

RESOLUTION NO. R-2004- 0512

RESOLUTION APPROVING ZONING PETITION DOA1978-283B
DEVELOPMENT ORDER AMENDMENT
PETITION OF CVS 2966 FL LLC
BY DESIGN TECH INTERNATIONAL INC, AGENT
(RBC CENTURA BANK AT CVS)

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 DOA1978-283B was presented to the Board of County Commissioners at a public hearing conducted on March 25, 2004; 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 has considered the findings in the staff report and 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 DOA1978-283B, the petition of CVS 2966 FL LLC, by Design Tech International Inc., agent, for a Development Order Amendment to modify/delete conditions of approval and reconfigure site plan to allow a financial institution 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 March 25, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 25, 2004.

Filed with the Clerk of the Board of County Commissioners on 14 day of April, 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


 DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTH 515.00 FEET OF THE WEST ½, OF THE NORTHWEST ¼, OF THE NORTHWEST ¼, OF THE NORTHWEST ¼, OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 22; THENCE NORTH 89° 15' 41" EAST, ALONG THE NORTH LINE OF SAID SECTION 22, FOR 336.17 FEET; THENCE SOUTH 2° 10' 09" EAST, ALONG A NORTHERLY EXTENSION OF A WESTERLY LINE OF TRACT "E" OF "ATLANTIC SQUARE" AS RECORDED IN PLAT BOOK 84 AT PAGES 144, 145 AND 146 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 72.62 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE SOUTH 2° 10' 09" EAST ALONG A WESTERLY LINE OF SAID TRACT "E" AND IT'S NORTHERLY EXTENSION; FOR 442.55 FEET TO A CORNER OF AFORESAID TRACT "E"; THENCE SOUTH 89° 15' 41" WEST ALONG A NORTHLY LINE OF SAID TRACT "E", FOR 276.06 FEET TO A NORTHWEST CORNER OF SAID TRACT "E", ALSO BEING A POINT OF THE EAST RIGHT- OF-WAY LINE OF JOG ROAD; THENCE NORTH 2° 10' 46" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR 412.12 FEET; THENCE NORTH 43° 32' 30" EAST, FOR 42.49 FEET; THENCE NORTH 89° 15' 41" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE, FOR 245.72 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND IS LYING AND BEING SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 121,691 SQUARE FEET OR 2.7936 ACRES.

EXHIBIT B
VICINITY SKETCH

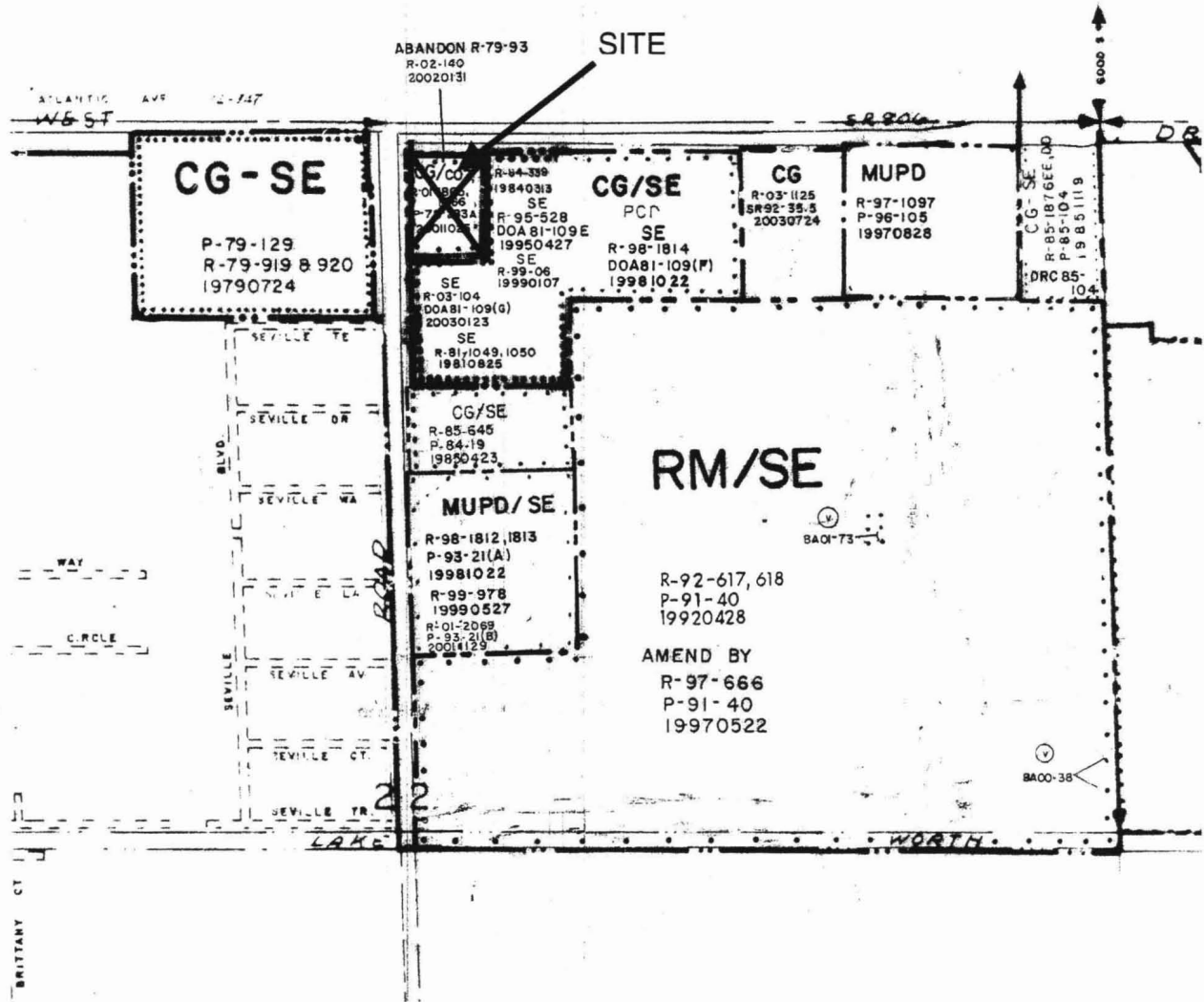


EXHIBIT C

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. Condition A.1 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-79-0093 (Petition 78-283), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2001-1866 (Petition DOA1978-283(A)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)

2. Condition A.2 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

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 October 17, 2001. 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)

Is hereby amended to read:

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 February 12, 2004. 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)

3. The petitioner shall have three (3) years from adoption of the resolution approving Petition 1978-283B to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING – Zoning)
4. Condition F.1 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

Outstanding liens and fines shall be resolved prior to final Development Review Committee (DRC) site plan certification. (CO: ZONING/CODE ENF – Zoning)

Is hereby deleted. [REASON: Completed.]

B. ACCESS

1. Condition B.1 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

Prior to final Development Review Committee (DRC) certification of the site plan, the Atlantic Square Plaza (Petition 81-109) site plan shall be revised to relocate the cross access location to match the proposed cross access shown on the site plan dated October 17, 2001. (DRC: ZONING – Zoning)

Is hereby deleted. [REASON: Completed.]

2. **Prior to issuance of a certificate of occupancy, the cross access shown on the Atlantic Square Plaza (Petition 81-109) site plan shall be paved to the edge of the property line adjacent to the CVS Pharmacy cross access (Petition 78-283(A)). (CO: MONITORING/BUILDING – Zoning) (Previous Condition B.2 of Resolution R-2001-1866, Petition DOA1978-283(A))**

C. ARCHITECTURAL REVIEW

1. Condition C.1 of Resolution R-2001-1866, Petition DOA1978-283(A), which currently states:

The proposed buildings on site shall be designed and constructed to be generally consistent with the facade elevations by Saltz Michelson Architects dated August 22, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval.

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval of the site plan, the architectural elevations for all proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations and the DRO certified site plan. (DRO: ARCH REVIEW – Zoning)

2. Condition C.2 of Resolution R-2001-1866, Petition DOA1978-283(A), which currently states:

Prior to final DRC certification of the site plan, revised exterior elevations for all buildings shall be revised and approved by the Architectural Review Section of the Zoning Division to include the following:

- a. **All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure or equivalent landscape material;**

- b. **Similar architectural character and treatment shall be provided on all sides of the buildings (i.e. architectural elements, recessed/projected pilasters, medallions, decorative door trims at the rear, raised horizontal banding, decorative lighting and arches);**
- c. **Architectural focal point shall be incorporated into the southwest corner of the retail building.**
- d. **Design of gutters and downspouts shall be architecturally integrated into the design of the building (i.e. incorporated with recessed/projected pilasters, scuppers, etc). Painting of the gutters and downspout shall not constitute architectural integration;**
- e. **Colors shall be used to achieve compatibility with the surrounding area and complement the project.**
- f. **Roof line shall incorporate an articulated parapet along thirty (30) percent of the roof line for each elevation, 12" overhanging eaves, or two or more plan breaks or slopes per façade elevation. Maximum spacing between articulation shall be 100 feet. (DRC: BLDG PERMIT – Zoning)**

Is hereby deleted: [REASON: current code issue]

- 3. **Prior to final DRC certification of the site plan, sidewalks shall be indicated on the site plan connecting the east and south side of the adjacent development. (DRC: ZONING – Planning) (Previous Condition C.3 of Resolution R-2001-1866, Petition DOA1978-283(A))**
- 4. **The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG – Zoning) (Previous Condition C.4 of Resolution R-2001-1866, Petition DOA1978-283(A))**

D. BUILDING AND SITE DESIGN

- 1. **Prior to issuance of building permits, the petitioner shall enter into an agreement with the Lake Worth Drainage District to allow for development in the LWDD right-of-way, to include but not be limited to: signage, landscaping, piping, paving and County required parking. (DRC: ZONING – Zoning) (Previous Condition D.1 of Resolution R-2001-1866, Petition DOA1978-283(A))**

E. ENGINEERING

- 1. **Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty-six (66) feet from the one-quarter (1/4) section line for the ultimate right-of-way for Delray West Road. (Previous Condition E.1 of Resolution R-2001-1866, Petition DOA1978-283(A)). [Completed.]**
- 2. **Petitioner shall convey to Palm Beach County sixty (60) feet from the one-quarter (1/4) section line for the ultimate right-of-way for Carter Road. (Previous Condition E.2 of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]**
- 3. **The property owner shall align the entrance drive on Carter Road with the approved plans for Kings Point Plaza-Carter Road entrance. (Previous Condition D.1 of Resolution R-2001-1866, Petition DOA1978-283(A)). [Completed.]**

4. Condition E.4. of Resolution R-79-0093, Petition 78-283, which currently states:

Parking stalls shall be constructed eighteen (18) feet long with wheel stops. The additional two (2) feet is to be added to the width of the parking median for each row of stalls.

Is hereby deleted. [REASON: Dimensions for parking stalls are now code requirements]

5. Condition E.5 of Resolution R-79-0093, Petition 78-283, which currently states:

No median opening will be allowed on State Road #806.

Is hereby deleted. [REASON: SR 806 is a State Roadway]

6. Condition E.6. of Resolution R-79-0093, Petition 78-283, which currently states:

Petitioner shall contribute Twenty-two Thousand Three Hundred Dollars (\$22,300.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of issuance of building permit(s). 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 of status of any ordinance, this development shall be required to provide as a minimum the above Twenty-Two Thousand Three Hundred Dollars (\$22,300.00) towards alleviating some of its traffic impacts.

Is hereby deleted. [REASON: Impact fees are code requirements]

7. **Petitioner shall convey a parcel eighty (80) feet in width lying immediately south of and adjacent to the south right-of-way line of State Road #806 (Atlantic Avenue) as now laid out and in use, for Lateral Canal No. 34, as requested by the Lake Worth Drainage District. This conveyance may be by either a Quit Claim Deed or an Easement Deed, whichever the Developer prefers. (LWDD PERMIT: LWDD – Zoning) (Previous Condition E.7 of Resolution R-2001-1866, Petition DOA1978-283(A))**

8. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Jog Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.8 of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]**

9. **The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for an expanded intersection at West Atlantic Avenue and Jog Road. Right-of-way dedication for:**

- Jog Road shall be 76 feet from centerline

All right of way shall be conveyed prior to the issuance of the first Building Permit or prior to October 1, 2002. Right of way conveyance

shall be along the projects entire frontage 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Protection Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG PERMIT/DATE: MONITORING – Eng) (Previous Condition E.9 of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]

10. LANDSCAPING WITHIN THE MEDIAN OF JOG ROAD.

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 provide:

- concrete median landscape cutouts
- median landscaping

All within the median of Jog Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Median Landscaping, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material 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 Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.10 of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]

B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng) (Previous Condition E.10.B of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]

- C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.10.C of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]

11. **CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF WEST ATLANTIC AVENUE**

- 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 provide landscape cutouts within the concrete median of West Atlantic Avenue Right-of-Way contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. All new landscape material 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.11.A of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]
- B. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING – Eng)(Previous Condition E.11.B of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]
- C. If the County does not assume maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building

Permit. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.11.C of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]

12. **Prior to final Development Review Committee (DRC) site plan certification, the property owner shall convey an access easement to the adjacent Home Depot Site to the east. Location and width of this cross access easement shall be subject to the approval of the County Engineer and County Attorney. This cross access shall be paved to the east property line concurrent with the paving and drainage improvements for this site.** (DRC: ENGINEERING/ MONITORING – Co Attorney - Planning) (Previous Condition E.12 of Resolution R-2001-1866, Petition DOA1978-283(A)) [Completed.]
13. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after March 25, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING – Eng)
14. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING – Eng)

F. LANDSCAPING – STANDARD

1. Condition H.1 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

Fifty-percent (50%) of canopy trees to be planted in the perimeter buffer shall 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)

Is hereby amended to read:

Fifty-percent (50%) of canopy trees to be planted in the perimeter buffer shall 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. Condition H.2 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

All shrub or hedge materials shall be planted in a hierarchy of layers, consisting of a minimum of three (3) varying heights, as follows:

- a. **Eighteen (18) to twenty-four (24) inches – ground cover and small shrubs;**
- b. **Twenty-four to thirty-six (36) inches – medium shrubs; and**
- c. **Forty-eight (48) to seventy-two (72) inches – large shrub; and,**
- d. **These heights shall be continuously maintained to achieve the hierarchal effect. (CO: LANDSCAPE – Zoning)**

Is hereby amended to read:

All shrub or hedge materials shall be planted in a hierarchy of layers, consisting of a minimum of three (3) varying heights, as follows:

- a. Eighteen (18) to twenty-four (24) inches – ground cover and small shrubs;
- b. twenty-four to thirty-six (36) inches – medium shrubs;
- c. forty-eight (48) to seventy-two (72) inches – large shrub; and
- d. these heights shall be continuously maintained to achieve the hierarchal effect. (CO: LANDSCAPE – Zoning)

3. Condition H.3 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

All trees, palms and shrub/hedge materials shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)

Is hereby amended to read:

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

4. **A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees. (CO: LANDSCAPE – Zoning) (Previous Condition H.4 of Resolution R-2001-1866, Petition DOA1978-283(A))**

G. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING WEST ATLANTIC AVENUE AND JOG ROAD)

1. **Landscaping along the north and west property lines shall be upgraded to include:**
 - a. **A minimum twenty (20) foot right-of-way buffer. No buffer reduction shall be permitted;**
 - b. **A continuous two (2) foot high berm (measured from top of curb);**
 - c. **One (1) native canopy tree for each thirty (30) linear feet of frontage;**
 - d. **One (1) palm or pine for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet clusters;**
 - e. **One eighteen (18) inch high shrub for each two (2) linear feet of frontage, to be maintained at a minimum height of twenty-four (24) inches;**

- f. **One twenty-four (24) inch shrub for each four (4) linear feet of frontage, to be maintained at a minimum height of thirty-six (36) inches; and**
- g. **One thirty (30) inch high shrub for each eight (8) linear feet of frontage, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE – Zoning) (Previous Condition I.1 of Resolution R-2001-1866, Petition DOA1978-283(A))**

H. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING ATLANTIC SQUARE PLAZA)

- 1. Condition J.1 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

Landscaping along the south and east property lines shall be upgraded to include:

- a. **One native (1) canopy tree for each twenty (20) linear feet of property line; and**
- b. **One thirty (30) inch high shrub for each two (2) linear feet of property line spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)**

Is hereby amended to read:

Landscaping along the south and east property lines shall be upgraded to include:

- a. A landscape buffer with a minimum of ten (10) feet in width along the south 120 linear feet of the east property line. No width reduction shall be permitted;
- b. one native (1) canopy tree for each twenty (20) linear feet of property line;
- c. one (1) palm or pine for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet clusters along the south 120 linear feet of the east property line;
- d. one thirty (30) inch high shrub for each two (2) linear feet of property line spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches; and
- e. one twenty-four (24) inch shrub for each four (4) linear feet of property line along the south 120 linear feet of the east property line. Shrubs to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING – INTERIOR

- 1. **Prior to final Development Review Committee (DRC) certification, the site plan shall be amended to delineate the following internal landscape improvements:**
 - a. **A landscape focal point at the southwest corner of the proposed drugstore. Focal point shall include a specimen tree, arbor, or trellis with flowering vines;**
 - b. **A landscape focal point at the southeast corner of the proposed drugstore. Focal point shall include a specimen tree; and**

- c. **Additional landscaping in the median strip to the south of the drugstore drive thru lane and loading zone area (a distance of 140 feet), to include: a continuous two (2) foot high berm (measured from top of curb; one (1) native canopy tree per twenty (20) linear feet of median strip; and one eighteen (18) inch shrub for each two (2) linear feet of median strip. Shrubs shall be planted twenty-four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (DRC: LANDSCAPE – Zoning) (Previous Condition G.1 of Resolution R-2001-1866, Petition DOA1978-283(A))**
- 2. The landscape median located to the east of the financial institution, and as shown on the site plan dated February 12, 2004 shall be upgraded to include the following:
 - a. A minimum width of eight (8) feet excluding curbs;
 - b. one (1) palm tree planted for each fifteen (15) linear feet of the landscape median; and,
 - c. one (1) shrub for each two (2) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation, and shall be maintained to a maximum height of thirty (30) inches at maturity. (CO: LANDSCAPE – Zoning)
 - 3. Special planting treatment shall be provided in the areas located between the three drive-thru lanes. Planting shall consist of the following:
 - a. Landscape islands shall be provided between each drive-thru lane. Each island shall have a minimum five (5) foot wide landscape area and each shall extend a minimum of five (5) feet past the overhang to the north; and a minimum of five (5) feet to the south;
 - b. the north extension of the landscape islands shall be planted with a minimum of one ten (10) foot grey wood palm;
 - c. the south extension of the landscape islands shall be planted with appropriate ground cover or shrub material; and,
 - d. the remainder of the island shall consist of decorative pavers. Only the area underneath the drive-thru canopy shall exclude plantings. The vacuum tube equipment may be placed at the ground elevation and bisect the landscape island. (DRO/CO: ZONING/LANDSCAPE – Zoning)

J. LIGHTING

- 1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning) (Previous Condition K.1 of Resolution R-2001-1866, Petition DOA1978-283(A))**
- 2. **All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning) (Previous Condition K.2 of Resolution R-2001-1866, Petition DOA1978-283(A))**
- 3. **All outdoor lighting shall be extinguished thirty (30) minutes after business hours. (ONGOING: CODE ENF – Zoning) (Previous Condition K.3 of Resolution R-2001-1866, Petition DOA1978-283(A))**

4. **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) (Previous Condition K.4 of Resolution R-2001-1866, Petition DOA1978-283(A))

K. PARKING

1. Condition L.1 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

No parking spaces shall be permitted within the internal intersection shown at the northwest corner of the proposed retail building. (DRC: ZONING – Zoning)

Is hereby deleted. [REASON: reconfiguration of the site plan.]

2. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within designated loading spaces.** (ONGOING: CODE ENF – Zoning) (Previous Condition L.2 of Resolution R-2001-1866, Petition DOA1978-283(A))

L. SIGNS

1. **Freestanding point of purchase signs fronting on West Atlantic Avenue 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: one (1);**
- d. **Style: monument style only; and**
- e. **Location: within thirty (30) feet of West Atlantic Avenue entrance.** (CO: BLDG – Zoning) (Previous Condition M.1 of Resolution R-2001-1866, Petition DOA1978-283(A))

2. **Freestanding point of purchase signs located at the Jog Road entrance shall be limited as follows:**

- a. **Maximum sign height measured from finished grade to highest point: six (6) feet;**
- b. **Maximum sign face area per side: twenty (20) square feet;**
- c. **Maximum number of signs: one (1);**
- d. **Style: monument style only; and**
- e. **Location: one within thirty (30) feet of the Jog Road entrance.** (CO: BLDG – Zoning) (Previous Condition M.2 of Resolution R-2001-1866, Petition DOA1978-283(A))

3. Condition M.3 of Resolution R-2001-1866, Petition DOA1978-283(A) which currently states:

Freestanding point of purchase signs located along Jog Road shall be limited as follows:

- a. **Maximum sign height measured from finished grade to highest point: six (6) feet;**
- b. **Maximum sign face area per side: twenty (20) square feet;**
- c. **Maximum number of signs: one (1);**
- d. **Style: monument style only; and**

- e. **Location: Not less than one-hundred and fifty (150) feet north of the Jog Road entrance and south of West Atlantic Avenue.** (CO: BLDG – Zoning)

Is hereby deleted: [REASON: Staff recommends deletion of the condition since there are only 2 tenants on the site.]

- 4. **Wall signs shall be limited to the north, south and west facades of the drugstore and the north and west facades of the southernmost building, and lettering shall be limited to twenty-four (24) inch height.** (CO: BLDG – Zoning) (Previous Condition M.4 of Resolution R-2001-1866, Petition DOA1978-283(A))
- 5. **Wall signs shall be limited to tenant identification only (i.e. CVS Pharmacy).** (CO: BLDG – Zoning) (Previous Condition M.5 of Resolution R-2001-1866, Petition DOA1978-283(A))
- 6. Wall signs for the financial institution shall be limited to any two (2) facades of the building and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. No signs shall be permitted on the drive-thru canopy. (CO: BLDG – Zoning)

M. USE LIMITATIONS

- 1. **Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.** (ONGOING: ZONING/CODE ENF – Zoning) (Previous Condition N.1 of Resolution R-2001-1866, Petition DOA1978-283(A))
- 2. **The second drive-thru lane for the drugstore shall be limited to drop off only.** (CO: ZONING/CODE ENF – Zoning) (Previous Condition N.2 of Resolution R-2001-1866, Petition DOA1978-283(A))
- 3. Previous Condition C.1 of Resolution R-2001-1866, Petition DOA1978-283(A), which currently states:

The one-way drive located behind the retail building shall be limited to delivery and service vehicles only. (CO: ZONING/CODE ENF – Zoning)

Is hereby deleted: [REASON: No longer applicable.]

- 4. **Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of either facility.** (ONGOING: CODE ENF – Zoning)
- 5. **Outside vendors shall not be permitted on the property.** (ONGOING: CODE ENF – Zoning)

N. COMPLIANCE

- 1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval.** (ONGOING: MONITORING – Zoning)
- 2. **Failure to comply with any of the conditions of approval for the subject property at any time may result in:**

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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