

RESOLUTION NO. R-2008- 0920

RESOLUTION APPROVING ZONING APPLICATION DOA-2008-094
(CONTROL NUMBER 1999-006)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF SBM ASSOCIATES INC, SLABBAGE GROUP LL INC
BY KILDAY & ASSOCIATES, INC., AGENT
(SHOPPES OF SHERBROOK)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application DOA-2008-094 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 DOA-2008-094, the application of Sbm Associates Inc, Slabage Group LI Inc, by Kilday & Associates, Inc., agent, for a Development Order Amendment to reconfigure the site plan, modify the uses, modify conditions of approval and delete 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 May 22, 2008, 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 Jeff Koons and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Aye
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Absent
Burt Aaronson	¥	Aye
Jess R. Santamaria	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 22, 2008.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2008.

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

**SHOPPES OF SHERBROOKE MUPD
LEGAL DESCRIPTION**

ALL OF TRACT "A", SHOPPES OF SHERBROOKE, M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 97, PAGE 47 AND 48 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 10.06 ACRES, MORE OR LESS.

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous condition A.1 of Resolution R-2005-0152, Petition 1999-006, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-1 155 (Petition 99-006), has been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E 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-2005-0152 (Petition 99-006), has been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Previous condition A.2 of Resolution R-2005-0152, Petition 1999-006, 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 September 1, 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)

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 preliminary site plan is dated February 25, 2008. 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)

ACCESS

1. Previous condition B.1 of Resolution R-2005-0152, Petition 1999-006, which currently states:

Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall indicate the limitation of vehicular access from Lyons Road to the shopping center to I driveway, to be located at the south end of the project as shown on the certified site plan dated June 24, 1999. (DRO: ENG - Planning) (Previous condition B.1 of Resolution R-99-1 155, Petition 1999-006)

Is hereby amended to read:

Prior to final site plan certification by the Development Review Officer (DRO), the site plan shall indicate the limitation of vehicular access from Lyons Road to the shopping center to I driveway, to be located at the south end of the project as shown on the certified site plan dated January 25, 2008. (DRO: ENG - Planning)

ARCHITECTURAL REVIEW

1. Previous condition C.1 of Resolution R-2005-0152, Petition 1999-006, which currently states:

All buildings shall be designed and constructed to be compatible with the general architectural character of the surrounding areas and shall include the following:

- a. All structures shall have either a hip, gable, mansard, gambrel, or hip-on-deck (false pitch roof attached to a flat roof) roof. A full flat roof shall not be permitted.
- b. Exterior building finishes shall be limited to:
 - i. Finished wood (painted or stained) or materials which has a wood appearance (cement based with fiberglass);
 - ii. Vinyl siding;
 - iii. Brick or brick veneer; and,
 - iv. Stucco;
- c. Doors and window trims;
- d. A combination of three (3) of the following decorative detailing shall be provided along with the above exterior finishes for all building facades:
 - i. Pilasters or columns;
 - ii. Horizontal banding or reveal;
 - iii. Railings;
 - iv. Moldings;
 - v. Vents or louvers; and/or,
 - v. Arches;
- e. Exterior roof finishes shall be limited to metal, slate, barrel or Spanish S" shaped clay or concrete tiles, wood shakes or dimensional asphalt shingles;
- f. All exterior colors are limited to earthtones, neutrals (whites and grays) and muted greens (sage or olive);
- g. All roof top mechanical and electrical equipment and satellite dishes shall be screened from view so as not to be visible from any property line by the parapet or roof treatment (i.e. dormers, cupola, etc.); and,
- h. Similar architectural treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG- Zoning)

Is hereby deleted. [REASON: The condition has been completed.]

2. Previous condition C.2 of Resolution R-2005-0152, Petition 1999-006, which currently states:

Prior to final site plan approval by the Development Review Officer, building elevations for all the buildings, with color indications, shall be approved and incorporated into the certified site plan and petition file. (DRO: ZONING Zoning)

Is hereby deleted. [REASON: The condition has been completed.]

3. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building's architecture. (BLDG PERMIT: BLDG - Zoning) (Previous condition C.3 of Resolution R-2005-0152, Petition 1999-006)
4. All ground mounted 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. (BLDG PERMIT: BLDG - Zoning) (Previous condition D.1 of Resolution R-2005-0152, Petition 1999-006)

5. The maximum height for all buildings, measured from finished grade to highest point, shall be one story and not exceed thirty (30) feet. Decorative architectural entrance/focal point features, which does not support occupied/useable square footage may exceed the height limitation of this condition up to a maximum of forty-five (45) feet, measured from finished grade to highest point, provided all ULDC setbacks requirements are met. (BLDG PERMIT: BLDG - Zoning) (Previous condition D.4 of Resolution R-2005-0152, Petition 1999-006)

ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the project's entrance road. This right-of-way shall be a minimum of 150 feet in storage 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. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.1 of Zoning Resolution No. R-2005-0152, Control No 1999-006 [COMPLETED])
2. The property owner has shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a) Lyons Road 55 feet from centerline; [COMPLETED]
 - b) Lantana Road 60.5 feet from centerline; [COMPLETED]
 - c) Additional Right of Way to provide for the realignment of Lyons Road as identified on the site plan presented at the Board of County Commissioners public hearing. [COMPLETED]

This additional right of way shall be conveyed prior to the issuance of the first Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING Eng) (Previous condition E.2 of Zoning Resolution No. R-2005-0152, Control No 1999-006)

3. The Property owner shall construct:
 - a) Right turn lane west approach on Lantana Road at the project entrance road; [COMPLETED]
 - b) Left turn lane north approach on Lyons Road at the project entrance road; [COMPLETED]
 - c) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - d) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.
 - e) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng) (Previous condition E.3 of Zoning Resolution No. R-2005-0152, Control No 1999-006)

4. Engineering Condition E4 of Zoning Resolution No. R-2005-0152, Control No 1999-006) which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) No Building Permits may be issued until construction commences on Lantana Road from SR 7 to Hagen Ranch Road as a 6 lane section.
- b) Building Permits for more than 13,190 S.F. of retail area (the equivalent of 1100 trips per day) may be issued until construction commences on SR 7 as a 6 lane section from Lake Worth Road to Boynton Beach Boulevard. (BLDG PERMIT: MONITORING Eng)

The mix of allowable commercial uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING Eng) (Previous condition)

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) No Building Permits may be issued until construction commences on Lantana Road from SR 7 to Hagen Ranch Road as a 4 lane section. [COMPLETED]
- b) Building Permits for more than 13,190 S.F. of retail area (the equivalent of 1100 trips per day) may be issued until construction commences on SR 7 as a 6 lane section from Lake Worth Road to Boynton Beach Boulevard. (BLDG PERMIT: MONITORING-Eng) [COMPLETED]

The mix of allowable commercial uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

5. Prior to the issuance of the first building permit, the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING Eng) (Previous condition E.5 of Zoning Resolution No. R-2005-0152, Control No 1999-006) [COMPLETE]

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Lantana Road right of way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County . When permitted by 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 landscape material, installation, and maintenance

requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING Eng) [COMPLETED]

- 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 petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. If a certificate of occupancy is requested prior to the completion of the Lantana Road widening, then the property owner may post surety in the amount of 100% of an approved certified cost estimate with the Office of the County Engineer for the required median plantings. All landscape material shall then be installed within 90 days from receipt of notice that the Lantana Road widening has been completed. (CO: MONITORING Eng) [COMPLETED]
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING Eng) (Previous condition E.6 of Zoning Resolution No. R-2005-0152, Control No 1999-006) [COMPLETED]

- 7. Prior to DRC approval, the site plan shall be modified to reflect the projects main entrance to the site onto Lyons Road be relocated a minimum of 50 feet north of the project's south property line. (DRO: ENG) (Previous condition E.7 of Zoning Resolution No. R-2005-0152, Control No 1999-006) [ONGOING]

Note: Complete

8. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF LANTANA ROAD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide for landscape cutouts within the concrete median of Lantana Road Rights of Way a contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING Eng) [COMPLETED]

- B. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material and paver block shall be funded at the property owners expense. All new landscape and paver block material shall also be the perpetual maintenance obligation of the petitioner and its successors, or assignees or duly established Property Owner's Association Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. If a certificate of occupancy is requested prior to the completion of the Lantana Road widening, then the property owner may post surety in the amount of 100% of an approved certified cost estimate with the Office of the County Engineer for the required median plantings. All landscape material shall then be installed within 90 days from receipt of notice that the Lantana Road widening has been completed (CO: MONITORING Eng) [COMPLETED]
 - C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit. (BLDG PERMIT: MONITORING Eng) (Previous condition E.8 of Zoning Resolution No. R-2005-0152, Control No 1999-006) [COMPLETED]
9. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
- A) No Building Permits for the site may be issued after January 1, 2010. 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)

LANDSCAPING-STANDARDS

- 1. Fifty (50%) percent of all canopy trees required to be planted on site by this approval, shall meet the following minimum standards at installation:
 - a. Tree height: Twelve (12) feet;
 - b. Trunk diameter: 2.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: Six (6) 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 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous condition F. 1 of Resolution R-2005-0152, Petition 1999-006)
- 2. All palms required to be planted on site by this approval, shall meet the following minimum standards at installation:
 - a. Palm heights: Twelve (12) feet clear trunk;
 - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous condition F.2 of Resolution R-2005-0152, Petition 1999-006)
- 3. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (DRO: LANDSCAPE - Zoning) (Previous condition F.3 of Resolution R-2005-0152, Petition 1999-006)

LANDSCAPING-LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES
(LANTANA AND LYONS ROAD FRONTAGES)

4. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum one to three foot high undulating berm with an average height of two (2) feet measured from top of curb. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the north property line buffers;
 - c. Equivalent of one (1) canopy tree planted into this area every thirty (30) feet of linear property line with a maximum spacing of sixty (60) feet between clusters. A cluster of three (3) or more palms or pine trees may substitute for a required canopy tree at that location. A maximum of twenty-five (25) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
 - d. Equivalent of one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,
 - e. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous condition G.1 of Resolution R-2005-0152, Petition 1999-006)

5. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip;
 - b. A minimum three (3) to five (5) foot high undulating berm with an average height of four (4) feet measured from top of curb. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the west property line buffers;
 - c. Equivalent of one (1) canopy tree planted every thirty (30) feet of linear property line with a maximum spacing of sixty (60) feet between clusters. A cluster of three (3) or more palms or pine trees may substitute for a required canopy tree at that location. A maximum of twenty-five (25) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
 - d. Equivalent of one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,
 - e. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty (30) inches; and,
 - f. One (1) medium shrub for each four (4) linear feet of the property line in the area north of the western access for approximately one hundred and eighty (180) linear feet. Shrub shall be a minimum of thirty-six (36) inches at installation; and,
 - g. One (1) large shrub for each six (6) linear feet of the property line in the area north of the western access for approximately one hundred and eighty (180) linear feet. Shrub shall be a minimum of forty-eight (48) inches at installation.
 - h. The property owner shall submit a Landscape Plan to the Landscape Section for review and approval prior to January 31, 2005, and complete installation of the above prior to March 1, 2005. Plant materials may exceed what are required under conditions G.2a through G.2g (to ensure effective screening of this portion of the site). (DATE: LANDSCAPE - Zoning) (Previous Condition G.2 of R-2005-0152, Petition 1999-006)

LANDSCAPING-LANDSCAPING ALONG SOUTH PROPERTY LINE AND THE
SOUTHEAST PORTION OF THE EAST PROPERTY LINE (ADJACENT TO
RESIDENTIAL)

6. Landscaping and buffering along the south property line and southeast portion of the east property line adjacent to residential district shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. Continuous two (2) foot high berm measured from top of curb. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the south and east property line buffers;
 - c. A six (6) foot high opaque prefabricated wall located at the plateau of the required berm;
 - d. Equivalent of one (1) canopy tree planted every twenty (20) linear feet of property line with a maximum of forty (40) feet between clusters. 50% of the trees shall be located on exterior side of the wall;
 - e. Equivalent of one (1) palm or pine tree for each twenty-five (25) linear feet of property line, with a maximum spacing of fifty (50) feet between clusters. 50% of the palms shall be located on the exterior side of the wall; and,
 - f. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and maintained at a minimum height of sixty (60) inches and located both sides of the wall. (DRO: LANDSCAPE - Zoning) (Previous condition H.1 of Resolution R-2005-0152, Petition 1999-006)

LANDSCAPING-INTERIOR

7. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRO: ZONING - Zoning) (Previous condition I.1 of Resolution R 2005-0152, Petition 1999-006)
8. Foundation planters shall be provided along all facades of the MUPO buildings 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 each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO:LANDSCAPE-Zoning) (Previous condition I.2 of Resolution R-2005-0152, Petition 1999-006)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity (minimum wattage necessary to satisfy the Security Code), shielded and directed down and away from adjacent properties and streets. (ONGOING:CODE ENF - Zoning) (Previous condition J.1 of Resolution R-2005-0152, Petition 1999-006)

2. All freestanding outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. ((ONGOING: CODE ENF - Zoning) (Previous condition J.2 of Resolution R-2005-0152, Petition 1999-006)
3. All outdoor lighting fixtures shall be set back a minimum of fifty (50) feet from the south and east property lines. (ONGOING: CODE ENF - Zoning) (Previous condition J.3 of Resolution R-2005-0152, Petition 1999-006)
4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after the hours of operation, excluding security lighting only.(ONGOING: CODE ENF - Zoning) (Previous condition J.4 of Resolution R-2005-0152, Petition 1999-006)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous condition J.5 of Resolution R-2005-0152, Petition 1999-006)
6. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition J.1 above. (ONGOING:CODE ENF - Zoning) (Previous condition J.6 of Resolution R-99-1155, Petition 1999-006)

MULTIPLE USE PLANNED DEVELOPMENT

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CTY ATTY - Zoning) (Previous condition L.1 of Resolution R-2005-0152, Petition 1999-006)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CTY ATTY - Zoning) (Previous condition L.2 of Resolution R-2005-0152, Petition 1999-006)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous condition M.1 of Resolution R-2005-0152, Petition 1999-006)
2. All delivery, loading areas, and/or bay doors, unless internally oriented, shall be redesigned to be oriented away from residential property lines and be screened from view by a twelve (12) foot high wing wall, measured from finished grade to highest point, along the length of the delivery and loading areas. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (DRO:ZONING - Zoning) (Previous condition M.2 of Resolution R-2005-0152, Petition 1999-006)

SIGNS

1. New freestanding point of purchase signs (including entrance wall and directional signs) fronting on Lantana and 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 -100 square feet along Lantana frontage and 80 square feet along Lyons Road frontage;
 - c. Maximum number of signs - One (1) at each right-of-way frontage;
 - d. Location - Within 30 feet on each side of each accessway; and,
 - e. Style - Monument style only. (BLDG PERMIT: BLDG - Zoning) (Previous condition 0.1 of Resolution R-2005-0152, Petition 1999-006)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING: CODE ENF-Zoning) (Previous condition 0.2 of Resolution R-2005-0152, Petition 1999-006)
3. Replacement of the existing entrance wall sign/project identification sign for the Sherbrooke Estates PUD at the northwest corner of the site shall be limited to the following:
 - a. Maximum sign height, measured from finished grade to highest point - Eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - One (1);
 - d. Location - Within 30 feet of the northwest corner of the site, outside of the safe sight corner/triangle; and,
 - e. Style - Monument style only. (BLDG PERMIT: BLDG - Zoning) (Previous condition 0.3 of Resolution R-2005-0152, Petition 1999-006)
4. Wall signage for the proposed buildings and canopies/awnings shall be limited to the following:
 - a. Retail Building A - North and west facades;
 - b. Retail Building B (Pharmacy building) - North and west facades only, with a maximum of one hundred (100) square feet total per facade; and,
 - c. Retail Building D - North facade only with a maximum of sixty (60) square feet total. (BLDG PERMIT: BLDG - Zoning) (Previous condition 0.4 of Resolution R-2005-0152, Petition 1999-006)

SITE DESIGN

1. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of each main accessway from Lantana and Lyons Roads. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade or any other site element or architectural design acceptable to the Zoning Division. (DRO: ZONING - Zoning) (Previous condition D.2 of Resolution R-2005-0152, Petition 1999-006)
2. Trash compactor, dumpsters and/or recycling areas shall be completely screened by a visually opaque barrier consistent with the color, character and architectural style of the principal structure and be designed in accordance with the ULDC and Solid Waste Authority (SWA) requirements. (ONGOING: CODE ENF -Zoning) (Previous condition D.5 of Resolution R-2005-0152, Petition 1999-006)

3. Previous condition D.6 of Resolution R-2005-0152, Petition 1999-006, which currently states:

Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated June 24, 1999. (DRO: ZONING-Zoning)

Is hereby deleted. [REASON: The condition has been completed.]

USE LIMITATIONS

1. Total gross floor area shall be limited to 92,459 square feet with a maximum one thousand (1,000) square feet increase if approved by the Traffic Division. (DRO: ZONING - Zoning) (Previous condition D.3 of Resolution R-2005-0152, Petition 1999-006)
2. Individual tenants or users in the building(s) shall be limited to a maximum of fifty thousand (50,000) square feet. (BLDG PERMIT: BLDG -Zoning) (Previous condition P.1 of Resolution R-2005-0152, Petition 1999-006)
3. Previous condition P.2 of Resolution R-99-1 155, Petition 1999-006, which currently states:

Gasoline stations (automotive service stations, convenience stores with gas sales), and fast food Restaurants shall be prohibited on this site. (ONGOING: CODE ENF - Planning)

is hereby amended to read:

Gasoline stations (automotive service stations, convenience stores with gas sales) and freestanding Type I restaurants with drive thrus shall be prohibited on the site. (ONGOING: CODE ENF - Planning)

4. Previous condition P.3 of Resolution R-99-1 155, Petition 1999-006, which currently states:

Hours of business operation (open to the public) shall be limited from 6:00 a.m. to 11:00 p.m. daily. This condition shall not apply to the pharmacy building. (ONGOING: CODE ENF- Zoning)

Is hereby amended to read:

Hours of business operation (open to the public) shall be limited from 6:00 a.m. to 11:00 p.m. daily. This condition shall not apply to the pharmacy building or the 49,989 square foot fitness center. (ONGOING: CODE ENF- Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
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 15th Judicial Circuit. (ONGOING: MONITORING - Zoning)

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