

RESOLUTION APPROVING ZONING PETITION DOA1999-004A
DEVELOPMENT ORDER AMENDMENT
PETITION OF LAKE WORTH ROAD ASSOC.
BY KILDAY & ASSOCIATES INC., AGENT
(LAKE WORTH & SR 7 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, 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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1999-004A was presented to the Board of County Commissioners at a public hearing conducted on May 27, 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 2.E (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 2.K.3.b 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 DOA1999-004A, the petition of Lake Worth Road Assoc., by Kilday & Associates Inc., agent, for a Development Order Amendment to modify a condition of approval, add square footage and reconfigure the 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 May 27, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 2004.

Filed with the Clerk of the Board of County Commissioners on 22 day of June, 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

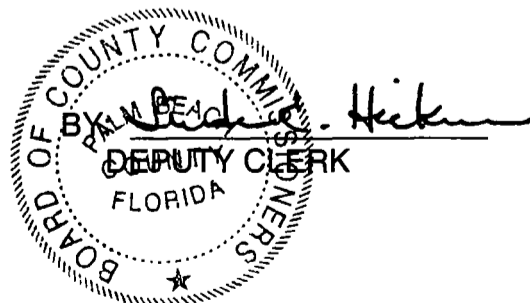


EXHIBIT A
LEGAL DESCRIPTION

TRACT A, WATER MANAGEMENT TRACT, AND PRESERVE TRACT, LAKE WORTH ROAD & STATE ROAD 7 M.U.P.D., AS RECORDED IN PLAT BOOK 97, PAGE 56 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 494857.1 SQUARE FEET OR 11.35 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

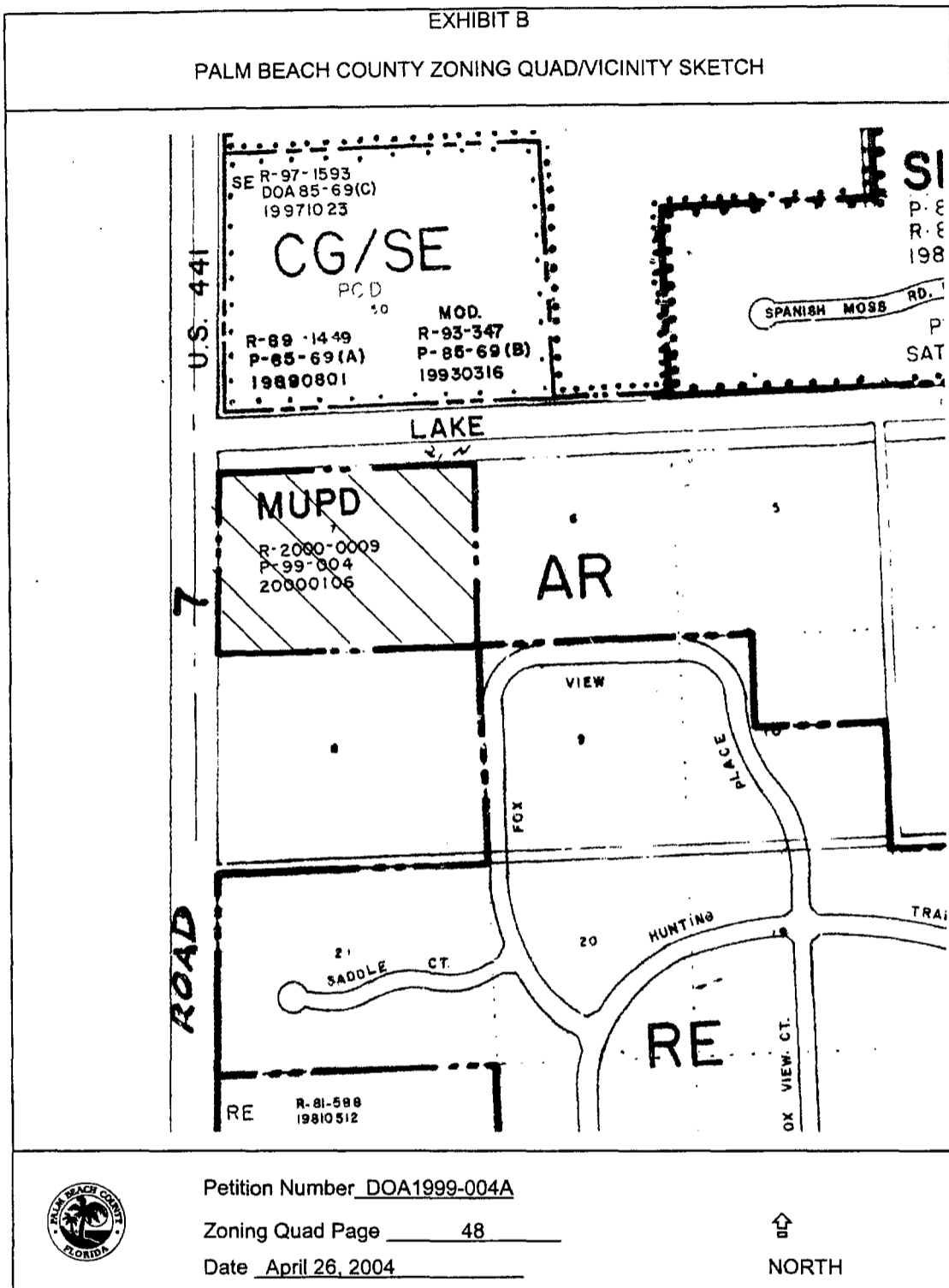


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2000-0009 (Petition 1999-004), have been consolidated as contained herein. The property owner 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. Condition A.1 of Resolution R-2000-0009, Petition PDD1999-004, 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 November 16, 1999. 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.

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 March 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)

B. ARCHITECTURAL DESIGN

1. **All air conditioning and mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition K.4 of Resolution R-2000-0009, Petition PDD1999-004).
2. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevation for the affected area (general repair and maintenance facility) shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sections 6.6.C and 6.6.E of the ULDC. Development shall be consistent with approved architectural elevations and the DRO approved site plan. (DRO: ARCH REVIEW – Zoning)

C. CONVENIENCE STORE WITH GAS SALES

1. **Convenience store with gas sales shall be limited to 6 pumps (maximum/12 fueling stations).** (DRO/ONGOING: DRO/CODE ENF - Zoning) (Previous Condition B.1 of Resolution R-2000-0009, Petition PDD1999-004).
2. Condition B.2 of Resolution R-2000-0009, Petition PDD1999-004, which currently states:

Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO/ONGOING/CODE ENF: Zoning) Is hereby deleted. [Reason: Completed].

3. **The gas station canopy shall be limited as follows:**
 - a. **Maximum canopy height shall be twenty (20) feet if flat and twenty-five (25) feet in height if pitched with a maximum 5 on 12 pitch, including air conditioning and mechanical equipment and satellite dishes, measured from finished grade to the highest point;**
 - b. **Maximum canopy clearance shall be sixteen (16) feet, measured from finished grade to the underside of the canopy or attached outdoor lighting fixtures;**
 - c. **Canopy signage shall be a maximum twenty-four (24) inches in height and limited to only two (2) sides of the canopy; and,**
 - d. **Canopy lighting shall be flush mounted or recessed. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.3 of Resolution R-2000-0009, Petition PDD1999-004).**

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **The preserve area located on the southeast portion of the site shall be a minimum of 2.0 acres. (DRO: ERM - Erm) (Previous Condition C.1 of Resolution R-2000-0009, Petition PDD1999-004).**
2. **The 2.0 acre preserve area may receive some stormwater in order to restore and maintain a more typical hydrology. However, the preserve area shall not be considered part of the stormwater system that complies with South Florida Water Management District storage requirements. (DRO: ERM - Erm) (Previous Condition C.2 of Resolution R-2000-0009, Petition PDD1999-004).**

E. ENGINEERING

1. **The property owner shall construct:**
 - a. **right turn deceleration/acceleration lane, west approach at each of the project's entrances on Lake Worth Road as approved by the Florida DOT**
 - b. **right turn lane south approach at the project's entrance onto SR 7**
 - c. **left turn lane east approach on Lake Worth Road at the project's east entrance**

This construction shall be concurrent with the paving and drainage improvements 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 or the exchange with the Lake Worth Drainage District for any additional required right-of-way to accommodate the construction of the required turn lanes.

Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit.

Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG PERMIT/CO: MONITORING - Eng) (Previous Condition E.1 of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].

2. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF LAKE WORTH 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 cutouts within the concrete median of Lake Worth Road 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 and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the Florida Department of Transportation, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the Florida Department of Transportation. (BLDG PERMIT: MONITORING - Eng.) (Previous Condition E.2.a of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].**
- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, paver block or similar materials shall be funded at the property owners' expense. All 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 or 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. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out area. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng) (Previous Condition E.2.b of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].**
- c. If the County does not assume maintenance responsibility, 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.2.c of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].**

3. LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7 AND LAKE WORTH ROAD RIGHT OF WAY

- 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 the adjacent median of Lake Worth Road and SR 7 Right-of-Ways. 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, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and 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. 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. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.3.a of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].
- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All 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 or 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, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng) (Previous Condition E.3.b of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].
- c. If the County does not assume maintenance responsibility, the 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.3.c of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].

4. **In order to comply with the mandatory Traffic Performance Standards, the proposed fast food restaurant shall not be open for business prior to 10:00 a.m. on Monday through Friday unless a Traffic Study which complies with the mandatory Traffic Performance Standards is approved which allows for modified hours. (ONGOING/CODE ENFORCEMENT - Eng) (Previous Condition E.4 of Resolution R-2000-0009, Petition PDD1999-004).**

5. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**
 - a. **No building permits shall be issued until the contract is let for the widening of SR 7 from Lake Worth Road to Boynton Beach Boulevard as a 6 lane median divided facility plus the appropriate paved tapers.**

 - b. **Building Permits for more than 1,100 net external daily trips which is equivalent to one of the following land use scenarios shall not be issued until the contract is let for the widening of Lantana Road as a 4 lane median divided facility from SR 7 to Grand Lacuna Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)**

These 1100 net external trips are equivalent to one of the following land use scenarios:

 - **8883 square feet of retail and 5000 square foot tire sales, installation, and oil change facility, or**

 - **15,120 square feet of drugstore with drive-thru, or**

 - **3,610 square feet drive in bank and 5000 square foot tire sales, installation, and oil change facility, or**

 - **12 fueling position gas station and 5000 square foot tire sales, installation, and oil change facility. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5 of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].**

6. **The property owner shall contribute this project's Traffic Impact Fees toward the possible 8 lane widening of SR 7 from Lake Worth Road to Southern Boulevard. This property owners contribution shall be the total Traffic Impact Fees for the entire site shall be paid prior to April 1, 2001. (DATE: MONITORING - Eng) (Previous Condition E.6 of Resolution R-2000-0009, Petition PDD1999-004). Note: [Completed].**

F. HEALTH

1. Condition F.1 of Resolution R-2000-0009, Petition PDD1999-004, which currently states:

Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF - Health) (Previous Condition D.1 of Resolution R-2000-0009, Petition PDD1999-004).

Is hereby amended to read:

Disposal of any hazardous waste into the sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department and the agency responsible for sewage works are provided and used by tenants or owners generating such waste. (ONGOING: HEALTH/CODE ENF-Health)

2. **Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC.** (ONGOING: HEALTH/CODE ENF - Health) (Previous Condition D.2 of Resolution R-2000-0009, Petition PDD1999-004).
3. **The owner, occupant or tenant of this facility shall participate in an oil recycling program which ensures proper re-use or disposal of any waste oil.** (ONGOING: HEALTH/CODE ENF - Health) (Previous Condition D.3 of Resolution R-2000-0009, Petition PDD1999-004).
4. The owner or operator shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. (ONGOING: HEALTH/CODE ENF-Health)
5. The owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. (ONGOING: HEALTH/CODE ENF - Health)

G. LANDSCAPING - STANDARD

1. **Fifty percent (50%) of all canopy trees required to be planted on site adjacent to the right-of-way, shall meet the following minimum standards at installation:**
 - a. **Tree height: fourteen (14) feet;**
 - b. **Trunk diameter: 3.5 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; and,**
 - d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements.** (CO: LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2000-0009, Petition PDD1999-004).
2. **Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E.** (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2000-0009, Petition PDD1999-004).
3. Prior to final DRO approval of the site plan, the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design of the repair and maintenance facility. (DRO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING LAKE WORTH ROAD AND SR7/US441)

1. **Landscaping and buffering along the north and west property lines shall be upgraded to include:**
 - a. **A minimum fifteen (15) foot wide landscape buffer strip;**
 - b. **A continuous two (2) foot high berm measured from top of curb;**
 - c. **One (1) canopy tree shall be planted every twenty (20) feet on center;**
 - d. **One (1) additional palm tree or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,**
 - e. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE - Zoning) (Previous Condition G.1 of Resolution R-2000-0009, Petition PDD1999-004).**

I. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINE

1. **Landscaping and buffering along the south and east property line shall be upgraded to include (except for the 2 acre preserve area):**
 - a. **A minimum fifteen (15) foot wide landscape buffer strip; and,**
 - b. **A six (6) foot high opaque concrete wall or panel wall system, except adjacent to the 2 acre preserve area. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-2000-0009, Petition PDD1999-004).**
2. **A six (6) foot vinyl coated chain link fence shall be installed adjacent to the 2 acre preserve area. (CO: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-2000-0009, Petition PDD1999-004).**
3. **The following landscaping requirements shall be installed on the exterior side of the required wall:**
 - a. **One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum twenty-five (25%) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;**
 - b. **One additional (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and**
 - c. **Thirty (30) inch high shrub or hedge material 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 - Zoning) (Previous Condition H.3 of Resolution R-2000-0009, Petition PDD1999-004).**
4. **Along the interior side of the required wall, or fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a**

minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous Condition H.4 of Resolution R-2000-0009, Petition PDD1999-004).

5. **Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E.** (CO: LANDSCAPE - Zoning) (Previous Condition H.5 of Resolution R-2000-0009, Petition PDD1999-004).

J. 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) (Previous Condition I.1 of Resolution R-2000-0009, Petition PDD1999-004).
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 I.2 of Resolution R-2000-0009, Petition PDD1999-004).
3. **All outdoor lighting shall be extinguished no later than one half (½) hour after the closing of each individual use, excluding security lighting or landscape or accent lights used to emphasize plant material.** (ONGOING: CODE ENF) (Previous Condition I.3 of Resolution R-2000-0009, Petition PDD1999-004).

K. MASS TRANSIT

1. Previous Condition J.1 of Resolution R-2000-0009, Petition PDD1999-004, which currently states:

Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: 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 and/or the County Engineer. (DRO: ZONING - Zoning)

Is hereby deleted. Reason: [Not applicable]

2. Previous Condition J.2 of Resolution R-2000-0009, Petition PDD1999-004, which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer.

Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

Is hereby deleted. Reason: [Not applicable]

L. MUPD

1. Condition K.1 of Resolution R-2000-0009, Petition. PDD1999-004, which currently states:

Total gross floor area shall be limited to a maximum of 39,113 square feet. Expansion, including requested uses, shall be limited to five percent (5%) or 1,000 square feet, whichever is less subject to Traffic Division approval. (DRO: ZONING-Zoning)

Is hereby deleted. [Reason: condition A.2 supersedes this condition]

2. Condition K.2 of Resolution R-2000-0009, Petition. PDD1999-004, which currently states:

Retail square footage shall consist of 15,120 square feet pharmacy/drug store type use, or equivalent use as approved by the Palm Beach County Engineering Department. (DRO: ZONING-Zoning)

Is hereby deleted. [Reason: condition A.2 supersedes this condition]

3. Condition K.3 of Resolution R-2000-0009, Petition PDD1999-004, which currently states:

To ensure consistency with the site plan dated November 16, 1999 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRO: ZONING-Zoning) (Previous Condition K.3 of Resolution R-2000-0009, Petition PDD1999-004).

Is hereby deleted. [Reason: condition A.2 supersedes this condition]

4. **Prior to final certification of the preliminary development 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, rooflines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CTY ATTY/DRO - Zoning) (Previous Condition K.5 of Resolution R-2000-0009, Petition PDD1999-004).**

5. **Prior to final certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant 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 shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CTY ATTY/DRO - Zoning) (Previous Condition K.6 of Resolution R-2000-0009, Petition PDD1999-004).**

M. REQUESTED USES

1. **The fast food restaurant shall be limited to a maximum 120 seats.** (DRO: DRO - Zoning) (Previous Condition L.1 of Resolution R-2000-0009, Petition PDD1999-004).

2. Condition L.2 of Resolution R-2000-0009, Petition PDD1999-004, which currently states:

Square footage for the tire sales, installation and oil change facility shall be limited to 5,000 square feet with bay doors on only the north facade of the building. (DRC/BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Square footage for the general repair and maintenance facility shall be limited to 5,500 square feet with bay doors limited to the north facade of the building. (DRO: ZONING - Zoning)

3. **No outdoor storage or display of tires shall be permitted.** (ONGOING: CODE ENF - Zoning) (Previous Condition L.3 of Resolution R-2000-0009, Petition PDD1999-004).

4. **All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (November 16, 1999).** (DRO: ZONING - Zoning) (Previous Condition L.4 of Resolution R-2000-0009, Petition PDD1999-004).

5. **No pawn shops or adult entertainment facilities are permitted on site.** (ONGOING: ZONING - Zoning) (Previous Condition L.5 of Resolution R-2000-0009, Petition PDD1999-004).

N. SIGNS

1. **Point of purchase freestanding signs fronting Lake Worth 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 - 100 square feet;**
- c. **Maximum number of signs - two (2);**
- d. **Style - monument style only.** (CO: BLDG - Zoning) (Previous Condition M.1 of Resolution R-2000-0009, Petition PDD1999-004).

2. **Point of purchase freestanding signs fronting SR7/US441 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 - 100 square feet;**
- c. **Maximum number of signs - two (2);**
- d. **Style - monument style only.** (CO: BLDG - Zoning) (Previous Condition M.2 of Resolution R-2000-0009, Petition PDD1999-004).

3. **All wall signs shall be limited to north and west building facades only.** (CO: BLDG - Zoning) (Previous Condition M.3 of Resolution R-2000-0009, Petition PDD1999-004).

O. 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) (Previous Condition N.1 of Resolution R-2000-0009, Petition PDD1999-004).
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 majority vote of the Code Enforcement Board 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) (Previous Condition N.2 of Resolution R-2000-0009, Petition PDD1999-004).