

RESOLUTION APPROVING ZONING PETITION DOA81-163(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF BOCA PROPERTIES INC.  
BY RUSSELL DEVICK AND JOHN WARE, AGENT  
(BOCA CENTER)

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

**WHEREAS**, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

**WHEREAS**, Zoning Petition DOA81-163(B) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1997; and

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

**WHEREAS**, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

**WHEREAS**, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and ~~the~~ natural functioning of the environment.
10. This **Development Order** Amendment, with conditions as adopted, will result in **logical**, timely and orderly development patterns.

WHEREAS, Article 5 of ~~the~~ Palm Beach County Unified Land Development Code **requires** that the ~~action~~ of the Board of County Commissioners **be** adopted by resolution.

NOW, THEREFORE, BE **IT** RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA81-163(B), the petition of Boca Properties Inc., by Russell Devick and John Ware, agent, for a Development **Order Amendment** (DOA) to **amend** Condition 2 (~~maximum building~~ square footage) of Resolution R-85-240, Petition SE78-263(A); add square footage (+49,000); and redesign site plan on a parcel of ~~land~~ legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located **as** shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 1997, **subject** to ~~the~~ conditions of approval 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 McCarty and, upon being put to a vote, the vote was as follows:

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


The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 1997.


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



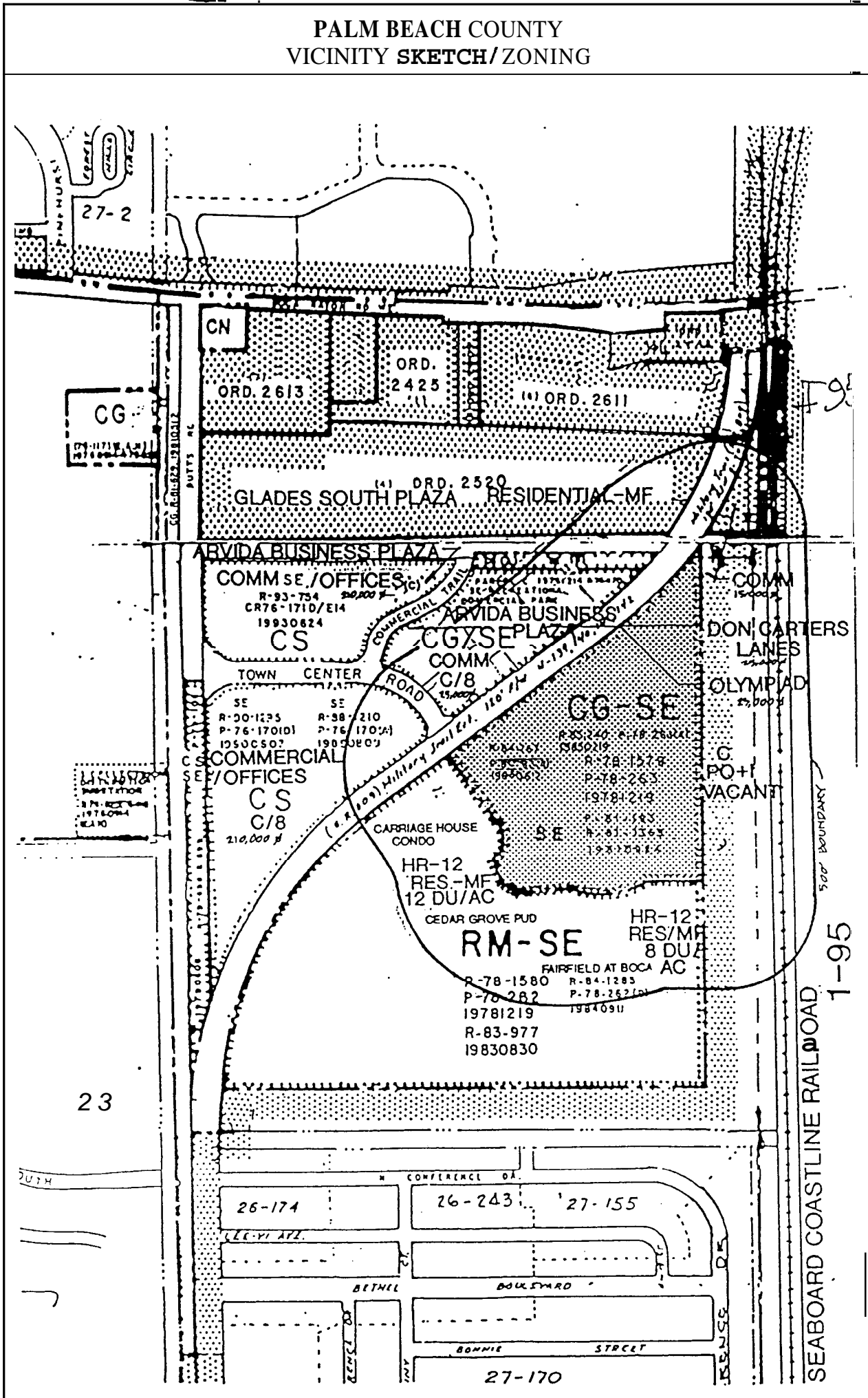
**EXHIBIT A**  
**LEGAL DESCRIPTION**

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 42 EAST: THENCE RUN S 00°35'30" E 75.00 FEET ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER TO A POINT; THENCE RUN S 89°30'16" W 247.50 FEET ALONG A LINE 75.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30'16" W, 23.55 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SHOWN AND RECORDED IN PLAT BOOK 4, PAGES 139 THROUGH 142, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN SOUTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE BEING A CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF S 45°40'09" W, A RADIUS OF 1697.02 FEET AND A CENTRAL ANGLE OF 17°40'56", FOR AN ARC DISTANCE OF 523.72 FEET TO A POINT OF TANGENCY; THENCE RUN S 54°30'37" W 1038.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A POINT; THENCE RUN S 35°29'23" E 440.00 FEET TO A POINT; THENCE RUN S 04°50'46" E 72.74 FEET TO A POINT; THENCE RUN S 40°36'05" W 92.20 FEET TO A POINT; THENCE RUN S 16°41'57" E 104.40 FEET TO A POINT; THENCE RUN S 48°48'51" E 106.30 FEET TO A POINT; THENCE RUN N 83°59'28" E 203.38 FEET TO A POINT ON A CURVE; THENCE RUN EASTERLY, SOUTHERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF N 76°22'39" E, A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 83° 42' 12", FOR AN ARC DISTANCE OF 584.36 FEET TO A POINT; THENCE RUN N 89°24'30" E 226.64 FEET TO A POINT OF INTERSECTION WITH A LINE 247.50 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 23; THENCE RUN N 00°35'30" W 1488.84 FEET ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 28.62 ACRES, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: DOA 81-163(B)

Zoning Quad Page \_\_\_\_\_

Date: 9/26/96



EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject property, as **contained in** Resolutions **R-85-240** (Petition **78-263(A)**), **R-84-767** (Petition **81-163(A)**), **R-81-1369** (Petition **81-163**), and **R-78-1579** (Petition **78-263**) have been consolidated as contained herein. The petitioner shall **comply** with **all** previous conditions of approval **and** deadlines previously established by Section 5.8 of **the** ULDC and **the** Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. 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 December 6, 1996. 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)

B. BUILDING AND SITE DESIGN

1. **The site plan must be amended to show square footage devoted to various uses and to show parking bay dimensions.** (Previously Condition 12 of Resolution R-81-1369, Petition 81-163). (DRC: ZONING)
2. **Prior to Site Plan Certification a revised site plan shall be submitted reflecting a master signage program and its location.** (Previously Condition 1 of Resolution R-85-240, Petition 78-263(A)). (DRC: ZONING)
3. Condition 2 of Resolution R-85-240, Petition 78-263(A) which states:

**The maximum building gross square footage shall not exceed 436,000 square feet, excluding the following:**

- exterior wall thickness
- elevator shafts, including walls
- stair towers, including walls
- mechanical equipment, electrical and telephone rooms
- exterior balconies and open walkways
- open-air plazas (BLDG)

Is hereby amended to state:

- a) The maximum building gross square footage shall not exceed 436,000 square feet, excluding the following:
  - exterior wall thickness
  - elevator shafts, including walls
  - stair towers, including walls
  - mechanical equipment, electrical and telephone rooms
  - exterior balconies and open walkways
  - open-air plazas.

b) An additional 49,000 square feet of gross floor area shall be permitted by Petition 81-163(B). This additional square footage excludes the following:

- parking garages. (BLDG PERMIT: ZONING)

4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area (Previously Condition 4 of Resolution R-85-240, Petition 78-263(A)). (BLDG)
5. Security lighting shall be directed away from nearby residences. (Previously Condition 5 of Resolution R-85-240, Petition 78-263(A)). (ONGOING: CODE ENF)
6. The office buildings and the hotel building shall be reduced by two (2) stories each. This will result in two (2) office towers of eight (8) stories and one hotel of twelve (12) stories. (Previously Condition 13 of Resolution R-85-240, Petition 78-263(A)). (ZONING)
7. Exact copies of all graphics presented at the Board of County Commissioner's public hearing shall be submitted to the Zoning Division and made part of the permanent petition file. (Previously Condition 17 of Resolution R-85-240, Petition 78-263(A)). (ZONING)

C. ERM

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previously Condition 3 of R-85-240, Petition 78-263(A)). (ERM)

D. HEALTH

1. Condition 3 of Resolution R-84-767, Petition 81-163(A) which states:

The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties'.

~~Is~~ hereby deleted. [REASON: superseded by new condition.]

2. Condition 4 of Resolution R-84-767, Petition 81-163(A) which states:

The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.

~~Is~~ hereby deleted. [REASON: superseded by new condition.]

3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition 11 of Resolution R-85-240, Petition 78-263(A)). (ONGOING: HEALTH)

## E. ENGINEERING

1. Petitioner shall contribute Ninety-Two Thousand Three Hundred Dollars, (\$92,300.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The developer, at his option, may elect to construct in kind improvements to the arterial roadway system to include, but not limited to, the construction of an additional **two (2)** lanes on Butts Foad from Military Trail westerly approximately one thousand one hundred (1,100) feet (replacement value **\$130,000.00**), signalize the **intersection** of Butts Road and Military Trail (replacement value **\$14,000.00**), and/or the **construction** of a dual left turn lane, **south** approach and a right turn lane, north approach, at the intersection of Military Trail and Butts Foad (replacement value \$20,000.00). However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that, regardless of the form or status of any ordinance, this development shall **be** required to provide as a **minimum** the above Ninety-two Thousand Three Hundred Dollars (**\$92,300.00**) toward alleviating **some of its** traffic impacts. (Previously Condition 4 of Resolution R-78-1579, Petition 78-263) (ENG)
2. Petitioner shall construct at Military Trail and the north access road left turn lanes on both the north and south approaches. (Previously Condition 1 of Resolution R-84-767, Petition 81-163(A)). (ENG) [Complete]
3. Prior to the issuance of a Certificate of Occupancy:
  - A. Construct at Military Trail and Town Center Road
    - a) left and right turn lanes, north approach [Complete]
    - b) left turn lane, east approach [Complete]
    - c) dual left turn lanes and separate right turn lane, south approach, and [Complete]
    - d) left and right turn lanes, west approach [Complete]
  - B. Construct at Military Trail and the south access road a left turn lane on the north and south approaches. (Previously Condition 2 of Resolution R-84-767, Petition 81-163(A)). (CO: ENG) [Complete]
4. Petitioner shall contribute Two Hundred Sixty-two Thousand Dollars (**\$262,000.00**) within 120 days of Special Exception approval toward the construction program for Military Trail as a four lane median divided section from Glades Road north through the Yamato Road intersection as provided for in the 1981-1982 proposed County budget. In the event this roadway improvement is not part of the 1981-1982 County budget, the approval of this petition shall be readdressed by the Board of County Commissioners. The terms of this condition are to be specifically set forth in the road construction agreement approved by the County Attorney's Office and the County Engineer's office. (Previously Condition 3 of Resolution R-81-1369, Petition 81-163). (DATE: ENG)
5. Petitioner shall reconstruct Town Center Circle per the County Engineer's approval. (Previously Condition 1 of Resolution R-81-1369, Petition 81-163). (ENG)

6. Prior to site plan certification, the developer and properly owner shall amend the plat to remove interior property lines and unnecessary easements. (Previously Condition 5 of Resolution R-84-767, Petition 81-163(A)). (ENG) [Not Completed]
7. Prior to site plan certification, utility releases will be required for paving and berming in any remaining easement running through this property. (Previously Condition 6 of Resolution R-84-767, Petition 81-163(A)). (DRC: UTILITIES/ENG)
8. Condition 7 of Resolution R-84-767, Petition 81-163(A) which states  
  
The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.  
  
~~Is~~ hereby deleted. [REASON: now a code requirement.]
9. Developer shall construct signalization at the intersection of Military Trail and a) Town Center Road, b) Town Center Circle, and c) Eethel Boulevard when warranted by the County Engineer. Funds for this signalization shall be held by Palm Beach County in the form of a Letter of Credit or Cash prior to the issuance of a Building Permit. (Previously Condition 8 of Resolution R-84-767, Petition 81-163(A)). (BLDG PERMIT: ENG) [Complete]
10. The developer shall be given credit for the entire Fair Share Traffic Impact Fee for monies already collected and construction already completed pursuant to Resolution R-81-1369.  
  
The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$161,975.00. (Previously Condition 10 of Resolution R-85-240, Petition 78-263(A)). (IMPACT FEE COORD)
11. Joint access shall be provided to the parcels lying east of this project. There shall be access as already shown on the project's site plan in the southeast portion of the parcel and there shall be an additional access point, to be mutually approved by the County, the City and developer, within the northeast portion of the parcel to that parcel zoned Public Ownership and Industrial which lies west of the Seaboard Coastal Line Railroad. (Previously Condition 14 of Resolution R-85-240, Petition 78-263(A)). (DRC: ENG/ZONING)
12. The Crocker Company shall meet with both the City and the County to review access to their parcel from Military Trail and take such steps as are necessary to insure safe ingress and egress from the project while maintaining smooth and efficient traffic flow on Military Trail. (Previously Condition 15 of Resolution R-85-240, Petition 78-263(A)). [Complete]



13. **The Crocker Company shall meet with Palm Beach County and the City of Boca Raton to review the intersection of Military Trail and Palmetto Park Road and shall aid in the implementation of intersectional improvements necessary to mitigate the project's traffic impact by transferring the funds designated for the cost of signalization as provided in Condition 9(c) above the subject intersection improvement project. This transfer of funding shall be approved by the County Engineer. (Previously Condition 16 of Resolution R-85-240, Petition 78-263(A)). (ENG)**
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 this project to be paid at the time of issuance of the Building Permit for Zoning Petition 81-163(B) presently is \$71,060 (1292 additional trips X \$55.00 per trip) (ONGOING: ACCOUNTING - Fair Share Fee Coord).
15. The Developer shall be restricted to the following phasing schedule:
  - A) No building permits for more than 33,000 additional square feet of retail (Phase I) shall be issued after December 31, 1998 until the contract has been let for construction of a 6-lane divided section on Military Trail from Glades Road to Clint Moore Road. (DATE/BLDG PERMIT: MONITORING - Eng)
  - B) No building permits shall be issued after December 31, 1998 until construction has begun for the addition of a second east approach left turn lane at the intersection of Military Trail and Town Center Road. This construction shall also include modifications to the west approach to accommodate the geometrics to the east approach. (DATE/BLDG PERMIT: MONITORING - Eng)
16. Prior to the DRC approval the applicant shall revise the site plan to reflect compliance with condition E 15 above. (DRC: ENG)
17. Acceptable surety required for the offsite road improvements as outlined in the condition above shall be posted with the Office of the Land Development Division on or before January 1, 1999 if building permits for 45,000 additional square feet have not been issued. If the developer agrees to delete any floor area from the site plan for which he has not received building permits by December 31, 1998, then he shall not be required to post surety for this road improvement. Surety in the amount of 110% shall be based upon a certified cost estimate by the Developer's Engineer. (GPS) (DATE: MONITORING - Eng)
10. LANDSCAPE WITHIN MEDIAN
  - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the

standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (E LDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)

F. LANDSCAPING

- 1. A six (6) foot wall is required around the perimeter of the property abutting residential prior to issuance of Certificates of Occupancy. (Previously Condition 11 of Resolution R-81-1369, Petition 81-163). (CO: LANDSCAPE)
- 2. The developer shall install a combination berm, wall, shrub, and tree landscape buffer treatment along the entire southern boundary of this site to provide an immediate opaque buffer of six feet in height and trees the equivalent of one per twenty feet of property boundary. Loading areas must also be effectively screened from view from the residential property to the south. These buffers shall be installed prior to the issuance of any Certificate of Occupancy. (Previously condition 9 of Resolution R-84-767, Petition 81-163(A)). (CO: LANDSCAPE)

G. LANDSCAPING - STANDARD

- 1. All canopy trees required to be planted on site by DOA 81-163(B), shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by DOA 81-163(B) shall meet the following minimum standards at time of installation:
  - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
  - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
  - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG NORTHWEST AND SOUTHWEST PROPERTY LINE OF REVISED AREA (ABUTTING R-O-W AND RESIDENTIAL)

1. Landscaping and buffering along the northwest property line adjacent to the area revised by DOA 81-163(B) shall be upgraded to include:
  - a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a canopy tree in that location; and
  - c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted and maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

I. LANDSCAPING ALONG EAST PROPERTY LINE OF REVISED AREA (ABUTTING VACANT LAND)

1. Landscaping and buffering along the east property line adjacent to the area revised by DOA 81-163(B) shall be upgraded to include:
  - a. One (1) canopy tree planted every twenty (20) feet on center; and
  - b. One (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a canopy tree in that location; and
  - c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted and maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

J. LANDSCAPING - INTERIOR

1. Landscape planter areas shall be provided along the front and side walkways of all new building expansion areas consistent with the landscape program along the walkways of the existing retail and restaurant use. All required landscape planter areas shall consist of a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

2. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be ~~six~~ (6) feet. The minimum length of this median shall be ~~twenty~~ five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC/CO: ZONING / LANDSCAPE)
3. The ten (10) foot wide landscape divider medians abutting the center accessway shall be provided with ~~one~~ (1) tree and appropriate ground cover planted for each ~~twenty~~(20) linear feet of the divider median. (DRC/CO: ZONING / LANDSCAPE)

**K. LWDD**

1. **Petitioner shall convey the South 20.00 feet of the Northeast 1/4 of Section 23, Township 47 South, Range 42 East of Military Trail to the Lake Worth Drainage District with some physical Canal Improvement or Storm Sewer System to be determined by the Developer.** (Previously Condition 6 of Resolution R-78-1579, Petition 78-263) (LWDD)

**L. MASS TRANSIT**

1. **A.** Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board or Palm Tran. (DRC: ZONING)
- B.** Mass transit access, shelters and/or bus stops, if required, shall be located and constructed by the petitioner within three (3) years (October 24, 1999) in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DATE: MONITORING - Eng)
2. All printed and electronic advertising for the project, where practical, shall contain information that mass transit service to the site is available. (ONGOING: PALM TRAN)

**M. COMPLIANCE**

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the **subject** property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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