

RESOLUTION NO. R-2002-0299

RESOLUTION APPROVING ZONING PETITION EACI990-030(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FOUNTAINS OF BOYNTON ASSOCIATES, LTD.
BY ROBERT E. BASEHART, AGENT
(FOUNTAINS OF BOYNTON)

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 EACI990-030(F) was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2002; 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 EAC1990-030(F), the petition of Fountains of Boynton Associates, Ltd., by Robert E. Basehart, agent, for a Development Order Amendment/Expedited Application Consideration to reconfigure site plan, to add parking garage and increase building height 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 28, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 28, 2002.

Filed with the Clerk of the Board of County Commissioners on 12 day of March, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


DEPUTY CLERK

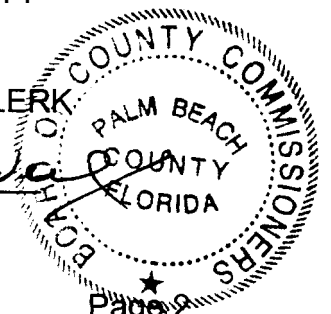


EXHIBIT A
LEGAL DESCRIPTION

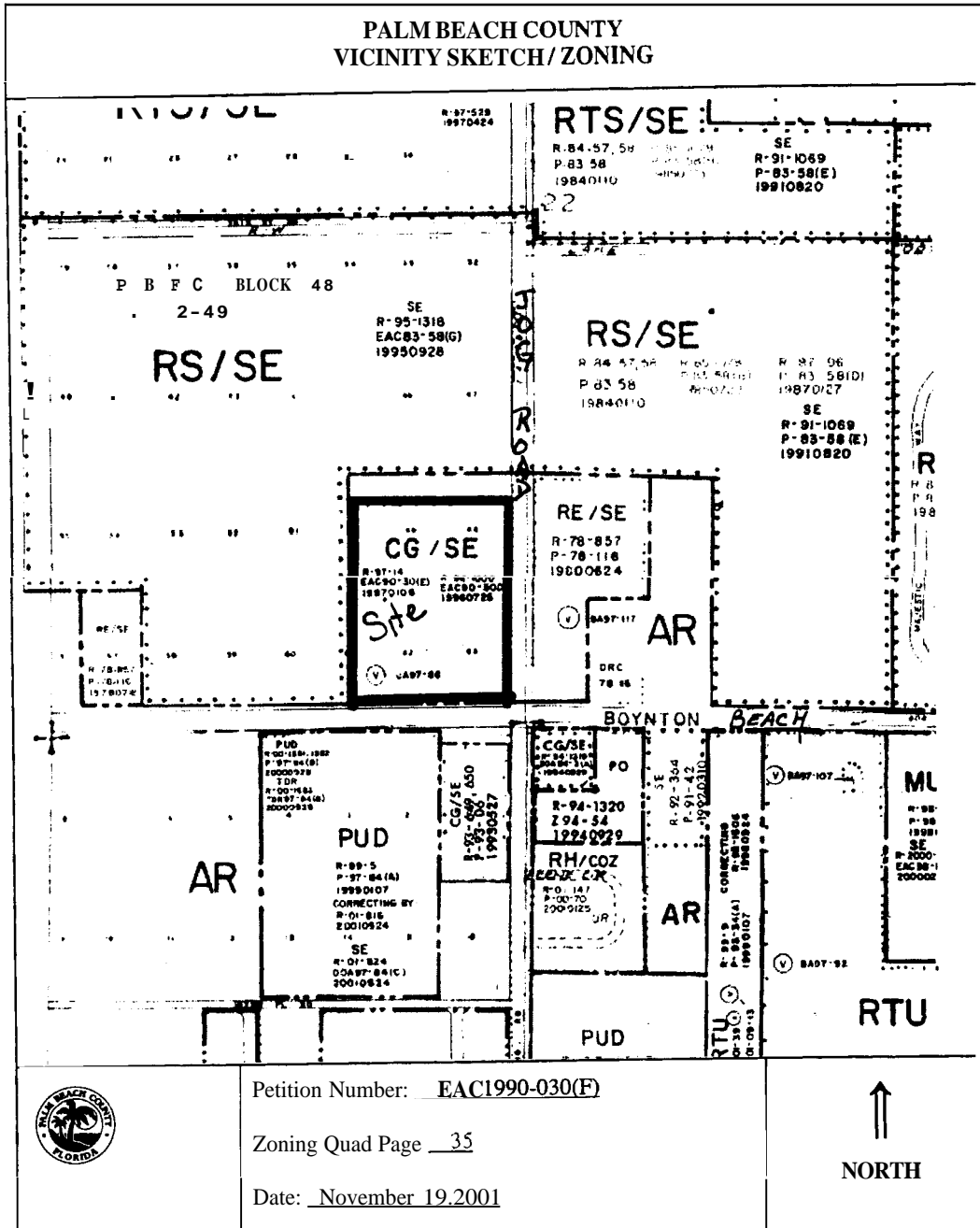
A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE PLAT OF "FOUNTAINS OF BOYNTON", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 74, PAGES 57 AND 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 24.133 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B



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EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Condition A.1 of Resolution 97-0014, Petition 90-030(E), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution 92-1813, Zoning Petition **90-30(A)**; Resolution 94-106, Zoning Petition **90-30(B)**; Resolution R-96-0011, Zoning Petition **90-30(C)**; and Resolution R-96-1000, Petition **90-30(D)** have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for compliance with time certain conditions, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution 97-0014, Petition 90-030(E), have been consolidated as contained herein. The petitioner shall comply will all previous conditions of approval, including original deadlines for compliance with time certain conditions, unless expressly modified. (ONGOING: MONITORING)

2. Condition A.2 of Resolution R-97-0014, Petition 90-30(E), which currently states:

Development of the site is limited to the structures and site design approved by the Board of County Commissioners. The approved site plan is dated 8/28/96. No new or additional structures shall be permitted. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval.

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated November 16, 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. (DRC: ZONING)

3. Condition A.3 of Resolution R-97-0014, Petition EAC90-30(E), 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, used tires and batteries.

Is hereby deleted. [REASON: Redundant condition.]

B. ARCHITECTURAL CONTROL

1. **The north and west sides of each building shall be given architectural treatment consistent with the front facade.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition R.4 of Resolution R-97-0014, Petition EAC90-30(E))
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the office building. (BLDG PERMIT: BLDG - Zoning)
3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations 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 per Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
4. Condition R.1 of Resolution R-97-0014, Petition EAC90-30(E), which currently states:

The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet except as permitted by Section 6.5.H.4. (Exceptions to Height Regulations) of the ULDC.

Is hereby amended to read:

The maximum height for all structures (excluding office building) including air conditioning, mechanical equipment, satellite dishes, and rooftop equipment screening shall not exceed thirty-five (35) feet in height, unless permitted by Section 6.5.H.5 (Exceptions to Height Restrictions) of the ULDC. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

5. The maximum height for the proposed office building including air conditioning, mechanical equipment, satellite dishes, and rooftop equipment screening shall not exceed forty-two (42) feet in height. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
6. **All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area.** (BLDG PERMIT: BLDG - Zoning) (Previously Condition R.3 of Resolution R-97-0014, Petition EAC90-30(E))
7. At time of submittal for final DRC, the north elevation of the proposed office building shall be revised to include the following:
 - a. Additional decorative grills and planters at the garage openings;
 - b. Additional decorative architectural features at the center portion of the elevation, similar to those of the south elevation, to provide relief to the facade and roofline. These features shall include, but not be limited to, decorative bandings at varied heights or articulated parapets, medallions or decorative tile inserts, balconies with decorative railings, columns, and decorative cornices; and,
 - c. Additional roof breaks or change in roof planes at the center portion of the elevation. The roof offset shall be minimum depth of five feet along the north-south direction and a minimum length of thirty feet along the east-west direction. An equivalent alternative may be submitted to the Architectural Review Section of the Zoning Division for approval. (DRC: ZONING - Zoning)

C. AUTO SERVICE STATION (Gas Station Only)

1. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (ONGOING: CODE ENF -Zoning) (Previously Condition C.1 of Resolution R-97-0014, Petition EAC90-30(E))

D. DAY CARE

1. The day care center shall be limited to a maximum of **252** students. (ONGOING: CODE ENF -Zoning) (Previously Condition D.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. The petitioner shall provide a minimum of one native canopy tree per 750 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area. (LANDSCAPE - Zoning) (Previously Condition D.2 of Resolution R-97-0014, Petition EAC90-30(E))
3. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (**14**) foot tall native canopy trees placed twenty (20) feet on center and twenty-four (**24**) inch high hedge or shrub material placed twenty-four (**24**) inches on center. (LANDSCAPE - Zoning) (Previously Condition D.3 of Resolution R-97-0014, Petition EAC90-30(E))
4. The site plan shall be amended to reflect five (5) drop-off stalls a minimum of twelve (**12**) feet wide by twenty (**20**) feet in length. The required drop off spaces shall be located adjacent to the building. (DRC: ZONING -Zoning) (Previously Condition D.4 of Resolution R-97-0014, Petition EAC90-30(E))
5. The site plan shall be amended to reflect a four (**4**) foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance. (DRC: ZONING - Zoning) (Previously Condition D.5 of Resolution R-97-0014, Petition EAC90-30(E))

E. ENGINEERING

1. Condition E.1 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain the stormwater runoff generated by a three (**3**) year-one (**1**) hour storm with a total rainfall of **3** inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. Reason: Drainage requirements are code requirements.

2. Condition E.2 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
(ENG)

Is hereby deleted. Reason: Drainage requirements are code requirements.

3. Prior to June 1, 1991 or issuance of the first Building Permit, whichever shall first occur, the property owners shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for:
- a. Jog Road, 60 feet from centerline. [Completed]
 - b. Boynton Beach Boulevard, 60 feet from centerline. [Completed]
 - c. Sufficient right-of-way to provide for an expanded intersection at Jog Road and Boynton Beach Boulevard. [Completed]
 - d. The construction of a right turn lane on Jog Road and the project's main entrance and at Boynton Beach Boulevard and the project's main entrance road, in addition to the right-of-way for the six-lane roadway. This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of 180 feet. [Completed]

All Road Right of Way shall be free of encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (MONITORING-Eng) (Previously Condition E.3 of Resolution R-97-0014, Petition EAC90-30(E))

4. The Property owner shall construct:
- a. at the project's main entrance onto Boynton Beach Boulevard:
 - 1) right turn lane, east approach, concurrent with the 4/6-laning of Boynton Beach Boulevard by the Florida Department of Transportation.
 - b. at the project's main entrance onto Jog Road:
 - 1) left turn lane, south approach, and [Completed]
 - 2) right turn lane, north approach (this turn lane may be part of the third lane construction by the developer). [Completed]
 - c. at the project's entrance road and Lakeside Boulevard:
 - 1) left turn lane, north approach. This construction shall be completed prior to the issuance of a Certificate of Occupancy.
 - d. at the project's north and south entrance onto Jog Road:
 - 1) right turn lane, north approach (this turn lane may be a part of the third lane construction by the developer). [Completed]

Turn lanes identified in "b", "c", "d", shall be constructed concurrent with onsite paving and drainage permits issued from the office of the County Engineer. All turn lanes construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG-Eng) (Previously Condition E.4 of Resolution R-97-0014, Petition EAC90-30(E))

5. Condition E.5 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

Access onto Jog Road from the project's south entrance shall not be permitted until Jog Road has been constructed as a 4 lane median divided section north of the project's entrance road. When this section of Jog Road has been 4-laned no median opening shall be permitted on Jog Road at this entrance. (ENG)

Is hereby deleted. Reason: Jog Road has now been widened and median openings for Jog Road are regulated by Palm Beach County.

6. Condition E.6 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Credit for road construction of Jog Road may be credited toward the fair share fee as approved by the County Engineer. (ENG)

Is hereby deleted. Reason: Impact fees are code requirements.

7. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. (ENG) (Previously Condition E.7 of Resolution R-97-0014, Petition EAC90-30(E))

8. Prior to site plan approval, the property owner shall submit a separate Signing and Pavement Marking Plan to the County Engineer. This Signing and Pavement Marking Plan shall be approved prior to a Paving and Drainage Permit. (ENG) (Previously Condition E.8 of Resolution R-97-0014, Petition EAC90-30(E)) [Ongoing]

9. Condition E.9 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the proposed retail tire store at the time of the Building Permit presently is \$22,440 (408 trips X \$55.00 per trip). (IMPACT FEE COORD)

Is hereby deleted. Reason: Impact fees are code requirements.

F. DUMPSTER

1. Receptacles (i.e. dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of the north property line. (ONGOING/BLDG PERMIT: CODE ENF/BLDG - Zoning) (Previously Condition F.1 of Resolution R-97-0014, Petition EAC90-30(E))

2. All areas or receptacles (**i.e.** dumpsters) for the storage and disposal of trash, garbage or vegetation shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscuring opaque gate. Enclosures shall be landscaped with **thirty-six (36)** inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians. (BLDG PERMIT:BLDG-Zoning)(Previously Condition F.2 of Resolution R-97-0014, Petition EAC90-30(E))

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances -fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (ERM) (Previously Condition G.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. The proposed car wash shall have a **100%** water recycling system. (ERM) (Previously Condition G.2 of Resolution R-97-0014, Petition EAC90-30(E))
3. Plans for any underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ERM) (Previously Condition G.3 of Resolution R-97-0014, Petition EAC90-30(E))
4. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to Site Plan certification. (ERM: Completed) (Previously Condition G.4 of Resolution R-97-0014, Petition EAC90-30(E))
5. A pollutant storage tank closure assessment shall be performed by a qualified party at the location of the former underground storage tanks. The closure assessment shall be conducted in accordance with Chapter **17-761**, F.A.C. and shall conform to the Florida Department of Environmental Regulation (DER) Closure Policy. The closure assessment shall be reviewed and approved by the Department of Environmental Resources Management prior to site plan certification. If soil or groundwater contamination is documented by the closure assessment, it will be necessary to complete a contamination assessment in accordance with Chapter **17-770**, F.A.C. (Previously Condition G.5 of Resolution R-97-0014, Petition EAC90-30(E)) [COMPLETED]
6. Prior to site plan approval, the extent of soil contamination in the northwest corner of the property shall be defined in accordance with Chapter **17-770**, F.A.C. Prior to the issuance of building permits, all contaminated soil shall be removed and properly disposed. A written report which includes manifests or receipts for soil disposal, shall be provided to the Department of Environmental Resources Management within **3** working days of completion of soil removal activities. (Previously Condition G.6 of Resolution R-97-0014, Petition EAC90-30(E)) [COMPLETED]

H HEALTH

1. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewerworks are constructed and used by project tenants or owners generating such effluent. (HEALTH) (Previously Condition H.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH) (Previously Condition H.2 of Resolution R-97-0014, Petition EAC90-30(E))
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previously Condition H.3 of Resolution R-97-0014, Petition EAC90-30(E))
4. Condition H.4 of Resolution R-97-0014, Petition EAC90-30(E), which currently states:

The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of the waste oil.

Is hereby amended to read:

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, used tires and batteries. (ONGOING: HEALTH- Health)

5. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C. (HEALTH) (Previously Condition H.5 of Resolution R-97-0014, Petition EAC90-30(E))

I. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting **and/or** requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES) (Previously Condition I.1 of Resolution R-97-0014, Petition EAC90-30(E))

J. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape vegetation preservation conditions of approval. (DRC: LANDSCAPE - Zoning) (Previously Condition J.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. All required trees in landscape buffer strips and interior parking areas shall meet at a minimum the following standards:
 - a. Tree species: 100% native canopy;
 - b. Tree height: fourteen (14) feet minimum;
 - c. Trunk diameter: 3.5 inches at 4.5 feet above grade; and
 - d. Canopy diameter: seven (7) feet minimum. The 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. (LANDSCAPE - Zoning) (Previously Condition J.2 of Resolution R-97-0014, Petition EAC90-30(E))

K. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. Each landscape island shall be planted with a minimum of one native canopy tree or native palm tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed one hundred linear feet. (DRC: LANDSCAPE – Zoning) (Previously Condition K.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. Prior to site plan certification, the site plan shall be amended to indicate grade level tree planting areas consistent with Section 500.35 Zoning Code, subject to approval by the Zoning Division. (DRC: LANDSCAPE - Zoning) (Previously Condition K.2 of Resolution R-97-0014, Petition EAC90-30(E))

L. LANDSCAPING ALONG ALL PROPERTY LINES

1. Prior to site plan certification, the landscape buffer strip plan (Exhibit 41) shall be upgraded to identify the tree, palm, and hedge plant species, specifications and spacing. Planting of all buffers shall be done in accordance with the certified landscape buffer plan. At a minimum, this plan shall include the equivalent of:
 - a. One native canopy tree planted every twenty (20) linear feet of frontage.
 - b. One native palm tree for each thirty (30) linear feet of frontage.
 - c. Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center. (DRC: LANDSCAPE – Zoning) (Previously Condition L.1 of Resolution R-97-0014, Petition EAC90-30(E))

M. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES

1. Landscaping along north and west property lines shall be upgraded to include a minimum fifteen (15) foot wide landscape buffer strip to include:
 - a. Fourteen (14) foot tall native canopy trees placed twenty (20) foot on center.
 - b. Thirty-six (36) inch high hedge.
 - c. One (1) interior island, planted with one (1) fourteen (14) foot tall native canopy tree, shall be provided for every eight (8) parking stalls abutting these property lines. (LANDSCAPE - Zoning) (Previously Condition M.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. Landscaping along the 300 feet of the north property line adjacent to the office building shall be upgraded to include:
 - a. One native canopy tree for each twenty (20) linear feet of property line;
 - b. One native palm for each thirty (30) linear feet with a maximum spacing of sixty (60) feet between clusters;
 - c. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - d. One (1) medium shrub for each eight (8) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and

- e. One (1) large shrub for each two (2) linear feet of property line, to be installed at a minimum height of thirty (30) inches.

All shrub or hedge material shall be planted in overlapping masses. Shrub materials shall be continuously maintained to achieve the following heights:

- twenty-four (24) to thirty (30) inches – small shrub;
- thirty-six (36) to forty-eight (48) inches – medium shrub; and
- seventy-two (72) inches – large shrub. (CO: LANDSCAPE –Zoning)

N. LANDSCAPING WITHIN THE MEDIAN

Modify Condition N to read as follows:

1. Condition N.1 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

Prior to February 1, 1996, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. This permit shall be obtained prior to August 1, 1996. 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 Streetscape Standards. 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)

Is hereby amended to read:

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 Boynton Beach Boulevard Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the 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 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)

2. Condition N.2 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

All required median landscaping, including irrigation systems, if required shall be installed at the property owners expense prior to June

1,1996. All 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-Zoning)

Is hereby amended to read:

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 a certificate of occupancy. (CO: MONITORING-Eng)

3. Condition N.3 of Resolution R-97-0014, Petition EAC90-30(E) which currently states:

Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING-Eng)

Is hereby amended to read:

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 a Building Permit. (BLDG PERMIT: MONITORING-Eng)

4. Palm Beach County at its option may request funding to satisfy this Median Landscaping Condition. This funding shall be used toward Palm Beach County's landscaping improvements for the Boynton Beach Boulevard corridor. Funding by this property owner shall be in the amount of \$34,200 and shall then relieve this property owner for all work required under Condition N - A, B, and C, above. If Palm Beach County requests these monies, this payment shall be submitted by the Property Owner to Palm Beach County prior to September 1, 2002. (DATE: MONITORING-Eng)

O. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. Lighting fixtures in the north and west portions within 100 feet of property line of the site shall not exceed twelve (12) feet in height. Lighting in the south and east portions within 50 feet of the right-of-way of the center shall not exceed thirty-five (35) feet in height. (CODE ENF-Bldg) (Previously Condition 0.1 of Resolution R-97-0014, Petition EAC90-30(E))

2. All outdoor lighting indicated on the lighting exhibit dated 12/12/96 shall be limited as follows:
 - a. Lights P1 through P22 shall be **allowed** to remain on all night, however, the **lights** shall be restricted to low intensity, maximum 250 watt bulbs, and a maximum height of 12 feet, measured from finished grade to highest point.
 - b. Lights I-1, 1-3, 1-4, and 1-11 shall be extinguished no later than 11:00 pm nightly.
 - c. Lights 1-5 through 1-8 shall be extinguished no later than 10:00 pm nightly.
 - d. Lights 1-44 through 1-47, 1-50, and 1-56 through 1-65 shall be extinguished no later than 2:00 am. (ONGOING: CODE ENF) (Previously Condition 0.2 of Resolution R-97-0014, Petition EAC90-30(E))
3. All other currently existing outdoor lighting shall be permitted to remain on all night, as security lighting. (ONGOING: CODE ENF) (Previously Condition 0.3 of Resolution R-97-0014, Petition EAC90-30(E))

P. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (ONGOING: SWA) (Previously Condition P.1 of Resolution R-97-0014, Petition EAC90-30(E))

Q. SIGNS

1. Signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. Freestanding point of purchase signs:
 - 1) Maximum sign height, measured from finished grade to highest point - sixteen (16) feet.
 - 2) Maximum sign face area per side - one hundred (100) square feet.
 - 3) Maximum number of signs - one (1).
 - 4) Monument style only.
 - b. Outparcel identification signs:
 - 1) Maximum sign height, measured from finished grade to highest point - six (6) feet.
 - 2) Maximum sign face area per side - Parcel A forty (40) square feet; Parcel E fifty (50) square feet.
 - 3) Maximum number of signs - two (2).
 - 4) Monument style only.
 - c. Entrance wall signs:
 - 1) Maximum sign height, measured from finished grade to highest point - eight (8) feet.
 - 2) Maximum sign face area, one side only - sixty (60) square feet.
 - 3) Maximum letter height - twenty four (24) inches.

- 4) Maximum number of signs: two (2). (BLDG PERMIT: BLDG - Zoning) (Previously Condition Q.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. Signs fronting on Jog Road shall be limited as follows:
 - a. Outparcel identification signs:
 - 1) Maximum sign height, measured from finished grade to highest point - six (6) feet.
 - 2) Maximum sign face area per side - forty (40) square feet.
 - 3) Maximum number of signs - four (4).
 - 4) Monument style only.
 - b. Entrance wall signs:
 - 1) Maximum sign height, measured from finished grade to highest point - eight (8) feet.
 - 2) Maximum sign face area, one side only - sixty (60) square feet.
 - 3) Maximum letter height - twenty four (24) inches.
 - 4) Maximum number of signs: two (2). (BLDG PERMIT: BLDG - Zoning) (Previously Condition Q.2 of Resolution R-97-0014, Petition EAC90-30(E))
3. Signs fronting on Lakeside Boulevard shall be limited to entrance wall signs only, as follows:
 - a. Entrance wall signs:
 - 1) Maximum sign height, measured from finished grade to highest point - eight (8) feet.
 - 2) Maximum sign face area, one side only - sixty (60) square feet.
 - 3) Maximum letter height - twenty four (24) inches.
 - 4) Maximum number of signs: two (2). (BLDG PERMIT: BLDG - Zoning) (Previously Condition Q.3.a of Resolution R-97-0014, Petition EAC90-30(E))
 - b. Prior to February 15, 1996 all commercial lettering shall be removed from the decorative wall sign located on the north east corner of Boynton Beach Boulevard and Lakeside Boulevard. The decorative wall sign may be used to identify residential communities within the Lakes of Boynton PUD. (DATE: MONITORING- Zoning) (Previously Condition Q.3.b of Resolution R-97-0014, Petition EAC90-30(E))
4. Prior to Site Plan certification, a Master Sign Program shall be submitted, which specifies: sign location, sign size, and unified graphics and color. (DRC: ZONING -Zoning) (Previously Condition Q.4 of Resolution R-97-0014, Petition EAC90-30(E))
5. In the event the Sign Code is amended prior to the issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code (BLDG PERMIT: BLDG-Zoning) (Previously Condition Q.5 of Resolution R-97-0014, Petition EAC90-30(E))
6. All non-conforming signs shall be removed by February 15, 1996. (DATE: MONITORING-Zoning) (Previously Condition Q.6 of Resolution R-97-0014, Petition EAC90-30(E))

7. Sign types B and C shall be limited to the identification of the shopping center and two tenants only. (BLDG PERMIT: BLDG-Zoning) (Previously Condition Q.7 of Resolution R-97-0014, Petition EAC90-30(E))

R. SITE DESIGN

1. Condition R.2 of Resolution R-97-0014, Petition EAC90-30(E), which currently states:

Total floor area for Alternative #1 shall be limited to a maximum of 188,790 square feet. Total floor area for Alternative #2 shall be limited to a maximum of 156,307 square feet.

Is hereby deleted. [REASON: Superseded by Condition A.2]

2. Back out parking spaces shall not be permitted in front of the main structure or into primary access aisles. (ZONING-Bldg) (Previously Condition R.5 of Resolution R-97-0014, Petition EAC90-30(E))
3. The number of outparcels on site shall be limited to six including the daycare center. (ZONING) (Previously Condition R.6 of Resolution R-97-0014, Petition EAC90-30(E))
4. To ensure the proposed site plan internal circulation system minimizes internal traffic conflicts in front of the service bays of the auto service center on the north and south side of the proposed automotive repair facility the petitioner shall amend the site plan to **remove/relocate** the parking on the south of the auto service center bay door openings. (ZONING) (Previously Condition B.I of Resolution R-97-0014, Petition EAC90-30(E))
5. Condition R.7 of Resolution R-97-0014, Petition EAC90-30(E)) which currently states:

Pedestrian access shall be provided from the adjacent PUD into the shopping center. (ZONING)

Is hereby amended to read:

Prior to final Development Review Committee certification, pedestrian access shall be provided from the adjacent PUD into the shopping center. Pedestrian access shall be provided by placing the following notations on the site plan: extending the northwestern pedestrian access shown on the site plan to the entry drive from Lakeside Blvd. The applicant shall provide a cross section on the site plan depicting this pathway as a shaded pedestrian pathway. In addition, the applicant shall label a marked dedicated pedestrian walkway on the north side of the entry drive from Lakeside Blvd. The sidewalk shall be constructed with decorative brick pavers or stamped concrete. (DRC: ZONING/PLANNING – Planning)

6. Prior to the certificate of occupancy for the office building, all pedestrian pathways shall be installed as specified in Condition R.5. (CO: MONITORING/BLDG-Planning)
7. Prior to issuance of the certificate of occupancy for the office building, bike racks shall be installed in front of the office building and at the sixty (60) foot tower next to the video store as depicted on the site plan dated November 16, 2001. (CO: MONITORING/BLDG-Planning)

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8. Prior to final Development Review Committee certification, the site plan shall be amended to include the existing/proposed location of sidewalks along Jog Road and Boynton Beach Boulevard. (DRC: PLANNING - Planning)

S. UNITY OF CONTROL

1. At the time of Site Plan Review Committee application, the petitioner shall submit two (2) copies of a recorded Unity of Control document in a form acceptable to the Palm Beach County Attorney's office. (DRC: COUNTY ATTORNEY) (Previously Condition S. 1 of Resolution R-97-0014, Petition EAC90-30(E))

T. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted. (ONGOING: CODE ENF - Zoning) (Previously Condition T.1 of Resolution R-97-0014, Petition EAC90-30(E))
2. To ensure that the automotive service center does not create negative visual impacts to the surrounding commercial uses all automotive repairs shall be confined to indoor service bays. No outdoor repairs shall be permitted. (ONGOING: CODE ENF - Zoning) (Previously Condition A.4 of Resolution R-97-0014, Petition EAC90-30(E))
3. To ensure that the automotive service center does not create negative visual impacts to the surrounding area all vehicles being stored on site after business hours shall be within the enclosed automotive facility no overnight parking or vehicle storage shall be permitted. (ONGOING: CODE ENF - Zoning) (Previously Condition A.5 of Resolution R-97-0014, Petition EAC90-30(E))

U. 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 U.1 of Resolution R-97-0014, Petition EAC90-30(E) 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.

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. (ONGOING: MONITORING - Zoning)