

RESOLUTION NO. R-2002-1234

RESOLUTION APPROVING ZONING PETITION DOAI976-006B
DEVELOPMENT ORDER AMENDMENT
PETITION OF 8190 INVESTMENT
BY JAMES EXLINE, AGENT
(SEDONA COMMONS)

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 DOAI976-006B was presented to the Board of County Commissioners at a public hearing conducted on July 25, 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 DOA1976-006B, the petition of 8190 Investment, by James Exline, agent, for a Development Order Amendment to reconfigure site plan and add square footage 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 July 25, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2002.


Filed with the Clerk of the Board of County Commissioners on 21 day of August, 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

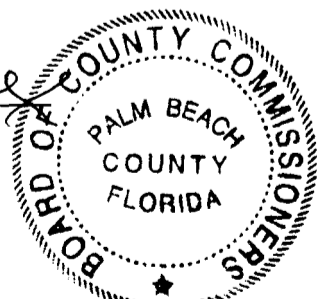


EXHIBIT A
LEGAL DESCRIPTION

Parcel 1 and the west 45 feet of Parcel 2, of Golden Lakes Office Park and Golden Lakes Plaza, according to the map or plat thereof as recorded in Plat Book 34, Pages 178 through 180, in the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

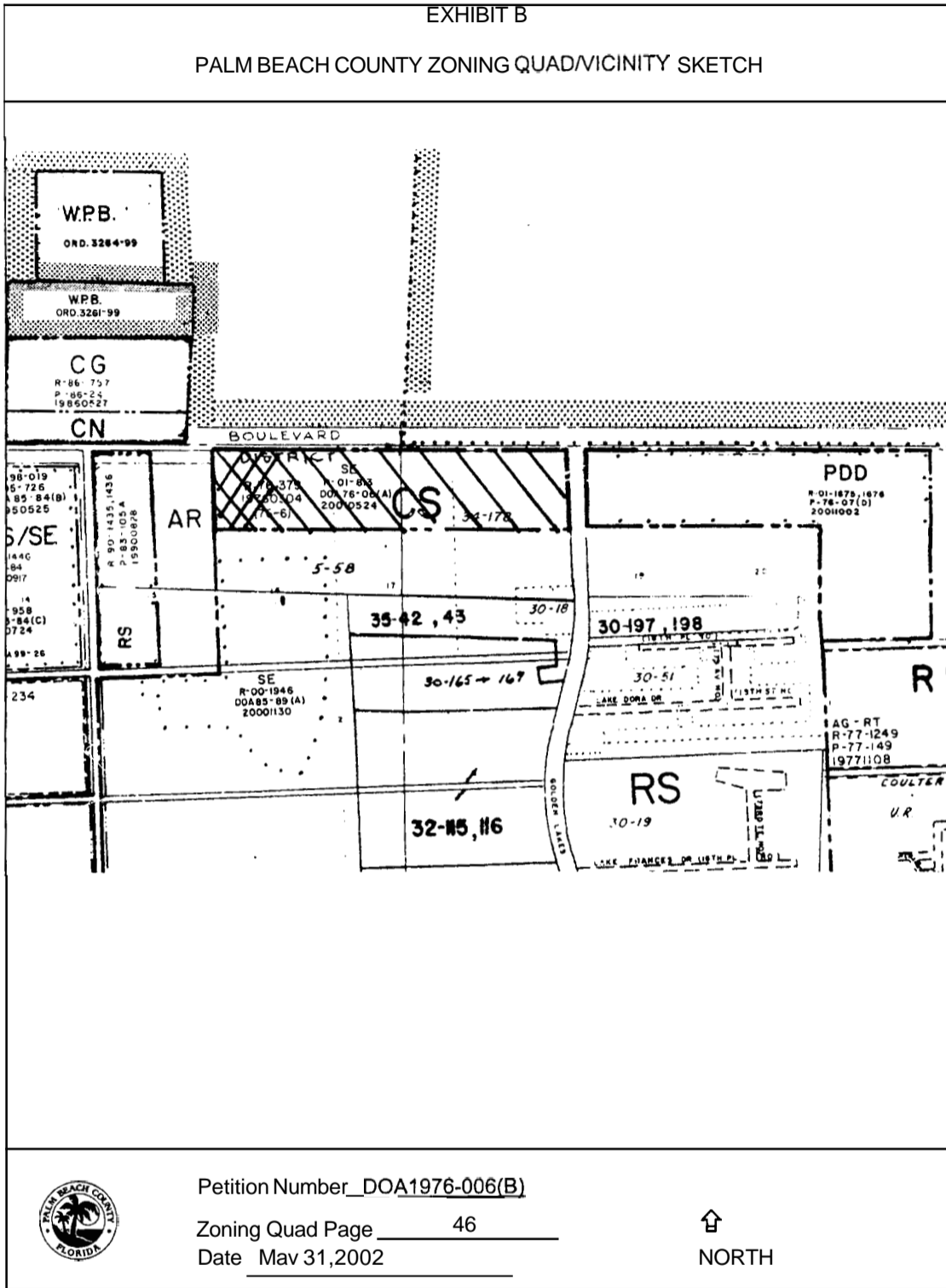


EXHIBIT C

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. Previous Condition A.1 of Resolution R-2001-0813, Petition 76-006(A), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-76-379 (Petition 76-6) and Resolution 2001-0813 (Petition 76-006(A)), 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 2001-0813 (Petition 76-006(A)), 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. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-2001-0813, Petition 76-006(A), which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated March 29, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved master plan for the MUPD is dated June 28, 2002, the approved site plan for Parcel/Tract C is March 29, 2001, and the approved site plan for Parcel D is June 28, 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-Zoning)

3. Prior to final DRC certification of the site plan, the petitioner shall revise the Concurrency application to reflect a maximum of 33,300 square feet of retail uses for Tract C. (DRC:CONCURRENCY-Zoning) (Previous Condition A.3 of Resolution R-2001-0813, Petition DOAI976-006(A))

4. Prior to the final DRC certification of the preliminary development plan and the site plan for Parcel D, the petitioner shall revise both plans to indicate the following:

- a. the required fifteen (15) foot wide landscape buffer along the west property line; and

- b. the reconfiguration of the parking lot to accommodate the required number of parking spaces. (DRC:ZONING –Zoning)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on **all** sides of the building. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines presented to the Board of County Commissioners on April 24,2001, as amended. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1 of Resolution R-2001-0813, Petition DOA1976-006(A))(Tract/Parcel C)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be Consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)(Previous Condition B.2 of Resolution R-2001-0813, Petition DOA1976-006(A)) (Tract/Parcel C)
3. At time of submittal for final DRC certification, the architectural elevations 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 and 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH REVIEW - Zoning) (Parcel D – new building)
4. All roof top 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. (ARCH. REVIEW/BLDG PERMIT: ZONING – Zoning) (Parcel D – new building)
5. Design of gutters and downspouts shall be architecturally integrated into the architectural design of the building. Painting of the gutters and downspout shall not constitute architectural integration. (ARCH. REVIEW/BLDG PERMIT: ZONING – Zoning) (Parcel D – new building)

C. BUILDING AND SITE DESIGN (Tract/Parcel C)

1. Total gross floor area in Tract C shall be limited to a maximum of 33,300 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING - Zoning) (Previous Condition C.1 of Resolution R-2001-0813, Petition DOA1976-006(A))
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.2 of Resolution R-2001-0813, Petition DOA1976-006(A))
3. All ground or roof mounted 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 C.3 of Resolution R-2001-0813, Petition DOA1976-006(A))

D. HEALTH (Parcel D)

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF-Health)
2. Any biomedical waste, which may be generated at this site, shall be properly handled and disposed of in accordance with Rule 64E-16FAC (ONGOING: HEALTH/CODE ENFORCEMENT-Health)
3. Any toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730 FAC. 4. (ONGOING: HEALTH/CODE ENF-Health)

E. ENGINEERING

1. Condition 1. of Resolution R-76-379, Petition 76-6 was deleted by Resolution R-2001-0813.
2. Parcels A/B and H shall construct the following at the westernmost Road (Benoist Farms Road Extension) and the Marginal Access Road:
 - a. Left turn lane from the north approach, Stage 3 [Completed]
 - b. Right turn lane from the east approach, Stage 3
 - c. Left turn lane from the east approach, Stage 3
 - d. Right turn lane from the south approach, Stage 3
 - e. Additional right turn-thru lane from the south approach, Stage 4, or when warranted (ENG) (Previous Condition E.2 of Resolution R-2001-0813, Petition DOAI976-006(A))
3. Condition 3. of Resolution R-76-379, Petition 76-6 was deleted by Resolution R-2001-0813.
4. Parcels A/B and H shall construct the following at Golden Lakes Boulevard and the Marginal Access Road:
 - a. Left turn lane from west approach, Stage 3
 - b. Right turn-thru lane from west approach, Stage 4. (ENG) (Previous Condition E.4 of Resolution R-2001-0813, Petition DOAI976-006(A))
5. Prior to the issuance of any building permits the Developer shall convey to Palm Beach County, the additional right-of-way required for the ultimate right-of-way for Okeechobee Boulevard. (BLDG PERMIT: ENG) (Previous Condition E.5 of Resolution R-2001-0813, Petition DOAI976-006(A)) [Completed]
6. Prior to the issuance of any building permits the Developer shall convey the right-of-way for Benoist Farms Road. (BLDG PERMIT: ENG) (Previous Condition E.6 of Resolution R-2001-0813, Petition DOAI976-006(A)) [Completed]
7. Developer shall bond the construction of Benoist Farms Road, which shall be constructed by the Developer as a two (2) lane paved facility from Okeechobee Boulevard to Belvedere Road. Said construction to be concurrent with the construction of Stage 4. (ENG) (Previous Condition E.7 of Resolution R-2001-0813, Petition DOAI976-006 (A)) [Completed]

8. Developer shall plat the development in accordance with the Subdivision and Platting Regulations. (ENG) (Previous Condition E.8 of Resolution R-2001-0813, Petition DOA1976-006 (A)) [Completed]
9. Developer shall provide, at his expense, a guardhouse south of the Commercial Area, for Golden Lakes Village Condominium, and subject to review by the Condominium Board of Directors. (ENG) (Previous Condition E.9 of Resolution R-2001-0813, Petition DOA1976-006 (A)) [Completed]
10. Condition 10. of Resolution R-76-379, Petition 76-6 was deleted by Resolution R-2001-0813.
11. Parcels A/B and H shall provide a landscaped buffer area along both sides of the common boundary between the commercial development and Golden Lakes Village Condominium. (ONGOING) (Previous Condition E. 11 of Resolution R-2001-0813, Petition DOA1976-006(A))
12. Developer shall, at his expense, enter into a joint application with Golden Lakes Village Condominium to request the reversion of Golden Lakes Boulevard and Golden River Drive from eight (80) foot publically dedicated collectors as they effect the condominium area of Golden Lakes Village. (ENG) (Previous Condition E.12 of Resolution R-2001-0813, Petition DOA1976-006(A)) [Completed]
13. Developer will provide for all inner roads in the condominium area of Golden Lakes Village to become private. (ENG) (Previous Condition E.13 of Resolution R-2001-0813, Petition DOA1976-006(A)) [Completed]
14. Developer shall provide a control mechanism at the construction entrance at the south end of the project to insure that all construction vehicles will be instructed to use this entrance. A gate system shall be placed across the roadway when there is no construction activity. (ENG) (Previous Condition E.14 of Resolution R-2001-0813, Petition DOA1976-006(A)) [Completed]
15. Prior to January 1, 2002 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for an expanded intersection along Benoist Farms Road, 49 feet from centerline plus the appropriate paved tapers as shown on Palm Beach County's Typical Expanded Intersection Detail. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Condition E.15 of Resolution R-2001-0813, Petition DOA1976-006(A))
16. 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 Okeechobee Blvd. at the project's entrance road. This additional right of way shall only be required by the County Engineer if the additional lanes for the Okeechobee Boulevard road widening is outside the existing six lane section. 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) (Previous Condition E.16 of Resolution R-2001-0813, Petition DOA1976-006(A))

17. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Okeechobee Blvd and Benoist Farms Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previously Condition E.17 of Resolution R-2001-0813, Petition DOA1976-006(A))

18. The property owner shall construct a Right turn lane west approach on Okeechobee Blvd. at the project's entrance road if permitted by the Florida Department of Transportation.

a. This construction shall be concurrent with the paving and drainage improvements for Parcel C. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the Building Permit for Parcel C. (BLDG PERMIT: Monitoring-Eng)

c. Construction shall be completed prior to the issuance of the Certificate of Occupancy for Parcel C. (CO: MONITORING-Eng) (Previous Condition E.18 of Resolution R-2001-0813, Petition DOA1976-006(A))

19. LANDSCAPE WITHIN MEDIAN OF OKEECHOBEE BOULEVARD

a. Prior to issuance of a building permit for each parcel within the MUPD or an alternative date established by the County Engineer relevant to the Okeechobee widening schedule, the property owners shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Okeechobee Boulevard Road Right-of-Ways adjacent to each parcels frontage on Okeechobee Boulevard. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this

roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.19.A of Resolution R-2001-0813, Petition DOAI976-006(A))

- 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 or an alternative date established by the County Engineer relevant to the Okeechobee widening schedule. (CO: MONITORING-Eng) (Previous Condition E.19.B of Resolution R-2001-0813, Petition DOAI976-006(A))
- 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) (Previous Condition E.19.C of Resolution R-2001-0813, Petition DOAI976-006(A))

20. Condition E.20 of Resolution R-2001-0813, Petition DOAI976-006(A)) which currently states:

In order to comply with the Traffic Performance Standards this development shall be limited to building permits for no more than 2,000 square feet fast food restaurant and 4,581 square feet of retail shall be issued until the contract is awarded for construction of Okeechobee Blvd. from State Road 7 to Jog Road as an 8-lane median divided section. The mix of uses listed above may be adjusted based upon an approved Traffic Study by the County Engineer which would identify a different mix of uses which would generate equivalent traffic. (BLDG PERMITS: MONITORING/ Eng)

~~Is~~ hereby deleted. Reason: Concurrency will be reviewing. Phasing condition will be added at DRC.

21. Prior to September 1, 2002 the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING-Eng)
22. 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 the 2,000 square feet fast food restaurant and 4,581 square foot gross retail floor area shall be issued until the contract has been awarded for the construction of Okeechobee Boulevard as an 8 lane median facility from State Road 7 to Jog Road plus the appropriate paved tapers. (BUILDING PERMIT: MONITORING-Eng)
 - b. The mix of allowable uses identified above as permitted by the Zoning Division, 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. (BLDG PERMIT: MONITORING:Eng)

F. LANDSCAPING - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R-2001-0813, Petition DOA1976-006(A))
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) (Previous Condition D.2 of Resolution R-2001-0813, Petition DOA1976-006(A))
3. 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) (Previous Condition D.3 of Resolution R-2001-0813, Petition DOA1976-006(A))

G. Condition F.I of Resolution R-2001-0813, Petition DOAI976-006(A) which currently states:

LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD FRONTAGE FOR TRACT C ONLY)

1. Landscaping and buffering along the north property line 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 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 planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four **(24)** inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

Is hereby amended to read:

LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD FRONTAGE FOR TRACT/PARCEL C AND PARCEL D)

1. Landscaping and buffering along the north property line 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 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 planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

H. Condition G.I of Resolution R-2001-0813, Petition DOAI976-006(A) which currently states:

LANDSCAPING ALONG SOUTH PROPERTY LINE (TRACT C ONLY)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum two (2) foot high continuous berm measured from top of curb;
 - c. one (1) canopy tree planted every twenty (20) feet on center. No width reduction or easement encroachment shall be permitted;

- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

Is hereby amended to read:

LANDSCAPING ALONG SOUTH PROPERTY LINE (TRACT/PARCEL C and PARCEL D)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum two (2) foot high continuous berm measured from top of curb;
 - c. one (1) canopy tree planted every twenty (20) feet on center. No width reduction or easement encroachment shall be permitted;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters: and,
 - e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

I. LANDSCAPING ALONG EAST PROPERTY LINE (BENOIST FARMS ROAD FRONTAGE)

- 1. Landscaping and buffering along the east property line 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 planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previous Condition H.I of Resolution R-2001-0813, Petition DOA1976-006(A)) (Tract/Parcel C)

J. LANDSCAPING ALONG WEST PROPERTY LINE (PARCEL D)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. minimum fifteen (15) 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) native canopy tree for each thirty (20) feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each six (6) 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 two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

K. LANDSCAPING - INTERIOR (TRACT/PARCEL C)

- 1. A minimum of one (1) landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linearfeet. (DRC: ZONING-Zoning) (Previous Condition 1.1 of Resolution R-2001-0813, Petition DOAI976-006(A))
- 2. Foundation planting or grade level planters shall be provided along the front and side facades of all new structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover.
 - d. The required foundation planting may be reconfigured on-site so long as the area is equivalent to the total required area and does not exceed three (3) square feet. (DRC/CO: LANDSCAPE-Zoning) (Previous Condition 1.2 of Resolution R-2001-0813, Petition DOAI976-006(A))

L. 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) (Previous Condition J.1 of Resolution R-2001-0813, Petition DOAI976-006(A))
- 2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition J.2 of Resolution R-2001-0813, Petition DOAI976-006(A))
- 3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF) (Previous Condition J.3 of Resolution R-2001-0813, Petition DOAI976-006(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 J.4 of Resolution R-2001-0813, Petition DOAI976-006(A))

M. MUPD

1. All requested uses shall remain in the location indicated on the preliminary development plan/site plan dated June **28,2002** approved by the Board of County Commissioners. (DRC: ZONING) (Previous Condition K.1 of Resolution R-2001-0813, Petition DOAI976-006(A))
2. 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, rooflines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previous Condition K.2 of Resolution R-2001-0813, Petition DOA1976-006(A))
3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previous Condition K.3 of Resolution R-2001-0813, Petition DOAI976-006(A))
4. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate a focal point at the terminus of each main access from Okeechobee Boulevard. The focal points shall be in the form of a plaza, fountain, arcade or any other site element or similar pedestrian oriented public areas. (DRC: ZONING) (Previous Condition K.4 of Resolution R-2001-0813, Petition DOAI976-006(A))

N. SIGNS

1. Freestanding point of purchase signs fronting on Okeechobee Boulevard and Benoist Farms Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side -one hundred fifty (150) square feet;
 - c. Maximum number of signs - one (1) on Okeechobee Boulevard and one (1) on Benoist Farms Road;
 - d. Style - monument style only. (CO: BLDG) (Previous Condition L.1 of Resolution R-2001-0813, Petition DOAI976-006(A))
2. Freestanding signs on Benoist Farms Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (**8**) feet;
 - b. Maximum sign face area per side - sixty (60) square feet;
 - c. Maximum number of signs - one (1); and,

- d. Style - monument style only. (CO: BLDG) (Previous Condition L.2 of Resolution R-2001-0813, Petition DOAI976-006(A)) (Tract/Parcel C)
3. Identification signs at the Okeechobee Boulevard and Benoist Farms Road 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 - forty (40) square feet;
 - c. Maximum number of signs - one (1); at the intersection of Benoist Farms Road and Okeechobee Boulevard and one (1) at Benoist Farms Road and limited access road;
 - d. Style - monument style only. (CO: BLDG) (Previous Condition L.3 of Resolution R-2001-0813, Petition DOAI976-006(A)) (Tract/Parcel C)
 4. Wall signs shall be limited to north and east facade of the buildings. Lettering size of the wall signs shall be limited to eighteen (18) inches high. (CO: BLDG) (Previous Condition L.4 of Resolution R-2001-0813, Petition DOAI976-006(A)) (Tract/Parcel C)
 5. No additional freestanding signage shall be permitted on the Okeechobee Boulevard frontage. Replacement or relocation of the existing freestanding sign shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point fifteen (15) feet;
 - b. Maximum total sign face area - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and,
 - e. Location - Okeechobee Boulevard. (CO: BLDG - Zoning) (Parcel D).
 6. Wall signs shall be limited to north and east facades of the buildings. Lettering size of the wall signs shall be limited to eighteen (18) inches high. (CO: BLDG-Zoning) (Parcel D)

O. USE LIMITATIONS

1. All uses in Tract C shall be limited to the following hours of operation:
 - a. Indoor use shall be limited to the hours of 7:00 a.m. to 11:00 p.m. daily.
 - b. Drive thru shall be limited to the hours of 7:00 a.m. to 12:00 p.m. daily
 - c. Deliveries shall be limited to the hours of 9:00 a.m. to 6:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous Condition M.1 of Resolution R-2001-0813, Petition DOAI976-006(A))

P. PLANNING

1. Prior to final Development Review Committee (DRC) Certification, the site plan and master plan shall be revised to indicate the existing or proposed future location of sidewalks along Okeechobee Boulevard since this site is within two (2) miles of a school. (DRC:PLANNING-Planning)

Q. 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) (Previous Condition N.1 of Resolution R-2001-0813, Petition DOAI976-006(A))
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 the Code Enforcement Division 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) (Previous Condition N.2 of Resolution R-2001-0813, Petition DOA1976-006(A))