

RESOLUTION NO. R-2002-1017

RESOLUTION APPROVING ZONING PETITION PDD1997-004(B)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF DON STILLER
BY BASEHART PLANNING INC, AGENT
(KEREKES PLAZA)

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

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

WHEREAS, Zoning Petition PDD1997-004(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, the recommendations of the various county review agencies. **and** the recommendation of the Zoning Commission; and

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

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

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD1997-004(B), the petition of Don Stiller by Robert Basehart, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from Agricultural Residential and Residential Estates to Multiple Use Planned Development, and to allow general repair and maintenance facility, a convenience store with gas sales and a car wash facility on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on 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: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

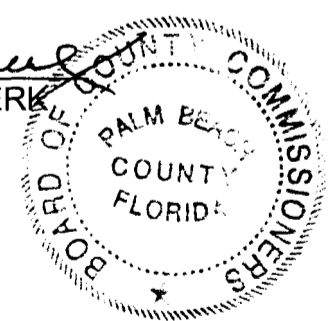


EXHIBIT A

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:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE AFORESAID SECTION 22; THENCE NORTH 00°41'06" WEST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 1331.34 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SOUTHEAST ONE-QUARTER; THENCE NORTH 89°31'42" EAST ALONG SAID LINE A DISTANCE OF 51.88 FEET TO THE EAST RIGHT OF WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 4224, PAGE 780, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 615.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE SOUTH 00°34'08" EAST ALONG SAID LINE, A DISTANCE OF 1144.98 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) AS SHOWN IN COUNTY ROAD PLAT BOOK 2, PAGE 5, AND AS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 4251, PAGE 575, AND AS SHOWN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 97931-2347; THENCE NORTH 86°24'21" WEST ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 324.19 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 88°18'58" WEST, A DISTANCE OF 270.97 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°08'31"; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 46.15 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID JOG ROAD; THENCE NORTH 00°10'27" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1081.68 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 15.995 ACRES, MORE OR LESS.

PARCEL III

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

EXHIBIT A

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE AFORESAID SECTION 22; THENCE NORTH 00'41'06" WEST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 1331.34 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SOUTHEAST ONE-QUARTER; THENCE NORTH 89'31'42" EAST ALONG SAID LINE A DISTANCE OF 51.88 FEET TO THE EAST RIGHT OF WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 4224, PAGE 780; THENCE CONTINUE NORTH 89'31'42" EAST, A DISTANCE OF 615.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89'31'42" EAST, A DISTANCE OF 333.67 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE SOUTH 00'30'38" EAST ALONG SAID LINE, A DISTANCE OF 1168.61 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) AS SHOWN IN COUNTY ROAD PLAT BOOK 2, PAGE 5, AND AS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 4251, PAGE 575, AND AS SHOWN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 97931-2347; THENCE NORTH 86'24'21" WEST ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 333.36 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE NORTH 00°34'08" WEST ALONG SAID LINE, A DISTANCE OF 1144.98 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 8.845 ACRES, MORE OR LESS.

PARCEL II AND PARCEL III CONTAINING 24.840 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

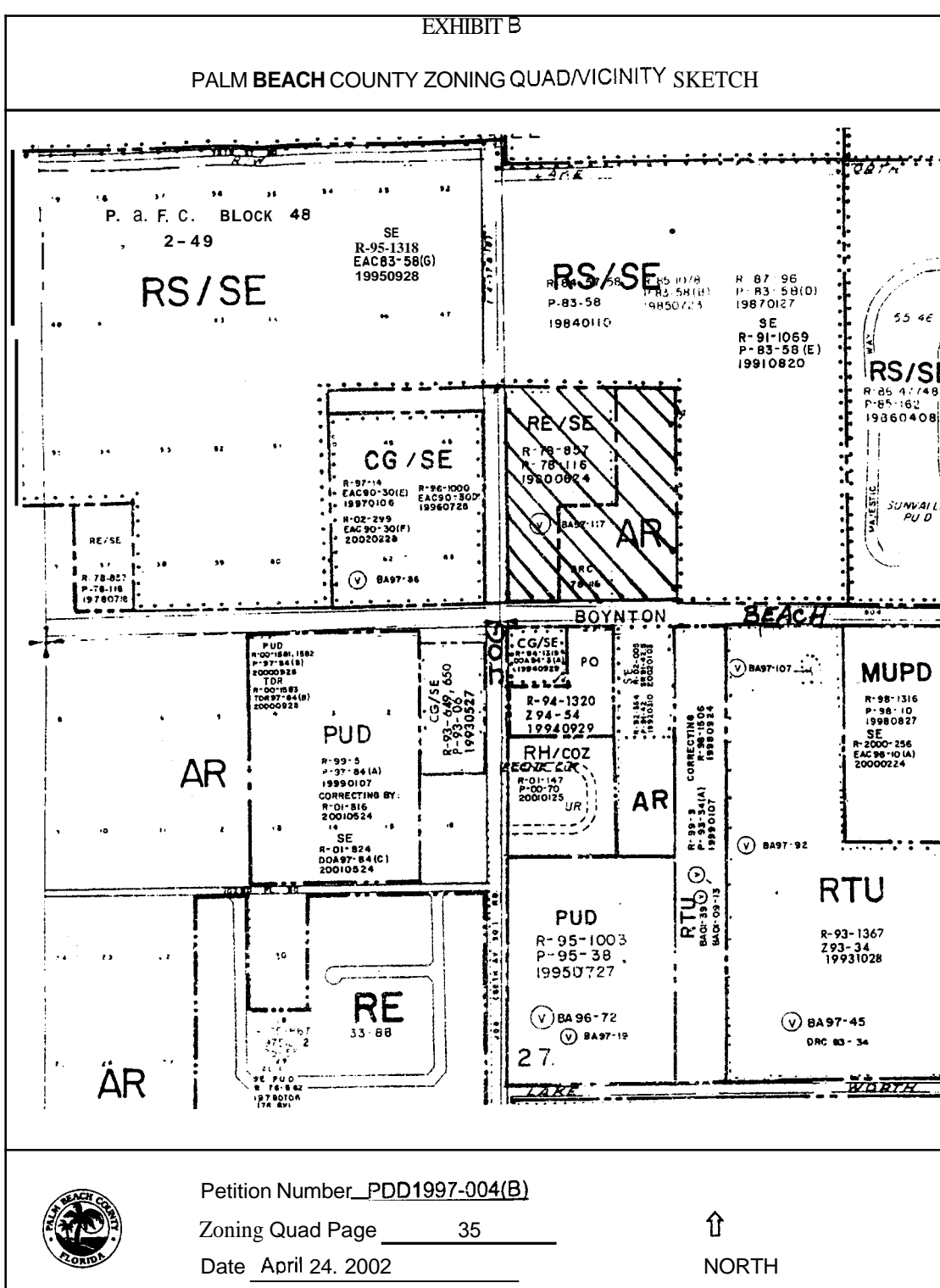


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 11, 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. (ONGOING: ZONING)
2. Prior to final DRC certification of the site plan, the petitioner shall revise concurrency applications to be consistent with the site plan dated June 11, 2002. (DRC: ZONING-Zoning)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification architectural elevations for the principal structure shall be submitted for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ZONING - Zoning)
2. Elevations for all secondary/out parcel buildings shall be submitted prior to building permit for architectural review and approval. The architecture of all buildings shall be consistent with Sec. 6.6.E of the ULDC. All secondary/out parcel buildings shall be unified in character, materials, colors and architectural style of the approved elevations for the principal structure. (BLDG. PERMIT: ZONING)
3. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure. (DRC: ZONING – Zoning)
4. The creation of any building foundation shall be performed by low impact vibration equipment. (ONGOING: CODE ENF – Zoning)

C. BUILDING AND SITE DESIGN

1. Prior to final DRC certification of the master/site plan, the petitioner shall relocate or delete the dumpster currently shown at the southernmost retail building. (DRC / ONGOING: ZONING / CODE ENF)
2. Prior to final DRC certification of the master/site plan, the petitioner shall revise the site plan to show a covered loading dock for the “Grocery store” Building A. A full pitched roof, a minimum of thirty (30) feet in width and forty (40) feet in length, shall be provided over the loading dock. Design, color, pitch and material of the roof shall be consistent with the principal structure. (DRC:ZONING - Zoning)
3. The maximum height for the following structures shall be:
 - a. Building A – maximum thirty-five (35) feet ;
 - b. All other building structures – maximum thirty (30) feet;
 - c. towers – maximum height of sixty (60) feet including all architectural features and focal elements;

- d. all heights shall include architectural focal elements, air conditioning, mechanical equipment and satellite dishes and shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

D. CONVENIENCE STORE WITH GAS SALES

1. Gas station canopies shall be designed consistent with the following standards:
 - a. a maximum height of twenty-five (25) feet. If a pitched roof is used, the roof shall have a minimum slope of 5:12. No flat roof shall be permitted;
 - b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
 - c. lighting for the gas station canopy shall be flush mounted or recessed; and,
 - d. canopy signage shall be limited to a maximum of one (1) wall sign per right-of-way frontage with a maximum height of twenty-four (24) inches. (BLDG PERMIT/CO: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall reduce the gas canopy to a maximum 15,000-square feet. The canopy shall be set back from the west property line a minimum seventy-five (75) feet. (DRC: ZONING-Zoning)
3. Prior to final DRC certification of the site plan, the aisles between each fueling station shall be reduced to a maximum of twenty-seven (27) feet in width. (DRC: ZONING – Zoning)
4. The gas sales facility shall be limited to a maximum number of twelve (12) fueling stations. (DRC: ZONING – Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on:
 - a) Jog Road at the Projects north entrance;
 - b) Boynton Beach Boulevard at the project's west entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. The Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for a 40 foot corner clip prior to the issuance of the first Building Permit whichever shall first occur. This Right-of-way shall be free of all 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way

Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING-Eng)

3. The Property owner shall construct:
 - a) a right turn lane east on Boynton Beach Blvd at the projects west entrance road;
 - b) extend the existing dual left turn lanes west approach on Boynton Beach Boulevard at Jog Road to a minimum length of 300 feet plus the appropriate paved taper.
 - c) a right turn lane south approach on Jog Road at the project's north entrance road.
 - I) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - II) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - III) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
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 37,340 gross leasable floor area shall not be issued until the contract has been let for the construction of Hagen Ranch Road has begun for 5 lane section lane facility from canal to Boynton Beach Boulevard to Road Name plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - b) Building Permits for more than 62,952 gross leasable floor area shall not be issued until the contract has been let for the construction of the widening of Woolbright Road from Jog Road to Military Trail as a lane facility.
 - c) Building Permits for more than 62,952 gross leasable floor area shall not be issued until construction has begun for Gateway Blvd from Jog Road to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

5. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Jog Road Right-of-Ways to provide for:
 - a) median landscaping;
 - b) concrete median cut outs;

This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and

Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING- Eng)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance Obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING- Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property 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 the first building permit. (BLDG PERMIT: ENGINEERING-Erg)

6. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant to provide for:

- a) concrete median cut outs;

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)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property 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)

7. FUNDING OF MEDIAN LANDSCAPE IMPROVEMENTS

- A. Prior to issuance of a building permit, the property owner shall fund median landscaping improvements for Boynton Beach Boulevard consisting of :
 - B. an irrigation system approved by the County Engineer within the median of Boynton Beach Boulevard from El Clair Ranch Road to Jog Road. Amount of this funding shall be determined by the County Engineer and provided to the property owner.
 - C. Replacement of the existing Washingtonian Palms with plant species approved by the County Engineer. Amount of the funding of the replacement material shall be determined by the County Engineer and provided to the property owner. Limits of the replacement material shall be from El Clair Ranch Road to the end of the median west of Alden Ridge Subdivision property line. (BLDG PERMIT: MONITORING- Eng)
8. The property owner shall fund the installation of a traffic signal if and when warranted as determined by the County Engineer. Surety required for this signal shall be posted prior to the issuance of a Building Permit and shall remain in effect for a twenty (20) year time period. A traffic study shall be provided by the property owner prior to issuance of the building permit and shall include existing and proposed traffic volumes, synchronization and vehicle delay study. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING - STANDARD

- 1. 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;
 - 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 on site by this approval shall meet the following minimum standards at installation:
- a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge material shall be planted in overlapping, continuous masses, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights, unless specified herein:
- 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.
- (CO: LANDSCAPE - Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGE OF BOYNTON BEACH BOULEVARD AND JOG ROAD)

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
- a. a minimum twenty-five (25) foot wide landscape buffer strip;
 - b. a minimum one and one half (1.5) to two and one half (2.5) foot high undulating berm with an average height of two (2) feet measured from top of curb. Field adjustment of the berm may be permitted to accommodate pergolas.
 - c. one (1) canopy tree planted at twenty (20) feet of the property line;
 - d. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - 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)

H. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES
(ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. a minimum thirty-five (35) foot wide landscape buffer strip; and
 - b. a continuous, minimum four (4) foot high berm measured from top of curb. Height of berm may increase to six (6) feet provided all drainage of berm meets Engineering approval;
 - c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm to form an overall height of ten (10) feet. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - d. One (1) canopy tree for each twenty (20) linear feet of the property line, and shall be planted alternating on both sides of the wall;
 - e. One (1) palm for each thirty (30) linear feet of the property line, and shall be planted alternating on both sides of the wall. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on both sides of the required wall:
 - a. 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;
 - b. 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,
 - c. 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)

I LANDSCAPING - INTERIOR

1. Landscaped divider medians shall be provided for every second rows of parking. The minimum width of this median shall be ten (10) feet excluding curb. Planting for the median shall consist of:
 - a. One (1) canopy tree for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center.
 - b. One (1) palm for each thirty (30) linear feet of the divider median; and
 - c. One (1) shrub for each three (3) linear feet of the median. Shrub to be a minimum of twenty-four inches at installation, and shall be maintained at a maximum height of thirty (30) inches.
 - d. Planting may be exempted in areas to accommodate pedestrian walkway. (CO: LANDSCAPE - Zoning)
2. A minimum of three (3) sets of trellis/shaded structure shall be provided for the central pedestrian walkway/landscape divider median. Each structure shall have a minimum of ten (10) feet in width and forty (49) feet in length. Vines shall be planted adjacent to each structure. (CO: LANDSCAPE - Zoning)
3. Foundation planting or grade level planters shall be provided along the front and side facades of all structures except for the following:
 - a. Foundation planting for buildings B, C, and D shall be provided on all four sides of the building; and
 - b. Foundation planting shall consist of:

- i. a minimum eight (8) feet in width of the required landscape areas;
 - ii. the length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure; and,
 - iii. 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)
- 4. Landscape diamonds shall be installed in the parking area, except for the sixty (60) degree angle parking, where landscape divider median is not provided.

Landscape for each diamond shall consist of:
 - a. a minimum of one (1) canopy trees; and,
 - b. appropriate groundcover. (DRC:ZONING-Zoning)
- 5. Landscaping for terminal island in the parking area shall consist of the following:
 - a. a minimum of one (1) canopy trees for each ten (10) linear feet of the island; and,
 - b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE)
- 6. Landscape treatment for both sides of the western access driveway to the drugstore (Building E) shall consist of the following:
 - a. west side of driveway – an architectural design feature including, but not limited to a fountain, trellis or similar focal point;
 - b. east side of driveway - an architectural design feature including, but not limited to a trellis/shade structure to screen the loading area. (CO: LANDSCAPE –Zoning)

J. LANDSCAPING – ACCESS POINTS

- 1. Special planting treatment shall be provided on both sides of the northern access point of Jog Road. Landscape treatment shall consist of the following:
 - a. a minimum of three (3) specimen palms (Medjool or Canary);
 - b. a minimum of five (5) flowering trees; and
 - c. shrub or hedge materials;
 - d. plant materials under this condition may satisfy landscape requirements for two (2) palms in the western buffer; and
 - e. an architectural design feature consists of a trellis/shade structure with vines, or a fountain. (CO:LANDSCAPE-Zoning)
- 2. Landscape treatment for the median at the northern access driveway located on Jog Road shall consist of:
 - a. an architectural design feature consists of a fountain with shrub or hedge materials on both sides of the fountain feature. (CO: LANDSCAPE –Zoning)
- 3. Special planting treatment shall be provided on both sides of the southern access point of Jog Road. Landscape treatment shall consist of the following:

- a. a minimum of five (5) Royal Palms;
 - b. a minimum of five (5) flowering trees along the access drive; and
 - c. shrub or hedge materials; and
 - d. plant materials under this condition may satisfy landscape requirements for two (2) palms in the western buffer. (CO: LANDSCAPE-Zoning)
4. Special planting treatment shall be provided at the intersection of Boynton Beach Boulevard and Jog Road. Planting shall consist of the following:
- a. a minimum of three (3) specimen palms (Medjool or Canary);
 - b. a minimum of five (5) flowering trees;
 - c. shrub or hedge materials; and,
 - d. an architectural design feature consists of a wall fountain or a project identification sign with planter. The wall fountain/sign shall be a maximum of six (6) feet in height and sixty (60) square feet in face area. (CO: LANDSCAPE-Zoning)
5. Special planting treatment shall be provided on both sides of the eastern and western access points of Boynton Beach Boulevard. Landscape treatment shall consist of the following:
- a. a minimum of three (3) specimen palms (Medjool or Canary or Royal);
 - b. a minimum of five (5) flowering trees; and
 - c. shrub or hedge materials;
 - d. plant materials under this condition may satisfy landscape requirements for two (2) palms in the western buffer; and
 - e. an architectural design feature consists of a trellis/shade structure with vines or a fountain feature shall be placed at the north end of the access driveway. (CO: LANDSCAPE-Zoning)

K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of 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. Outdoor lighting shall be setback forty (40) feet from the north property line and one hundred (100) feet from the east property line. (CO: BLDG - Zoning)
- 3. All outdoor lighting fixtures in the parking/vehicular area shall not exceed thirty (30) feet in height. Outdoor lighting within one hundred (100) feet of the north and east property lines shall be limited to twenty-five (25) feet in height. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)
- 4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after closing, excluding security lighting only. (ONGOING: CODE ENF)
- 5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

L. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the first Certificate of Occupancy. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)
3. 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)
4. Commercial locations, which are open to the public, shall not restrict public mass transit access. (ONGOING: PALM TRAN-Zoning)

M. MUPD

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

3. Prior to final site plan certification of the site plan, the site plan shall be amended to show a focal point at the open space area adjacent to Jog Road frontage. The focal point shall be in the form of a plaza, fountain, arcade, gazebo, shaded structures with benches or similar pedestrian oriented public areas acceptable to the Public Hearing Section, Zoning Division. Pedestrian walkways with decorative pavement shall be provided to allow direct access to these amenities. (DRC: ZONING-Zoning)

N. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF-Zoning)
2. Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate interior shopping cart storage. (DRC: ZONING-Zoning)
3. The parking area along the eastern façade of the grocery store/retail building shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (CO: BLDG-Zoning)

O. PLANNING

1. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions:
 - a) Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median including a twenty-five (25) foot landscape buffer on Boynton Beach Boulevard; and
 - b) Section 3: Landscaping Guidelines. (ONGOING: PLANNING-Planning)
2. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35 and 37 from the West Boynton Area Community Plan, the applicant shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Jog Road, Boynton Beach Boulevard, and along all internal sidewalks. In addition, the sidewalk that leads from the future outparcel to the grocery store shall be labeled as a "shaded pedestrian path". (DRC: PLANNING-Planning)
3. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: BLDG - Planning)

P. SIGNS

1. Freestanding point of purchase signs fronting on Boynton Beach Boulevard and Jog Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - twelve (12) feet;
 - b. maximum sign face area per side - one hundred square feet;
 - c. maximum number of signs - one (1) sign for each frontage;
 - d. style - monument style only; and,

- e. location - within fifty (50) feet of both sides of the main access of each road frontage;
 - f. signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)
2. Freestanding point of purchase sign for Outparcel (convenience store with gas sales) fronting on Jog Road and Outparcel (drugstore) fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. maximum sign face area per side – sixty (60) square feet;
 - c. maximum number of signs - one (1) sign;
 - d. style - monument style only; and,
 - e. sign shall be limited to identification of the tenant for the drugstore and identification of tenant and gas price for the gas station. (CO: BLDG-Zoning)
 3. Wall signs shall be limited to the following:
 - a. Buildings A-I, A , B, F and G – west façade only;
 - b. Buildings C, D, E, H - south and west facades;
 - c. individual lettering size shall be limited to twenty-four (24) inches high for all structures except for the grocery store, lettering size may be thirty-six (36) Inches in height. Wall signs shall be limited to only identification of tenants only. (CO: BLDG-Zoning)
 4. All signs on the site shall be designed and constructed in accordance with Section 5 -"Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: BLDG - Planning)

Q. USE LIMITATIONS

1. Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 3,500 square feet with six (6) pumps or a maximum of twelve (12) fueling stations. If an accessory restaurant is provided within the convenience store, the maximum building area for the restaurant shall not exceed thirty (30) percent of the convenience store's total square feet per ULDC requirements. (DRC: ZONING-Zoning)
2. Hours of business operation on a daily basis (except limitations on Sunday deliveries and loading activities), including deliveries and loading activities shall be limited to the following:
 - a. convenience store with gas sales, drugstore - 24 hours;
 - b. car wash facility and auto service facility – 7:00 a.m. to 6:00 p.m.;
 - c. all other uses – 7:00 a.m. to 10:00 p.m.
 - d. delivery trucks stored overnight anywhere on the site shall not operate their engines and/or refrigeration equipment between the hours of 8:00 p.m. and 7:00 a.m.
 - e. no Sunday deliveries and loading activities for all uses. (ONGOING: CODE ENF-Zoning)
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)
4. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning)

R. RODENT CONTROL

1. Prior to the issuance of a demolition permit for the existing structures on the subject property, the petitioner shall enter into a contract with a licensed exterminator for the removal and control of any rodents on the subject property. (BLDG. PERMIT:BLDG – Zoning)
2. The Property Owner Association (POA) document for the shopping center shall include a provision that the POA shall be responsible for on-going, perpetual rodent and pest control. (ONGOING: CODE ENF –Zoning)

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. (MONITORING)