

RESOLUTION APPROVING ZONING PETITION DOA1998-010B  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF RONALD C. & JOANN TURNER  
BY BASEHART CONSULTING, INC. AND BARETTA & ASSOCIATES, AGENT  
(TURNER 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 DOA1998-010B 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 DOA1998-010B, the petition of Ronald C. & Joann Turner, by Basehart Consulting, Inc. and Baretta & Associates, agent, for a Development Order Amendment to delete land area and reconfigure 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


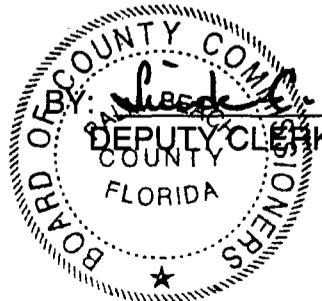
  
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION

Tract B, C, BT2, BT3, OS3, Entrance Tract and portions of Tracts "A", BT-1, WM-1 and OS-2; TURNER M.U.P.D., according to the Plat thereof, as recorded in Plat Book 96, pages 192 and 193 of the Public Records of Palm Beach County, Florida; being more particularly described as follows:

COMMENCING at the Southeast corner of said Plat;

Thence South 89°37'29" West along the Southerly line of said Plat, a distance of 625.40 feet;

Thence North 00°14'01" West along the Westerly line of said Plat, a distance of 838.11 feet to the POINT OF BEGINNING:

Thence continue North 00°14'01" West along the Westerly line of said Plat, a distance of 442.64 feet to the Northwest corner of said Plat;

Thence North 89°23'49" East, along the North line of said Plat, a distance of 589.70 feet to a point on the Northeasterly line of said Plat;

Thence South 45°27'42" East, along said Northeasterly line, a distance of 20.40 feet to a point on the East line of said Plat;

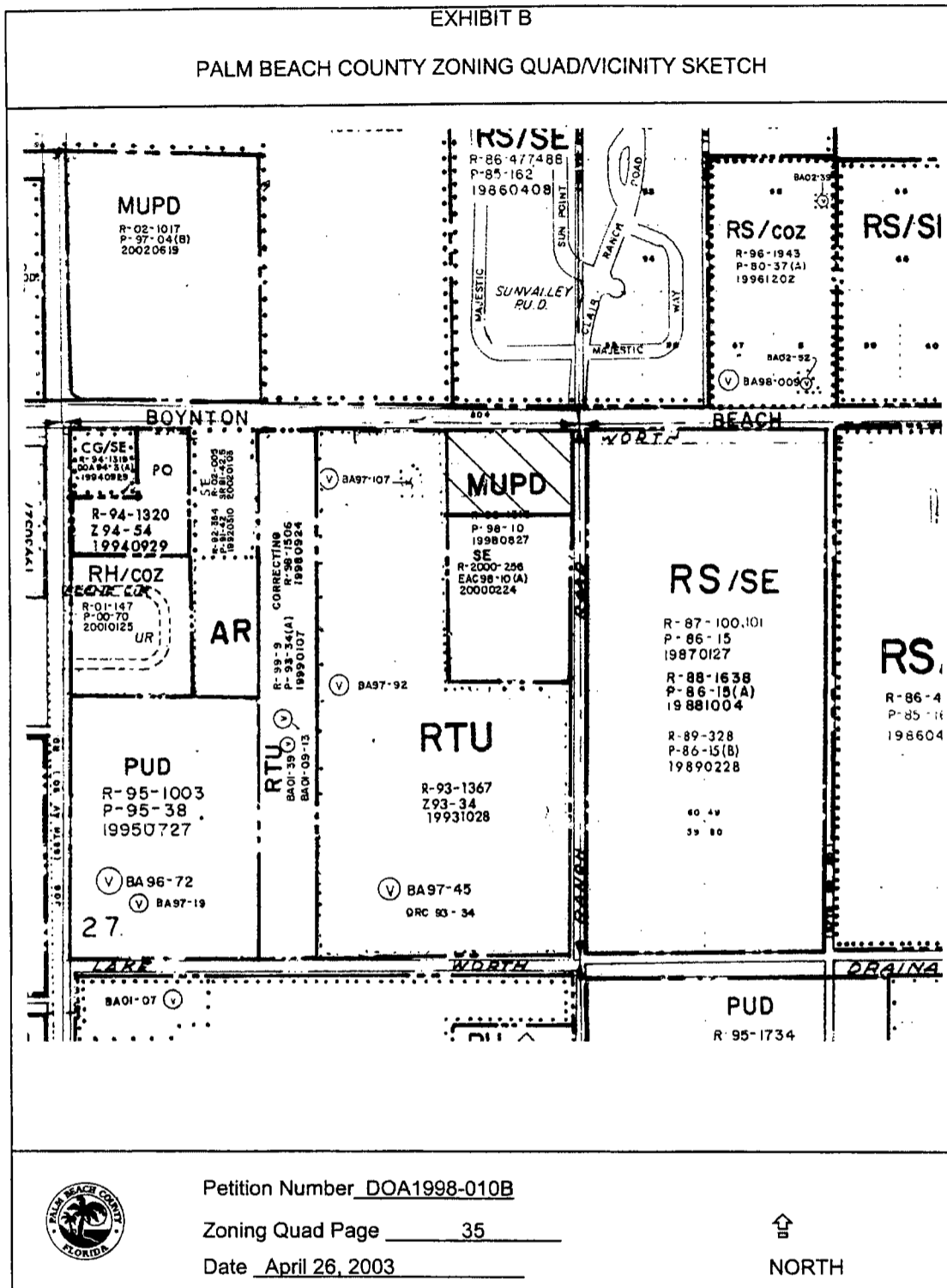
Thence South 00°15'59" East, along said East line, a distance of 430.59 feet;

Thence South 89°37'29" West, along a line parallel to the Southerly line of said Plat, a distance of 604.42 feet to the POINT OF BEGINNING.

Subject to easements, restrictions, covenants, reservations and rights-of-way of record.

Containing 268,105 Square Feet (6.1549 Acres, more or less).

EXHIBIT B  
VICINITY SKETCH



Petition Number DOA1998-010B

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Date April 26, 2003



NORTH

## 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-2000-0256, Petition 1998-010A, which currently states:

**All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-1316 (Petition PDD98-010), 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-2000-0256, Petition 1998-010A, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2. of Resolution R-2000-0256, Petition 1998-010A, 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, which has not been modified from the previously approved site plan of June 24, 1998, is dated January 27, 2000. 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)**

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 9, 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. **Resolution R-90-821, granting approval of Petition 89-94, is hereby revoked. (ONGOING: MONITORING - Zoning) (Previous Condition A.3. of Resolution R-2000-0256, Petition 1998-010A)**
4. The Certificate of Occupancy (CO) for phase 1 (western building) shall be based upon the current building permit issued under Petition 1998-010(A), pursuant to the site plan dated January 9, 2002. (CO:ZONING/LANDSCAPE-Zoning)

B. BUILDING AND SITE DESIGN

1. **The maximum height for all structures, including all air conditioning and mechanical equipment, shall be limited to two stories with a maximum height of twenty-five (25) feet as measured from the roof eaves.** (BLDG PERMIT: BLDG - Zoning/Planning) (Previous Condition K.2. of Resolution R-2000-0256, Petition 1998-010A)
2. **The building setbacks shall be measured from the interior of the 25 foot buffer line.** (DRO: ZONING - Planning) (Previous Condition D.2. of Resolution R-2000-0256, Petition 1998-010A)

C. CONGREGATE LIVING FACILITY

1. Condition B.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**The CLF shall be limited to a maximum of 240,956 square feet. Gross floor area may be increased an additional 5% up to 1000 square feet, whichever is less, subject to Development Review Committee (DRC) approval.** (DRC: ZONING - Zoning)

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

2. Condition B.2. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**The CLF shall be limited to minimum of 200 beds and a maximum of 342 Type III CLF beds.** (DRC: BUILDING/HEALTH - Zoning/Planning)

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

D. ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

1. **A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification.** (DRC: ERM - ERM) (Previous Condition I.1. of Resolution R-2000-0256, Petition 1998-010A) [Note: Completed.]

E. ENGINEERING

1. **Prior to issuance of a building permit, the property owner shall convey a 10 foot temporary roadway construction easement along El Clair Ranch 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.1. of Resolution R-2000-0256, Petition 1998-010A) [Note: Completed.]
2. **The Property owner shall construct a left turn lane south approach on El Clair Ranch Road at the projects entrance road.**
  - a. **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 of any additional required right-of-way.**

- b. **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)**
- c. Condition E.2. of Resolution R-2000-0256, Petition 1998-010A, which currently states:
  - c. **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)**

Is hereby amended to read:

- c. **Construction shall be completed prior to the issuance of the Certificate of Occupancy for phase 2 (eastern building). (CO: MONITORING - Eng)**
3. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**
- a. **Building Permits for no more than 342 ACLF beds shall be issued until the contract is awarded for the 6 laning of Jog Road from Boynton Beach Boulevard to Woolbright Road. (Maximum 783 daily project trips) (BLDG PERMIT: MONITORING - Eng) [Note: Completed.]**
  - b. **Building permits for no more than 342 ACLF beds and 29,250 sf of medical office shall be issued until a contract for construction has been awarded for a south approach right turn lane and west approach right turn lane at the intersection of Jog Road and Boynton Beach Boulevard plus the appropriate paved tapers. (Maximum 1660 daily project trips) (BLDG PERMIT: MONITORING - Eng) [Note: Completed.]**
  - c. **Building permits for no more than 342 ACLF beds and 38345 sf of medical offices shall be issued until construction commences on the 6 laning of Boynton Beach Boulevard from Jog Road to Hagen Ranch Road. (Maximum 1970 daily project trips) (BLDG PERMIT: MONITORING - Eng) [Note: Completed.]**
  - d. **Building Permits for no more than 342 ACLF beds and 39,200 square feet of medical office shall be issued until construction has begun for one of the following alternative improvements at the intersection of El Clair Ranch Road and Boynton Beach Boulevard plus the appropriate paved tapers: (Maximum 2000 daily project trips)**
    - 1. **right turn lane, north approach  
right turn lane, south approach  
right turn lane, west approach  
or**
    - 2. **dual left turn lanes, east approach  
dual left turn lanes, west approach  
right turn lane, west approach****(BLDG PERMIT: MONITORING - Eng) (Previous Condition E.3. of Resolution R-2000-0256, Petition 1998-010A) [Note: Completed.]**
4. **The mix of allowable Uses as permitted by the Zoning Division, listed above may be adjusted 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. (REVISED TRAFFIC STUDY: MONITORING - Eng) (Previous Condition E.4. of Resolution R-2000-0256, Petition 1998-010A)**

**5. LANDSCAPE WITHIN MEDIAN OF STATE ROADS**

- 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 Boynton Beach Boulevard. 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 latest revision to the 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) [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)**

- 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) [Note: Completed.] (Previous Condition E.5. of Resolution R-2000-0256, Petition 1998-010A)**

6. **Unless assured by others, prior to April 15, 2000 the property owner shall fund the construction and construction plans for Condition 3.c. and 3.d. above plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon an approved cost estimate by the Developer's Engineer. (DATE:**



MONITORING - Eng) (Previous Condition E.6. of Resolution R-2000-0256, Petition 1998-010A) [Note: Surety has been posted.]

7. **The property owner shall obtain from the LWDD additional right of way to be conveyed to Palm Beach County Land Development Division by road right-of-way warranty deed an additional 12 feet of right of way for the construction of a right turn lane along Boynton Beach Boulevard along the projects entire frontage. Right of way shall be conveyed on or before March 1, 1999 or prior to the issuance of the first Building Permit whichever shall first occur.**

**This additional right of way 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E.7. of Resolution R-2000-0256, Petition 1998-010A) [Note: Completed.]**

8. **The Property owner shall construct a pedestrian pathway along the west right of way of El Clair Ranch Road from Boynton Beach Boulevard to the projects south property line.**
  - a. **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 of any additional required right-of-way.**
  - b. **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)**
  - c. **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.8. of Resolution R-2000-0256, Petition 1998-010A)**
9. **Prior to DRO approval of the Final Site Plan, this property owner shall grant a drainage easement to the adjacent Wyndsong North subdivision. This easement is required to provide legal positive outfall for Wyndsong North subdivision. Location of the easement shall be approved by the County Engineer; content shall be approved by the County Attorney. (DRO: ENGINEERING/COUNTY ATTY - Eng)**

#### **F. HEALTH**

1. **Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC. (ONGOING: HEALTH/CODE ENF - Health) (Previous Condition C.1. of Resolution R-2000-0256, Petition 1998-010A)**
2. **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 C.2. of Resolution R-2000-0256, Petition 1998-010A)**

3. **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 C.3. of Resolution R-2000-0256, Petition 1998-010A)

G. LANDSCAPING - STANDARD

1. Prior to final approval by the Development Review Officer (DRO), revised landscape plans for the entire property shall be approved by the Landscape Section. The revised landscape plans shall be consistent with the final site plan to be approved by the DRO, all applicable conditions of approval, and all ULDC requirements. (DRO: LANDSCAPE - Zoning)
2. Prior to the issuance of the Certificate of Occupancy (CO) for phase 1, the property owner shall install all required landscape materials on the entire site, or execute a bond and Completion Agreement. A bond shall be subject to review and approval by the County Attorney. A Completion Agreement shall be subject to review and approval by the Architecture, Landscape and Site Plan Review Section of the Zoning Division. (CO: LANDSCAPE/COUNTY ATTY - Zoning)
3. Fifty (50) percent of all new and/or replacement canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
4. Condition D.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**All palms required to be planted on site by this approval, except on individual residential lots, 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)**

Is hereby amended to read:

All palms required to be planted on the property 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)
5. All new and/or replacement 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; and,
  - c. forty-eight (48) to seventy-two (72) inches – large shrub. (CO: LANDSCAPE - Zoning)
- 6. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
  - 7. A group of three (3) or more palm or pine trees may not supersede the requirement for any new and/or replacement canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
  - 8. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
  - 9. Field adjustment of berms and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

- 1. Condition F.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Landscaping and buffering along the north, south, east, and west perimeter of the site (except for 320 feet along the north portion of the west property line) shall include:**

- a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
- b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;**
- c. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
- d. **One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palm or pine trees may be substituted for 25% of the perimeter canopy trees; and,**
- e. **Twenty four (24) inch high shrub or hedge material installed along the on the plateau of the undulating berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)**

Is hereby amended to read:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to four (4) foot high undulating berm with an average height of three (3) feet measured from top of curb;
- c. one (1) canopy tree (Live and/or Laurel Oak) planted with a maximum spacing of twenty-five (25) feet on center;
- d. one (1) palm (Royal Palm) planted with a maximum spacing of fifty (50) feet on center, to be planted within the north five (5) feet of the buffer. Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm; and,

- 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 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.  
(CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF EL CLAIR RANCH ROAD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
  - b. a minimum two (2) to four (4) foot high undulating berm with an average height of three (3) feet measured from top of curb;
  - c. one (1) canopy tree planted with a maximum spacing of twenty-five (25) feet on center;
  - d. one (1) palm or pine tree planted for each twenty-five (25) linear feet of the property line 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 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.  
(CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet measured from finished grade;
  - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
  - d. one (1) palm or pine tree planted for each thirty (30) linear feet of property line 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 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.  
(CO: LANDSCAPE - Zoning)

K. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
  - b. a six (6) foot high hedge shall be planted along the west property line. The property owner shall obtain written approval from the utility company to allow for the installation of this hedge within the existing utility easement; otherwise, this hedge shall be placed within the twenty-five (25) foot wide buffer;
  - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
  - d. one (1) palm or pine tree planted for each twenty-five (25) linear feet of property line 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 for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation,
  - g. all trees and palms shall be planted alternating on both sides of the six (6) foot high hedge if that hedge is located within the buffer; and,
  - h. all small and medium shrubs shall be planted on both sides of the six (6) foot high hedge if that hedge is located within the buffer. (CO: LANDSCAPE - Zoning)

2. Condition G.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Prior to final site plan approval by the DRC the petitioner shall amend the plan to include a six (6) foot wall along 320 feet of the north portion of the west property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DRC/CO: ZONING/LANDSCAPE)**

Is hereby deleted. [Reason: Superseded by new condition K.1.]

3. Condition G.2. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**The following landscaping requirements shall be installed on the exterior side of the required wall:**

- a. **One (1) canopy tree planted every twenty (20) linear feet;**
- b. **One (1) palm or pine tree for each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet on center between clusters. A group of three or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location; and**
- c. **Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)**

Is hereby deleted. [Reason: Superseded by new condition K.1.]

4. Condition G.3. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Along the interior side of the required wall, 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)**

Is hereby deleted. [Reason: Superseded by new condition K.1.]

**L. LANDSCAPING - INTERIOR**

1. Condition H.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:**

- a. **The minimum width of the required landscape areas shall be five (5) feet;**
- b. **The length of the required landscaped areas shall be no less than 50% of the total length of the applicable exterior side of the structure; and,**
- c. **Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE)**

Is hereby amended to read:

Foundation plantings or grade level planters shall be provided along the north, south, east and west facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structures; and,
  - c. Landscape areas shall be planted with a minimum of one (1) tree or palm for every twenty (20) linear foot of building facade and appropriate ground cover. (DRO/CO: ZONING/LANDSCAPE - Zoning)
2. Landscaping for terminal islands in the parking area shall consist of the following:
- a. one (1) canopy tree for each island; and,
  - b. a continuous hedge between all trees within the islands, where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)
3. Landscaping for divider medians in any parking area shall consist of the following:
- a. one (1) canopy tree for each thirty (30) linear feet of the divider median;
  - b. one (1) palm for each thirty (30) linear feet of the median; and,
  - c. a continuous row of shrub or hedge between all trees and palms within the median, where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

**M. MASS TRANSIT**

1. **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 County Engineer. (DRO: ZONING - Eng/Palm Tran) (Previous Condition J.1. of Resolution R-2000-0256, Petition 1998-010A)**

2. **Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to 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/Palm Tran) (Previous Condition J.2. of Resolution R-2000-0256, Petition 1998-010A)**

N. MUPD

1. Condition K.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Total gross floor area of the professional office and medical clinic shall be limited to a minimum of 20,000 square feet and a maximum of 60,000 square feet. (DRO: ZONING - Planning)**

Is hereby amended to read:

Office uses on this site shall be limited to a maximum of 60,000 square feet of medical and professional offices. (ONGOING: ZONING - Planning)

2. Condition K.3. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**To ensure consistency with the site plan dated June 24, 1998, 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. (DRC: ZONING)**

Is hereby deleted. [Reason: Code requirement.]

3. Condition K.4. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**All residential uses shall remain in Pod A and commercial uses shall remain in Pod B, as indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated June 24, 1998). (DRC: ZONING/Planning)**

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

4. **Prior to 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, roof lines, 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: ZONING - Co Atty) (Previous Condition K.5. of Resolution R-2000-0256, Petition 1998-010A) [Note: Completed.]**

5. **Prior to 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: ZONING - Co Atty/Planning) (Previous Condition K.6. of Resolution R-2000-0256, Petition 1998-010A) [Note: Completed.]**
6. **Prior to final site plan approval by the DRC, the site plan shall be amended to correctly reflect the right turn lane on to El Clair Ranch Road, LWDD L-24 canal, off-site landscaping and sidewalks and property boundary along the north property line adjacent to Boynton Beach Boulevard. (DRO: ZONING - Co Atty) (Previous Condition K.7. of Resolution R-2000-0256, Petition 1998-010A)**
7. Prior to final approval by the DRO, the site plan shall be amended to indicate decorative paving (pre-cast concrete paver blocks or stamped concrete) within the driveway from El Clair Ranch Road. This paving shall:
  - a. extend from the property line to the western terminus of the driveway throat; and,
  - b. cover the entire area of the applicable driveway surface. (DRO/CO: ZONING/LANDSCAPE - Zoning)

O. PLANNING

1. Condition L.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated January 27, 2000. (DRC: PLANNING - Planning)**

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated March 9, 2004 (Rec.# 47) regarding pedestrian connections and shaded pedestrian pathways. (DRO: PLANNING - Planning)

2. Condition L.2. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Prior to final site plan approval, the site plan shall include a landscape pathway/sidewalk system along Boynton Beach Boulevard and El Clair Ranch Road in order to provide shade/canopy for the pedestrian walkway. The previous BCC approved site plan dated January 27, 2000 shall also be amended to indicate a landscaped/shaded sidewalk along both sides of the entrance into the site from Boynton Beach Boulevard. In addition, the site plan shall be amended to remove the sidewalk along Boynton Beach Boulevard east of the entrance road to correctly**



**reflect the right turn lane onto El Clair Ranch Road. (DRC: LANDSCAPE - Planning)**

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), in order to provide shaded pedestrian pathways along the property's roadway frontages, the site plan shall include:

- a. cross section details of a landscaped pathway/sidewalk along the property's frontage of El Clair Ranch Road, with canopy trees spaced a maximum distance of twenty-five (25) feet on center; and,
  - b. a minimum four (4) foot wide pathway within and/or adjacent to the landscape buffer along the north property line fronting Boynton Beach Boulevard, with canopy trees spaced a maximum distance of twenty-five (25) feet on center. (DRO: PLANNING/LANDSCAPE - Planning)
3. Prior to final site plan approval by the Development Review Officer (DRO), in order to comply with Recommendation 47 from the West Boynton Area Community Plan, the applicant shall provide cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks shown in this project. (DRO: PLANNING - Planning)
4. Condition L.3. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**The access on El Clair Ranch Road shall be limited to one ingress/egress. (DRC: ENG - Planning)**

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

5. Prior to final site plan approval by the Development Review Officer (DRO), the sidewalk along the north side of the access drive from El Clair Ranch Road shall be relocated to the south side of this access drive to provide a pedestrian connection closer to the residential project to the south. (DRO: PLANNING - Planning)

**P. SIGNS**

1. Condition M.1. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:**

- a. **Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;**
- b. **Maximum sign face area per side - 150 square feet;**
- c. **Maximum number of signs - one (1); and**
- d. **Style - monument style only. (CO: BLDG)**

Is hereby amended to read:

New or replacement freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side – eighty (80) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - a minimum distance of one hundred and fifty (150) feet from the east and west property lines.
- f. Signs shall be limited to identification of tenants and/or project name only. (ONGOING: BLDG - Zoning)

2. Condition M.2. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Freestanding signs fronting on El Clair Ranch Road shall be limited as follows:**

- a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
- b. **Maximum sign face area per side - 32 square feet;**
- c. **Maximum number of signs - one (1); and**
- d. **Style - monument style only. (CO: BLDG)**

Is hereby amended to read:

New or replacement freestanding point of purchase signs fronting on El Clair Ranch 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 – thirty-two (32) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location – within forty (40) feet to the north of the driveway measured from edge of pavement.
- f. Signs shall be limited to identification of tenants and/or project name only. (ONGOING: BLDG - Zoning)

3. Condition M.3. of Resolution R-2000-0256, Petition 1998-010A, which currently states:

**Wall signs shall be permitted on the north and east facades only (away from residential). (CO: BLDG)**

Is hereby amended to read:

Wall signs shall be limited to north façade of building 1 and the north and east facades of building 2. Individual lettering size shall be limited to a maximum of twenty-four (24) inches high along the north facade of buildings 1 and 2 and a maximum of eighteen (18) inches high along the east façade of building 2. Wall signs shall be limited to identification of tenants only. (ONGOING: BLDG - Zoning)

4. **Prior to final DRC approval the petitioner shall receive a waiver from the LWDD for signage in the L-24 easement or signs shall be relocated out of the easement. (DRC: LWDD - Bldg Permit) (Previous Condition M.4. of Resolution R-2000-0256, Petition 1998-010A) [Note: Completed.]**

Q. 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-2000-0256, Petition 1998-010A)**
- 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 Article 2.E 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-2000-0256, Petition 1998-010A)**