

RESOLUTION NO. R-2002- 1957

RESOLUTION APPROVING ZONING PETITION DOA1997-071A
DEVELOPMENT ORDER AMENDMENT
PETITION OF AN-SCA OFFICE BUILDING LTD
BY ROBERT BENTZ, AGENT
(HAGEN & BOYNTON OFFICE)

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 DOA1997-071A was presented to the Board of County Commissioners at a public hearing conducted on October 24, 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.
- a. 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 DOA1997-071A, the petition of An-SCA Office Building Ltd, by Robert Bentz, agent, for a Development Order Amendment to reconfigure site plan 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 October 24, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 2002.

Filed with the Clerk of the Board of County Commissioners on 6 day of November, 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

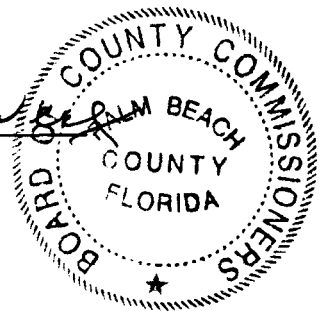


EXHIBIT A
LEGAL DESCRIPTION

PARCEL "A" "HAGEN AND BOYNTON OFFICE PLAT", AS RECORDED IN PLAT BOOK 83, PAGES 135 AND 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 184,712 SQUARE FEET / 4.2404 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

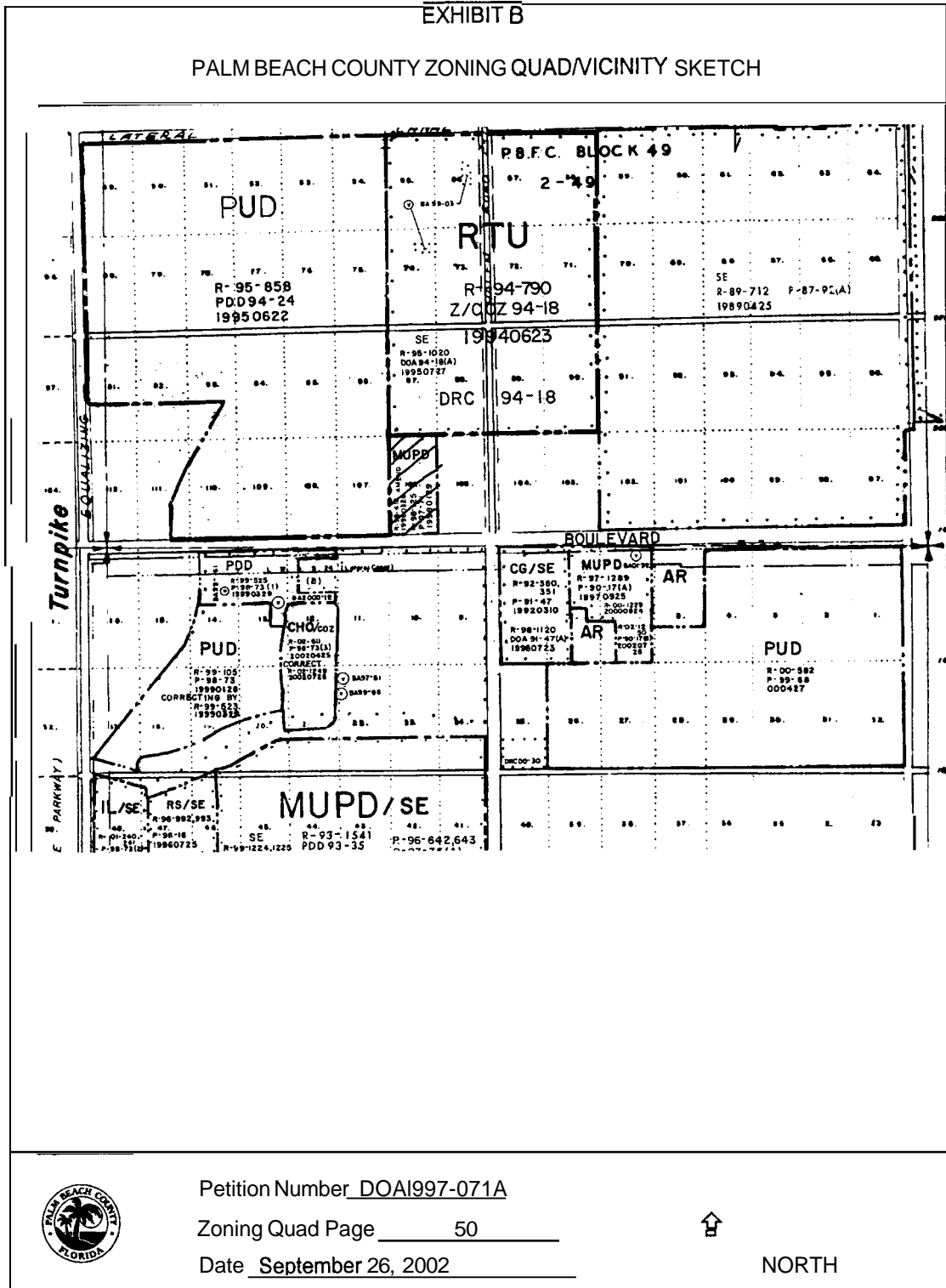


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1998-0125 (Petition 1997-071), 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.1 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 25, 1997. 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 as approved by the Board of County Commissioners. The approved site plan is dated August 15, 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)

B. ARCHITECTURAL

1. The proposed medical building shall be designed and constructed to be generally consistent with the facade elevations by ADA Architectural Design Associates dated August 15, 2002. The Zoning Division may permit deviations from these elevations subject to architectural review and approval in accordance with Section 6.6.E of the ULDC. (DRC: ARCH. REVIEW - Zoning)
2. At time of submittal for final DRC certification, the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the DRC certified site plan. Focal point shall include, but not limited to a fountains, trellis with benches, sculpture or architectural design acceptable to the Zoning Division. (DRC: ARCH. REVIEW - Zoning)

C. BUILDING AND SITE DESIGN

1. **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) (Previous Condition B.1 of Resolution R-98-0125, Petition PDD97-71)**

2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Condition B.2 of Resolution R-98-0125, Petition PDD97-71)

3. Condition B.3 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Exterior metal louvers to provide partial screening of the second floor windows will be incorporated into the building design at the west (rear) elevation of the west building. (BLDG PERMIT: Zoning)

Is hereby deleted. Reason [not applicable]

4. Condition B.4 of Resolution R-98-0125, Petition PDD97-71 which currently states:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred and fifty (150) feet of the north and west property line. (DRC/ ONGOING: ZONING / CODE ENF)

Is hereby amended to read:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred and fifty (150) feet of the north and west property lines. (DRC/ONGOING: ZONING / CODE ENF-Zoning)

D. LANDSCAPING - STANDARD

1. Condition C.I of Resolution R-98-0125, Petition PDD97-71

All canopy trees required to be planted on site by this approval, except on individual residential lots, 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.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current 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) (Previous Condition C.2 of Resolution R-98-0125, Petition PDD97-71)
3. 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;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
4. 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; and
 - b. Section **3**: Landscaping Guidelines. (ONGOING: PLANNING-Planning) (Previous Condition C.3 of Resolution R-98-0125, Petition PDD97-71)
5. Condition C.4 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Prior to final site plan certification by the DRC the petitioner shall submit a conceptual landscape plan to the Planned Division for consistency review with the Boynton Beach Turnpike Interchange Corridor Design guidelines. (DRC: PLANNING-Planning)

Is hereby amended to read:

Prior to final site plan certification by the DRC, the petitioner shall submit a conceptual landscape plan to the Planning Division for consistency review with the Boynton Beach Turnpike Interchange Corridor Design Guidelines. (DRC: PLANNING-Planning)

E. ENGINEERING

1. 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 **30,449** square feet of medical office shall not be issued until construction has begun for the widening of Jog Road as a **6** lane section from Boynton Beach Boulevard to Woolbright Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.1 of Resolution R-98-0125, Petition PDD97-71) (Completed)

2. Condition E.2.a of Resolution R-98-0125, Petition PDD97-71 which currently states:

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-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

Is here by amended to read:

Prior to DRC approval of the final Development Plan the property owner shall obtain approval from the Florida Department of Transportation for the Geometrics of the required right turn lane on Boynton Beach Boulevard into the site.

Should the projects entrance onto Boynton Beach Boulevard be required to be relocated to meet DOT approval, the Preliminary Development Plan shall be amended accordingly.
(DRC APPROVAL-ENGINEERING)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association andlor 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. (PLAT FINAL: ENG) (Previous Condition E.2.b of Resolution R-98-0125, Petition PDD97-71)
- c. Declaration of Covenants and Restriction Documents 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.2.c of Resolution R-98-0125, Petition PDD97-71)

Is here by amended to read:

2. LANDSCAPE WITHIN MEDIAN OF BOYNTON BEACH BOULEVARD

Prior to the issuance of a Building Permit, the petitioner shall make a contribution in the amount of \$23,892 to the Land Development Division. These monies are to be used toward the Median Beautification Project of Boynton Beach Boulevard between Hagen Ranch Road and the entrance to Indian Hills PUD. If an agreement has not been accomplished for this Median Beautification Project for Boynton Beach Boulevard prior to November 1, 2003, Palm Beach County may use these funds towards the Otis program within the project area.

3. Prior to DRC approval of the final Development Plan the property owner shall obtain approval from the Florida Department of Transportation for the Geometrics of the required right turn lane on Boynton Beach Boulevard into the site.

Should the projects entrance onto Boynton Beach Boulevard be required to be relocated to meet DOT approval, the Preliminary Development Plan shall be amended accordingly. (DRC APPROVAL-ENGINEERING)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING WEST BOYNTON BEACH BLVD)

1. Condition F.I of Resolution R-98-0125, Petition PDD97-71 which currently states:

Landscaping and buffering along the south property line shall be upgraded to include:

- a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
- b. **One (1) Live Oak tree planted every twenty-five (25) feet on center;**
- c. **One (1) Royal Palm for each forty (40) linear feet of frontage; and,**
- d. **Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm. (CO: LANDSCAPE)**

Is hereby amended to read:

Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) 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 (Live Oak) for each twenty-five (25) linear feet of the property line;
- d. one (1) palm or pine (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm; 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.

- 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)

G. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Condition D.1 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. In accordance with Section **6.8.A.23.b.(c)**. The requirement for the 6 foot wall may be waived since the adjacent property to the north contains a wall;
- c. One (1) canopy tree planted every twenty-five (25) feet on center;
- d. One (1) palm or pine tree for each forty (40) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
- e. Thirty-six (36) 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 forty-eight (48) inches. (CO: LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the north and west property lines shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. In accordance with Section 6.8.A.23.b.(c). The requirement for the 6 foot wall may be waived since the adjacent property to the north contains a wall;
- c. One (1) canopy tree planted for each twenty (20) linear feet of the property line; and to be planted alternating on both sides of the wall;
- 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 on center, and to be alternating planted on both sides of the wall;
- 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, and to be planted on each side of the wall; and
- 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 to be planted on each side of the wall. (CO:LANDSCAPE-Zoning)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING COMMERCIAL LAND USE)

- 1. Condition G.1 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip; and
- b. One (1) canopy tree planted every twenty-five (25) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
- d. Thirty-six (36) 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 forty-eight (48) inches. (CO: LANDSCAPE)

Is hereby amended to read:

- a. A minimum five (5) foot wide landscape buffer strip; and
- b. One (1) canopy tree planted every twenty-five (25) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
- d. Thirty-six (36) 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 forty-eight (48) inches. (CO: LANDSCAPE-Zoning)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Condition H.1 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Landscaping and buffering along the west property lines shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip; and
- b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)

Is hereby deleted. Reason [Replaced by condition G.1]

2. Condition H.2 of Resolution R-98-0125, Petition PDD97-71 which currently states:

The following landscaping requirements along the west property line shall be upgraded to include the following:

- a. One (1) canopy tree planted every twenty-five (25) feet on center;
- b. One (1) palm or pine tree for each forty (40) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
- c. Thirty-six (36) 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 forty-eight (48) inches; and,
- d. **All** trees and palms shall be installed alternating on both sides of the required wall. (CO: LANDSCAPE)

Is hereby deleted. Reason [Replaced by condition G.1]

3. Condition H.3 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Along the interior side of the required wall, the property owner shall install thirty-six **(36)** inch high shrub or hedge material spaced no more than thirty-six **(36)** inches on center, to be maintained at a minimum height of thirty-six **(36)** inches. (CO: LANDSCAPE)

Is hereby deleted. Reason [Replaced by condition G.1]

4. Condition H.4 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Along the interior side of the wall, adjacent to the west facade of the western building, the inside row of perimeter canopy trees shall be installed at a minimum of sixteen (16) feet in height (approximately six **(6)** trees). (CO: LANDSCAPE)

Is hereby deleted. Reason [Replaced by condition G.1 and G.I exceeds the original condition in plant material requirement.]

J. MUPD

1. Condition 1.1 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Total gross floor area shall be limited to a maximum of **53,600** square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less.

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 50,700 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING-Zoning)

2. Condition 12 of Resolution R-98-0125, Petition PDD97-71 which currently states:

To ensure consistency with the site plan dated September 25, 1997 presented to the Board of County Commissioners, no more than ten (10%) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING-Zoning)

Is hereby deleted. Reason: [Allow design flexibility for DRC approval]

K. PLANNING

1. Condition J.I of Resolution R-98-0125, Petition PDD97-71 which currently states:

Prior to the issuance of a building permit, the property owner shall include in the landscape median permit application (Condition **E.2.**, Landscaping **details/specifications** meeting the standards as set forth in Section 2.B (1) (2) of the Boynton Beach Turnpike Interchange Corridor • Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: MONITORING - Planning)

Is hereby amended to read:

Prior to the issuance of a building permit, the property owner shall include in the landscape median permit application (Condition E.2., and E.4) Landscaping details/specifications meeting the standards as set forth in Section 2.B (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: MONITORING - Planning)

2. Condition J.2 of Resolution R-98-0125, Petition PDD97-71 which currently states:

Prior to Final Site Plan Certification by the Development Review Committee (DRC), the petitioner shall revise the site plan to delete the note "entry landscape area may contain parking spaces". (DRC: PLANNING)

Is hereby amended to read:

Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall include cross section details of a landscaped pathway/sidewalk along the sidewalk along Boynton Beach Boulevard in order to provide shade/canopy for the sidewalk. (DRC: LANDSCAPE-Planning)

3. Prior to final site plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated August 15, 2002 (Rec.# 35 and 47) regarding shaded pedestrian pathways and vehicular and pedestrian connections. (DRC: PLANNING-Planning)
4. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks shown in this project. (DRC: PLANNING-Planning)
5. Prior to the issuance of a certificate of occupancy, the petitioner shall pave the two (2) vehicular and pedestrian cross access points, to include shade trees, to the edge of the eastern property lines at the locations shown on the final certified site plan that read "5' sidewalk and 26' wide cross access drive." (CO: MONITORING-Planning)

L. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition K.1 of Resolution R-98-0125, Petition PDD97-71)**
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 K.2 of Resolution R-98-0125, Petition PDD97-71)**
3. **All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Condition K.3 of Resolution R-98-0125, Petition PDD97-71)**

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-Zoning) (Previous Condition K.4 of Resolution R-98-0125, Petition PDD97-71)

M. SIGNS

1. Condition L.I of Resolution R-98-0125, Petition PDD97-71 which currently states:

Freestanding point of purchase signs fronting on Boynton Beach Boulevard 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 - 100 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (CO: BLDG-Zoning)

Is hereby amended to read:

Freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - 10 feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - 1; and
- d. Style - monument style only. (CO: BLDG-Zoning)

2. 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)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING- Zoning)

2. Condition M.I of Resolution R-98-0125, Petition PDD97-71 which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

— Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING-Zoning)