

RESOLUTION NO. R-2004- 0009

RESOLUTION APPROVING ZONING PETITION PDD2002-011
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF LAWRENCE GIDEON JOHNSON
BY GENTILE HOLLOWAY O'MAHONEY & ASSOCIATES, AGENT
(JOHNSON PROPERTY MUPD)

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

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

WHEREAS, Zoning Petition PDD2002-011 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2004; 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 made the following findings of fact:

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2002-011, the petition of Lawrence Gideon Johnson by Gentile Holloway O'Mahoney & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 2004.

Filed with the Clerk of the Board of County Commissioners on 2 day of February, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING PORTIONS OF BLOCKS 5 AND 6, INCLUDING THE PLATTED RIGHTS-OF-WAY CONTAINED THEREIN, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF CLEARY ROAD WITH THE CENTERLINE OF WESTPORT ROAD, AS SHOWN ON WESTPORT INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGE 49, SAID PUBLIC RECORDS; THENCE, NORTH 89°01'06" EAST, ALONG SAID CENTERLINE OF WESTPORT ROAD, A DISTANCE OF 40.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID CLEARY ROAD; THENCE, NORTH 00°58'54" WEST, DEPARTING SAID CENTERLINE AND ALONG SAID EAST RIGHT-OF-WAY LINE AND THE NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 344.97 FEET TO THE SOUTH LINE OF TRACT 31, SAID BLOCK 5 AND THE POINT OF BEGINNING;

THENCE, CONTINUE NORTH 00°58'54" WEST, A DISTANCE OF 250.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 590.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'25", A DISTANCE OF 242.40 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 24°31'19" WEST, A DISTANCE OF 382.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 510.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 53°16'42", A DISTANCE OF 474.24 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 28°45'23" EAST, A DISTANCE OF 253.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 435.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°28'26", A DISTANCE OF 299.69 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 68°13'49" EAST, A DISTANCE OF 976.22 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 69°10'29", A DISTANCE OF 410.49 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 00°56'40" WEST, A DISTANCE OF 301.77 FEET TO THE NORTH LINE OF TRACT 9, SAID BLOCK 5; THENCE, SOUTH 89°03'20" WEST, ALONG THE NORTH LINE OF TRACTS 9 AND 10, SAID BLOCK 5, A DISTANCE OF 739.72 FEET TO THE EAST LINE OF THE FLORIDA STATE TURNPIKE RIGHT-OF-WAY; THENCE, SOUTH 40°37'50" WEST, ALONG SAID RIGHT-OF-WAY, DEPARTING SAID TRACT LINES, A DISTANCE OF 1509.86 FEET TO THE POINT OF TANGENCY OF A CURVE TO THE LEFT HAVING A RADIUS OF 11359.16 FEET; THENCE, SOUTHWESTERLY, ALONG SAID CURVE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 09°02'15", A DISTANCE OF 1791.73 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 30°59'16" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 132.40 FEET TO THE SOUTH LINE OF TRACT 23, SAID BLOCK 6; THENCE, NORTH 89°04'15" EAST, ALONG THE SOUTH LINE OF TRACTS 23 AND 24, SAID BLOCK 6 AND THE EASTERLY PROLONGATION THEREOF, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1546.96 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 31, SAID BLOCK 5; THENCE, NORTH 89°02'42" EAST, ALONG SAID WESTERLY PROLONGATION AND THE SOUTH LINE OF SAID TRACT 31, A DISTANCE OF 40.80 FEET TO THE POINT OF BEGINNING.

CONTAINING: 54.63 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

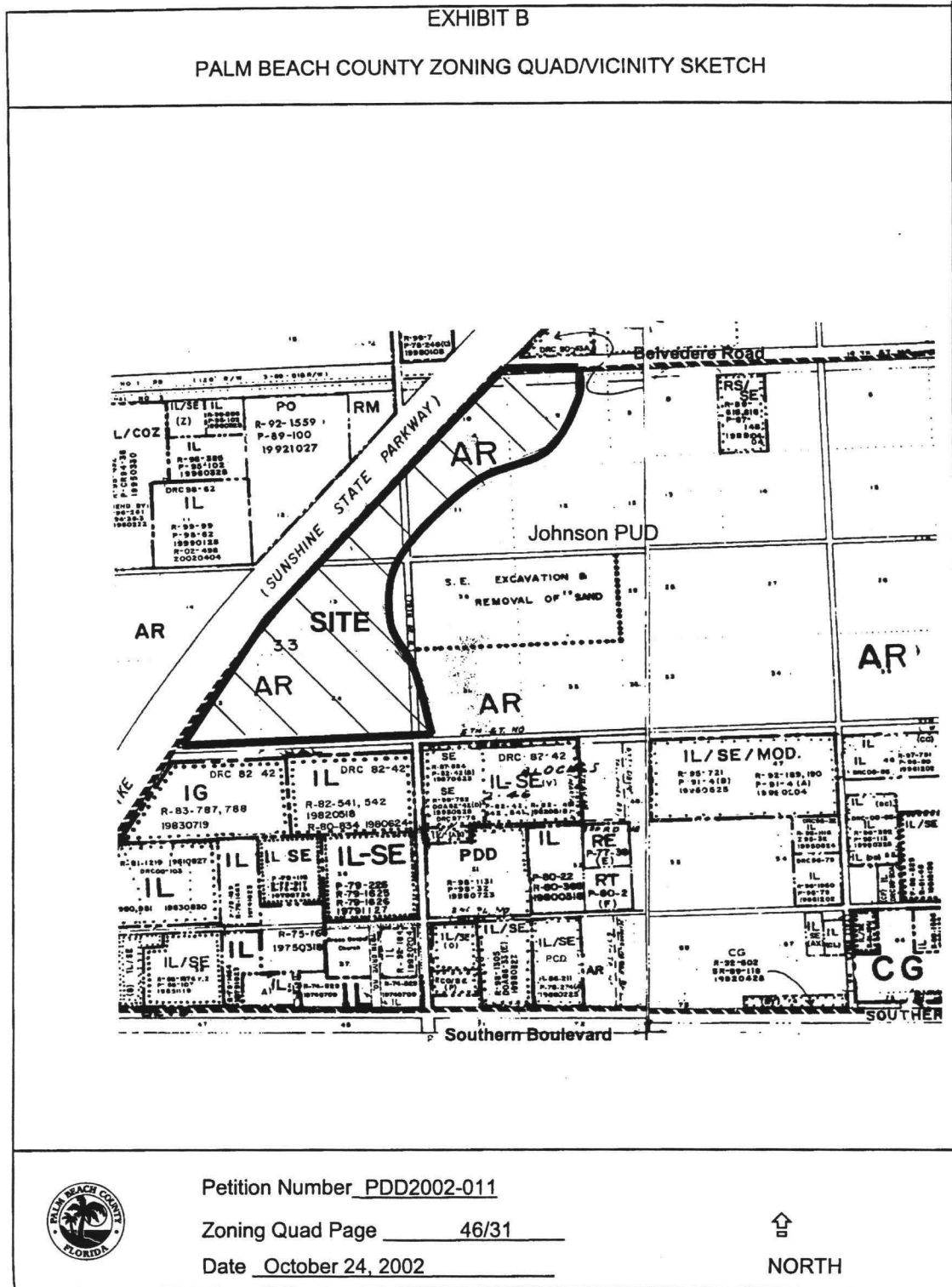


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and all permitted uses under the IL zoning district, and site design as approved by the Board of County Commissioners. The approved site plan is dated December 5, 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. BUILDING AND SITE DESIGN

1. At time of submittal for final DRC approval of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural review. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING - Zoning)
2. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG/CODE ENF -Zoning)
3. Baydoors shall not be permitted on the east facade(s) of all buildings. (BLDG PERMIT: ZONING-Zoning)
4. The maximum height for the easternmost Building A (43,500 square foot building) and easternmost Building B shall be limited to twenty-five (25) feet. All heights shall be measured from the highest point of the building to the finished grade. (ARCH REVIEW/BLDG PERMIT – ZONING/BLDG. – Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM)
2. A 25% upland set-aside equal to or greater than 2.6 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING:ERM-ERM)
3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRC:ERM-ERM)

D. LANDSCAPING – STANDARD

1. All trees along the Belvedere Road frontage and fifty-percent (50%) of trees to be planted in the remaining perimeter buffers 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 site 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 shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall/fence. (CO: LANDSCAPE – Zoning)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)

5. Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:
 - a. Prior to final Development Review Committee (DRC) site plan approval, documentation that demonstrates native preserve area vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and
 - b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRC: ZONING/LANDSCAPE – Zoning)

E. ENGINEERING

1. Prior to November 15, 2004 or prior to the issuance of a 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 additional right of way for the construction of a right turn lane on Belvedere Road at Cleary Road. This right-of-way shall be a minimum of 340 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer as well as the approval of the Lake Worth Drainage District to accommodate right of way for the LWDD L3 Canal. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. 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. (DATE/BLDG PERMIT: MONITORING-Eng)

2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Cleary Road a total of 80 feet in width. This road right of way shall be recorded prior to the issuance of the

first Building Permit or prior to November 15, 2004 whichever shall first occur. Right of way conveyance shall be from the project's south property line to Belvedere Road and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments and shall include "Corner Clips". The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (DATE/BLDG. PERMIT: MONITORING-Eng)

3. The Property owner shall construct the following improvements:
 - a) Cleary Road as a 3 lane section, collector Street Standards from a point 280 feet south of the Industrial Projects entrance onto Cleary Road, north to Belvedere Road. Construction shall also include all applicable regulation requirements for drainage and stormwater runoff for that portion of Cleary Road being constructed by this property owner.
 - b) Cleary Road as a 2 lane section, collector Street Standards from a point 280 feet south of the Industrial Projects entrance onto Cleary south to the LWDD L-4 Canal plus the appropriate paved tapers from the 2 lane section to the 3 lane section. This will then provide paved access for Cleary Road from Southern Boulevard to Belvedere Road. This construction shall also include an appropriate bridge/culvert over the LWDD L-4 Canal. Construction shall also include all applicable regulation requirements for drainage and stormwater runoff for that portion of Cleary Road being constructed by this property owner.
 - c) Right turn lane west approach on Belvedere Road at Cleary Road.
 - d) Left turn lane north approach on Cleary Road at Southern Boulevard.
 - e) Lengthen the existing left turn lane east approach on Belvedere Road at Cleary Road to provide for a minimum length of 345 feet with final geometrics for the median opening to be approved by the County Engineer.
 - f) Pedestrian pathway on Cleary Road from Southern Boulevard north to the LWDD L-4 Canal.
 - g) Right turn lane north approach on Cleary Road at the projects north entrance road.
 - A) This construction (items a through g) shall be concurrent with issuance of Building Permits for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (BLDG PERMIT: MONITORING-Eng)
 - B) Permits required by Palm Beach County for this construction (items a through g) shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - C) Construction (items a through g) shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:
 - a) Belvedere Road and Cleary Road (and)
 - b) Cleary Road and Southern Boulevard.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. No Building Permits shall be issued until the developer provides acceptable surety to the County Engineer for the installation of this signal. (BLDG PERMIT:MONITORING-Eng).

5. LANDSCAPE WITHIN THE MEDIAN OF BELVEDERE ROAD

- a) The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Belvedere Road. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.
- b) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- c) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- d) At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
- e) Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Belvedere Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

7. Prior to final DRC approval of the Site Plan, the developer shall amend the Plan to redesign the buffer and lake adjacent to Pod A, and to provide for adequate sight distance for vehicles on Cleary Road in accordance with the County Engineers Approval. (DRC:ENG-Eng)

8. Prior to the issuance of a Certificate of Occupancy, the developer shall implement the following strategies as approved by the County Engineer. These strategies shall include but not be limited to:

- A. facilitation of transit usage along Cleary Road with provisions of:
 - bus stop signs

- distribution of bus schedules within the future Industrial buildings
- coordination with PALMTRAN and other mass transit services
- B. encourage staggered work hours for employers and their employees within the Park under the authority of the Developer's Restrictive Plat Covenants;
- C. Coordination with South Florida Commuter Services to facilitate a reduction in the number of vehicle trips by employees within Johnson MUPD.
- D. The developer will designate a minimum of one TDM coordinator for the entire Johnson MUPD. (CO:MONITORING-Eng)

F. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (BELVEDERE ROAD AND TURNPIKE FRONTAGES)

1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted except for a maximum of five (5) feet easement encroachment;
 - b. a continuous three (3) foot high berm measured from top of curb. Field adjustment of the berm may be permitted for existing vegetation and billboard easement;
 - c. one (1) canopy tree for each twenty (20) linear feet of property line;
 - d. one (1) palm for each twenty (20) linear feet of frontage 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 (Saw palmetto, pampas grass or similar species) 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.
 - h. all proposed plant materials for the north buffer shall be native species only. (CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE (CLEARY ROAD FRONTAGE)

1. Landscaping and buffering along the east property line (adjacent to the lake areas) shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reductions shall be permitted;
 - b. one (1) canopy tree for each twenty (20) linear feet of property line;
 - c. one (1) palm for each twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
 - d. 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;
 - e. one (1) medium shrub (Saw palmetto, pampas grass or similar species) for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE-Zoning)
2. Landscaping and buffering along the east property line (adjacent to Buildings A and B) shall be upgraded to include:
 - a. a minimum thirty (30) foot wide landscape buffer strip;
 - i. in front of Building A for a minimum of 650 linear feet; and
 - ii. along the south 600 linear feet (in front of Building B). This wall shall be located west of the 2-acre lake, and shall continue

in a northeasterly direction approximately 150 linear feet in length. A similar wall, approximately 150 feet in length shall be installed along the north side at the southern access drive off Cleary Road;

No width reduction shall be permitted except for a maximum of five (5) feet easement encroachment;

- b. a continuous four (4) foot high berm measured from top of curb. Field adjustment of the berm may be permitted for existing vegetation;
- c. a six (6) foot high concrete (CBS) wall or an alternative acceptable to the Landscape Section to be located on the plateau of the berm. One (1) concrete column (minimum width of sixteen (16) inches) shall be provided and equally spaced at a maximum of seventy-five (75) feet on center, and at both ends of the wall. Both sides of the wall and columns shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. A minimum six (6) inch stucco band shall be provided along the top of the wall;
- d. one (1) canopy tree for each twenty (20) linear feet of property line to be planted alternating on both sides of the wall;
- e. one (1) palm for each twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters, and to be planted alternating on both sides of the wall;
- f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation, and shall be planted on both sides of the wall;
- g. one (1) medium shrub (Saw palmetto, pampas grass or similar species) for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and, shall be planted on both sides of the wall; and
- h. 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, and shall be planted on both sides of the wall. (CO: LANDSCAPE-Zoning)

H. LANDSCAPING – INTERIOR

- 1. Foundation planting or grade level planters shall be provided along the exterior facades of the Building A to consist of the following:
 - a. The minimum width of the required landscape areas shall be ten (10) along the north and east facades, and five (5) feet along the south and west facades;
 - b. The length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO:ZONING/ LANDSCAPE-Zoning)
- 2. Foundation planting or grade level planters shall be provided along the exterior facades of the Building B to consist of the following:
 - a. The minimum width of the required landscape areas shall be ten (10) along the north facades, and five (5) feet along the east and west facades;
 - b. The length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO:ZONING/ LANDSCAPE-Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade, as defined by the ULDC, to highest point, and shall be setback a minimum of thirty (30) feet from the east property line. (CO: BLDG – Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)

J. MASS TRANSIT

1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN-Palm Tran)
2. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. (BLDG PERMIT: PALM TRAN-Palm Tran)

K. MUPD

1. Prior to approval of the site plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CTY ATTY – Zoning)
2. Prior to approval of the site plan by the Development Review Committee, the property owner shall record a covenant/unity of control in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: – CTY ATTY - Zoning)

L. SIGNS

1. Freestanding point of purchase signs fronting on Cleary Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point – ten (10) feet;
 - b. maximum sign face area per side – sixty (60) square feet;
 - c. maximum number of signs – two (2) for the entire site;
 - d. style – monument style only; and

- e. location – within fifty (50) feet of each access point on Cleary Road. (CO: BLDG-Zoning) (CO: BLDG-Zoning)
3. Wall signs for Buildings A and B shall be limited to the following:
 - a. forty-eight (48) inches high on the east façade;
 - b. twenty-four (24) inches on the west façade; and
 - c. signs shall be limited to tenant identification only. (CO: BLDG-Zoning)

M. USE LIMITATION

1. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility, except for the recycling containers. (ONGOING: CODE ENF - Zoning)
2. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except-at the rear facades of the buildings. (ONGOING: CODE ENF-Zoning)
4. The overnight parking of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF-Zoning)
5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Division 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)