

RESOLUTION NO. R-2002- 1009

RESOLUTION APPROVING ZONING PETITION DOA1998-089(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF CHS PROPERTIES  
BY KILDAY AND ASSOCIATES, AGENT  
(CHS PROPERTIES)

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 DOA1998-089(B) was presented to the Board of County Commissioners at a public hearing conducted on June 19, 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 DOA1998-089(B), the petition of CHS Properties, by Kilday and Associates, agent, for a Development Order Amendment to reconfigure master plan, re-designate land uses and to allow a 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 June 19, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
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 June 19, 2002.

Filed with the Clerk of the Board of County Commissioners on 27 day of June, 2002

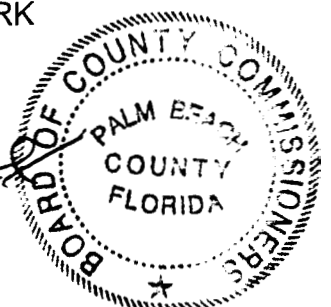
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1

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

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

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

Thence, North 15°-06'-35" East, along said Easterly right of way line, a distance of 133.20 feet to a point on a curve, concave to the Southeast having a radius of 790.00 feet and whose center bears South 70°-14'-33" East;

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

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

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

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

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

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

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

Thence, South 02°-27'-00" West, a distance of 108.00 feet to a point of curvature of a curve to the right; said curve having a radius of 235.00 feet, a central angle of 33°-50'-33" and a chord bearing of South 19°-22'-16" West;

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

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

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

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

## EXHIBIT A

### LEGAL DESCRIPTION

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

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

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

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

Thence, South  $87^{\circ}-33'-00''$  East, along said North line of Lot 80, a distance of 57.95 feet to the Northeast corner of said Lot 80;

Thence, South  $02^{\circ}-27'-00''$  West, along the East line of said Lot 80, a distance of 179.30 feet to the Southeast corner of said Lot 88;

Thence, North  $87^{\circ}-33'-00''$  West, along the South line of said Lot 80, a distance of 55.00 feet to a point on the East line of the West 45 feet of said Lot 80;

Thence, North  $02^{\circ}-27'-00''$  East, along said East line of the West 45 feet of Lot 80, a distance of 50.00 feet to a point on the North line of the South 50 feet of said Lot 80;

Thence, North  $87^{\circ}-33'-00''$  West, along said North line of the South 50 feet of Lot 80, a distance of 45.00 feet to a point on the West line of said Lot 80;

Thence, South  $02^{\circ}-27'-00''$  West, along said West line of Lot 80, a distance of 50.00 feet to the Southwest corner of said Lot 80;

Thence, North  $87^{\circ}-33'-00''$  West, along the South line of Lots 81 through 87, plat of MORRISON HOMES, a distance of 700.00 feet to the Southwest corner of said Lot 87;

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

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

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

Thence, North  $87^{\circ}-33'-00''$  West, along said right of way line, a distance of 209.34 feet;

Thence North  $46^{\circ}-02'-20''$  West, along said right of way line, a distance of 46.29 feet to the POINT OF BEGINNING.

#### TOGETHER WITH **PARCEL 2**

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

BEGIN AT the Southwest corner of said Lot 7;

Thence, bear North  $03^{\circ}-26'-12''$  East, along the West line of said Lot 7, a distance of 368.05 feet;

Thence, South  $87^{\circ}-33'-00''$  East, a distance of 33.00 feet to a point on the East line of the West 33 feet of said Lot 7;

Thence, North  $03^{\circ}-26'-12''$  East, along said East line of the West 33 feet of Lot 7, a distance of 205.04 feet to a point on the North line of said Lot 7;

Thence, South  $87^{\circ}-33'-00''$  East, along said North line of Lot 7, a distance of 99.97 feet to the Northeast corner of said Lot 7;

Thence, South  $03^{\circ}-26'-12''$  West, along the East line of said Lot 7, a distance of 272.00 feet to a point on the South line of the North 272 feet of Lot 8, MORRISON SUBURBAN DEVELOPMENT;

## EXHIBIT A

### LEGAL DESCRIPTION

Thence, South 87°-33'-00" East, along South line of the North 272 feet of said Lot 8, a distance of 132.97 feet to a point on the East line of said Lot 8;

Thence, North 03°-26'-12" East, along said East line of Lot 8, a distance of 272.00 feet to the Northeast corner of said Lot 8;

Thence, South 87°-33'-00" East, along the North line of Lots 9 through 12, MORRISON SUBURBAN DEVELOPMENT, a distance of 531.85 feet to the Northeast corner of said Lot 12;

Thence South 03°-26'-12" West, along the East line of said Lot 12, a distance of 224.50 feet to a point on the South line of the North 224.5 feet of Lot 13, said plat of MORRISON SUBURBAN DEVELOPMENT;

Thence, South 87°-33'-00" East, along the South line of the North 224.5 feet of said Lot 13, a distance of 132.97 feet a point on the East line of said Lot 13;

Thence, South 03°-26'-12" West, along the East line of said Lot 13, a distance of 65.00 feet to a point on the South line of the North 289.5 feet of said Lot 13;

Thence, North 87°-33'-00" West, along said South line of the North 289.5 feet of Lot 13, a distance of 132.97 feet to a point on the West line of said Lot 13;

Thence, South 03°-26'-12" West, along said West line of lot 13, a distance of 0.51 feet to a point on the North line of the South 280 feet of said Lot 13;

Thence, South 87°-46'-16" East, along said North line of the South 280 feet of said Lot 13, a distance of 132.98 feet to a point on the East line of said Lot 13;

Thence, South 03°-26'-12" West, along said East line of Lot 13, a distance of 280.00 feet to the Southeast corner of said Lot 13;

Thence, North 87°-46'-16" West, along the South line of said Lot 13, a distance of 132.98 feet to the Southwest corner of said Lot 13;

Thence, North 03°-26'-12" East, along the West line of said Lot 13, a distance of 280.00 feet to a point on the North line of the South 280 feet of Lot 12, said plat of MORRISON SUBURBAN DEVELOPMENT;

Thence North 87°-46'-16" West, along said North line of the South 280 feet of Lot 12, a distance of 132.98 feet to a point on the West line of said Lot 12;

Thence, South 03°-26'-12" West, along the West line of said Lot 12, a distance of 280.00 feet to the Southwest corner of said Lot 12;

Thence, North 87°-46'-16" West, along the South line of Lots 7 through 11, said plat of MORRISON SUBURBAN DEVELOPMENT, a distance of 664.90 feet to the Southwest corner of said Lot 7 and the POINT OF BEGINNING;

#### TOGETHER WITH PARCEL 3

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

BEGIN AT the Southwest corner of said Lot 21;

Thence, bear North 03°-26'-12" East, along the East line of said Lots 21 and 14, a distance of 451.77 feet to a point on the North line of the South 150 feet of said Lot 14;

Thence, South 87°-33'-00" East, along said North line of the South 150 feet of Lot 14, a distance of 296.81 feet to a point on the West line of Lot 15, said plat of MORRISON SUBURBAN DEVELOPMENT;

Thence, North 03°-26'-12" East, along said West line of Lot 15, a distance of 151.73 feet to the Northwest corner of said Lot 15;

Thence, South 87°-33'-00" East, along the North line of said Lot 15, a distance of 336.81 feet to the Northeast corner of said Lot 15;

Thence, South 03°-26'-12" West, along the East line of said Lot 15, a distance of 301.75 feet to the Southeast corner of said Lot 15;

EXHIBIT A  
LEGAL DESCRIPTION

Thence, North 87°-33'-00" West, along the South line of said Lot 15, a distance of 336.81 feet to the Northeast corner of Lot 21, said plat of MORRISON SUBURBAN DEVELOPMENT;

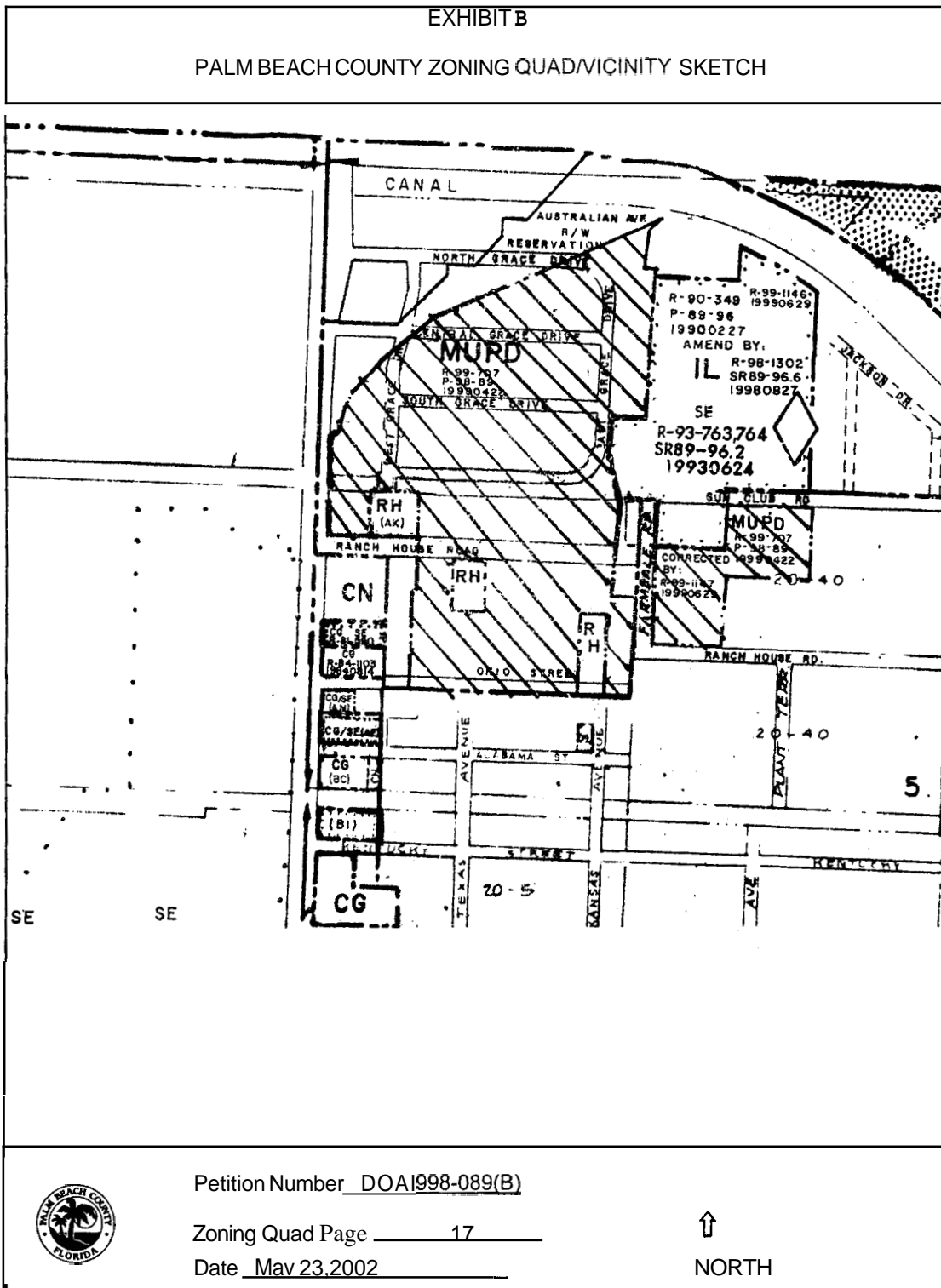
Thence, South 03°-26'-12" West, along the East line of said Lot 21, a distance of 301.75 feet to the Southeast corner of said Lot 21;

Thence, North 87°-33'-00" West, along the South line of said Lot 21, a distance of 296.81 feet to the Southwest corner of said Lot 21 and the POINT OF BEGINNING.

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

Containing: 27.549 Acres, more or less.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

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

#### A. ALL PETITIONS

1. Condition A.1 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-1147 (Petition **98-089**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2001-001 (Petition **98-089**), have been consolidated as contained herein. The petitioner shall comply will 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 herein. (ONGOING: MONITORING – Zoning)

2. Condition A.2 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated August 24, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with **the ULDC**.

~~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 preliminary development/conceptual plan is dated May 30, 2002. 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 – Zoning)

3. The petitioner shall have three (3) years from adoption of the resolution approving Petition 98-089(B) to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING – Zoning)

#### B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings located in the MUPD. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1 of Resolution R-2001-0001, Petition DOA98-089(A))



2. Condition B.2 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

The exterior elevations of all buildings shall include the following:

- a. Varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet;
- b. Varied building materials and textures;
- c. Varied building colors by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
- d. Combination architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
- e. Integrated design of gutters and downspouts into the architectural design of the building; and,
- f. **All** building entries shall be easily identifiable and integrated into the building's architecture.

Is hereby amended to read:

The exterior elevations of all buildings shall include the following:

- a. Integrated design of gutters and downspouts into the architectural design of the building. (BLDG PERMIT: ZONING/BLDG – Zoning)
3. All exterior base colors are limited to earth tones, pastels, or neutrals (whites and grays). No primary colors shall be used as a base color. (BLDG PERMIT: ZONING/BLDG – Zoning) (Previous Condition B.3 of Resolution R-2001-0001, Petition DOA98-089(A))
4. At time of submittal for final DRC certification of the site plan for each individual Pod (A, B and C), the architectural elevations for the primary buildings within the applicable POD shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PERMIT – Zoning)

### C. BUILDING AND SITE DESIGN

1. Condition D.I of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

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

Is hereby amended to read:

The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five 35 feet, unless specified otherwise. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG – Zoning)

2. All air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG -Zoning) (Previous Condition D.2 of Resolution R-2001-0001, Petition DOA98-089(A))
3. Barbed wire or razor wire shall not be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF) (Previous Condition D.3 of Resolution R-2001-0001, Petition DOA98-089(A))

D. CONVENIENCE STORE WITH GAS SALES

1. Condition C.1 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the **public** at **no** charge.

Is hereby amended to read:

Prior to final Development Review Committee certification, the site plan shall be amended to indicate designated parking for free air and water facilities that will not adversely impact vehicular circulation. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

2. Condition C.2 of Resolution R-2001-0001, Petition DOA98-089(A))

The convenience store building and accessory gas station canopy **shall** be limited to a **maximum** of twenty-five (25) feet in height, including air conditioning and mechanical equipment and satellite dishes, measured from finished grade to the highest point. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy or attached lighting fixtures.

Is hereby amended to read:

The convenience store/fast food restaurant building shall be limited to a maximum height of twenty-five (25) feet in height, including air conditioning, mechanical equipment and satellite dishes, measured from finished grade to highest point. (BLDG PERMIT/CO: BLDG – Zoning)

3. Gas station canopies shall be designed consistent with the following:
  - a. A maximum height of twenty-five (25) feet with a pitched roof having a minimum slope of 4: 12;
  - b. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and
  - c. Lighting for the gas station canopy shall be recessed. (BLDG PERMIT: BLDG – Zoning)
4. The storage of rental **trucks/trailers** or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF – Zoning) (Previous Condition C.3 of Resolution R-2001-0001, Petition DOA98-089(A))

E. ENGINEERING

1. Prior to September 1, 1999 this property owner shall fund the following intersections improvements at the intersection of Congress Avenue and the newly aligned Gun Club Road:
  - a. left turn lane, east approach
  - b. right turn lane, east approach (DATE: MONITORING – Eng) (Previous Condition E.1 of Resolution R-2001-0001, Petition DOA98-089(A)) [COMPLETE]
2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for:
  - a) Ranch House Road 80 feet north of the existing south right of way line from Congress Avenue to the existing day care. (COMPLETE)
  - b) Farmdale Road a total of 50 feet right of way.
  - c) East Grace Drive as an 80/50 foot right of way as shown of the site plan dated 1/28/99 prepared by **Kilday** and Associates.

This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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) (Previous Cond. E.2 of R-2001-0001, Petition DOA98-089(A))

3. Prior to the issuance of a Building Permit, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Ranch House Road along the property frontage. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.3 of Resolution R-2001-0001, Petition DOA98-089(A))

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- a) Building Permits for more than **2125** trips per day shall not be issued until a contract has been let for the construction of Australian Avenue as a 6 lane facility from Congress Avenue to Southern Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.4.a of Resolution R-2001-0001, Petition DOA98-089(A)) [COMPLETE]
  - b) Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (DRC: ENG) (Previous Condition E.4.b of Resolution R-2001-0001, Petition DOA98-089(A)) [COMPLETE]
5. **LANDSCAPING WITHIN MEDIAN OF STATE ROADS**
- a. Prior to issuance of a building permit, the property owner shall fund in the amount of **\$53,392** to the Palm Beach Board of County Commissioners for landscaping the adjacent median of Congress Avenue Road Right-of-way. All funding **shall be** completed prior to the issuance of a Building Permit. These funds shall then be used for the installation in the amount of **\$12,784** and maintenance in the amount of **\$40,608** for any landscape material installed by Palm Beach County or another Developer. If these funds are to be included in a landscape program by another Developer Palm Beach County may administer the disbursement of these fees. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.5 of Resolution R-2001-0001, Petition DOA98-089(A))
6. The property owner shall participate in a Road Closure Public Hearing for any/all internal roads within or adjacent to the site. The site plan shall be modified to reflect Board of County Commissioners approved road closures affecting this site no later than October 1, **1999**. Road closure improvements required by the Board of County Commissioners including but not limited to cul-de-sac, barricades, or guard rails, for Farmdale Road and/or Homewood Road adjacent to the site shall be funded by the petitioner. (DATE: ENG) (Previous Condition E.6 of Resolution R-2001-0001, Petition DOA98-089(A)) [COMPLETE]
7. Any road closure improvements if approved by the Board of County Commissioners shall be completed prior to January 1, 2000 or prior to the issuance of the first building permit whichever shall first occur. (BLDG PERMIT/DATE: ENG) (Previous Condition E.7 of Resolution R-2001-0001, Petition DOA98-089(A)) [COMPLETE]
8. During the construction phase of the project, there shall be no construction traffic permitted onto Ohio Road. (ONGOING: CODE ENF) (Previous Condition E.8 of Resolution R-2001-0001, Petition DOA98-089(A))
9. After the construction has been completed, there shall be no access onto Ohio Road from the site. (ONGOING: CODE ENF) (Previous Condition E.9 of Resolution R-2001-0001, Petition DOA98-089(A))

10. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF AUSTRALIAN AVENUE

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Australian Avenue Right-of-way contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING – Eng)
- b. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
- c. If the County does not assume maintenance responsibility, then appropriate property owner's 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)
- d. The property owner may elect to fund the improvements as provided for in a proposed median landscape buyout program. The Palm Beach County Board of County Commission will review this program and if approved, the property owner may elect to participate. The property owner shall fund for the amount of \$23,348 as currently provided for in the proposed Buyout Program, prior to the issuance of the first building permit. If the amount of funding as provided for in this buyout program is amended, the property owner shall be responsible for the revised funding. Fees are currently based on \$30.60 per lineal feet of frontage x 763 feet of frontage. (BLDG PERMIT: MONITORING – Eng)

11. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for more than 2,575 net external trips per day shall not be issued until the contract has been awarded for the construction of Southern Boulevard as an 8 lane facility from Haverhill Road to Congress Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING – Eng)
- b. Prior to certification of the final site plan the property owner shall provide an approved traffic phasing study. This study shall demonstrate how compliance with the phasing condition above will be accommodated. (DRC: MONITORING – Eng)

The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: MONITORING – Eng)

#### F. DEPARTMENT OF AIRPORTS

1. All construction on the site shall be pursuant to Article 18 (Airport Zoning Regulations) of **the ULDC**. (DRC/BLDG PERMIT: ZONING/BLDG - DOA) (Previous Condition F.1 of Resolution R-2001-0001, Petition DOA98-089(A))
2. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall provide a navigation easement covering the entire property which is satisfactory to the Department of Airports and the County Attorney. (DRC: DOA/CO ATTY – Zoning) (Previous Condition F.2 of Resolution R-2001-0001, Petition DOA98-089(A))

#### G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A tree survey of existing native specimen sized trees for Pods B, and C shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM) (Previous Condition G.1 of Resolution R-2001-0001, Petition DOA98-089(A))

#### H. HEALTH

1. Stage II vapor recovery plans must be approved by the Palm Beach County Health Department in accordance with Rule 62-252 Florida Administrative Code (FAC) (DRC: HEALTH – Health)

#### I. LANDSCAPING - STANDARD

1. Condition H.1 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

All canopy trees required to be planted within the right-of-way buffers by this approval shall meet the following minimum standards at installation:

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

- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements.

It is hereby amended to read:

Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted by this approval shall meet the following minimum standards at installation:
    - a. Palm heights: Twelve (12) feet clear trunk;
    - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and
    - c. Credit may be given for existing or relocated palms provided they **meet** current ULDC **requirements**. (CO: LANDSCAPE – Zoning) (Previous Condition H.2 of Resolution R-2001-0001, Petition DOA98-089(A))
  3. A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, **unless** specified herein. (CO: LANDSCAPE – Zoning) (Previous Condition H.3 of Resolution R-2001-0001, Petition DOA98-089(A))
  4. The property owner shall maintain all landscaping within the **MUPD** in accordance with the Board of County Commissioners conditions of approval and the ULDC. (ONGOING: CODE ENF – Zoning) (Previous Condition H.4 of Resolution R-2001-0001, Petition DOA98-089(A))
  5. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall **be** continuously maintained to achieve the following heights and hierarchical effect:
    - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
    - b. Twenty-four (24) to thirty-six (36) inches – medium shrub; and
    - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and
    - d. This condition does not apply to landscape buffers where a single row of shrubs is required along either side of a fence or wall. (CO: LANDSCAPE – Zoning)
  6. Modifications to spacing of plant material in the landscape buffer strips may be permitted to accommodate traversing utility or drainage easement crossings. (DRC/CO: ZONING/LANDSCAPE – Zoning)

J. LANDSCAPING - INTERIOR

1. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING) (Previous Condition I.1 of Resolution R-2001-0001, Petition DOA98-089(A))
2. Foundation planting or grade level planters shall be provided along all facades of all structures and to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than 50% of the total length of each facade of the structure. Bay door lengths may be excluded from the total length calculation of the facades, and,
  - c. Landscape areas shall *be* planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE – Zoning) (Previous Condition 12 of Resolution R-2001-0001, Petition DOA98-089(A))
3. Landscaping in the divider median to the north and west of the convenience store shall be upgraded to include:
  - a. One (1) cluster of three (3) palms or pines for each sixty (60) linear feet of divider median;
  - b. One (1) native canopy tree, multi-trunk or flowering tree for each thirty (30) linear feet of divider median;
  - c. One (1) small shrub for each four (4) linear feet of divider median. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - d. One (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - e. Exceptions shall *be* permitted if required by Engineering to meet minimum site distance requirements. (DRC/CO: ZONING/LANDSCAPE – Zoning)
4. Landscaping in the divider median to the east of the 7,000 square foot building in Pod A shall be upgraded to include:
  - a. One (1) native canopy tree for each twenty (20) linear feet of divider median;
  - b. One (1) small shrub for each four (4) linear feet of divider median. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - c. One (1) medium shrub for each two (2) linear feet of divider median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
  - d. Exceptions shall be permitted if required by Engineering to meet minimum site distance requirements. (DRC/CO: ZONING/LANDSCAPE – Zoning)



5. Landscaping in the planting area to the north of the convenience store shall be upgraded to include the following:
  - a. Two (2) clusters of three (3) palms or pines, or four (4) multi-trunk or flowering trees;
  - b. One (1) small shrub for each four (4) linear feet of curbing. Shrub shall be a minimum height of eighteen (18) inches at installation; and
  - c. One (1) medium shrub for each six (6) linear feet of curbing. Shrub shall be a minimum height of twenty-four (24) inches at installation (DRC/CO: ZONING/LANDSCAPE – Zoning)

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

1. Condition J.I of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

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

- a. A minimum ~~twenty~~ (20) ~~foot~~ wide landscape buffer strip;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet, measured from top of curb;
- c. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters. and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

Is hereby amended to read:

Landscaping and buffering along the north and west property line (Congress Avenue and Australian Avenue frontages) and the west 210 feet of the south property line (Ranch House Road frontage west of the daycare) shall be upgraded to include:

- a. A minimum twenty (20) *foot* wide landscape buffer strip. No easement encroachment shall be permitted along the north four hundred (400) feet of the north and west property line. No width reduction shall be permitted;
- b. A continuous two (2) foot high berm, measured from top of curb;
- c. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)
2. Condition J.3 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

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

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

Is hereby amended to read:

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

- a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. A six (6) foot high black or green vinyl coated chain link fence, located at the plateau of the berm. If the required shrub or hedge materials of this condition are not maintained and have not reached the top of the required fence within eighteen (18) months of the issuance of the first Certificate of Occupancy (CO) for Pod C, Phase Three, the chain link fence shall be replaced with a decorative aluminum or metal fence of the same height and at the same location;
- d. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;
- e. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,

- f. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches. (CO: LANDSCAPE – Zoning)
3. Condition J.4 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Landscaping and buffering along all other right-of-way frontages shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip, reductions shall not be permitted;
- b. One (1) canopy tree planted every thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters. and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a **minimum** height of thirty-six (36) inches.

Is hereby amended to read:

- a. A minimum fifteen (15) foot **wide** landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of frontage. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for each two (2) linear feet of the property line, spaced **no** more than twenty-four (24) inches on center. Shrub shall be a minimum height of twenty-four (24) Inches at installation; and,
- g. One (1) large shrub for each ten (10) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

#### L. LANDSCAPING ALONG ALL OTHER PERIMETER PROPERTY LINES

1. Condition K.1 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Landscaping and buffering adjacent to residential zoning districts shall be upgraded to include the following **in** addition to the ULDC's opacity requirement for landscape barriers:

- a. A minimum ten (10) foot wide landscape buffer strip, reductions shall not be permitted;
- b. One (1) canopy tree for each twenty (20) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The required trees shall **be** installed on the exterior side of the non-living barrier;
- c. One (1) palm for each thirty (30) linear feet of property line with

a maximum spacing of sixty **(60)** feet between clusters. and,

- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy-two **(72)** inches. The shrub and hedge material shall be installed on the exterior side of the non-living barrier; and
- e. A six **(6)** foot opaque fence or prefabricated panel wall.

Is hereby amended to read:

Landscaping and buffering adjacent to residential zoning districts shall be upgraded to include the following in addition to the ULDC's opacity requirement for landscape barriers:

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. A six (6) foot opaque fence or prefabricated panel wall;
- c. One ~~(1)~~ canopy tree for each twenty (20) linear feet of property line. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The required trees shall be installed on the exterior side of the non-living barrier;
- d. One (1) palm for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) medium shrub for each two (2) linear feet of the property line, spaced no more than twenty-four inches on center and planted on the interior side of the required fence or wall. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- f. One (1) large shrub for each two (2) linear feet of the property line, spaced no more than twenty-four inches on center and planted on the exterior side of the required fence or wall. Shrub shall be a minimum height of thirty (30) inches at installation and maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE –Zoning)

2. Condition K.2 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Landscaping and **buffering adjacent** to nonresidential zoning districts shall be **upgraded** to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. ~~One (1)~~ canopy tree for each thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three **(3)** or more palm or pine trees in that location; and,
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six **(36)** inches.

Is hereby amended to read:

Landscaping and buffering adjacent to nonresidential zoning districts shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of property line. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;

- c. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- d. One (1) medium shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE – Zoning)

M. LIGHTING

- 1. Condition L.1 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Building Security Code, shielded and directed down and away from adjacent properties and streets.

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)

- 2. Condition L.2 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point.

Is hereby amended to read:

All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. Freestanding lighting fixtures within 150 feet of any residential property line shall not exceed twenty (20) feet in height. (CO: BLDG – Zoning)

- 3. **All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding the lighting for the convenience store with gas sales and security lighting only. (ONGOING: CODE ENF) (Previous Condition 1.3 of Resolution R-2001-0001, Petition DOA98-089(A))**

- 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) (Previous Condition L.4 of Resolution R-2001-0001, Petition DOA98-089(A))

- 5. Condition L.5 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Lighting for the gas station canopy shall be flush mounted or recessed.

Is hereby deleted. [REASON: Superseded by new condition.]

- 6. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition L.1 above. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition L.6 of Resolution R-2001-0001, Petition DOA98-089(A))

N. MASS TRANSIT

- 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 – Zoning) (Previous Condition M.1.A of Resolution R-2001-0001, Petition DOA98-089(A))
  - b. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: BLDG – Eng) (Previous Condition M.1.B of Resolution R-2001-0001, Petition DOA98-089(A))
2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN – Zoning) (Previous Condition M.2 of Resolution R-2001-0001, Petition DOA98-089(A))
  3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN – Zoning) (Previous Condition M.3 of Resolution R-2001-0001, Petition DOA98-089(A))

O. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATT – Zoning) (Previous Condition N.1 of Resolution R-2001-0001, Petition DOA98-089(A))

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: CO ATT – Zoning) (Previous Condition N.2 of Resolution R-2001-0001, Petition DOA98-089(A))

P. PARKING

1. Condition 0.1 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Prior to final site plan certification by the Development Review Committee, all delivery and/or loading areas and bay doors shall be indicated and shall not be oriented towards adjacent residentially zoned property lines, unless the bay doors are inwardly oriented within the site.

Is hereby amended to read:

Prior to final Development Review Committee certification, the site plan shall be amended to indicate all bay doors and delivery and/or loading areas. Bay doors shall not be oriented towards adjacent residentially zoned property lines, unless variance relief is obtained. (CO: BLDG – Zoning)

2. Condition 0.2 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Overnight storage ~~or~~ parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas.

Is hereby amended to read:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading areas. In Pod C, truck engines shall not be operated between 11:00 p.m. and 6:00 a.m. (ONGOING: CODE ENF – Zoning)

3. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the final site plan approved by the Development Review Committee. (ONGOING: CODE ENF) (Previous Condition Q.3 of Resolution R-2001-0001, Petition DOA98-089(A))

4. Condition 0.3 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Prior certification of the final site plan by the Development Review Committee (DRC), the petitioner shall provide the parking spaces as required by the ULDC for the proposed uses indicated on the Preliminary Development Plan dated March 22, 1999 or obtain a variance from the Board of Adjustment.

Is hereby deleted. [REASON: Code Requirement.]

5. Trucks making deliveries to the subject site shall not be permitted to park on any abutting public right-of-way. (ONGOING: CODE ENF – Zoning)

Q. SIGNS

1. Freestanding sign on Australian Avenue shall be limited as follows:
  - a. One sign (maximum of two tenants with project identification) a maximum fifteen (15) feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be a monument style sign located within thirty (30) feet of the entrance on Australian Avenue per the July 27, 1999 Agreement for Purchase and Sale to Palm Beach County. (CO: BLDG) (Previous Condition P.1 of Resolution R-2001-0001, Petition DOA98-089(A))
2. The proposed convenience store's freestanding point of purchase sign located at the Congress Avenue and Ranch House Road intersection shall be limited as follows:
  - a. One sign a maximum eight (8) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style and located within fifty (50) feet measured from the intersecting right of way lines. (CO: BLDG) (Previous Condition P.2 of Resolution R-2001-0001, Petition DOA98-089(A))
3. Freestanding signs on Ranch House Road shall be limited as follows:
  - a. One multi-tenant sign a maximum ten (10) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30) feet of the project's entrance immediately east of the daycare on Ranch House Road; and,
  - b. One (1) multi-tenant sign a maximum eight (8) feet high?one on each side of Ranch House Road, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style sign and be located on either side of the street, within thirty (30) feet of the project's easternmost entrances on Ranch House Road. (CO: BLDG) (Previous Condition P.3 of Resolution R-2001-0001. Petition DOA98-089(A))
4. Freestanding signs on Congress Avenue shall be limited as follows:
  - a. One multi-tenant sign a maximum twelve (12) feet high, measured from finished grade to highest point with a maximum one hundred and twenty (120) square feet sign face area per side. This sign shall be monument style sign and located 300 feet north of the intersecting right of way lines of Congress Avenue and Ranch House Road. (CO: BLDG) (Previous Condition P.4 of Resolution R-2001-0001, Petition DOA98-089(A))



5. Wall signage mounted on the buildings shall be limited to the north, south and west facades with frontages on Congress Avenue, Australian Avenue, or Ranch House Road. No signage shall be permitted on the gas station canopy. (BLDG PERMIT: BLDG - Zoning) (Previous Condition P.5 of Resolution R-2001-0001, Petition DOA98-089(A))
6. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (Previous Condition P.6 of Resolution R-2001-0001, Petition DOA98-089(A))
7. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning) (Previous Condition P.7 of Resolution R-2001-0001, Petition DOA98-089(A))

R. USE LIMITATION

1. Condition Q.1 of Resolution R-2001-0001, Petition DOA98-089(A), which currently states:

Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated August 24,2000:

- a. Pod A, Phase 1 - Convenience **store** with gas sales (3,400 sq. ft. w/ **8** fueling positions maximum);
- b. Pod B, Phase **2** - Professional office use (**21,850** sq. ft. maximum) and other general land uses pursuant to Table 6.8-2, Section 6.4.D of the ULDC subject to approval by the Traffic Division;
- c. Pod C, Phase **3** -Warehouse use (142,897 sq. ft. maximum);
- d. The general location of all retention and detention areas shall remain as indicated. Minor reconfiguration may be permitted to comply with applicable Palm Beach County and SFWMD permits; and,
- e. A maximum 1,000 sq. ft. increase above the 168,147 sq. ft. total gross **floor** area shall be permitted subject to approval by the Traffic Division.

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

2. Hours of operation for all uses, including deliveries and stocking activities, shall be limited from 6:00 a.m. to **11:00** p.m. daily. The convenience store with gas sales use shall be excluded from this limitation. (ONGOING: CODE ENF - Zoning) (Previous Condition Q.2 of Resolution R-2001-0001, Petition DOA98-089(A))
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous Condition Q.4 of Resolution R-2001-0001, Petition DOA98-089(A))
4. The following uses shall be prohibited within the MUPD:
  - a. Broadcasting studio
  - b. Retail sales, mobile temporary or transient
  - c. Grain milling or processing
  - d. Amusements, temporary or special event
  - e. Air curtain incinerator
  - f. Chipping and mulching

- g. **Cornposting facility**
- h. **Recycling facilities (i.e. recycling center, recycling collection station, recycling drop-off bin, and recycling plant. (ONGOING: ZONING/CODE ENF) (Previous Condition Q.5 of Resolution R-2001-0001, Petition DOA98-089(A))**

S. 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 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)