

RESOLUTION NO. R-2006-0144

RESOLUTION APPROVING ZONING APPLICATION DOA2005-1121
(CONTROL NUMBER 1989-063)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF LYONS RETAIL, INC.
BY HSQ GROUP, INC., AGENT
(SHERBROOKE CENTER)

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 Application DOA2005-1121 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2006; 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 Application DOA2005-1121, the application of Lyons Retail, Inc., by HSQ Group, Inc., agent, for a Development Order Amendment to reconfigure the site plan and add square footage 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 January 26, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 26th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY


BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

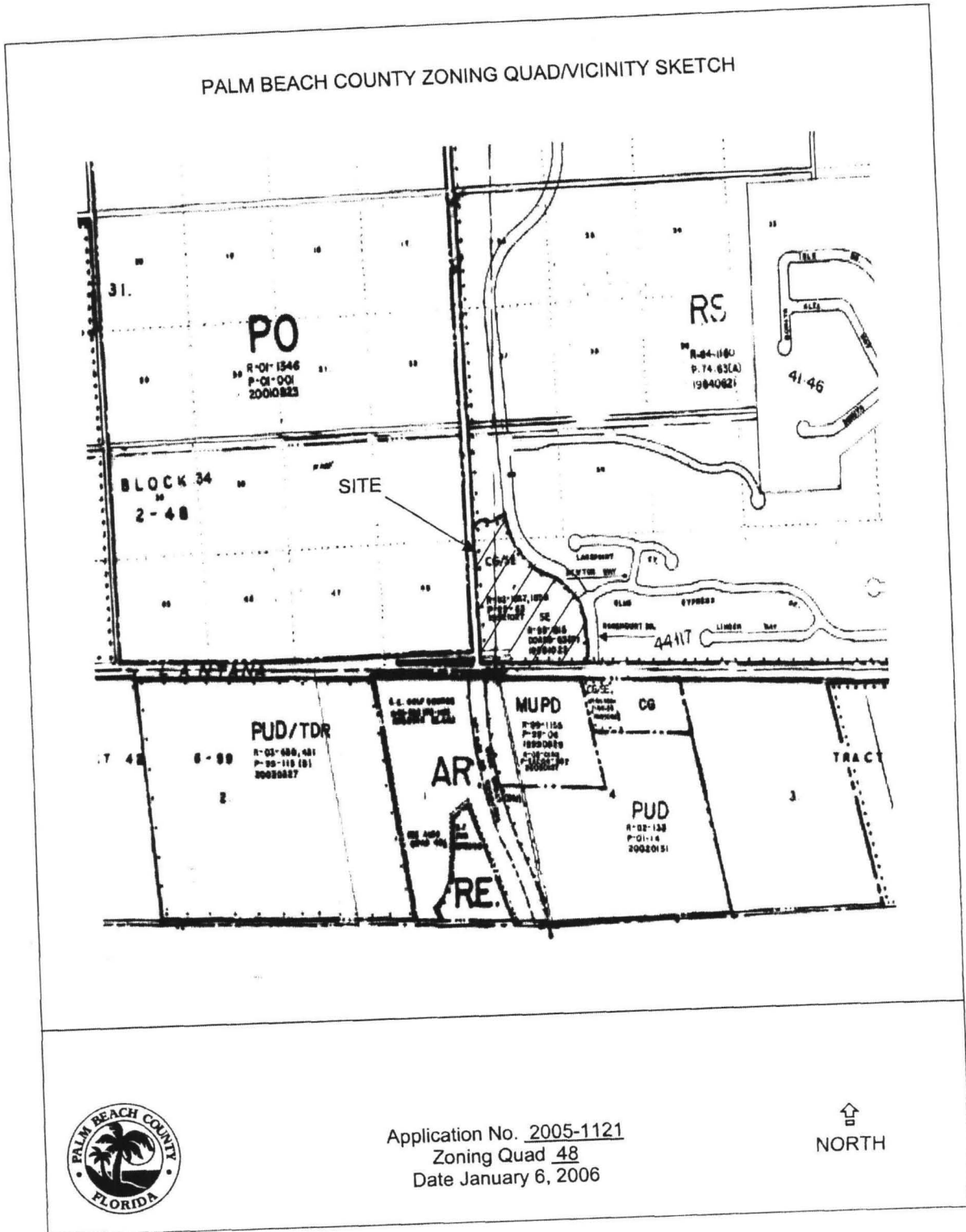
LYONS RETAIL, INC. PROPERTY

Tracts A, C and D, Sherbrooke Center Replat, M.U.P.D., Plat Book 87, Page 56, Public Records of Palm Beach County, Florida.

LYONS & LANTANA GAS, LLC PROPERTY

Tract B, Sherbrooke Center Replat, M.U.P.D., Plat Book 87, Page 56, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH



Application No. 2005-1121
Zoning Quad 48
Date January 6, 2006

↑
NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-92-1581, R-91-1073 (Petition 89-63(A)), R-90-60, R-90-61 (Petition 89-63), 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-98-1815, Petition DOA89-63B, have been consolidated as contained herein. The applicant shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution R-1998-1815, Petition DOA89-63(B), which currently states:

Prior to DRC site plan application, the site plan shall be revised to reflect the following:

- a. Landscape easements on Aquarius Boulevard, Rosemount Drive and Lantana Road according to Plat Book 68, page 125; and
- b. A five foot wide median to be provided at the access point of Aquarius Boulevard. (DRC: Zoning)

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

3. Condition A.3 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 20, 1998. 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 site design as approved by the Board of County Commissioners. The approved site plan is dated November 22, 2005. 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.)

4. Prior to final DRC approval, the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. All easements which conflict with the location of a proposed structure or landscape buffer shall be abandoned

prior to the issuance of a building permit. (Previous Condition A.4 of Resolution R-98-1815, Petition DOA89-63(B)) (DRO/BLDG PERMIT: ZONING/BLDG - Zoning)

5. Condition S.1 of Resolution R98-1815, Petition 89-63(B), which currently states:

Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to be consistent with the latest approved site plan and supportive documents. (DRC: CONCURRENCY - Zoning)

Is hereby deleted. [REASON: Code requirement.]

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC, and shall be generally consistent with the elevations prepared by Richard Wensing Architects & Planners, PA, dated November 22, 2005. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. 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)

BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-98-1815, Application DOA89-63(B), which currently states:

The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height of all buildings shall be thirty-six (36) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (Previous Condition B.2 of Resolution R-98-1815, Petition DOA89-63(B)) (CO: BLDG - Zoning)
3. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings including the dumpster enclosures. (Previous Condition B.3 of Resolution R-98-1815, Petition DOA89-63(B)) (BLDG PERMIT: BLDG - Zoning)
4. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind walls having an architectural treatment compatible with the principal building. The

open end of the enclosure shall have an obscure, opaque gate. (Previous Condition D.1 of Resolution R-98-1815, Petition DOA89-63(B)) (CO: LANDSCAPE - Zoning)

5. Prior to final approval by the Development Review Officer (DRO), the design and location of each trellis and bench shall be:
 - a. subject to review and approval by the Architectural Review Section; and,
 - b. reflected on the regulating plan. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Prior to Site Plan approval the property owner shall convey or verify conveyance of right of way for:
 - a. Lyons Road, 64 feet from centerline (Complete)
 - b. Lantana Road, 71.5 feet from centerline (Complete)
 - c. The construction of a right turn lane, east approach on Lantana Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet. (Complete)

All free 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previous Condition E.3 of Resolution R-1998-1815, Petition 89-63(B)). (DRO: ENG - ENG)

2. The Property owner shall construct:
 - a. at the project's entrance and Lyons Road a left turn lane, north approach and a right turn lane, south approach;
 - b. at the project's entrance and Aquarius Boulevard a left turn lane, south approach;
 - c. the northern most road adjacent to this site shall be constructed as a 3 lane section [May be deleted as the new Site Plan no longer has access onto Rosemont Drive.]

All concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previous Condition E.4 of Resolution R-1998-1815, Petition 89-63(B)) (Note: a,b, and c complete)

3.
 - a. The property owner shall fund the construction plans to Palm Beach County for the four-laning of Lyons Road from Lantana Road, north to a point 150 feet north of the projects entrance road onto Lyons Road, subject to approval by the County Engineer. Funding for these construction plans shall be completed prior to July 1, 1996, in the amount approved by the County Engineer. (DATE: MONITORING - Eng) Complete
 - b. The property owners shall fund the cost of the construction for the four laning of Lyons Road from Lantana Road, north to a point 150 feet north of the projects entrance road onto Lyons Road. Funding for

this construction shall be completed prior to October 1, 1998, in the amount approved by the County Engineer. (DATE: MONITORING - Eng) Complete

- c. If the building permits for the shopping center are requested prior to the four laning of Lyons Road, the property owner shall be required to construct turn lanes onto Lyons Road subject to the approval of the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.6 of Resolution R96-387, Petition 89-63(A)). Complete
4. a. No building permits shall be issued for the project until construction has commenced for the 4 laning of SR7 from Lantana Road to Lake Worth Road. (BLDG PERMIT: MONITORING - Eng)
- b. No more than 21,212 square feet of general retail or the traffic equivalent of 2,121 trips per day shall be issued until Lake Worth Road is widened from the Florida Turnpike to State Road 7. (Previous Condition E.7 of Resolution R-1998-1815, Petition 89-63(B). (Note: Paragraph a and b completed)
5. The Developer shall install signalization if warranted as determined by the County Engineer at Lyons Road and Lantana Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previous Condition E.9 of Resolution R-91-1073, Petition 89-63(A)) Complete
6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD
 - A. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Lyons Road and Lantana Road rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as 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. (BUILDING PERMIT: MONITORING - Eng) Complete
 - B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner 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. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to February 1, 2000. (DATE: MONITORING - Eng) Complete

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to the issuance of the first building permit. (BUILDING PERMIT: MONITORING - Eng) Previous Condition E.10 of Resolution R-1998-1815, Petition 89-63(B). Complete
- 7. The property owner for the Sherbrooke Center Shopping Center shall fund 10% of the total cost required to secure a drainage easement or an alternative system in order to provide legal positive outfall or a retention/detention system for a maximum of 1900 linear feet along Lantana Road and 1900 linear feet along Lyons Road. These costs shall include, but not be limited to, cost of drainage easement, legal fees, drainage structures and pipes, as are typically required. Funding shall be complete within 60 days notice to the property owner (ONGOING). (Previous Condition E.11 of Resolution R-1998-1815, Petition 89-63(B)). Complete
- 8. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (Previous Condition E.2 of Resolution R-98-1815, Petition 89-63(B)) ONGOING

ENVIRONMENTAL

- 1. Condition #G.1. of Resolution R-1998-1815, Petition DOA89-63(B), which currently states:

There shall be no dewatering permitted on this site unless prior approval has been received from the Department of Environmental Resources Management. (ONGOING: ERM)

Is hereby deleted. [Reason: Code requirement.]

HEALTH

- 1. Condition F.1 of Resolution R-98-1815, Petition DOA89-63B, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: code requirement]

- 2. Condition F.2 of Resolution R-98-1815, Petition DOA89-63B, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted. [REASON: code requirement]

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING ROSEMOUNT DRIVE AND AQUARIUS BOULEVARD)

- 1. Condition I.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Landscaping and buffering along the above property lines shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip inclusive of the ten (10) foot landscape easement (as per easement agreement

between Lakes of Lantana Homeowners Association Inc. and Engle Homes, Inc. dated January 27, 1998 and Plat Book 68, page 125) along Aquarius Boulevard;

- b. A continuous 2 foot high berm measured from finished grade to the top of the berm; and
- c. One (1) canopy tree planted every thirty (30) feet on center;
- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and shall be installed at the plateau of the berm and to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

Is hereby amended to read:

In addition to code requirements, the landscape buffers along the north and east property lines shall be upgraded to include:

- a. a continuous two (2) foot high berm; and,
- b. a minimum of one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING LANTANA ROAD AND LYONS ROAD)

- 1. Condition J.1 of Resolution R-98-1815, Petition DOA89-63(B), which curenly states:

Landscaping and buffering along the above property lines shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip inclusive of the fifteen (15) foot landscape easement (as per easement agreement between Lakes of Lantana Homeowners Association Inc. and Engle Homes, Inc. dated January 27, 1998 and Plat Book 68, page 125) along Lantana Road; and
- b. An undulating berm two to three foot high measured from the finished grade to the top of the berm; and
- c. One (1) canopy tree planted every thirty (30) feet on center;
- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and shall be installed at the plateau of the berm and to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

Is hereby amended to read:

In addition to code requirements, the landscape buffers along the south and west property lines shall be upgraded to include:

- a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and
- b. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSACAPE - Zoning)

ZONING - LANDSCAPING-INTERIOR

1. Condition K.1 of Resolution R-98-1815, Petition DOA89-63B, which currently states:

One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred and twenty (120) linear feet. (DRC: ZONING)

Is hereby deleted. [REASON: Code requirement.]

2. Condition of K.2 of Resolution R-98-1815, Petition DOA89-63(B), 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 40% 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:

In addition to code requirements, foundation plantings or grade level planters shall be provided along the north facade of building C and the east (rear) facade of building B 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 forty percent (40%) of the total length of the applicable facades; and,
- c. landscape areas shall be planted with a minimum of one (1) tree or palm for every twenty (20) linear feet of the applicable building facades and appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning)

3. Special planting treatment shall be provided within a median at each access point from Lantana Road and Aquarius Boulevard. Planting shall consist of the following:

- a. a minimum of three (3) palm species that is acceptable to the Landscape Section;
- b. a continuous row of medium shrub or hedge between all palms within the median, where applicable; and,
- c. appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning)

4. A divider median shall be provided between each adjacent drive-thru lane of any building or use as follows:

- a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries of the overhead canopy;
- b. the extensions of these median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,

- c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paver block, or other decorative paving surface. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING

- 1. Condition H.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Tree height: twelve (12) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall 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. (BLDG PERMIT: LANDSCAPE - Zoning)

- 2. Condition H.2 of Resolution R-98-1815, Petition DOA89-63B, 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)
(Condition H.2 of Resolution R-98-1815, Petition DOA89-63B)

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. (BLDG PERMIT: LANDSCAPE - Zoning)

3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (Previous Condition H.3 of Resolution R-98-1815, Petition DOA89-63(B)) (BLDG PERMIT: LANDSCAPE - Zoning)
4. Field adjustment of berm, plant material, and wall locations 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)
5. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1. Condition L.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)

Is hereby deleted. [REASON: Code requirement.]
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (Previous Condition L.2 of Resolution R-98-1815, Petition DOA89-63(B)) (ONGOING: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (Previous Condition L.3 of Resolution R-98-1815, Petition DOA89-63(B)) (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. (Previous Condition L.4 of Resolution R-98-1815, Petition DOA89-63(B)) (ONGOING: CODE ENF - Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: Eng or BLDG PERMIT: Monitoring if latter)
3. The location of a Bus Bay and/or Bulb Out at a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and

Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

MULTIPLE USE PLANNED DEVELOPMENT

1. Condition N.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Total gross floor area shall be limited to a maximum of 55,400 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)

Is hereby deleted. [Reason: No longer applicable and Code Requirement.]

2. Condition N.2 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

To ensure consistency with the site plan dated May 20, 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 N.3 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (site plan dated May 20, 1998). (DRC: ZONING)

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

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the plan shall include all pedestrian pathways generally consistent with the certified site plan. (DRO: PLANNING Planning)

SIGNS

1. Condition P.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Freestanding point of purchase signs fronting on Lantana Road, Lyons Road and Rosemount Drive shall be limited as follows:

The below sign requirements shall not be applicable to the residential sign (Lakes of Sherbrooke or Lakes of Lantana) along Aquarius Boulevard.

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 96 square feet;
- c. Maximum number of signs - one (1) on each road frontage; and
- d. Style - monument style only. (CO: BLDG)

Is hereby amended to read:

Freestanding point of purchase signs fronting on Lantana Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. maximum sign face area per side - 100 square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only;
 - e. location - within fifty (50) feet of the access point measured from edge of pavement;
 - f. Signs shall be limited to identification of project name, address, and tenant names only. (ONGOING: BLDG - Zoning)
2. Condition P.2 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

All onsite signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.

Is hereby deleted. [REASON: Code requirement.]

3. Condition P.3 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

Is hereby amended to read:

No off-premise signs or relocated billboards shall be permitted on the site, excluding the residential project identification sign (Lakes of Sherbrooke of Lakes of Lantana) along Aquarius Boulevard. (ONGOING: BLDG - Zoning)

4. Freestanding point of purchase signs fronting on Lyons Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - eighty (80) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only;
- e. location - within fifty (50) feet of the access point measured from edge of pavement; and,
- f. signs shall be limited to identification of project name, address, and tenant names only. (ONGOING: BLDG - Zoning)

5. Freestanding point of purchase signs fronting on Rosemount Drive and/or Aquarius Boulevard shall be prohibited. (ONGOING: BLDG - Zoning)

6. Wall signs shall be prohibited as follows, unless required by law:

- a. north and east (rear) facades of building B; and,
- b. east facades of building C. (ONGOING: BLDG - Zoning)

SOLID WASTE AUTHORITY

1. Condition O.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

Is hereby deleted. [REASON: Code requirement.]

USE LIMITATIONS

1. Condition R.1 of Resolution R-98-1815, Petition DOA89-63B, which currently states:

Outdoor retail business activities shall not be allowed on site, excluding deliveries and gas sales only. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

Outdoor retail business activities shall not be allowed on the property, excluding deliveries and drive-thru activities only. (ONGOING: CODE ENF - Zoning)

2. Condition R.2 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Hours of operation for all uses shall be limited to the following:

- a. 7:00 a.m. 11:00 p.m. daily (except convenience store with gas sales)
- b. 7:00 a.m. 9:00 p.m. Monday to Friday for deliveries only. (ONGOING: CODE ENF)

Is hereby deleted. [REASON: Code requirement and no longer applicable.]

3. Condition R.3 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the site plan dated May 20, 1998. (ONGOING: CODE ENF)

Is hereby deleted. [REASON: Code requirement.]

4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (Previous Condition R.4 of Resolution R-98-1815, Petition DOA89-63(B))(ONGOING: CODE ENF - Zoning)

5. Condition C.1 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

The day care center shall be limited to a maximum of 100 students and a maximum of 5,000 square feet of floor area.

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

6. Condition C.2 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Prior to DRC site plan application, the petitioner shall revise the site plan to indicate the perimeter landscaping and the required fence along the outdoor activity area of the daycare center pursuant to the ULDC, Section 6.4.28.e. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (14) foot tall native canopy trees, placed twenty (20) feet on center and a minimum twenty-four (24) inch high native hedge, maintained at a height of seventy-two (72) inches. All landscaping shall be placed on the exterior side of the required fence. (DRC / CO: ZONING / LANDSCAPE)

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

7. Condition C.5 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

No outdoor loudspeaker system audible off site shall be operated on the site.

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

8. Condition C.6 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

All playground equipment which is permanently attached to the ground shall meet property setback requirements.

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

9. Condition C.7 of Resolution R-98-1815, Petition DOA89-63(B), which currently states:

Continuous storage or parking of school buses on the site shall not be permitted.

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

10. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

11. Construction traffic shall be prohibited from utilizing Aquarius Boulevard to access the site. (ONGOING: CODE ENF - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications.

COMPLIANCE

1. Condition T.1 of Resolution R-98-1815, Petition DOA89-63B, which currently states:

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)

Is hereby amended to read:

In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Condition T.2 of Resolution R-98-1815, Petition DOA89-63B, which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

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

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

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

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subjectproperty 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)