

RESOLUTION NO. R-2003- 0105

RESOLUTION APPROVING ZONING PETITION DOA1980-167C
DEVELOPMENT ORDER AMENDMENT
PETITION OF WEST PALM BEACH FLA, CPDC LTD.
BY MARK SALTZ, AGENT
(POLO GROUNDS MALL)

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 DOA1980-167C was presented to the Board of County Commissioners at a public hearing conducted on January 23, 2003; 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 DOA1980-167C, the petition of West Palm Beach Fla, CPDC Ltd., by Mark Saltz, agent, for a Development Order Amendment to reconfigure site plan, modify/delete conditions of approval and re-start the commencement clock 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 January 23, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Absent
Tony Masiotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 23, 2003.

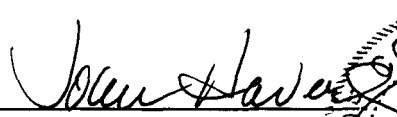
Filed with the Clerk of the Board of County Commissioners on 26 day of February, 2003.

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

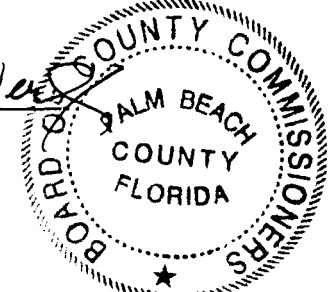


EXHIBIT A

LEGAL DESCRIPTION

A tract of land in the Southeast Quarter (SE 1/4) of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the point of intersection of a line parallel to and 80.00 feet Northerly from (measured at right angles to) the South line of said Section 1, Township 44 South, Range 42 East, with the Easterly right-of-way line of Military Trail (State Road 809) as shown on right-of-way map, recorded in Road Plat Book 3, Page 75, Public Records of Palm Beach County, Florida; thence Northerly along said Easterly right-of-way line of Military Trail, a distance of 140.00 feet to the POINT OF BEGINNING.

From the POINT OF BEGINNING; thence continue Northerly along said Easterly right-of-way line of Military Trail, a distance of 664.88, more or less, to a point in a line parallel to and 449 feet Southerly from (measured at right angles to) the North line of the South half (S 1/2) of the Southeast Quarter (SE 1/4) of said Section 1; thence Easterly along said parallel line, a distance of 300.00 feet to a point in a line parallel with the said Easterly right-of-way line of Military Trail; thence Northerly along said parallel line a distance of 149.0 feet, more or less, to a point in a line parallel with and 300.00 feet Southerly from (measured at right angles to) the North line of the South half (S 1/2) of the Southeast Quarter (SE 1/4) of said Section 1; thence Easterly along said parallel line, a distance of 552.48 feet, to a point in a line at right angles to the South line of said Section 1; thence Southerly along said line at right angles to the South line of said Section 1, a distance of 953.0 feet, more or less, to a point in a line 80.00 feet Northerly from and parallel to the South line of said Section 1; and being the Northerly right-of-way line of Dillman Road (now Summit Boulevard); thence Westerly along said parallel line a distance of 703.73 feet, more or less, to a point in a line parallel with and 150.00 feet East of, as measured on a line radial to the said Easterly right-of-way line of Military Trail; thence Northerly along said parallel line, a distance of 140.00 feet to a point in a line parallel with and 220.00 feet North of (measured at right angles to) the said South line of Section 1; thence Westerly along said parallel line, a distance of 150.10 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

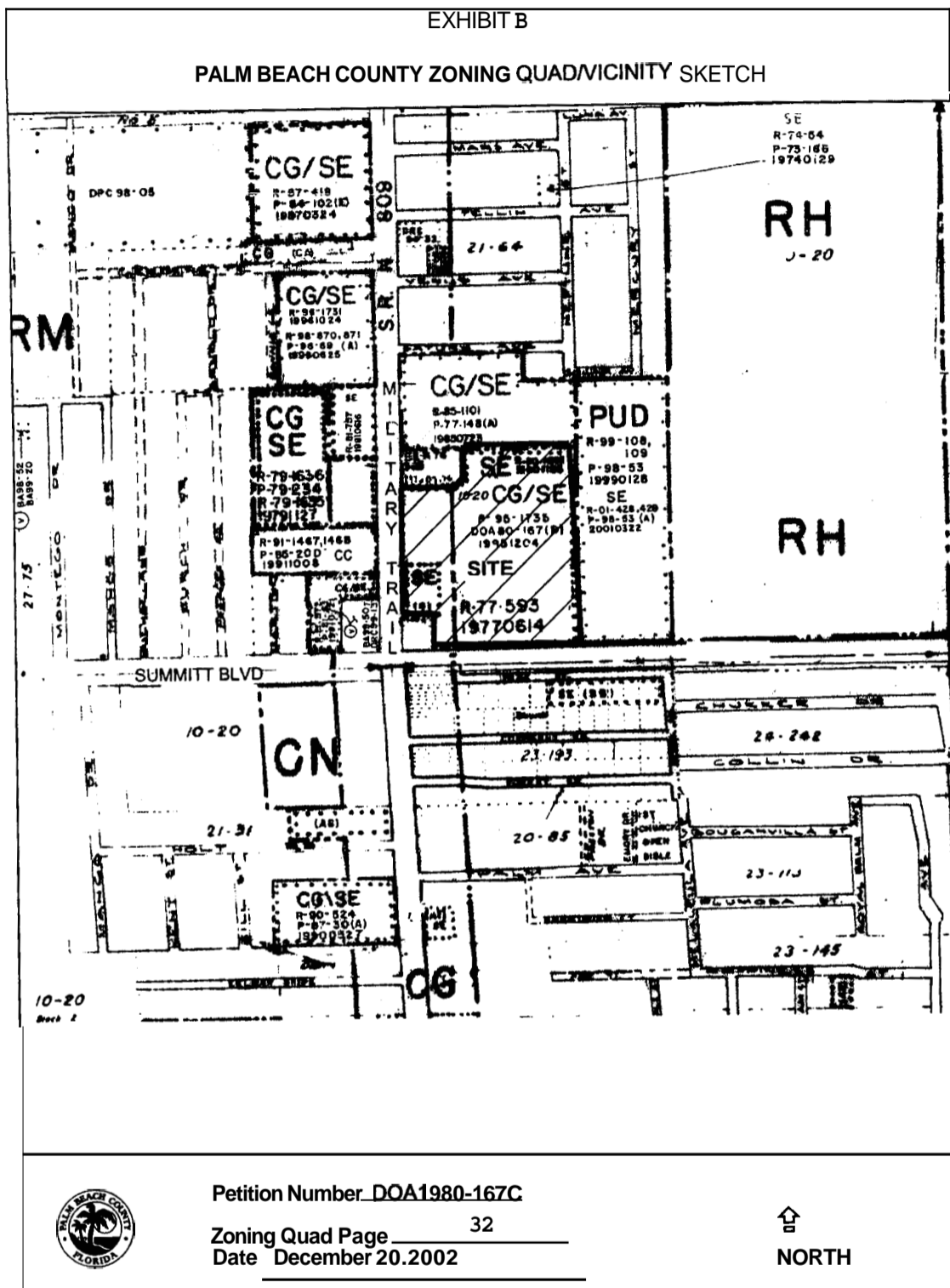


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Condition 1 of Resolution R-1980-1601, Petition 1980-167, which currently states:

Petitioner shall complete the implementation of the conditions previously approved per Resolution **R-78-1134** prior to the issuance of a building permit.

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

2. Condition A.1 of Resolution R-95-1735, Petition 80-167(B), which currently states:

The petitioner shall comply with all previous conditions of approval (R-77-593, R-78-1134 and R-80-1601) 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 Resolutions R-95-1735 (Petition 80-167B), R-80-1601 (Petition 80-167), R-78-1134 (Petition 78-195), and R-77-0593 (Petition 77-053), 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)

3. Condition A.2 of Resolution R-95-1735, Petition 80-167(B), which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (Exhibit dated November 21, 1995). 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)

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 November 18, 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)

4. The petitioner shall have three (3) years from adoption of the resolution approving Petition 80-167C to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING – Zoning)

B. ARCHITECTURE REVIEW

1. At time of submittal for final DRC certification, the architectural elevations for the main commercial building shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC and the elevations prepared by Saltz Michelson Architects dated December 16, 2002. Developments shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PRMT – Zoning)
2. All new roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all skies by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG – Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of the buildings. Painting of the gutters and downspout shall not constitute architectural integration. (DRC: ARCH REV – Zoning)
4. The delivery/loading area for the two (2) new retail facilities shall be screened from view from the east property line by a fourteen (14) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG – Zoning)

C. BUILDING AND SITE DESIGN

1. Condition 1 of Resolution R-1978-1134, Petition 1978-195, which currently states:

Petitioner shall install an "Exit Only" sign at the drive-in east lane.

Is hereby deleted. [REASON: Completed].
2. Condition 2 of Resolution R-1978-1134, Petition 1978-195, which currently states:

Petitioner shall construct a bypass lane to west of the teller stations.

Is hereby deleted. [REASON: Completed].
3. Condition D.I of Resolution R-95-1735, Petition 80-167(B), which currently states:

Prior to issuance of a Certificate of Occupancy for the proposed building (Petition 80-167B), the petitioner shall construct:
 - a. Five (5) foot wide concrete sidewalks along both sides of the main entrances from Military Trail and Summit Boulevard to provide a pedestrian connection to the remainder of the shopping center.
 - b. A five (5) foot wide concrete sidewalk along the north side of the existing 3150 sq. ft. free standing building and the proposed 5000 sq. ft. building. This sidewalk shall be continued to the east to provide a pedestrian connection to the remainder of the shopping center.
Is hereby deleted. [REASON: Completed].

4. Condition 4 of Resolution R-1980-1601, Petition 1980-167, which currently states:

Petitioner shall not be allowed to install gasoline pumps.

Is hereby deleted. [REASON: All gas sales are subject to BCC approval],

5. Condition C.I of Resolution R-95-1735, Petition 80-167(B), which currently states:

Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate:

- a. Minimum of one interior landscape island for every twelve (12) parking spaces;
- b. Interior landscape islands opposite the main entrance from Military Trail and to the east of the proposed Summit Boulevard concrete traffic diverter; and
- c. An internal pedestrian sidewalk system with at grade bicycle and pedestrian cuts, as required below (Condition D.1.).

Is hereby deleted. [REASON: Replaced by new condition G.1].

D. LANDSCAPE - STANDARD

1. Condition 3 of Resolution R-1980-1601, Petition 1980-167, which currently states:

Petitioner must install all landscaping shown on previously approved shopping center site plan prior to the issuance of a building permit.

Is hereby deleted. REASON: [Completed and replaced by new landscape condition].

2. Condition B.I of Resolution R-95-1735, Petition 80-167(B), which currently states:

All trees required to be planted on site by the conditions of approval below shall meet the following minimum standards at time of installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 35 inches measured 45 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 35 feet in length.

Is hereby amended to read:

All newly planted or replacement trees required to be planted on site shall meet the following minimum standards at time of 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)
3. Condition 6.2 of Resolution R-95-1735, Petition 80-167(B), which currently states:
- The petitioner shall install native evergreen trees along the Military Trail and Summit Boulevard property lines at an equivalent of one tree per thirty (30) linear feet of landscape buffer. Credit may be given for existing trees provided they meet current ULDC requirements.
- Is hereby deleted. [REASON: Replaced by new condition that will meet current ULDC requirements].
4. Condition B.3 of Resolution R-95-1735, Petition 80-167(B), which currently states:
- The petitioner shall install thirty (30) inch high hedge or shrub material spaced twenty four (24) inches on center in the landscape buffers along Military Trail and Summit Boulevard. Credit may be given for existing hedge material provided they meet current ULDC requirements.
- Is hereby deleted. [REASON: Superseded by new condition.]
5. Condition B.4 of Resolution R-95-1735, Petition 80-167(B), which currently states:
- The petitioner shall construct one interior landscape island for every minimum twelve (12) parking spaces.
- Is hereby deleted. [REASON: Replaced by new condition G.1].
6. Condition B.5 of Resolution R-95-1735, Petition 80-167(B), which currently states:
- The petitioner shall install native evergreen trees along both sides of the main entrance to the site from Military Trail to be spaced approximately thirty (30) feet on center.
- Is hereby deleted. [REASON: Replaced by new condition that will meet current ULDC requirements].
7. Condition B.6 of Resolution R-95-1735, Petition 80-167(B), which currently states:
- All required landscaping shall be installed prior to December **31, 1996** or issuance of a Certificate of Occupancy for the proposed building, whichever occurs first.
- Is hereby deleted. [REASON: Superseded by new landscape conditions].
8. All newly planted or replacement palms 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)
9. All newly planted or replacement 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:
 - 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. These heights shall be continuously maintained to achieve the hierarchical effect. This condition does not apply to a five (5) foot wide buffer or a single row of hedge adjacent to a wall/fence. (CO: LANDSCAPE – Zoning)
 10. All newly planted or replacement trees and palms material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
 11. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

1. Developer shall retain eighty-five (85) percent of the storm water runoff from a three (3) year storm of maximum intensity for the additional area only. (Previous Condition 1 of Resolution R-1977-0593, Petition 1977-053)

Is hereby deleted: [Reason: Drainage is code requirement]
2. Developer shall provide a left turn lane from the west approach of Summit Boulevard into the shopping entrance. (Previous Condition 2 of Resolution R-1977-0593, Petition 1977-053) [NOTE: COMPLETED]
3. Developer shall at the intersection of Military Trail and Summit Boulevard:
 - a) construct left turn lane east approach
 - b) lengthen existing left turn lane north approach to a storage length of two hundred seventy (270) feet. (Previous Condition 3 of Resolution R-1977-0593, Petition 1977-053) [NOTE: COMPLETED]
4. Within ninety (90) days of the special exception approval the Developer shall convey to Palm Beach County, sixty (60) feet from the centerline of Military Trail for the ultimate right-of-way. (Previous Condition 4 of Resolution R-1977-0593, Petition 1977-053)
5. Developer shall provide a three (3) lane entrance road onto Summit Boulevard. (Previous Condition 5 of Resolution R-1977-0593, Petition 1977-053) [NOTE: COMPLETED]
6. Within ninety (90) days of the special exception approval the Developer shall convey to Palm Beach County the additional ten (10) feet on Summit Boulevard for ultimate right-of-way. (Previous Condition 6 of Resolution R-1977-0593, Petition 1977-053) [NOTE: COMPLETED]
7. Developer shall at the intersection of Military Trail and the south entrance road:

- a) construct left turn lane north approach,
- b) provide a four (4) lane entrance road forty- eight (48) feet in width (4 - twelve foot lanes). (Previous Condition 7 of Resolution R-1977-0593, Petition 1977-053)

~~Is~~ hereby deleted: [Reason: There is no longer a median opening adjacent to this entrance]

- 8. Petitioner shall contribute Two Thousand Dollars (\$2,000.00) toward the **cost** of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). (Previous Condition 2 of Resolution R-1980-1601, Petition 1980-167) [NOTE: completed]
- 9. The Property owner shall re-construct the existing entrance onto Summit Boulevard to provide for a raised median subject to approval by the County Engineer. 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.
 - a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.
 - b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the new structure. (BUILDING - Engineering) (Previous Condition E.1 of Resolution R-95-1735, Petition 80-167(B))

~~Is~~ hereby deleted: [Reason: Condition is superceded with new condition E.14]

- 10. Condition E.2 of Resolution R-95-1735, Petition 80-167(B), which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 80-167(B), which is to be paid at the time of issuance of the Building Permit presently is \$10,670.00 (194 additional trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

~~Is~~ hereby deleted. [REASON: Code requirement]

- 11. Prior to site plan approval by the Development Review Committee, the property owner shall record a cross access easement with the property owner to the north (Polo Market Place). The location and width shall be approved by the County Engineer. The form and content shall be subject to approval by the County Attorney. (COUNTY ATTORNEY/ENGINEERING-Eng) (Previous Condition E.13 of Resolution R-95-1735, Petition 80-167(B))
- 12. LANDSCAPE WITHIN MEDIAN
 - 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(s) of

Military Trail. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the **County Engineer. (BLDG. PERMIT:BLDG - Eng)** (Previous Condition 4.E.a of Resolution R-95-1735, Petition 80-167(B))

- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of the next Certificate of Occupancy. (BLDG. PERMIT:BLDG - Eng) ((Previous Condition 4.E.b of Resolution R-95-1735, Petition 80-167(B))
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a Certificate of Occupancy to reflect this obligation. (CO:BLDG - County Attorney) (Previous Condition 4.E.c of Resolution R-95-1735, Petition 80-167(B))

13. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for an expanded intersection in accordance with Palm Beach County's Expanded Intersection Detail, for both Summit Boulevard and Military Trail prior to December 15, 2003, or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and 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 PRMT: MONITORING – Eng)

14. The Property owner shall construct a raised concrete median traffic separator on Summit Boulevard from Military Trail to the Project's east entrance subject to the approval of the County Engineer.

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.

- a. 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)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)

F. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (SUMMIT BOULEVARD AND MILITARY TRAIL FRONTAGES)

- 1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. One (1) canopy tree for each thirty (30) linear feet of property line;
 - b. One (1) flowering tree for each thirty (30) linear feet of property line;
 - c. 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
 - d. 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. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG THE SOUTH 675 FEET OF THE EAST PROPERTY LINE (AFFECTED AREA – ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south 675 feet of the east property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip. No width reduction;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. A six (6) foot high wood fence to be located on the plateau of the berm;
 - d. One (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and
 - e. 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, alternating on both sides of the wall. (CO: LANDSCAPE – Zoning)
- 2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE – Zoning)
- 3. Along the interior side of the required fence, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING – INTERIOR (AFFECTED AREA ONLY)

- 1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING – Zoning)

2. Foundation planting or grade level planters for the new retail building(s) shall be provided along the west facades to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of the structure; and
 - c. Landscape areas shall be planted with a minimum equivalent of one tree or palm for each twenty (20) linear foot of building facade and appropriate shrub or ground cover. (DRC/CO: ZONING/ LANDSCAPE – Zoning)

3. Landscaping along the medians located on both sides of the southern access driveway at Military Trail shall consist of the following:
 - a. A minimum four (4) foot wide pedestrian walkway shall be provided along the northern median. The walkway shall be designed in a meandering pattern and shall be paved with a combination of concrete paving and decorative pavers;
 - b. One (1) canopy tree planted for each twenty (20) linear feet of the length of each median (minimum length of 475 feet);
 - c. One (1) palm or pine tree for each thirty (30) linear feet of each median (minimum length of 475 feet), with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) flowering tree for each thirty (30) linear feet of the median;
 - e. One small shrub for each two (2) linear feet of the length of each median. Shrub shall be a minimum height of eighteen (18) inches at installation, and shall be maintained at a maximum height of twenty-four (24) inches; and,
 - f. One medium shrub for each two (2) linear feet of the length of each median. Shrub shall be a minimum height of twenty-four (24) inches at installation, and shall be maintained at a maximum height of thirty (30) inches. (DRC/CO: ZONING/LANDSCAPE – Zoning)

4. Landscaping for the divider median in the southern access driveway at Military Trail, and the western access driveway at Summit Boulevard shall consist of the following:
 - a. One (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
 - b. One (1) Royal palm for each thirty-five (35) linear feet of the median; and,
 - c. A continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

5. Landscaping for terminal islands in the parking lot shall consist of the following:
 - a. Two (2) canopy tree with one (1) flowering tree per island or two (2) canopy tree with one (1) palm;
 - b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches; and,
 - c. Tree and shrub planting may be exempted in areas where light pole, fire hydrant, above or underground utilities are located. (CO: LANDSCAPE - Zoning)

I. 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. All new or replacement outdoor, freestanding lighting fixtures located in the rear of the principal mall structure shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
3. All outdoor, freestanding lighting fixtures shall be setback twenty-five (25) feet from the east property line. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished no later than 12:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
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 – Zoning)

J. SIGNS

1. New or replacement freestanding signage fronting on Summit Boulevard 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 – eighty (80) square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and,
 - e. Location - within fifty (50) feet of the western access point.
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG – Zoning)
2. New or replacement freestanding signage fronting on Military Trail, shall be limited as follows, unless variance relief is obtained:
 - a. Maximum sign height, measured from finished grade to highest point: Bank – ten (10) feet; main mall sign - fifteen (15) feet; and, restaurants – ten (10) feet;
 - b. Maximum sign face area per side: Bank – fifty (50) square feet; main mall sign – one hundred (100) square feet; and, restaurants – seventy-five (75) square feet;
 - c. Maximum number of signs: three (3);
 - d. Style: monument style only; and,
 - e. Location: Bank – within one hundred fifty (150) feet of south property line; main mall sign – within fifty (50) feet of the southern access point; and, restaurants – one hundred sixty (160) feet south of the north property line; and
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG – Zoning)
3. Wall signs for the main mall structure shall be limited to the south and west facades of the building and individual lettering size shall be limited to thirty-six (36) inches high, excluding the Publix Supermarket. Wall signs shall be limited to only identification of tenants only. (CO: BLDG – Zoning)

K. UTILITIES

1. Prior to final DRC approval, the Petitioner shall provide Palm Beach County Water Utilities Department with an acceptable "Cross-usage and Cross-maintenance Agreement" related to commonly used, privately owned wastewater collection system. The Agreement shall be executed by all benefiting Property Owners and it shall be recorded in Official Record Book of Palm Beach County." (DRC: UTILITIES – Utilities)

L. USE LIMITATIONS - AFFECTED AREA ONLY

1. Retail business activity shall not be allowed on the property, including deliveries, prior to 6:00 a.m. nor continue later than 11:00 p.m. daily. (ONGOING: CODE ENF – Zoning)
2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF – Zoning)
3. Repair or maintenance of vehicles shall not be permitted on the property. (ONGOING: CODE ENF – Zoning)
4. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF – Zoning)
5. Parking of delivery vehicles or trucks shall not be permitted on the property except within the designated loading space located in the east portion of the property. (ONGOING: CODE ENF – Zoning)

M. 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 F.I of Resolution R-95-1735, Petition 80-167(B) which currently states:

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

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

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

It 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)