

RESOLUTION NO. R-2003- 1398

RESOLUTION APPROVING ZONING PETITION Z/COZ2002-056  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF J.P.B. LEMONTREE PLAZA LLC  
BY LAND RESEARCH MANAGEMENT, AGENT  
(SUMMIT BOULEVARD ANIMAL HOSPITAL)

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 Z/COZ2002-056 was presented to the Board of County Commissioners at a public hearing conducted on September 17, 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, contingent upon the approval of Small Scale Development Amendment No. 2003-0004 SCA;
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, as amended; and,
7. This official zoning map amendment (rezoning) 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 Z/COZ2002-056, the petition of J.P.B. Lemontree Plaza LLC by Land Research Management, agent, for an Official Zoning Map Amendment rezoning from the Residential Medium Density Zoning District to the General Commercial Zoning District with a Conditional Overlay 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 September 17, 2003, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 2003-0004 SCA (MILITARY/SUMMIT COMMERCIAL, A.K.A. SUMMIT ANIMAL HOSPITAL) is effective.

Filed with the Clerk of the Board of County Commissioners on 3 day of November, 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


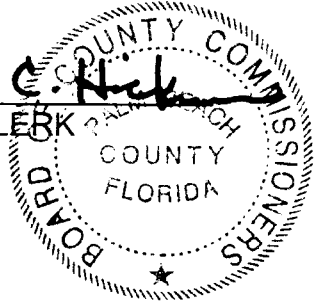
BY:   
DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 THROUGH 9 INCLUSIVE, LESS THE WEST 3.0 FEET THEREOF AND ALL OF LOTS 18 AND 19, ACCORDING TO THE REPLAT OF BERGANTINO ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 23, PAGE 193 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

THE FORTY (40) FOOT STRIP CONSTITUTING THE VACATED PORTION OF PARK AVENUE NORTH OF THE ADJOINING SAID LOT NO. ONE (1), WHICH FORTY (40) FOOT STRIP LIES BETWEEN SAID LOT NO. ONE (1) AFORESAID AND THE LAKE WORTH DISTRICT CANAL ADJOINING AND SOUTH OF DILLMAN ROAD, THE ENTIRE PREMISES DESCRIBED IN THIS PARAGRAPH BEING LOCATED ON THE EAST SIDE OF MILITARY TRAIL AND EXTENDING FROM DILLMAN ROAD TO COCOANUT ROAD (EXCEPT OF THE LAKE WORTH DISTRICT CANAL), PALM BEACH COUNTY, FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 18 OF SAID REPLAT OF BERGANTINO ESTATES SUBDIVISION; THENCE NORTH 01 DEGREES 28 MINUTES 24 SECONDS EAST ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 18, A DISTANCE OF 40.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 6; SAID SOUTH RIGHT-OF-WAY LINE BEING 53.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE NORTH 88 DEGREES 33 MINUTES 36 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 224.13 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS SHOWN IN ROAD PLAT BOOK 3, PAGES 72 THROUGH 76 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 809 BEING A CIRCULAR CURVE CONCAVE TO THE EAST AND WHOSE RADIUS POINT BEARS SOUTH 89 DEGREES 46 MINUTES 44 SECONDS EAST FROM SAID INTERSECTION AND SAID CURVE HAVING A RADIUS OF 21,432.94 feet; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 DEGREES 06 MINUTES 25 SECONDS SUBTENDING AN ARC OF 40.01 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 809 TO AN INTERSECTION WITH THE NORTH LINE OF LOT 1 OF SAID REPLAT OF BERGANTINO ESTATES SUBDIVISION; THENCE SOUTH 88 DEGREES 33 MINUTES 36 SECONDS EAST ALONG SAID NORTH LINE OF LOT 1, A DISTANCE OF 223.27 FEET TO THE POINT OF BEGINNING.

EXCEPTING AND LESSING THEREFROM PARCEL NO. 21 AS DESCRIBED IN THAT LIS PENDENS (OFFICIAL RECORD BOOK 4835, PAGE 487) ORDER OF TAKING (OFFICIAL RECORD BOOK 4973, PAGE 574), PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOTS 1-9 INCLUSIVE OF THE REPLAT OF BERGANTINO ESTATES AS RECORDED IN PLAT BOOK 23, PAGE 193, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LOTS 1-9 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 3101, PAGE 1690, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF STATE ROAD 809 AS SHOWN IN ROAD PLAT BOOK 3, PAGES 72 THROUGH 76, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE NORTHERLY RIGHT-OF-WAY OF PARK AVENUE AS SHOWN ON SAID REPLAT OF BERGANTINO ESTATES AND ABANDONED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY IN DECEMBER OF 1959, SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 809 BEING A CIRCULAR CURVE CONCAVE TO THE EAST AND WHOSE RADIUS POINT BEARS SOUTH 89 DEGREES 46 MINUTES 44 SECONDS EAST FROM SAID POINT OF BEGINNING; RUN THENCE SOUTH 88 DEGREES 33 MINUTES 36 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF PARK AVENUE, A DISTANCE OF 4.94 FEET TO AN INTERSECTION WITH A CIRCULAR CURVE CONCAVE TO THE EAST WHOSE RADIUS POINT BEARS SOUTH 89 DEGREES 46 MINUTES 44 SECONDS EAST FROM SAID INTERSECTION AND SAID CURVE HAVING A RADIUS OF 21,428.00 FEET AND A CENTRAL ANGLE OF 00 DEGREES 30 MINUTES 01 SECONDS; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 187.14 FEET TO AN INTERSECTION WITH A NON TANGENT LINE BEARING SOUTH 01 DEGREES 09 MINUTES 49 SECONDS WEST AND SAID RADIUS

POINT OF SAID CURVE BEARS NORTH 89 DEGREES 19 MINUTES 03 SECONDS EAST FROM SAID INTERSECTION; THENCE SOUTH 01 DEGREES 09 MINUTES 49 SECONDS WEST ALONG SAID NON TANGENT LINE, A DISTANCE OF 99.48 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COCOANUT ROAD AS SHOWN ON SAID REPLAT OF BERGANTINO ESTATES; THENCE NORTH 88 DEGREES 33 MINUTES 36 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF COCOANUT ROAD, A DISTANCE OF 2.21 FEET TO AN INTERSECTION WITH THE SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 809, SAID EASTERLY RIGHT-OF-WAY LINE BEING A CIRCULAR CURVE CONCAVE TO THE EAST AND WHOSE RADIUS POINT BEARS NORTH 89 DEGREES 27 MINUTES 21 SECONDS EAST FROM SAID INTERSECTION AND SAID CURVE HAVING A RADIUS OF 21,432.94 FEET AND A CENTRAL ANGLE OF 00 DEGREES 45 MINUTES 59 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ARC DISTANCE OF 286.67 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 01 DEGREES 26 MINUTES 26 SECONDS WEST 32.92 FEET; THENCE NORTH 88 DEGREES 33 MINUTES 36 SECONDS WEST 29.00 FEET; THENCE NORTH 01 DEGREES 26 MINUTES 26 SECONDS EAST 32.92 FEET; THENCE NORTH 88 DEGREES 33 MINUTES 36 SECONDS WEST 5.55 FEET; THENCE NORTH 01 DEGREES 26 MINUTES 26 SECONDS EAST 57.00 FEET TO THE **POINT OF BEGINNING**.

TOGETHER WITH:

ALL THAT PART OF THAT CERTAIN 53 FOOT WIDE LAKE WORTH DRAINAGE DISTRICT CANAL RIGHT OF WAY FOR LATERAL CANAL NO. 6 IN THE NORTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA LYING NORTHERLY FROM AND CONTIGUOUS TO THE NORTH RIGHT OF WAY LINE OF PARK AVENUE, AS SAME IS SHOWN ON THE REPLAT OF BERGANTINO ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 193, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, LYING EASTERLY OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 18 IN SAID REPLAT OF BERGANTINO ESTATES AND WESTERLY OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 19 IN SAID REPLAT OF BERGANTINO ESTATES.

TOGETHER WITH:

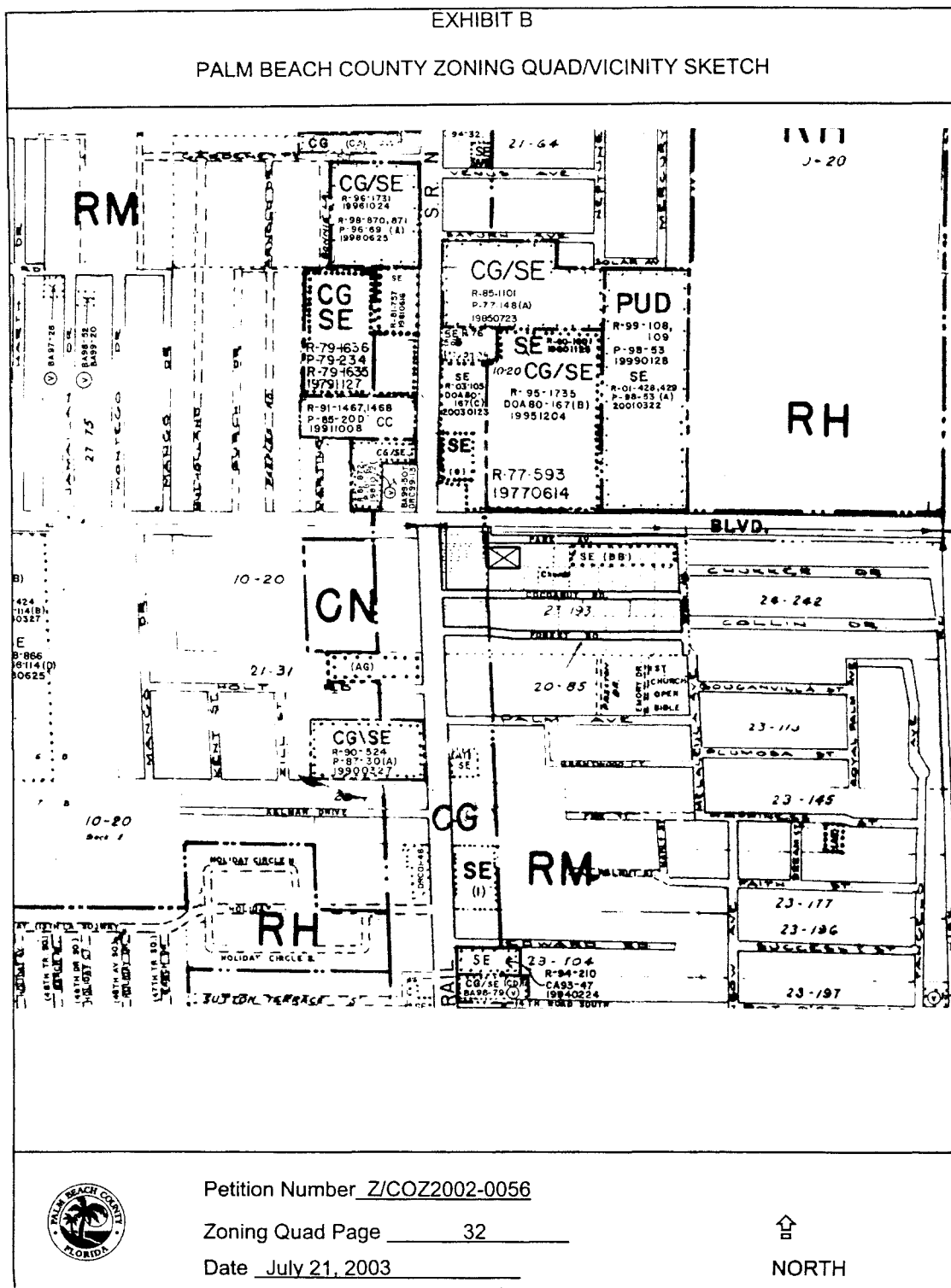
ALL THAT PART OF THAT CERTAIN 40 WIDE ROAD RIGHT OF WAY SHOWN AS PARK AVENUE ON THE REPLAT OF BERGANTINO ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 193, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, LYING EASTERLY OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 18 IN SAID REPLAT OF BERGANTINO ESTATES AND WESTERLY OF THE NORTHERLY EXTENSION OF EAST LINE OF LOT 19 IN SAID REPLAT OF BERGANTINO ESTATES.

CONTAINING 93,706 SQUARE FEET OR 2.151 ACRES MORE OR LESS.

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

NOTE: BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED BEARING OF SOUTH 88 DEGREES 33 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SECTION 12.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 26, 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)

#### B. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Committee (DRC) certification, the architectural elevations shall be submitted for architectural review and approval. Elevations and the site plan shall be designed to be consistent with Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH REVIEW – Zoning)
2. All new roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG – Zoning)

#### C. BUILDING AND SITE DESIGN

1. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to limit vehicular traffic to one-way along the east property line of the 1.42 acre Lemon Tree Plaza, and provide additional parking to be generally consistent with parking previously indicated on Building Permit B-88158. (DRC: ZONING – Zoning)

#### D. DUMPSTER

1. All new 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 fifty (50) feet of any residential property line. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

#### E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, use of the proposed eastern 3,682 square foot building shall be limited to a Veterinary Clinic or a use with equivalent traffic. (DATE: MONITORING – Eng)
2. Prior to issuance of a Building Permit for the eastern 3,682 square foot building, the Developer shall plat the entire 1.83 acre site in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PRMT: MONITORING – Eng)

3. Prior to DRC approval of the final site plan, this property owner shall provide a commitment letter to the County Engineer stating that the existing and all new leases with any future tenants occupying the center are structured such that tenants are not entitled to seek damages against Palm Beach County as a result of the conveyance of the additional right of way for Summit Boulevard or Military Trail as required in the condition E.4. (DRC APPROVAL – Eng)
4. Prior to issuance of a Building Permit for the eastern veterinarian building or within 30 days notice that this right of way is required, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for Military Trail, 78 feet from centerline; Summit Boulevard, 54 1/2 feet from centerline plus the appropriate tapers. This additional Right of way shall be conveyed at no cost to Palm Beach County or the Florida Department of Transportation. Right of way conveyance shall be along the projects entire frontage. 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." Right of way conveyance shall include provisions for the relocation or purchase by this property owner for the existing LWDD L6 Canal subject to the approval of the Lake Worth Drainage District. Right of way conveyance along Summit Boulevard shall also include, if required by the LWDD or the County Engineer, the abandonment of Park Avenue right of way through this site. (BLDG. PRMT/DATE: MONITORING – Eng)
5. Prior to issuance of a Building Permit for the eastern veterinarian building, the property owner shall convey a temporary roadway construction easement along Military Trail and Summit Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING – Eng)
6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG – Eng)
7. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a) No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)

G. HEALTH

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

3. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC (ONGOING: HEALTH/CODE ENF – Health)

H. 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 by this approval shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)
3. All new 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 where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE – Zoning)
4. All new trees and palms shall be planted in a meandering and naturalistic pattern. Exceptions may be permitted for areas where landscape buffers are reduced due to conveyance of right-of-way. (CO: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE – Zoning)
7. Prior to the issuance of the Certificate of Occupancy (CO) for the new veterinary clinic, the property owner/petitioner shall replace all dead damaged and/or missing plant materials on the entire subject property. (CO:LANDSCAPE – Zoning)



I. LANDSCAPING ALONG NORTH PROPERTY LINE OF 0.41 ACRE PARCEL (FRONTAGE OF PARK AVENUE)

1. Landscaping and buffering along the north property line of the 0.41 acre veterinary clinic 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. One (1) native canopy tree for each thirty (30) 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;
  - 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)

J. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES OF EXISTING LEMON TREE PLAZA (FRONTAGE OF SUMMIT BOULEVARD AND MILITARY TRAIL)

1. Prior to final Development Review Committee (DRC) site plan approval, the petitioner shall submit a landscape plan for the north and west property lines of the existing Lemon Tree Plaza for review and approval. The landscape plan shall be consistent with the conceptual landscape plan dated June 26, 2003. Modifications may be permitted to address LWDD requirements. (DRC: ZONING/LANDSCAPE – Zoning)
2. Prior to issuance of a Certificate of Occupancy for the veterinary clinic, the petitioner shall install upgraded landscaping along the north and west property lines of the existing Lemon Tree Plaza, to be consistent with the approved landscape plan. (CO: LANDSCAPE – Zoning)
3. Prior to final Development Review Committee (DRC) approval, the petitioner shall enter into an agreement with the Lake Worth Drainage District to allow for development in the LWDD right-of-way, to include but not be limited to: landscaping, piping, and paving. (DRC: ZONING – Zoning)

K. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (0.41 ACRE VETERINARY CLINIC) (0.41 ACRE VETERINARY CLINIC – ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south and east property lines of the 0.41 acre veterinary clinic, 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 opaque concrete wall located to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
  - d. One (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;

- 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 wall:
    - 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 wall, 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)

L. LANDSCAPING ALONG THE SOUTH 130 FEET OF THE EAST PROPERTY LINE (EXISTING LEMON TREE PLAZA – ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south 130 feet of the east property line of the existing Lemon Tree Plaza, shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip. No width reduction shall be permitted;
  - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
  - c. One (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall (planting on east side of wall shall be subject to approval of easement holder);
  - d. One (1) medium shrub shall be installed along both sides of the wall for each two (2) linear feet of property line, spaced twenty (24) inches on center (planting on east side of wall shall be subject to approval of easement holder). Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE – Zoning)

M. 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 new outdoor, freestanding lighting fixtures shall be setback fifty (50) feet from the residential property lines. (CO: BLDG – Zoning)
4. All outdoor lighting for the 0.41 acre veterinary clinic shall be extinguished no later than 9:30 p.m. excluding security lighting only. Security lighting shall not include freestanding light fixtures (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)

N. SIGNAGE

1. Freestanding point of purchase signs fronting on Park Avenue shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side – thirty-six (36) square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only; and,
  - e. Location - within fifty (50) feet of Park Avenue entrance; and
  - f. Signs shall be limited to identification of tenants only. (CO: BLDG – Zoning)
2. All new or replacement signage for the existing Lemon Tree Plaza, 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 – fifty (50) square feet;
  - c. Maximum number of signs – two (2);
  - d. Style - monument style only; and,
  - e. Location - one (1) sign for each for Summit Boulevard and Military Trail frontages; and
  - f. Signs shall be limited to identification of tenants only. (CO: BLDG – Zoning)

O. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire 1.83 subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: COUNTY ATTY – Zoning)

P. USE LIMITATIONS

1. 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)
2. Veterinary business activity on the 0.41 acre portion of the subject site, shall be limited to 7:00 a.m. to 9:00 p.m. daily, excluding veterinary medical emergencies. (ONGOING: CODE ENF – Zoning)
3. No overnight accessory kennel uses shall be permitted on site. (ONGOING: CODE ENF – Zoning)
4. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

Q. COMPLIANCE

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

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)