

RESOLUTION NO. R-95- 430

RESOLUTION APPROVING ZONING PETITION DOA90-24(B)  
REQUESTED (R) USE  
PETITION OF GOLD COAST BEEF, INC.

18-47-42

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 Board of County Commissioners, pursuant to Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition DOA90-24(B) was presented to the Board of County Commissioners at a public hearing conducted on March 30, 1995; 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 recommendations of the Zoning Commission; 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Unified Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, 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 DOA90-24(B), the petition of Gold Coast Beef, Inc. for a REQUESTED USE allowing a RESTAURANT, FAST FOOD 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 30, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Absent
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 30th day of March, 1995.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

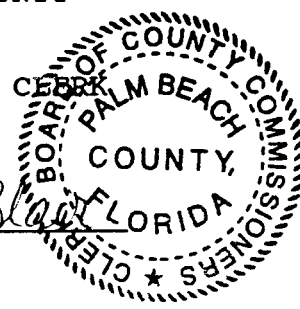
DOROTHY H. WILKEN, CLERK

BY:

Barbara Otter  
COUNTY ATTORNEY

BY:

Irma M. Black  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**ARBY' S DRIVE-THRU**                      **LEGAL DESCRIPTION OF SITE**

DESCRIPTION:        EZON PARCEL

Being a portion of Lots 109, 110, 111, 112, and 116, and all of Lots 113, 114 and 115, Block 77 of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 thru 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, thence North 00°50'58" West, along the West line of said Section 18, a distance of 1158.02 feet; to on intersection with the Westerly prolongation of the Southerly Right-of-Way of S.R. 808 (Glades Road) per Florida Department of Transportation Right-of-Way Maps for Section 93004-2409; thence North 89°38'00" East, along said prolongation, a distance of 82.00 feet to the POINT OF BEGINNING; thence continue North 89°38'00" East, along said Southerly Right-of-Way line, a distance of 1295.00 feet; thence South 00°50'58" East, a distance of 1275.35 feet to the South line of said Lot 116; thence South 89°38'00" West, along the South lines of Lots 116, 115, 114 and 113, a distance of 1294.90 feet to the Southwest corner of said Lot 113; thence North 00°53'51" West, along the West line of said Lot 113, a distance of 118.06 feet; thence North 00°50'58" West, along the West line of said Lots 113 and 112, a distance of 1157.30 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land being a portion of Lots 109, 110, 111, 112, 113, 114, 115, and 116, Block 77 of Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 thru 54, Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southwest corner of Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, thence North 00°50'58" West along the West line of said Section 18, a distance of 1126.02 feet to on intersection with a line 92.00 feet South of (as measured at right angles to) and parallel with the centerline of S.R. 808 (Glades Road) per Florida Department of Transportation Right-of-Way Maps for Section 93004-2509; thence North 89°38'00" East, along said parallel line, a distance of 880.57 feet to the POINT OF BEGINNING; thence continue North 89°38'00" East, along said parallel line, a distance of 278.51 feet thence South 35°25'17" West, a distance of 88.34 feet; thence North 89°09'02" East, a distance of 224.53 feet; thence North 00°50'58" West, a distance of 93.00 feet; thence North 89°09'02" East, a distance of 125.47 feet to a point on the East line of the proposed plat of Festival Shoppes of Boca Raton; thence South 00°50'58" East, along said East line, a distance of 688.00 feet; thence South 89°09'02" West, a distance of 257.00 feet; thence North 00°50'58" West, a distance of 81.00 feet; thence South 89°09'02" West, a distance of 171.50 feet; thence North 00°50'58" West, a distance of 53.14 feet; thence South 89°09'02" West, a distance of 590.50 feet; thence North 00°50'58" West, a distance of 265.28 feet, thence North 71°57'54" East, a distance of 167.16 feet; thence North 32°40'29" East, a distance of 163.19 feet; thence North 89°09'02" East, a distance of 280.83 feet to the POINT OF BEGINNING.

Containing 25.53 acres more or less.

Said lands situate, lying and being in Palm Beach County, Florida.

Bearings based on a bearing of North 00°50'58" West along the West line of Section 18, Township 47 South, Range 42 East.

Subject to easements and restrictions of record.

**90-24 B**

EXHIBIT B  
VICINITY SKETCH

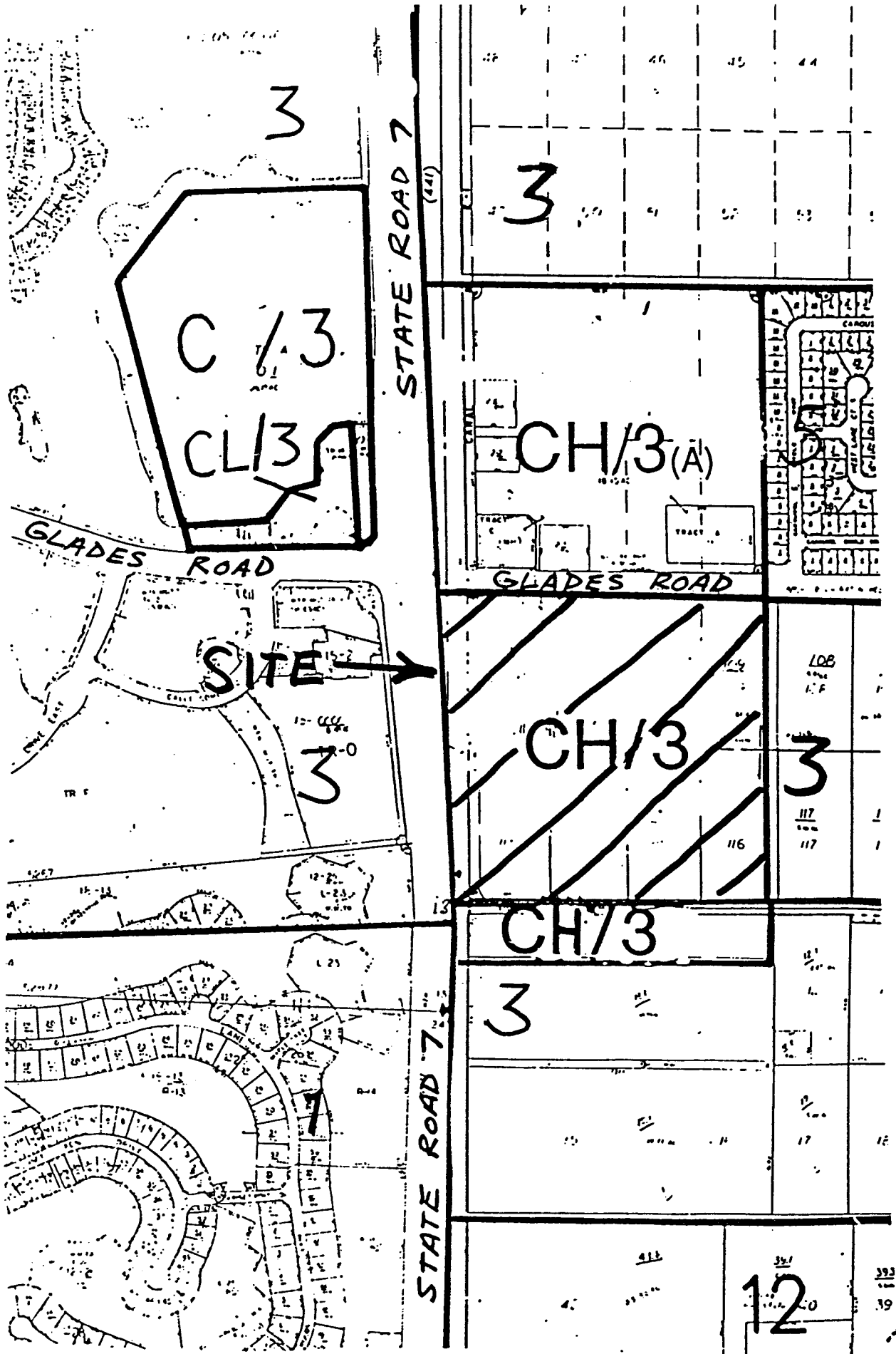


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Previously Condition A.1 of Resolution R-91-378, Petition No. 90-24(A). (ZONING)
2. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 23) unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). (Previously Condition A.2 of Resolution R-91-378, Petition No. 90-24(A). (ZONING)

B. BUILDING AND SITE DESIGN

1. The minimum setback for structures adjacent to residential areas shall be fifty (50) feet. (Previously Condition B.1 of Resolution R-91-378, Petition 90-24(A). (ZONING)
2. Receptacles (i.e. dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of the east property line. (Previously Condition B.2 of Resolution R-91-378, Petition No. 90-24(A). (ZONING)
3. All areas or receptacles (i.e. dumpsters) for the storage and disposal of trash, garbage or vegetation shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscuring opaque gate. Enclosures shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians. (Previously Condition B.3. of Resolution R-91-378, Petition No. 90-24(A). (ZONING)
4. The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet. (Previously Condition B.4 of Resolution R-91-378, Petition No. 90-24(A). (BUILDING-Zoning)
5. All mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure. (Previously Condition B.5 of Resolution R-91-378, Petition No. 90-24(A). (BUILDING-Zoning)
6. The rear portion of all structures shall be stucco. The Petitioner shall provide graphical illustrations which indicate areas of such architectural treatment prior to site plan certification. (Previously Condition of Resolution R-91-378, Petition No. 90-24(A), (BUILDING-Zoning)
7. All out-parcels shall be no less than 3/4 acre in size. (Previously Condition B.7. of Resolution R-91-378, Petition No. 90-24(A). (ZONING/ENGINEERING)

8. Prior to site plan Certification, the Petitioner shall amend the site plan and the Concurrency Reservation for the project (Case #90-08-02-001C) to reflect the deletion of the car wash facility. (Previously Condition B.8 of Resolution R-91-378, Petition No. 90-24(A). (ZONING)

C. CANAL BANK MAINTENANCE

1. The Petitioner shall perpetually maintain the landscaping on both banks of the canal which abuts the west property line of the site. (Previously Condition C.1 of Resolution R-91-378, Petition No. 90-24(A). (ZONING)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored regulated substances (i.e. fuels, oils, solvents, or other hazardous chemicals) is required. The Department of Environmental Resources Management staff shall provide guidance on appropriate protective measures. (Previously Condition E.1. of Resolution R-91-378, Petition 90-24(A). (ENVIRONMENTAL RESOURCES MANAGEMENT)
2. Plans for underground storage tanks shall be approved by the Department of Environmental Resources Management prior to installation. The Petitioner shall perform all necessary preventative measures to reduce the chance of groundwater contamination. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (Previously Condition E.2. of Resolution R-91-378, Petition 90-24(A). (ENVIRONMENTAL RESOURCES MANAGEMENT)
3. All finished excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the lake surface area shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management (ERM) concurrent with Site Plan Review application and approved by ERX prior to site plan certification. (Previously Condition E.3. of Resolution R-91-378, Petition 90-24(A). (ENVIRONMENTAL RESOURCES MANAGEMENT)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition D.E1 of Resolution R-91-378, Petition 90-24(A). ENGINEERING

2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (Previously Condition D.E2 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING))
  
3. Prior to August 1, 1991 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Glades Road, 80 feet from centerline plus right turn lane right of ways (minimum of 150 feet in length, 12 feet in width, with taper lengths of 180 feet) all free of encumbrances and encroachments. Locations of all right turn lane right of ways on Glades Road and on State Road 7 shall be where warranted as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition D.E3 of Resolution R-91-378, Petition 90-24(A). (MONITORING/ENGINEERING))
  
4. The property owner shall fund the construction of the following geometrics:
  - A. At the Palmetto Park Road and State Road 7 intersection:
    1. east approach: 2 left turn lanes,  
3 thru lanes,  
1 right turn lane;
    2. west approach: 2 left turn lanes,  
3 thru lanes,  
1 right turn lane;
    3. north approach: 2 left turn lanes,  
3 thru lanes,  
1 right turn lane;
    4. south approach: 1 left turn lane,  
2 thru lanes.
  
  - B. At the Glades Road and State Road 7 intersection:
    1. east approach: 1 combined left turn/thru lane,  
1 thru lane,  
1 right turn lane;\*\*
    2. west approach: 2 left turn lanes,  
2 thru lanes,  
1 right turn lane;
    3. north approach: 2 left turn lanes,  
3 thru lanes,  
1 right turn lane;\*\*
    4. south approach: 2 left turn lanes,  
2 thru lanes,  
1 right turn lane.

+In order to accept the construction of the dual left turn lanes from the north approach the departure lanes on the east approach shall be widened to an appropriate width as determined by the County Engineer and Florida Department of Transportation.

\*\*The third thru lane shall transition back to two thru lanes at an appropriate taper and distance north of the intersection, as determined by the County Engineer. The right turn lane shall be constructed with an appropriate width, length and taper as determined by the County Engineer.

- C. It each of the project's 2 western entrances (labelled #1 and #2 on Figure 4 of the project Traffic Impact Analysis) and Glades Road:
  - 1. west approach: 2 thru lanes,  
1 right turn lane, including appropriate taper if required,
  - 2. south approach: 1 right turn lane.
- D. At the project's main entrance and Glades Road:
  - 1. west approach: 2 thru lanes,  
1 right turn lane;
  - 2. east approach: 1 left turn lane,  
2 thru lanes,  
1 right turn lane;
  - 3. south approach: 1 left turn lane,  
1 right turn lane.
- E. Construct at the project's entrance on Glades Road (labelled #4 on Figure 4 of the project Traffic Impact Analysis):
  - 1. west approach: 2 thru lanes;
  - 2. south approach: 1 right turn lane.
- F. At the project's south entrance on State Road 7:
  - 1. south approach: 2 thru lanes,  
1 right turn lane;
  - 2. north approach: 3 thru lanes,  
1 left turn lane;
  - 3. east approach: 1 left turn lane,  
1 right turn lane.
- G. At the project's north entrance on State Road 7:
  - 1. south approach: 2 thru lanes,  
1 right turn lane
  - 2. east approach: 1 right turn lane.



All concurrent with onsite paving and drainage improvements. Construction shall be substantially completed (open to traffic) prior to the issuance of the first Certificate of Occupancy. The property owner shall provide completed plans immediately for the construction of all the geometric construction required under this condition (E4) permittable by the Florida Department of Transportation, including all permits. These plans shall be immediately permittable by Florida Department of Transportation and shall be provided to Palm Beach County prior to June 1, 1991. If this deadline is not met, Palm Beach County may stop all inspections and permitting of the project. Acceptable surety shall be posted for all improvements listed in condition number E4 and E8 prior to June 1, 1991 or prior to the issuance of a Building Permit which ever shall first occur. Funding shall be limited to either an acceptable Letter of Credit (as currently defined and approved by O.F.M.B.) or cash. These funds shall also include inspection fees and contingencies. As soon as practical after receiving these plans and funds, Palm Beach County shall construct these improvements. (Previously Condition D, E4 of Resolution R-91-378, Petition 90-24(A). (MONITORING/ENGINEERING)

5. 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 presently is \$508,255.00 (9,241 trips X \$55.00 per trip). Note: No impact fee credit shall be given for any roadway improvements identified in condition number E4 which are not compatible with the Florida Department of Transportation Ultimate Section. The County Engineer shall make the sole determination as to what is compatible with ultimate construction. (Previously Condition D, E5 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING)
6. The property owner shall convey to the Lake Worth Drainage District the west 45 feet of Tracts 112 and 113, Block 77 Palm Beach Farms Company Plat No. 3 for the required right-of-way for Equalizing Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to August 1, 1991. (Previously Condition D, E6 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING)
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 shall be issued until Yamato Road from State Road 7 to Jog Road is under construction.
  - B. This entire Center including all out parcels shall be built out with certificates of occupancy issued for not less than 80% as defined in Ordinance 90-7 prior to March 15, 1992. On or about March 15, 1992, developer shall provide proof of the percentage of occupancy of the entire center. No Building permits or certificate of occupancy shall be issued after March 15, 1992 until the following roadway improvements are completed, if it has not been shown that 80% of the Center is occupied:

1. At the intersection of State Road 7 & Glades Road:
  - a. east approach: a thru lane in addition to the geometrics specified in E4(b). (Previously Condition D.E7 of Resolution R-91-378, Petition 90-24(A). (MONITORING/ENGINEERING))
8. The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance(s) and State Road 7 as well as the project's entrances and Glades Road. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition D.E8 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING))
9. Any traffic signal modifications required by the construction in E4 and E7 (B) shall be funded by the developer. (Previously Condition D.E9 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING))
10. The Property Owner shall convey an access easement at the northeast corner of the site to the Property Owner of the adjacent property to the east for future pedestrian/vehicular access. This easement shall be recorded subject to approval by the County Engineer and the County Attorney's Office prior to Plat recordation. (Previously Condition D.E10 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING))
11. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall revise the site plan to reflect a maximum of four (4) entrances onto Glades Road and a maximum of two (2) entrances onto State Road 7. (Previously Condition D.E11 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING))
12. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (Previously Condition D.E12 of Resolution R-91-378, Petition 90-24(A). (ENGINEERING))
13. Prior to issuance of the first building permit, the Petitioner shall show proof of a completion bond for the construction of the entire center, within the time frame as outlined in the conditions of approval. The proof shall be submitted to the Zoning Division and shall be subject to confirmation by the County Attorney's office. (Previously Condition D.E13 of Resolution R-91-378, Petition 90-24(A). (BUILDING/ENGINEERING))
14. 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 zoning petition number 90-24(B) to be paid at the time of issuance of the Building Permit presently is \$3,795.00 (138 additional trips X \$27.50 per trip) (IMPACT FEE COORDINATOR).

F. HEALTH

1. The generation and disposal of hazardous effluents into any sanitary sewerage system shall be prohibited unless adequate pretreatment facilities are approved by the Florida Department of Environmental Regulation (FDER), the Palm Beach County Public Health Unit and the Palm Beach County Water Utilities Department. (Previously Condition F. 1. of Resolution R-91-378, Petition 90-24(A). (HEALTH)
2. Sewer service is available to the property; therefore, no septic tank shall be permitted on the site. (Previously Condition F.2. of Resolution R-91-378, Petition 90-24(A). (HEALTH)
3. Water service is available to the property; therefore, no well shall be permitted on the site to provide potable water. (Previously Condition F.3. of Resolution R-91-378, Petition 90-24(A). (HEALTH)
4. The owner, occupant or tenant of all facilities shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (Previously Condition F. 4. of Resolution R-91-378, Petition 90-24(A). (HEALTH)
5. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 Florida Administrative Code. (Previously Condition No. F.5. of Resolution No. R-91-378, Petition No. 90-24(A). (HEALTH)

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the Petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (Previously Condition No. G.1. of Resolution No, R-91-378, Petition No. 90-24(A). (UTILITIES)

H. LANDSCAPING - GENERAL

1. The Petitioner shall submit a Master Landscape Plaa for review and approval by the Zoning Division prior to site plan certification. The Master Landscape Plan shall demonstrate conformance to all Landscape Code requirements and conditions of approval. (Previcusly Condition No. H.1. of Resolution No. R-91-378, Petition No. 90-24(A) , (ZONING)
2. All trees on site shall be permitted to reach and be maintained at a minimum mature height of fifteen (15) feet. Maintenance shall conform to Arbor Society recommended practices. (Previously Condition No. H.1. of Resolution No. R-91-378, Petition No. 90-24(A). (Previously Condition No. H.2. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)
3. All landscaped areas shall be fully irrigated. (Previously Condition No. H.3. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)
4. Landscape tabular data on the site plan shall be revised to reflect conformance to minimum Landscape Code requirements and all landscape conditions prior to site plan certification. (Previously Condition No. H.4. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)

5. If permitted by the Florida State Department of Transportation or the County Engineer, the Petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of one twelve (12) foot tall native canopy tree planted an average of thirty (30) feet on center, ground cover which meets minimum Zoning Code requirements, and automatic irrigation. All material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner. (Previously Condition No. H.5. of Resolution No. R-91-378, Petition No. 90-24(A). (ENGINEERING))

I. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) cars. (Previously Condition No. 1.1. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING))
2. Landscaped terminal islands shall be provided for all rows of parking. (Previously Condition No. 1.2. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING))
3. Fifty percent (50%) of all trees within the interior parking area shall be twelve (12) feet in height or greater. The remaining fifty percent (50%) shall be flowering trees ten (10) feet in height or greater. (Previously Condition No. 1.3. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING))

J. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Landscaping within the required landscape buffer abutting Glades Road shall be upgraded to include:
  - a. Native canopy trees an average of twenty (20) feet on center.
  - b. The minimum height of these trees shall be as follows:
    - 1) Fifty percent (50%) - fourteen (14) feet tall.
    - 2) Twenty-five percent (25%) - twelve (12) feet tall.
    - 3) Twenty-five percent (25%) - ten (10) feet tall.
  - c. One (1) Washingtonia palm tree, a minimum of ten (10) feet in overall height, shall be planted for each thirty (30) linear feet.
  - d. A continuous opaque hedge a minimum of thirty-six (36) inches in height at installation, to be maintained at a minimum height of forty-two (42) inches within one year, or a minimum forty-two (42) inch high hedge/berm combination. (Previously Condition No. J.1. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING))

K. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping within the required ten (10) foot wide landscape buffer strip along the south property line shall include a six (6) foot high wall, hedge, fence, berm, or combination, and ten (10) foot tall trees spaced no more than thirty (30) feet on center. (Previously Condition No. K.1. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)

L. LANDSCAPING ALONG EAST PROPERTY LINE

1. A twenty-five (25) foot wide landscape buffer shall be provided along the entire eastern property line. (Previously Condition No. L.1. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)
2. Landscaping along the eastern property line shall be placed on the exterior side of a required wall and shall be installed prior to issuance of the certificate of occupancy for any building on site. Landscaping and buffering within this perimeter strip shall consist of:
  - a. A six (6) foot tall concrete block and steel wall or equivalent. This wall shall receive stucco and paint finish on both sides in a color compatible with the shopping center.
  - b. A two (2) foot wide landscape strip shall be provided between the curb of the paved vehicular use area and the required six (6) foot wall. This landscape strip shall be supplemented with a thirty-six (36) inch high continuous opaque hedge. (Previously Condition No. L.2. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)
3. Native canopy trees shall be planted an average of twenty (20) feet on center:
  - a. Fifty percent (50%) of these trees shall be fourteen (14) feet tall;
  - b. Twenty-five percent (25%) of these trees shall be twelve (12) feet tall;
  - c. Twenty-five percent (25%) of these trees shall be ten (10) feet tall. (Previously Condition No. L.3. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)
4. One (1) native palm tree shall be planted for each thirty (30) linear feet. (Previously Condition No. L.4. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)
5. A double row of shrubs:
  - a. Planted an average of thirty-six (36) inches on center (833 plants).
  - b. Fifty percent (50%) shall be native.
  - c. Fifty percent (50%) of these shrubs shall be thirty-six (36) inches in height; fifty percent (50%) of these shrubs shall be twenty-four (24) inches in height.
  - d. Shrubs shall be maintained at a height of sixty (60) inches within two (2) years of installation. (Previously Condition No. L.5. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING)

M. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping within the required landscape buffer along State Road 7 (US 441) shall be upgraded to include:
  - a. Native canopy trees planted twenty (20) feet on center.
  - b. The minimum height of these trees shall be as follows:
    - 1) Fifty percent (50%) - fourteen (14) feet tall.
    - 2) Fifty percent (50%) - twelve (12) feet tall.
  - c. A continuous opaque hedge a minimum of thirty-six (36) inches in height at installation, to be maintained at a minimum height of thirty-six (36) inches.
  - d. One landscaped island shall be provided for every ten (10) parking stalls abutting this property line. (Previously Condition No. M.1. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING))

N. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. Lighting fixtures in the eastern portion of the site shall not exceed twelve (12) feet in height. Lighting in the western portion of the center shall not exceed forty (40) feet in height. (Previously Condition No. N.1. of Resolution No. R-91-378, Petition No. 90-24(A). (BUILDING/ZONING))
2. All outdoor lighting behind the shopping center and/or within one-hundred feet of the east property line, shall be extinguished no later than 11:00 p.m. All other outdoor lighting shall be extinguished no later than 1:00 a.m. Security lighting only is excluded from this requirement. (Previously Condition No. N.2. of Resolution No. R-91-378, Petition No. 90-24(A). (CODE ENFORCEMENT-Zoning))

O. PARKING AND CROSS ACCESS

1. A maximum of 1,487 parking spaces shall be permitted on site. (Previously Condition No. O.1. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING))
2. All uses shall utilize shared parking and circulation arrangements acceptable to the Planning, Zoning and Building Department. Shared parking and cross access agreements shall be recorded with the Zoning Division prior to site plan certification. (Previously Condition No. O.3. of Resolution No. R-91-378, Petition No. 90-24(A). (ZONING/COUNTY ATTORNEY))

P. RECYCLE SOLID WASTE

1. As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan approvable by the Solid Waste Authority of Palm Beach County. (Previously Condition No. P.1. of Resolution No. R-91-378, Petition No. 90-24(A). (SOLID WASTE AUTHORITY))

**Q. RECYCLE WATER**

1. The design of the car wash facility shall use a water recycling system. (Previously Condition No. Q.1. of Resolution No. R-91-378, Petition No. 90-24(A). (HEALTH)

**R. SIGNS**

1. No off-premise signs shall be permitted on site. (Previously Condition No. R.1. of Resolution No. R-91-378, Petition No. 90-24(A). (BUILDING)
2. Pole mounted signs shall not be permitted on site. (Previously Condition No. R.2. of Resolution No. R-91-378, Petition No. 90-24(A). (BUILDING)
3. No flashing or electronic message boards sign types shall be permitted on site. (Previously Condition No. R.3. of Resolution No. R-91-378, Petition No. 90-24(A). (BUILDING)
4. Monument signs shall not exceed fifteen (15) feet in height nor a total of 1,200 square feet in area. (Previously Condition No. R.4. of Resolution No. R-91-378, petition No. 90-24(A). (BUILDING)
5. Two (2) point of purchase signs shall be permitted on Glades Road. Two (2) point of purchase signs shall be permitted on State Road 7 (US 441). (Previously Condition No. R.5. of Resolution No. R-91-378, petition No. 90-24(A). (BUILDING-Zoning)
6. Prior to site plan certification, the Petitioner shall submit a Master Sign Program which specifies sign location, sign dimensions, unified color, unified graphics, and conformance to all sign conditions for all point of purchase and monument signs on site. (Previously Condition No. R.6. of Resolution No. R-91-378, petition No. 90-24(A). (ZONING)
7. All other signs shall comply with the Palm Beach County Sign Code Ordinance 72-23, and shall indicate principle use only. Specifically, no snipe signs, banners, balloons or other prohibited type of advertisement shall be permitted on site. (Previously Condition No. R.7. of Resolution No. R-91-378, petition No. 90-24(A). (BUILDING)
8. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign-related conditions of approval. (Previously Condition No. R.8. of Resolution No. R-91-378, petition No. 90-24(A). (BUILDING)

**S. UNITY OF CONTROL**

1. The entire property shall be master planned as a single Planned Commercial Development (PCD) and shall be subject to a Unity of Control. A Unity of Control for the site shall be approved by the County Attorney prior to site plan certification. (Previously Condition No. S.1. of Resolution No. R-91-378, Petition No. 90-24(A). (COUNTY ATTORNEY)

**T. USE LIMITATIONS**

1. **No cocktail lounge shall be permitted in the east wing of the shopping center. This condition does not prohibit restaurants with beverage service representing less than 50% of net proceeds. (Previously Condition No. T.1. of Resolution No. R-91-378, Petition No. 90-24(A)). (BUILDING/ZONING/CODE ENFORCEMENT)**
2. **Hours of operation for local retail shops (with the exception of restaurant uses) and financial institutions shall be from 6:00 a.m. to 11:00 p.m. (Previously Condition No. T.2. of Resolution No. R-91-378, Petition No. 90-24(A)). (CODE ENFORCEMENT)**

**U. COMPLIANCE**

1. **As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. **The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or**
  - b. **The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or**
  - c. **A requirement of the development to conform with updated standards of development, applicable 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.****

**Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by Petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition No. U.1. of Resolution No. R-91-378, Petition No. 90-24(A)). (MONITORING)**

2. **The architectural elevations and renderings presented to the Board of County Commissioners at the November 29, 1990, Zoning Authority Hearing, shall be made part of the record and submitted to the Zoning Division prior to site plan certification. They shall be submitted in a form and size which enables the exhibits to be made part of the permanent record in the zoning file. The appearance of the development shall be consistent with these elevations and renderings prior to issuance of a certificate of occupancy for any portion of the project. (Previously Condition No. U.2. of Resolution No. R-91-378, Petition No. 90-24(A)). (MONITORING)**