

RESOLUTION NO. R-2003-1129

RESOLUTION APPROVING ZONING PETITION PDD2003-007
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GEORGE T. ELMORE, AS TRUSTEE
BY KILDAY & ASSOCIATES AND BOOSE CASEY CIKLIN, AGENT
(MISSION LAKES MUPD)

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

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

WHEREAS, Zoning Petition PDD2003-007 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2003; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2003-007, the petition of George T. Elmore, as Trustee by Kilday & Associates and Boose Casey Ciklin, agents, for an Official Zoning Map Amendment to a Planned Development District Rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 24, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of August, 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:


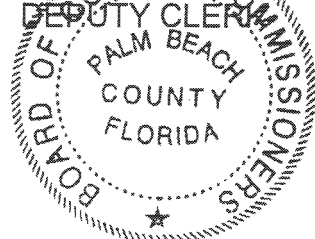

DEPUTY CLERK


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF TRACTS 25 AND 40, TOGETHER WITH THE 30 FOOT WIDE RIGHT OF WAY LYING BETWEEN SAID TRACTS, AND A PORTION OF TRACT 39, ALL LYING WITHIN BLOCK 34, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 39, THENCE, BEAR, SOUTH 88°57'24" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 39 AND 40, A DISTANCE OF 1185.80 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 40; THENCE, NORTH 01°27'15" EAST, ALONG THE WEST LINE OF SAID TRACTS 40 AND 25, A DISTANCE OF 1353.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 25; THENCE, NORTH 88°57'24" EAST, ALONG THE NORTH LINE OF SAID TRACT 25, A DISTANCE OF 466.42 FEET TO THE NORTHEAST CORNER OF SAID TRACT 25; THENCE, SOUTH 01°02'31" EAST, ALONG THE EAST LINE OF SAID TRACT 25 AND THE WEST LINE OF SAID TRACT 39, A DISTANCE OF 735.86 FEET TO THE INTERSECTION THEREOF WITH A LINE 45.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 39; THENCE, NORTH 88°57'24" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 565.15 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5888, PAGE 745, SAID PUBLIC RECORDS; THENCE, SOUTH 28°57'33" EAST, ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 131.52 FEET; THENCE, NORTH 88°52'17" EAST, CONTINUING ALONG SAID DEEDED PARCEL BOUNDARY, A DISTANCE OF 33.72 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT 39; THENCE, SOUTH 01°02'31" EAST, DEPARTING SAID DEEDED PARCEL BOUNDARY AND ALONG SAID EAST LINE OF TRACT 39, A DISTANCE OF 499.69 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: **24.553** ACRES. MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

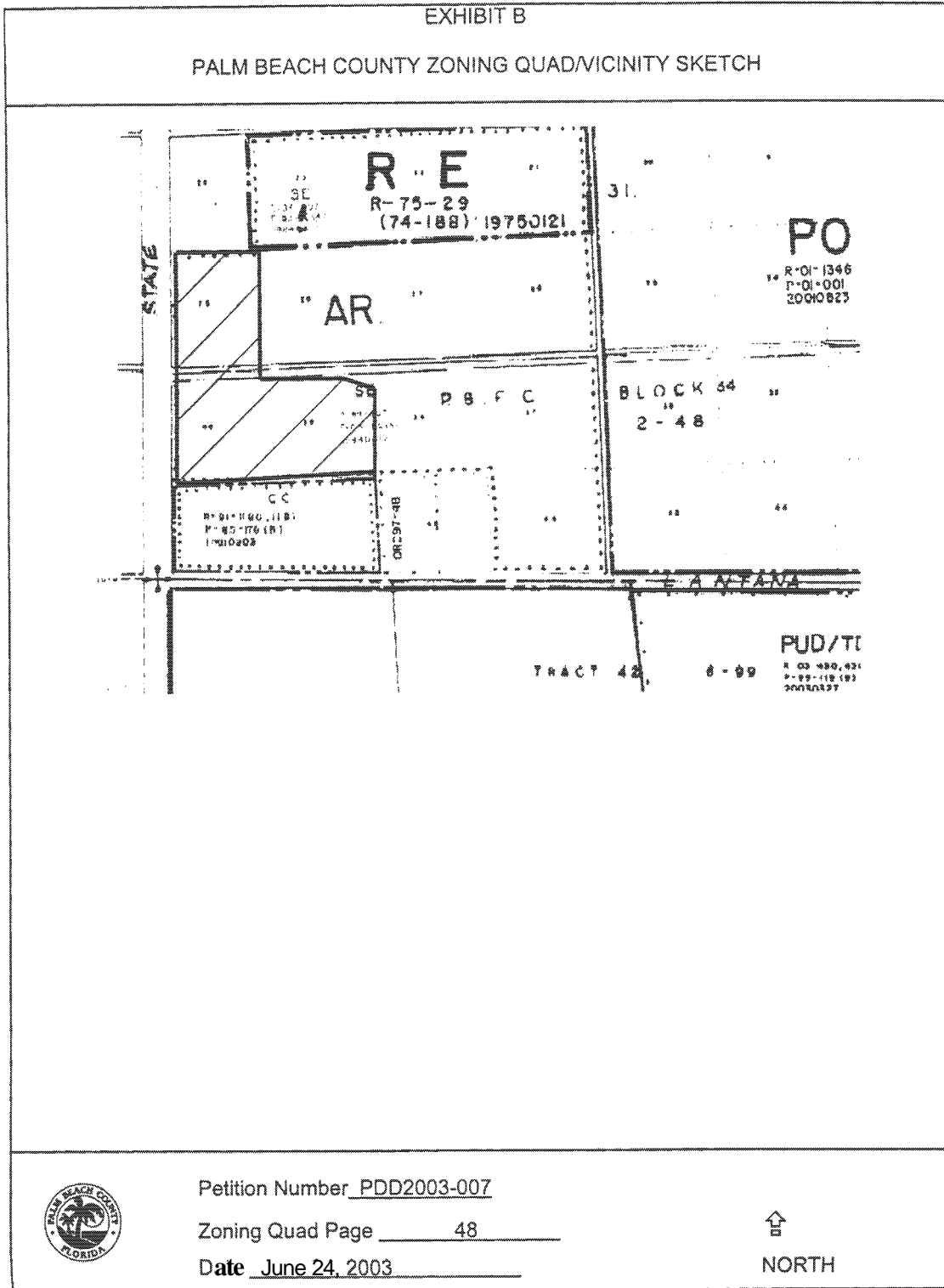


EXHIBIT C

CONDITIONS OF APPROVAL

A ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 17, 2003. 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)
2. Prior to final DRC approval of the site plan, the petitioner shall revise the concurrency application to replace the 4,000 square foot fast food restaurant with a high turnover sit-down restaurant. (DRC: ZONING - Zoning)

B ARCHITECTURAL REVIEW

1. At time of submittal for final DRC approval of the site plan, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Section 6.6.E. and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ZONING - Zoning)
2. A twelve (12) foot high wing wall or screen wall shall be provided adjacent to the loading area along the rear facade of building A. A minimum five (5) feet planting bed shall be located on the exterior side of the wall. (DRC: ZONING - Zoning)

C BUILDING AND SITE DESIGN

1. To ensure consistency with the site plan dated July 17, 2003 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage for each use shall be relocated to portions of the site not previously covered. (DRC: ZONING - Zoning)

D LANDSCAPING – STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a tree height: Fourteen (14) feet;
 - b trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on the property shall meet the following minimum standards at installation:
 - a palm heights: twelve (12) feet clear trunk;
 - b clusters: staggered heights twelve (12) to eighteen (18) feet; and,

- c credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge 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 All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
 - 5 A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
 - 6 Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

E ENGINEERING

- 1 The Property owner shall:
 - a) lengthen the existing left turn lane north approach on State Road 7 at the Projects main Entrance Road to provide for a left turn lane length of 320 feet.
 - b) lengthen the existing north bound "U" turn/south approach left turn lane on State Road 7 at the median opening 1400 feet north of the projects main entrance. This turn lane shall be lengthened to provide for a minimum length of 470 feet.
 - c) construct a right turn lane south approach on SR 7 at each of the project's entrances.
 - A) 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.
 - B) 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)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
- 2 Prior to final site plan approval by the DRC the property owner shall convey a cross access easement to the property owner to the south. Location of this easement shall be approved by the County Engineer. Form and content shall be approved by the County Attorney. (DRC: ENG - Eng)
- 3 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 161,000 square feet of gross leasable floor area (4,032 external trips per day) shall not be issued until the contract has been awarded for the construction of a right turn lane

south approach on Lyons Road at Lake Worth Road. (BLDG PERMIT: MONITORING - Eng)

- b) Building Permits for more than 161,000 square feet of gross leasable floor area (4,032 external trips per day) shall not be issued until the contract has been awarded for the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. This construction shall include the following lane geometry at the intersection of Lantana Road and Lyons Road:

- north approach left turn lane
 - 2 through lanes north approach
 - north approach right turn lane
 - south approach left turn lane
 - 2 through lanes south approach
 - south approach left turn lane
- (BLDG PERMIT: MONITORING - Eng)

- c) Building Permits for more than the following commercial uses

- 174,700 square feet of gross leasable floor area;
- 4,000 square foot high turnover sit-down restaurant;
- 3,900 square foot in line retail;
- 4,000 square foot drive-in bank

(5,914 external trips per day) shall not be issued until the contract has been awarded for the construction of Lantana Road as a 6 lane facility from Lyons Road to Hagen Ranch Road plus the appropriate paved tapers. The mix of allowable commercial uses as permitted by the Zoning Division listed above may be adjusted by the County Engineer 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)

- d) No Building Permits for the site may be issued after January 1, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

- e) Acceptable surety required for the offsite road improvements as outlined in Condition No. E3 (b) and E3(c) shall be posted with the office of the Land Development Division on or before January 24, 2004. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng)

4 Landscape within the Median of State Road 7

- A) The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D.

- B) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)
- C) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- D) At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
- E) Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR 7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

5 The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRC: ENG - Eng)

F LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF STATE ROAD 7/U.S. 441)

- 1. Landscaping and buffering along the west 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. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
 - c. one (1) native canopy tree for each thirty (30) linear 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 two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

G LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING NONCONFORMING COMMERCIAL AND UNDEVELOPED PROPERTIES)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous two (2) foot high berm measured from top of curb;
 - c. a six (6) foot high black or green vinyl coated chain link fence shall be located on the plateau of the berm;
 - d. 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 fence; 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, and to be planted alternating on both sides of the fence. (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 forty-eight (48) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a height of seventy-two (72) inches at maturity. (CO: LANDSCAPE - Zoning)

H LANDSCAPING - INTERIOR

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. Landscaped divider medians shall be provided at every third row of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb. Landscaping for divider medians in any parking area 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) 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.
 - d. This condition shall not apply to those divider medians that include a pedestrian pathway as shown on the site plan dated July 17, 2003. (DRC / CO: ZONING / LANDSCAPE - Zoning)
3. Landscaped diamonds shall be provided at each row of abutting parking, except in areas where a divider median is located, and be spaced no greater than 4 parking spaces apart. A minimum of one (1) canopy tree shall be provided with each diamond. (DRC/CO: ZONING/LANDSCAPE - Zoning)
4. Foundation planting or grade level planters shall be provided along the following:

- a north, south, east and west facades of buildings A and B. Trees shall be a minimum height of twenty-four (24) feet at installation for building A only;
 - b north, south and east facades of buildings C and D;
 - c The minimum width of the required landscape areas shall be eight (8) feet;
 - d The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure; and,
 - e 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. (DRC / CO: ZONING / LANDSCAPE - Zoning)
- 5 Landscaping for terminal islands in the parking area shall consist of the following:
- a one (1) canopy tree for each ten (10) linear feet of the island; and,
 - b a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)
- 6 Landscaping for the medians in the parking area to the west of buildings C and D shall consist of the following:
- a a minimum of one (1) flowering or canopy tree for each twelve (12) linear feet of the median; and,
 - b a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be a minimum height of forty-eight (48) inches at installation. (DRC / CO: LANDSCAPE - Zoning)
7. The following planting treatment shall be provided on both sides of the central access driveway from State Road 7/U.S. 441:
- a a minimum eight (8) foot wide landscape strip. No easement encroachment shall be permitted;
 - b a minimum of one (1) royal palm or other specimen palm subject to approval by the Zoning Division planted each twenty (20) feet on center; and,
 - c a continuous hedge between all palms where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (DRC / CO: LANDSCAPE - Zoning)
- 8 Special planting treatment shall be provided within the median at the central access driveway from State Road 7/U.S. 441. Planting shall consist of the following:
- a a minimum of five (5) specimen palms (Medjool, Canary or Royal), and,
 - b shrub or hedge materials. (CO: LANDSCAPE - Zoning)
- 9 Prior to final DRC approval of the site plan, the plan shall be revised to indicate the following areas with decorative pavement (paver blocks):
- a at all access points along State Road 7/U.S. 441. The pavement shall be installed from the property line and extend to a minimum of fifty (50) feet of the access driveway; and,
 - b at all four-way intersections of the central access driveway. The pavement shall be installed within the intersections and extend a minimum of twenty (20) feet along all adjacent drive aisles. (DRC / CO: ZONING / 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 outdoor, freestanding lighting fixtures 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 a minimum of twenty-five (25) feet from the north and east property lines. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after operating hours, 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. MUPD

1. Prior to final DRC approval of the site plan, the regulating plan shall be amended to include details for each Landscape and Architectural focal point, the pedestrian spine, pedestrian benches and bridge details. The architectural focal points shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public area acceptable to the Zoning Division. (DRC: ZONING - Zoning)
2. Prior to final DRC approval of the site plan, the petitioner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING / COUNTY ATTY - Zoning)

K. PLANNING

1. The maximum gross buildable area of commercial uses on the northern 8.15 acre portion of the site shall be limited to a maximum of 49,940 square feet. (DRC / ONGOING: PLANNING - Planning)
2. Prior to final DRC approval of the site plan, the northern 8.15 acre portion of the site shall provide pedestrian and vehicular cross access with the remaining 16 acre southern portion of the site. (DRC: PLANNING - Planning)
3. Prior to final DRC approval of the site plan, the northern 8.15 acre portion of the site shall be developed consistent with the remaining 16 acre southern portion of the site under one unified site plan. (DRC: PLANNING - Planning)
4. The site plan shall be limited to one directional median access point onto State Road 7, and at a location to be reviewed and approved by FDOT and the County Engineer. Additional right turn access points may also be permitted subject to review and approval by FDOT and the County Engineer. (DRC: PLANNING / ENG - Planning)

- 5 Prior to final DRC approval of the site plan, the notations on the site plan showing two (2) possible future cross access points to the parcel to the south of the site fronting Lantana Road shall be amended to read "potential vehicular and pedestrian cross access to be paved to the property line". (DRC: PLANNING - Planning)
- 6 Prior to the issuance of a certificate of occupancy, the petitioner shall pave the two (2) vehicular and pedestrian cross access points to the edge of the southern property line at the locations shown on the final certified site plan that will read "potential vehicular and pedestrian cross access to be paved to the property line." (CO: MONITORING - Planning)
7. Prior to final DRC approval of the site plan, the petitioner shall record an access agreement, subject to approval by the County Attorney, providing for vehicular and pedestrian access to the property from the adjacent property to the south. (DRC: CO ATTY - Planning)

L SIGNS

1. Freestanding point of purchase signs shall be limited as follows
 - a maximum sign height, measured from finished grade to highest point - fifteen (15) feet for the sign at the central site entrance and ten (10) feet for each sign at the north and south access points;
 - b maximum sign face area per side - 150 square feet for the sign at the central site entrance and 80 square feet for each sign at the north and south access points;
 - c maximum number of signs - three (3) for the entire site;
 - d style – monument style only; and,
 - e location – within fifty (50) feet on either side of the central site entrance (15 foot tall sign), within 100 feet on the north side of the southernmost access drive (10 foot tall sign), and within 100 feet on the south side of the northernmost access drive (10 foot tall sign).
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)
- 2 Wall signs shall be limited to the west facades of each building. Individual lettering size shall be limited to a maximum of twenty-four (24) inches high, except for building A, where lettering shall be limited to a maximum of forty-eight (48) inches high. Wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

M USE LIMITATION

- 1 Retail business activity shall not be allowed on the property, including deliveries, prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
- 2 Storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
- 3 Outside vendors and the storage of rental trucks/trailers shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
- 4 Repair or maintenance of vehicles shall not be permitted. (ONGOING CODE ENF - Zoning)
- 5 Outdoor retail business activities shall not be allowed, excluding deliveries and enclosed garden center area only. (ONGOING: CODE ENF - Zoning)
6. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

- 7 Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning)

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. 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)