO: LANDSCAPE)

It is hereby amended to read:

Landscaping and buffering along the south and west property lines shall include:

- a. a minimum ten (10) foot wide buffer along the south property line and a minimum of fifteen (15) foot wide buffer for the west property line. No width reductions or easement encroachments shall be permitted;
 - b. a six (6) foot high black colored vinyl coated chain link fence. (CO: LANDSCAPE)
- 2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) canopy tree planted every twenty (20) feet on center;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - 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 fence, 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 seventy-two (72) inches. (CO: LANDSCAPE)

H. LIGHTING

1. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition H. 1 of Resolution R-98-1312, Petition PDD98-13)
2. Condition H.2 of Resolution R-98-1312, Petition PDD98-13 which currently states:

The minimum setback for all free-standing light poles structures adjacent to the south and west property lines shall be forty (40) feet. (DRC: ZONING)

Is hereby amended to read:

The minimum setback for all free-standing light poles structures adjacent to the south property line shall be twenty-five (25) feet. The minimum setback for all free-standing light poles structures adjacent to the west property line shall be forty (40) feet. (DRC: ZONING)

3. 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) (Previously Condition H.3 of Resolution R-98-1312, Petition PDD98-13)

I. MASSTRANSIT

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 I.1.A of Resolution R-98-1312, Petition PDD98-13)
- 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 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. (BLDG PERMIT: MONITORING- Eng) (Previously Condition I.1.B of Resolution R-98-1312, Petition PDD98-13)

J. PARKING

1. Previously Condition J.1 of Resolution R-98-1312, Petition PDD98-13 which currently states:

All delivery and/or loading areas within two hundred (200) feet of the south or west property lines shall be screened from view by a twelve (12) foot high wing wall, measured from finished grade to highest point.

The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG – Zoning)

Is hereby amended to read:

All delivery and/or loading areas within two hundred (200) feet of the west property line shall be screened from view by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG – Zoning)

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 J.2 of Resolution R-98-1312, Petition PDD98-13)

K. RECYCLE OIL

1. Condition K. 1 of Resolution R-98-1312, Petition PDD98-13 which currently states:

The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ONGOING: HEALTH)

Is hereby deleted. Reason: [the petitioner requested the deletion of general repair maintenance].

L. SIGNS

All signage on the property shall be limited as follows;

1. Freestanding point of purchase sign at the northeast corner of the property shall be:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1);
 - d. Monument style only. (CO/BLDG PERMIT: BLDG) (Previously Condition L. 1 of Resolution R-98-1312, Petition PDD98-13)
2. Freestanding point of purchase signs fronting on Military Trail and Lantana Road shall be:
 - 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) for each frontage;
 - d. Monument style only; and
 - e. Location - within twenty-five (25) feet of driveway. (CO/BLDG PERMIT: BLDG) (Previously Condition L.2 of Resolution R-98-1312, Petition PDD98-13)
3. Wall signage shall be limited to the north and east facades of the buildings. (CO/BLDG PERMIT: BLDG) (Previously Condition L.3 of Resolution R-98-1312, Petition PDD98-13)
4. No off-premise signs or billboards shall be permitted on the property. (ONGOING/DRC: CODE ENF/ZONING) (Previously Condition L.4 of Resolution R-98-1312, Petition PDD98-13)

M. USE LIMITATIONS

1. Condition M.1 of Resolution R-98-1312, Petition PDD98-13 which currently states:

Hours of operation for the General Repair shall be limited from 7:00 a.m. to 7:00 p.m. Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sundays. (ONGOING: CODE ENF)

Is hereby deleted. Reason: [the petitioner requested the deletion of general repair maintenance].

2. Condition M.2 of Resolution R-98-1312, Petition PDD98-13 which currently states:

Vehicles shall not be tested off-site on residential streets. (ONGOING: CODE ENF)

Is hereby deleted. Reason: [the petitioner requested the deletion of general repair maintenance].

3. Condition M.3 of Resolution R-98-1312, Petition PDD98-13 which currently states:

There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF)

Is hereby deleted. Reason: [the petitioner requested the deletion of general repair maintenance].

N. 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 N.1 of Resolution R-98-1312, Petition PDD98-13)

2. Condition N.2 of Resolution R-98-1312, Petition PDD98-13 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; 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)

It 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 Code Enforcement Special Master 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)