

RESOLUTION NO. R-2004- 1649

RESOLUTION APPROVING ZONING PETITION PDD1998-073(4)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF HERBERT F. KAHLERT & KARL A. KAHLERT
BY KILDAY AND ASSOCIATES, AGENT
(NEW ALBANY POD E)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD1998-073(4) was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2004; and,

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

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

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD1998-073(4), the petition of Herbert F. Kahlert & Karl A. Kahlert by Kilday and Associates, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 22, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	¥	Aye
Tony Masilotti, Vice Chairman	¥	Aye
Jeff Koons	¥	Aye
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 July 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 24 day of August, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:

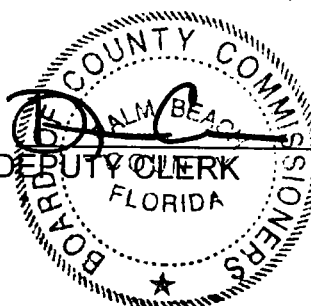

DEPUTY CLERK
FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN PARCEL A-2, BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, AS RECORDED IN PLAT BOOK 79, PAGES 152 THROUGH 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF PARCEL A-2, BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, AS RECORDED IN PLAT BOOK 79, PAGES 152 THROUGH 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL A-2, SAID WEST LINE ALSO BEING THE EAST LINE OF A LIMITED ACCESS RIGHT OF WAY AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF 289.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 527.50 FEET; THENCE SOUTHERLY ALONG SAID WEST LINE AND LIMITED ACCESS RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05 DEGREES, 27 MINUTES, 59 SECONDS, A DISTANCE OF 50.33 FEET TO A NON-TANGENT INTERSECTION; THENCE NORTH 89 DEGREES, 25 MINUTES, 54 SECONDS EAST, ALONG A LINE LYING 340.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF 485.35 FEET; THENCE SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST, ALONG A LINE 412.00 FEET WEST OF AND PARALLEL WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF ENTERPRISE CENTER BOULEVARD AS SHOWN ON BOYNTON BEACH ENTERPRISE CENTER AS RECORDED IN PLAT BOOK 78, PAGES 40 AND 41 OF SAID PUBLIC RECORDS, A DISTANCE OF 143.00 FEET; THENCE NORTH 89 DEGREES, 25 MINUTES, 54 SECONDS EAST, ALONG A LINE 483.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF 133.33 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 680.00 FEET AND A RADIAL BEARING OF NORTH 86 DEGREES, 32 MINUTES, 46 SECONDS WEST AT SAID INTERSECTION; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07 DEGREES, 30 MINUTES, 10 SECONDS, A DISTANCE OF 89.04 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 10 DEGREES, 57 MINUTES, 24 SECONDS WEST, A DISTANCE OF 165.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 1320.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES, 57 MINUTES, 27 SECONDS, A DISTANCE OF 252.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00 DEGREES, 00 MINUTES, 03 SECONDS EAST, A DISTANCE OF 128.74 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 1040.00 FEET AND A RADIAL BEARING OF SOUTH 09 DEGREES, 47 MINUTES, 59 SECONDS EAST AT SAID INTERSECTION; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY AS SHOWN ON BOYNTON BEACH ENTERPRISE CENTER REPLAT NO. 3, AS RECORDED IN PLAT BOOK 80, PAGES 160 AND 161 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF 09 DEGREES, 47 MINUTES, 56 SECONDS, A DISTANCE OF 177.86 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89 DEGREES, 59 MINUTES, 57 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY, A DISTANCE OF 198.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES, 59 MINUTES, 57 SECONDS EAST, ALONG SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY, A DISTANCE OF 247.06 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 1040.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY THROUGH A CENTRAL ANGLE OF 09 DEGREES, 09 MINUTES, 02 SECONDS, A DISTANCE OF 166.10 FEET TO THE POINT OF TANGENCY;

THENCE SOUTH 80 DEGREES, 51 MINUTES, 01 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY, A DISTANCE OF 177.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 960.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY THROUGH A CENTRAL ANGLE OF 09 DEGREES, 08 MINUTES, 42 SECONDS, A DISTANCE OF 153.23 FEET TO A RADIAL INTERSECTION; THENCE NORTH 00 DEGREES, 00 MINUTES, 17 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89 DEGREES, 59 MINUTES, 43 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY, A DISTANCE OF 176.36 FEET; THENCE NORTH 44 DEGREES, 59 MINUTES, 40 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE OF VENTURE CENTER WAY, A DISTANCE OF 42.42 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 20 SECONDS WEST ALONG THE WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER REPLAT NO. 3, A DISTANCE OF 298.50 FEET; THENCE NORTH 13 DEGREES, 29 MINUTES, 25 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 49.74 FEET; THENCE NORTH 01 DEGREES, 51 MINUTES, 03 SECONDS WEST ALONG THE WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD AS SHOWN ON SAID PLAT OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF 438.09 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 20 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 300.00 FEET; THENCE NORTH 45 DEGREES, 17 MINUTES, 13 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 19.55 FEET; THENCE NORTH 89 DEGREES, 25 MINUTES, 54 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 28.39 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 20 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2; THENCE SOUTH 89 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG THE SOUTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF 881.74 FEET; THENCE SOUTH 44 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID ENTERPRISE CENTER BOULEVARD, A DISTANCE OF 35.36 FEET; THENCE SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE OF ENTERPRISE CENTER BOULEVARD, A DISTANCE OF 315.00 FEET; THENCE NORTH 89 DEGREES, 25 MINUTES, 54 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST, ALONG A LINE 10.00 FEET EAST OF AND PARALLEL WITH THE SOUTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF SAID ENTERPRISE CENTER BOULEVARD, A DISTANCE OF 55.00 FEET; THENCE SOUTH 89 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG A LINE 55.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF SAID ENTERPRISE CENTER BOULEVARD, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST, ALONG THE EAST LINE OF THE ROADWAY EASEMENT DESCRIBED IN OFFICIAL RECORD BOOK 11380; PAGE 1886, OF SAID PUBLIC RECORDS, A DISTANCE OF 31.61 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1040.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID EAST LINE OF THE ROADWAY EASEMENT, THROUGH A CENTRAL ANGLE OF 15 DEGREES, 32 MINUTES, 47 SECONDS, A DISTANCE OF 282.19 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 14 DEGREES, 58 MINUTES, 41 SECONDS WEST, ALONG SAID EAST LINE OF THE ROADWAY EASEMENT, A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 960.00 FEET; THENCE SOUTHERLY ALONG SAID EAST LINE OF THE ROADWAY EASEMENT AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14 DEGREES, 58 MINUTES, 45 SECONDS, A DISTANCE OF 250.98 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00 DEGREES, 00 MINUTES, 03 SECONDS EAST, ALONG SAID EAST LINE OF THE ROADWAY EASEMENT, A DISTANCE OF 75.00 FEET; THENCE SOUTH

45 DEGREES, 00 MINUTES, 03 SECONDS EAST, ALONG SAID EAST LINE OF THE ROADWAY EASEMENT, A DISTANCE OF 35.36 FEET TO THE POINT OF BEGINNING.

CONTAINING: 23.88 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

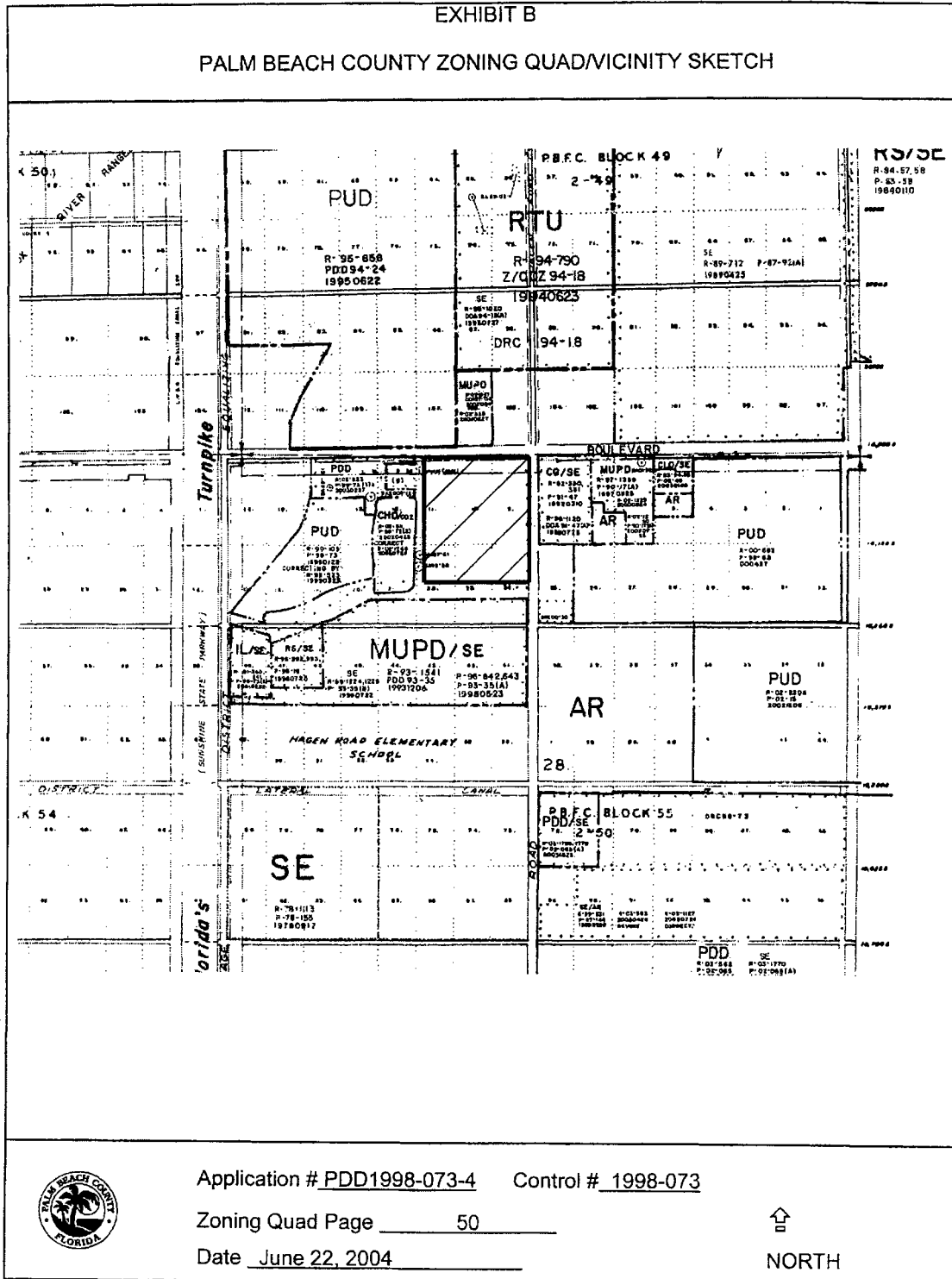


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master/site/regulating plans are dated July 14, 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)
2. Prior to final approval of the master/site plans by the Development Review Officer, the petitioner shall revise the master/site plans dated July 14, 2004 to indicate the extension of the lake area, and the deletion of the office building (Building B) to be consistent with the site plan presented to the Board of County Commissioners on July 22, 2004. (DRO:DRO-Zoning)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all 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 Section of the ULDC, and shall be generally consistent with the elevations prepared by RSP Architects dated July 14, 2004. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ARCH REVIEW - Zoning)
2. The maximum height for all buildings shall be thirty-two (32) feet including air conditioning, mechanical equipment, satellite dishes and opaque barriers, excluding the Garden Center portion of Building A, which shall be limited to a maximum height of twenty-five (25) feet. Decorative elements shall not exceed a maximum height of forty-seven (47) feet, excluding the required element at the northeast corner of Building A, which shall not exceed a height of forty-two (42) feet. All heights shall be measured from finished grade to highest point. (DRO/BLDG PERMIT: ARCH REVIEW/BLDG - Zoning)
3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a parapet or other visually opaque barrier that is consistent with the color, character and architectural style of the building or equivalent landscape material. (DRO/CO: ARCH REVIEW/LANDSCAPE - Zoning)
4. A minimum of one (1) decorative element, subject to approval by the Architectural Review Section, shall be provided along the north façade of each building as follows:
 - a. above each primary public entrance, each corner, and the midpoint of Building A; and,
 - b. above the northeast and southwest corners of Building B. (DRO: ARCH REVIEW - Zoning)
5. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

6. A promenade shall be provided along the north façade of Building A. The promenade shall have a minimum unobstructed width of eight (8) feet. The promenade shall:
 - a. be a minimum of two hundred and thirty (230) feet located in the vicinity of the west main entry of Building A;
 - b. have a pitched roof with a minimum slope of 3:1. No flat roof shall be permitted;
 - c. have a minimum clearance of eleven (11) feet measured from top of sidewalk surface to the underside of the canopy; and,
 - d. be subject to review and approval by the Architectural Review Section. (DRO/CO: ARCH REVIEW/LANDSCAPE - Zoning)

7. A second promenade shall be provided along the north façade of Building A. The promenade shall have a minimum unobstructed width of eight (8) feet. The promenade shall:
 - a. be a minimum accumulative length of two hundred and ten (210) feet located in the vicinity of the east main entry of Building A and Garden centre;
 - b. flat roof/trellis structure;
 - c. have a minimum clearance of eleven (11) feet measured from top of sidewalk surface to the underside of the canopy; and,
 - d. be subject to review and approval by the Architectural Review Section. (DRO/CO: ARCH REVIEW/LANDSCAPE - Zoning)

C. BUILDING AND SITE DESIGN

1. The west pedestrian walkway (Pedestrian Oriented Zone) leading to the primary entry point of Building A, as shown on the site plan dated July 14, 2004, shall be a minimum of fifty-nine (59) feet in width, and the POZ shall consist of the following:
 - a. a trellis structure with a minimum overall length of one hundred and ten (110) feet and width of fifteen (15) feet;
 - b. an architectural tower/shade structure shall be located at the midpoint of this trellis. The structure shall have a pitched roof; and shall be given a finished treatment that is generally consistent with the buildings on the property. This structure shall have a minimum dimensions of fifteen (15) feet in width and length;
 - c. decorative paver blocks and/or stamped concrete shall be provided for the entire surface area of this shaded walkway; and
 - d. a 3-tiered, precast stone fountain shall be located at the south end of this trellis structure. (DRO/BLDG PERMIT: ZONING/LANDSCAPE - Zoning)

D. LANDSCAPING – STANDARD

1. All palms required to be planted on the property 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. (BLDG. PERMIT: LANDSCAPE - Zoning)

2. 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. (BLDG.PERMIT: LANDSCAPE - Zoning)

3. Prior to final DRO site plan approval, the property owner shall submit landscape plans for all the perimeter buffers and all relevant interior landscaping, including but not limited to, foundation planting for Buildings A and B, the Pedestrian Oriented Zone, and the east pedestrian walkway. Interior landscape islands shall be planted with shrubs or ground covers only. No grass or sod shall be permitted. All plans shall be reviewed and approved by the Landscape Section. (DRO/BLDG PERMIT: DRO/LANDSCAPE-Zoning)

E. ENGINEERING

Condition E1 of Zoning Resolution R-2002-0611 which currently states:

1. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**
 - A) **Building permits for more than the equivalent of up to 5,777 cumulative trips per day shall not be issued until construction commences on Boynton Beach Boulevard from Lyons Road to the Turnpike as a 4 lane section.**
 - B) **Building permits for no more than the equivalent of up to 5,808 cumulative trips per day shall not be issued until construction commences on Woolbright Road from El Clair Ranch Road to Military Trail as a 4 lane section. (BLDG PERMIT: MONITORING-Eng)**

Prior to DRC Certification of the final site plan an approved Traffic Study detailing a Phasing Plan for New Albany Large Scale/Multiple Use development for which this project is a part of. The Traffic Study shall also contain all the Previously approved uses for the New Albany Large Scale /Multiple use development. (DRC APPROVAL:ENGINEERING)

Is hereby amended to read:

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:
 - 31,100 square footage of retail area,
 - 1,686 square foot convenience store with 12 fueling positions and car wash,
 - one fire station,
 - 42 bed ACLF,
 - 71 bed nursing home,
 - 264 multi-family dwelling units,
 - 93,666 square footage self storage facility with caretakers quarters and associated 6 truck rentals spaces with .2 acres of outdoor storage.
 - 44,660 square footage of medical office are,
 - 5,340 square footage office facility (or) the equivalent of up to 5,777 cumulative external trips per day as determined by the County Engineer, until construction commences on Boynton Beach Boulevard from Lyons Road to the Turnpike as a 4 lane section. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED.]
- b) Building permits for no more than the following land uses:
 - 32,240 square footage of retail area,
 - 1,686 square foot convenience store with 12 fueling positions and car wash.
 - one fire station,
 - 42 bed ACLF,
 - 71 bed nursing home,

- 264 multi-family dwelling units,
- 93,666 square footage self storage facility with caretakers quarters and associated 6 truck rentals spaces with .2 acres of outdoor storage,
- 44,660 square footage of medical office area,
- 5340 square footage office facility (or) the equivalent of up to 5,808 cumulative trips per day as determined by the County Engineer until construction commences on Woolbright Road from El Clair Ranch Road to Military Trail as a 4 lane section. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED.]

2. Prior to issuance of a building permit for POD E the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Hagen Ranch Road at the project's north entrance to POD E. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (DATE: MONITORING-Eng)
3. The Property owner shall construct:
 - a. right turn lane north approach on Hagen Ranch Road at the projects north entrance to POD E.
 - b. Enterprise Boulevard as a three lane section from Venture Center Way north to a point two hundred feet north of entrance to POD E.
 - c. Construction of a, and b shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
 - d. Permits required by Palm Beach County for the construction in a, and b shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - e. Construction for these improvements shall be completed prior to the issuance of the first Certificate of Occupancy for the proposed retail center. (CO: MONITORING-Eng)
 - f. right turn lane north approach on Hagen Ranch Road at Venture Center Way within existing right-of-way and with existing funds as previously paid by the property owner. Should the cost exceed the funds, the balance will be made up by impact fee credits subject to Board of County Commissioner's approval or by funding assigned from the District Commissioner's discretionary account. (CO: MONITORING-Eng)
4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING)
5. The applicant shall install and perpetually maintain Street lighting within the right-of-way adjacent to Venture Center Way and Enterprise Center Boulevard as approved by FPL. These street lights shall be consistent with the existing lights at the Shoppes of Monterey, and the heights will comply with County Standards. All street lights shall be installed prior to the issuance of the Certificate of Occupancy for the proposed retail center. (CO: MONITORING-Eng)
6. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Venture Center Way and Hagen Ranch Road or at the project's south entrance along Hagen Ranch as approved by the County Engineer. Signalization shall be a mast arm

structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after sixty (60) months of the final Certificate of Occupancy for Building A, this property owner shall be relieved from this condition.

- a. No Building Permits for the retail center shall be issued until the developer provides acceptable surety to the Land Development Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT:MONITORING-Eng).

7. LANDSCAPE WITHIN THE MEDIAN OF BOYNTON BEACH BOULEVARD

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Boynton Beach Boulevard for POD E. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a) The necessary permit(s) for this median landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- b) All installation of the median landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- c) At petitioners option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING:ENG-Eng)
- d) Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the Countys Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the Countys installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Boynton Beach Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. The property owner shall be responsible for any additional costs associated with upgraded median landscaping material as approved by the Palm Beach County Streetscape Program including the median design fees of \$2,700.00. (ONGOING:ENG-Eng)

8. Prior to Certification of Occupancy the property owner shall culvert the L-4 canal from Enterprise Center Boulevard to Hagen Ranch Road subject to appropriate Lake Worth Drainage District Board of Supervisor approval. (CO: MONITORING-LWDD)

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

1. In addition to the landscape requirements pursuant to Article 7 of the ULDC, landscape and buffering along the north property line shall be upgraded to include:
 - a. a twenty (20) foot wide landscape strip, the property owner shall install a five (5) foot wide landscape strip adjacent to the south right-of-way line of Boynton Beach Boulevard within the right-of-way of LWDD Lateral Canal #24 subject to Lake Worth Drainage District approval, which in total will meet the 25 foot wide requirement of the Boynton Beach Turnpike Interchange Corridor Design Guidelines and Standards. Should a culvert permit not be permitted, the five (5) foot wide strip shall be located on the southernmost side of the LWDD Canal right-of-way adjacent to the 20-foot buffer. Prior to final DRO approval of the master/site plans, the property owner shall verify approval from LWDD on the location of this five (5) foot buffer;
 - b. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm; and,
 - c. one (1) flowering tree for each fifty (50) linear feet of the property line only in areas where buffer width exceeds twenty (20) feet; and ,
(DRO/BLDG PERMIT: DRO/LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (FRONTAGES OF VENTURA CENTER WAY, HAGEN RANCH ROAD AND ENTERPRISE CENTER BOULEVARD)

1. In addition to the landscape requirements pursuant to Article 7 of the ULDC, landscape and buffering along the south, east and west property lines shall be upgraded to include:
 - a. a minimum of two and one half (2.5) to three and one half (3.5) foot high undulating berm with an average height of three (3) feet measured from top of curb. A minimum of three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet measured from top of curb along the Hagen Ranch Road frontage from the north access drive south to the south property line. Berm locations are indicated on the site plan dated July 14, 2004. Field adjustment of berm location may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation;
 - b. one (1) palm for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - c. one (1) flowering tree for each fifty (50) linear feet of the property line only in areas where buffer width exceeds twenty (20) feet; (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING - INTERIOR

1. In addition to the foundation planting requirements per ULDC for all buildings, the following planting areas or grade level planters shall be provided:
 - a. north facades of Building A;
 - b. the minimum width of the required landscape areas shall range from eight (8) feet to nineteen (19) feet where applicable, and shall be generally located in areas where indicated on the site plan dated July 14, 2004. Location of each foundation planting area shall be finalized at the final site plan approval, and subject to the review and approval of the Landscape Section. A Type D curb shall be provided along the northern edge of the foundation planting areas;

c. trees and/or palms shall have the following minimum height at installation for Building A only:

- 1) eighteen (18) feet or greater: minimum sixty (60) percent of all required trees and/or palms;
- 2) sixteen (16) to eighteen (18) feet: maximum twenty (20) percent of all required trees and/or palms; and,
- 3) twelve (12) feet to fourteen (14) feet: maximum twenty (20) percent of all required trees and/or palms. (DRO/BLDG PERMIT: DRO/LANDSCAPE - Zoning)

I. 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)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point, excluding r.o.w lighting as per Condition E.5. (CO/ONGOING: BLDG/CODE ENF - Zoning)
3. All outdoor lighting shall be extinguished no later than thirty (30) minutes after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material or r.o.w. street lighting. (ONGOING: CODE ENF - Zoning)

J. MUPD

1. Prior to final approval by the DRO, the property owner shall record in the public record a covenant requiring the following:
 - a. 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;
 - b. a unity of control indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership; and,
 - c. The covenant/unity of control shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING/COUNTY ATTY - Zoning)

K. PLANNING

1. The underlying Commercial High (CH) and Commercial High Office (CH-O) land uses for the MLU designation for the entire 61 acre MLU, which includes this 23.88 acre portion of the MLU, shall be as follows:

Land Use	Minimum Acreage	Maximum sq ft/ units	Maximum Acreage
Commercial High (CH)	5 acres	300,000 sq. ft.	30 acres
Commercial High Office (CH-O)	3 acres	65,340 sq. ft. min. 200,000 sq. ft. max	30 acres

Based on the above information, if Petition 98-73(4) is approved, additional development may still be permitted provided the above thresholds are not exceeded. In addition, all future pods of development must comply with the mix of other uses as specified in the proposed amendment, New Albany MLU III, 2003-0008 LGA (Ord. 2003-39). (DRO/ONGOING:PLANNING-Planning)

2. Prior to final site plan approval by the Development Review Officer (DRO), all plans (master plan, site plan, conceptual master plan, and land use allocation master plan) shall be amended to indicate that the maximum allowable CH square footage (FAR) for the entire MLU site is 300,000 square feet and that the total requested acreage of CH for the entire MLU= 28.17 acres and the total requested square footage of CH for the entire MLU= 210,979 square feet. All plans shall also reflect that total requested acreage of CH-O for this MLU= 6.13 acres and the total requested square footage of CH-O for this MLU= 65,340 square feet. The minimum amount of approved square footage of CH-O allowed for this MLU is also 65,340 square feet. This condition shall not preclude the building square footage for Pod E to be increased by 1,000 square feet pursuant to Article 2, Chapter D, Section 1.G.3. of the ULDC. In addition, all plans shall be amended to reference that the site is a MLU. (DRO:PLANNING-Planning)
3. Prior to final site plan approval by the Development Review Officer (DRO), if the property owner chooses to remove square footage from the 15,340 square foot bank building in the CH-O portion of Pod E to the retail store in Pod E to serve as a regional office headquarters then the property owner shall revise the site plan to demarcate on the site plan the location of the regional office headquarters within the retail store and label it as CH-O square footage. In no event, shall the total amount of requested square footage allocated for CH-O uses fall below the minimum allowed square footage amount of 65,340 square feet. (DRO:PLANNING-Planning)
4. Prior to final site plan approval by the Development Review Officer (DRO), development of the site shall comply with the Conceptual Land Use Master Plan as indicated in Exhibit 2 of Ordinance 2003-39, New Albany MLU III. In addition, the applicant shall provide a detail of the pedestrian orientated zone and the area behind Building A (proposed retail store), subject to review and approval by the Planning Division. (DRO:PLANNING-Planning)
5. Prior to final site plan approval by the Development Review Officer (DRO), in order to comply with Recommendations 35 and 37 from the West Boynton Area Community Plan, the applicant shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Hagen Ranch Road, Boynton Beach Boulevard, Enterprise Center Boulevard, Venture Center Way, and along all internal sidewalks shown on the site plan. Sidewalk widths and locations shall be consistent with locations shown on the certified site plan dated July 14, 2004. (DRO: PLANNING-Planning)
6. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated March 10, 2003 (as indicated in Exhibit 3 of Ordinance 2003-39, New Albany MLU III) and shall be a Spanish Mission or Mediterranean style. (BLDG PERMIT: BLDG - Zoning - Planning)
7. All signage shall be designed and constructed in accordance with Section 5 - "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated March 10, 2003 (as indicated in Exhibit 3 of Ordinance 2003-39, New Albany MLU III). (BLDG PERMIT: BLDG - Planning)

8. All landscaping shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated March 10, 2003 (as indicated in Exhibit 3 of Ordinance 2003-39, New Albany MLU III). All trees within the perimeter landscape buffers shall be provided at a maximum of one per twenty-five (25) linear feet. (BLDG. PERMIT: LANDSCAPE-Planning)

L. SIGNS

1. Freestanding signs (tenant identification - Sign A), including the existing off-premise Bethesda Health City identification sign, 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 - one hundred (100) square feet;
 - c. maximum number of signs – two (2) for the frontage of Boynton Beach Boulevard, and one (1) for the frontage of Enterprise Center Boulevard, for a total of three (3) for the entire site;
 - d. style - monument style only;
 - e. location - as indicated on the site plan dated July 14, 2004
 - f. signs shall be limited to identification of tenants only.
 - g. prior to final approval of the site plan by the Development Review Officer (DRO), the property owner shall revise the master/site/regulating plans to update locations and types of these 3 signs pursuant to Condition L.1 and L.1.c.(CO: BLDG - Zoning)
2. Wall signs for Building A shall be limited to the following:
 - a. location - north facade only;
 - b. number of signs –one (1) only;
 - c. individual lettering size - the main tenant sign shall be limited to a maximum height of seventy-two (72) inches for the north facade. Wall signs or logos shall not be permitted on any other facades;
 - d. logo - wall sign that consists of a logo shall be limited to a maximum diameter of nine (9) feet and on the north facade only; and,
 - e. content - shall be limited to identification of a tenant and its garden center only. (CO: BLDG - Zoning)

M. USE LIMITATION

1. Retail business activity shall not be allowed on the property prior to 8:00 a.m. nor continue later than 10:00 p.m. Monday through Saturday, except between Thanksgiving and Christmas when the hours shall be limited 8:00 a.m. to 11:00 p.m.. Retail business activity on Sunday shall not be allowed prior to 8:00 a.m. nor continue later than 9:00 p.m. Deliveries shall be limited to 7 a.m. to 2 p.m. (ONGOING: CODE ENF - Zoning)
2. The following outdoor activities shall not be permitted on the property:
 - a. display, storage or placement of any material, refuse, equipment or debris;
 - b. repair or maintenance of vehicles; and,
 - c. retail activities shall not be allowed, excluding deliveries and enclosed garden center area. (ONGOING: CODE ENF - Zoning)
3. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning)

5. Shopping carts for all buildings and uses on the property shall be stored within the buildings and/or behind an opaque screening wall that is attached to the building. Outdoor cart storage within the designated cart corrals shall be permitted only during business hours. (ONGOING: CODE ENF - Zoning)
6. Access to and from the site by truck and trailer (i.e.semi) traffic shall be prohibited on Hagen ranch Road, north of Boynton Beach Boulevard and south of Venture Center Way.
7. Prior to issuance of a building permit, the property owner shall apply for a permit from FDOT to modify the existing Boynton Beach Boulevard median at Enterprise Center Boulevard to allow for a left turn south approach. Modification of this median is subject to FDOT approval. If approved, all delivery vehicles shall be required to enter and exit the site at Boynton Beach Boulevard and Enterprise Center Boulevard.

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. (Previous Condition N.1. of Resolution 2003-1129, Petition 2003-007) (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.
(Previous Condition N.2. of Resolution 2003-1129, Petition 2003-007)
(ONGOING: MONITORING - Zoning)