

RESOLUTION NO. R-2006-0289

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1471
(CONTROL NO. 2005-510)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF LAUTH PROPERTY GROUP, LLC
BY RUDEN, MCCLOSKEY, AGENT
(SELECT MEDICAL)

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), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-1471 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2006; 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 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; 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 Application PDD2005-1471, the application of Lauth Property Group, LLC by Ruden, McClosky, agent, for an Official Zoning Map Amendment from the Commercial Low Office Zoning District to the Multiple Use Planned Development 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 February 23, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairman thereupon declared that the resolution was duly passed and adopted on February 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 10th day of March, 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 R. BOCK, CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY


BY: 
DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

LOTS B, C, D AND THE WEST 150 FEET OF LOT E, TRACT 66, PALM BEACH FARMS COMPANY PLAT #7, AS RECORDED IN PLAT BOOK 5, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT IN FAVOR OF P.B.J.C. DORMS, INC., FOR SANITARY SEWERAGE PURPOSES OVER THE SOUTH 10 FEET OF THE WEST 150 FEET OF LOT E; THE WEST 40 FEET OF LOT E AND THE WEST 40 FEET OF THE SOUTH 70 FEET OF LOT D; SAID EASEMENT FOR SANITARY SEWERAGE PURPOSES SHALL TERMINATE WHEN BUILDINGS ARE CONNECTED TO PUBLIC UTILITY SYSTEMS;

ALSO SUBJECT TO AN EASEMENT OVER THE EAST 50 FEET OF LOT D IN FAVOR OF P.B.J.C. DORMS, INC. FOR WATER SUPPLY WELL AND TO USE A TENNIS COURT, SAID EASEMENT FOR WATER SUPPLY WELL AND TO USE A TENNIS COURT SHALL TERMINATE WHEN BUILDINGS ARE CONNECTED TO PUBLIC UTILITY SYSTEMS;

AND LESS THE PORTION OF LOT B PURCHASED BY PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF THE PROPOSED EXTENSION OF 6TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE FOLLOWING DESCRIBED LAND SITUATE, LYING AND BEING IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, TO-WIT: A STRIP OF LAND 106 FEET IN WIDTH FOR ROAD RIGHT-OF-WAY PURPOSES LYING 53 FEET EACH SIDE OF, MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE RUNNING THROUGH LOT B, BLOCK 66, ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY PLAT #7 AS RECORDED IN PLAT BOOK 5, AT PAGE 72, PALM BEACH COUNTY PUBLIC RECORDS, SAID CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MELALEUCA LANE AND THE CENTERLINE OF DAVID ROAD AS LAID OUT AND IN USE IN PALM BEACH FARMS COMPANY PLAT #7 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE RUN SOUTH 86 DEGREES, 57 MINUTES, 10 SECONDS EAST ALONG SAID CENTERLINE OF MELALEUCA LANE A DISTANCE 288.72 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 47 DEGREES, 09 MINUTES, 38 SECONDS LT AND A RADIUS OF 818.51 FEET, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 673.72 FEET TO THE END OF SAID CURVE; THENCE, RUN NORTH 45 DEGREES, 53 MINUTES, 12 SECONDS EAST A DISTANCE OF 962.72 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 47 DEGREES, 00 MINUTES 00 SECONDS AND A RADIUS OF 818.51 FEET, RUN ALONG THE ARC OF SAID CURVE 671.43 FEET TO THE END OF SAID CURVE; THENCE, RUN SOUTH 87 DEGREES, 06 MINUTES, 48 SECONDS EAST A DISTANCE OF 500.00 FEET TO A POINT IN THE EAST LINE OF SAID SECTION 30, SAID POINT BEING 129.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 30, AND THE END OF THE HEREIN DESCRIBED CENTERLINE.

AND LESS THE EAST 50 FEET OF THE SOUTH 102.29 FEET OF LOT D, TRACT 66, PALM BEACH FARMS COMPANY PLAT #7, AS RECORDED IN PLAT BOOK 5, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

TOGETHER WITH:

THAT PORTION OF LOTS B AND C LYING SOUTHEASTERLY OF 6TH AVENUE SOUTH EXTENSION, BLOCK 67, AND ALL OF LOTS D AND E, BLOCK 67, AND ALL OF

THAT PORTION OF LOTS C AND D LYING SOUTHEASTERLY OF 6TH AVENUE SOUTH EXTENSION, BLOCK 68, PALM BEACH FARMS CO. PLAT NO. 7, OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 5, PAGE 72

TOGETHER WITH THE FOLLOWING TWO PARCELS OF LAND::

BEING THE EAST HALF OF THAT PORTION OF THE PLATTED 30-FOOT ROADWAY LYING BETWEEN THE WEST LINE OF TRACTS B,C,D, AND E, BLOCK 66, AND THE EAST LINE OF TRACTS B,C,D, AND E, BLOCK 67, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION LYING SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF THE WEST EXTENSION OF 6TH AVENUE SOUTH.

AND

BEING THE WEST HALF OF THAT PORTION OF THE PLATTED 30-FOOT ROADWAY LYING BETWEEN THE WEST LINE OF TRACTS B,C,D, AND E, BLOCK 66, AND THE EAST LINE OF TRACTS B,C,D, AND E, BLOCK 67, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION LYING SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF THE WEST EXTENSION OF 6TH AVENUE SOUTH.

LESS AND EXCEPT THE FOLLOWING PARCELS OF LAND FOR ADDITIONAL RIGHT-OF-WAY FOR MELALEUCA LANE AS DESCRIBED IN O.R.B. 7100, PG. 1193 AND OTHER RECORDED INSTRUMENTS

RIGHT-OF-WAY AQUISITION PARCEL 127- THAT PORTION OF TRACT B BLOCK 66 OF THE PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, AT PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT BRASS DISC AT THE NORTHEAST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 30; THENCE SOUTH $01^{\circ}24'23''$ WEST ALONG THE EAST LINE OF SAID SOUTHEAST $\frac{1}{4}$, A DISTANCE OF 129.00 FEET TO A POINT OF INTERSECTION WITH THE BASE LINE OF SURVEY, OF 6TH AVENUE SOUTH EXTENSION; THENCE NORTH $87^{\circ}30'45''$ WEST ALONG SAID BASE LINE OF SURVEY, A DISTANCE OF 331.73 FEET, THENCE SOUTH $02^{\circ}09'13''$ WEST AS MEASURED AT RIGHT ANGLES TO SAID BASE LINE OF SURVEY, DISTANCE OF 53.00 FEET TO THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF SAID 6TH AVENUE SOUTH EXTENSION, AND TO THE POINT OF BEGINNING; THENCE SOUTH $01^{\circ}24'36''$ WEST ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE, ALSO BEING THE EAST LINE OF SAID TRACT B, A DISTANCE OF 13.00 FEET; THENCE NORTH $07^{\circ}30'45''$ WEST, DEPARTING SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE, PARALLEL WITH AND 13.00 FEET SOUTH OF SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 169.48 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 791.00 FEET; THENCE WESTERLY AND SOUTHEASTERLY A DISTANCE OF 148.79 FEET ALONG THE ARC OF SAID CURVE. THROUGH A CENTRAL ANGLE OF $10^{\circ}46'39''$ TO THE WEST LINE OF SAID TRACT B, SAID WEST LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF A 30.00 FEET WIDE ROAD AS SHOWN ON SAID PALM BEACH FARMS CO. PLAT NO. 7; THENCE NORTH $01^{\circ}24'52''$ EAST ALONG SAID WEST LINE OF TRACT B, A DISTANCE OF 12.29 FEET TO SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF 6TH AVENUE SOUTH EXTENSION AND TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 765.51 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH $09^{\circ}04'41''$ WEST; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE AT A DISTANCE OF 150.07 FEET ALONG THE ARC OF SAID CURVE, THROUGH A

CENTRAL ANGLE OF 11°13'56" TO A POINT OF TANGENCY; THENCE SOUTH 87°50'45" EAST CONTINUING ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 168.72 FEET TO THE POINT OF BEGINNING. CONTAINING 4088 SQUARE FEET MORE OR LESS.

RIGHT-OF-WAY AQUISITION PARCEL 128-THAT PORTION OF TRACTS B AND C BLOCK 67 OF THE PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5 AT PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT BRASS DISC AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 30; THENCE SOUTH 01°24'23" WEST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 129.00 FEET TO A POINT OF INTERSECTION WITH THE BASE LINE OF SURVEY OF 6TH AVENUE SOUTH EXTENSION; THENCE NORTH 87°50'35" WEST ALONG SAID BASE LINE OF SURVEY, A DISTANCE OF 500.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 818.51 FEET; THENCE SOUTHEASTERLY 181.21 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID BASE LINE OF SURVEY OF 6TH AVENUE SOUTH EXTENSION. THROUGH A CENTRAL ANGLE OF 12°41'04" TO AN INTERSECTION WITH NORTHERLY PROJECTION OF THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF A 30.00 FEET WIDE ROAD BETWEEN BLOCK 66 AND 67 AS SHOWN ON SAID PALM BEACH FARMS CO. PLAT NO. 7; THENCE SOUTH 01°24'32" WEST ALONG SAID NORTHERLY PROJECTION, A DISTANCE OF 34.26 FEET TO A POINT OF INTERSECTION OF THE EXISTING SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID 6TH AVENUE SOUTH EXTENSION AS REPORTED IN OFFICIAL RECORDS BOOK 1918 AT PAGES 753 AND 754 AND IN PLAT BOOK 4 AT PAGES 61 THROUGH 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF SAID 30.00 FEET WIDE ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 01°24'32" WEST ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 12.02 FEET TO A POINT IN A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 791.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 10°30'11" WEST; THENCE SOUTHWESTERLY, DEPARTING SAID EXISTING WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 353.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°36'13" TO THE WEST LINE OF SAID TRACT C; THENCE NORTH 01°25'09" EAST ALONG SAID WEST LINE A DISTANCE OF 4.59 FEET TO SAID EXISTING SOUTHEASTERLY RIGHT-OF-WAY LINE OF 6TH AVENUE SOUTH EXTENSION, AND TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 765.31 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 38°03'21" WEST; THENCE NORTHEASTERLY A DISTANCE OF 356.98 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 26°43'08" TO THE POINT OF BEGINNING.

CONTAINING 2930 SQUARE FEET MORE OR LESS.

RIGHT-OF-WAY AQUISITION PARCEL 129- THOSE PORTIONS OF TRACT C AND D BLOCK 68 OF THE PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5 AT PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT BRASS DISC AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 30; THENCE SOUTH 01°24'23" WEST ALONG THE EAST LINE OF SAID SOUTHEAST ¼, A DISTANCE OF 129.00 FEET TO A POINT OF INTERSECTION WITH A BASE LINE OF SURVEY OF 6TH AVENUE SOUTH EXTENSION; THENCE NORTH 87°50'45" WEST ALONG SAID BASE LINE OF SURVEY A DISTANCE OF 500.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY

HAVING A RADIUS OF 818.51 FEET; THENCE WESTERLY AND SOUTHEASTERLY A DISTANCE OF 671.43 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID BASE LINE OF SURVEY, THROUGH A CENTRAL ANGLE OF 47°00'00" TO A POINT OF TANGENCY; THENCE SOUTH 44°50'45" EAST ALONG A LINE RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 53.00 FEET TO A POINT ON THE EXISTING SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID 6TH AVENUE SOUTH EXTENSION AS RECORDED IN OFFICIAL RECORDS BOOK 1916 AT PAGES 753 THROUGH 754 AND IN PLAT BOOK 4 AT PAGES 61 THROUGH 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 45°09'15" WEST ALONG SAID EXISTING SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 28.26 FEET TO A POINT OF CUSP WITH A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 791.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 44°50'45" WEST; THENCE NORTHEASTERLY, A DISTANCE OF 116.01 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°24'12" TO THE EAST LINE OF SAID TRACTS C AND D; THENCE NORTH 01°23'09" EAST ALONG SAID EAST LINE, A DISTANCE OF 4.59 FEET TO SAID EXISTING SOUTHEASTERLY RIGHT-OF-WAY LINE OF 6TH AVENUE SOUTH EXTENSION AND A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 765.51 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 38°05'22" WEST; THENCE SOUTHEASTERLY A DISTANCE OF 90.27 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EXISTING SOUTHEASTERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 06°45'23" TO THE POINT OF BEGINNING.

CONTAINING 190.00 SQUARE FEET MORE OF LESS.

TOTAL AREA=6.503 ACRES

EXHIBIT B

VICINITY SKETCH

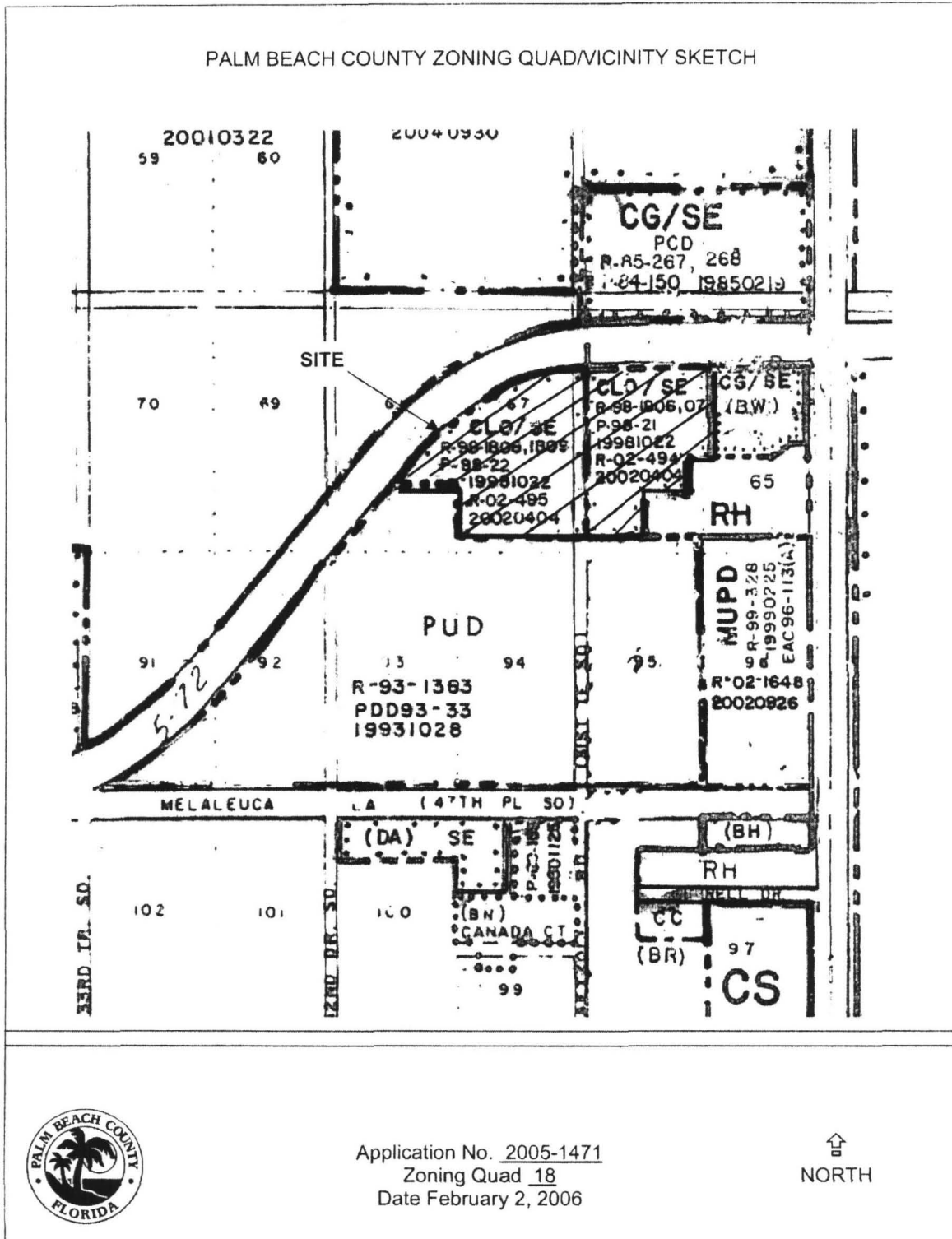


EXHIBIT C

CONDITIONS OF APPROVAL

ACCESS

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record a cross access agreement from the subject property to the adjacent commercial property to the northeast in a form and manner that is acceptable to the County Attorney's office. (DRO: COUNTY ATTY - Zoning)

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated December 16, 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. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, architectural elevations shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, 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. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW -Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:
No Building Permits for the site may be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. LANDSCAPE WITHIN THE MEDIAN OF MELALEUCA LANE
The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Melaleuca Lane. This landscaping and irrigation shall strictly conform to 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 property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner provides payment for maintenance as set forth in Paragraph d below.
 - a) The necessary permit(s) for this 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 landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

- c) At property owner's 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 property owner. The property owner 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 property owner. (ONGOING:ENG-Eng)
 - d) Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Melaleuca Lane. 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. (ONGONG:ENG-Eng)
3. Prior to issuance of the building permit, the property owner shall record a line of sight easement as shown on the accompanying site plan. Line of sight easement shall be approved by the County Attorney and the County Engineer prior to recordation. (BLDG PERMIT: MONITORING-Eng)

HEALTH

- 1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)

ZONING - LANDSCAPING-STANDARD

- 1. Prior to the issuance of the 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)
- 2. 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)
- 3. 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)
- 4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
- 5. Field adjustment of berm and plant material 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)

ZONING – LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF MELALEUCA LANE)

- 1. In addition to code requirements, landscaping along the north property line shall be upgraded to include:
 - a. a minimum one (1) to two (2) foot high undulating berm with an average height of two and one-half (1.5) feet; and,
 - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING – LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. In addition to code requirements, landscaping along the south property line and the south 238 feet of the east property line shall be upgraded to include:
 - a. a six (6) foot high opaque concrete wall. Height of wall shall be measured from the highest grade at the property line of the two adjoining properties (i.e. subject property and adjoining residential property). Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Shop drawings of this wall shall be reviewed and approved by the Arch Review/Landscape Section prior to the issuance of a building permit.
 - b. one additional palm or pine shall be planted per twenty (20) linear feet on alternating sides of the wall;
 - c. medium shrubs shall be planted thirty (30) inches on center on the interior side of the wall. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-INTERIOR

- 1. All focal points (i.e. trellis, gazebo, etc.) shall be subject to review and approval by the Architectural Review Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: ARCH REVEIW - Zoning)
- 2. Foundation planting, a minimum eight (8) feet in width, shall be provided for sixty (60) percent of the south facade of the building; a minimum of one palm per twenty (20) linear feet shall be provided. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

- 1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
- 2. All outdoor freestanding lighting fixtures be setback fifty (50) feet from the south and east property lines adjacent to residential property. (BLDG PERMIT: BLDG - 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 Eng)

PARKING

1. The parking area within the rear 100 feet of the site be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (ONGOING: CODE ENF - Zoning)

SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within seventy-five (75) feet of any property line, and shall be confined to the general area designated on the site plan. (DRO: ZONING-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. (ONGOING:PBCWUD- PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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