

RESOLUTION NO. R-2008- 1377

RESOLUTION APPROVING ZONING APPLICATION DOA2007-1596  
(CONTROL NUMBER 1997-00004)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF KEREKES LAND TRUST # 9  
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOC, AGENT  
(FOUNTAINS EAST MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, 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 DOA2007-01596 was presented to the Board of County Commissioners at a public hearing conducted on August 28, 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 DOA2007-01596, the application of Kerekas Land Trust # 9, by Gentile, Holloway, O'Mahoney & Assoc, agent, for a Development Order Amendment to reconfigure the site plan, amend conditions of approval, to add an access point and to revise the development timeline (restart the commencement clock) 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 August 28, 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 McCarty 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	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 28, 2008.

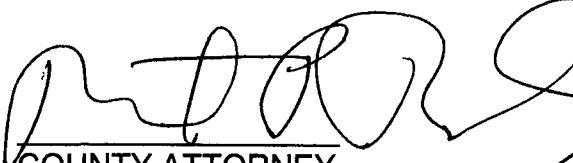
Filed with the Clerk of the Board of County Commissioners on August 28, 2008.

This resolution was filed with the Clerk of the Board of County Commissioners on September 18, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND SITUATED IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE AFORESAID SECTION 22; THENCE NORTH 00°41'06" WEST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER (SE 1/4) A DISTANCE OF 1331.34 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SOUTHEAST ONE-QUARTER (SE 1/4); THENCE NORTH 89°31'42" EAST ALONG SAID LINE, A DISTANCE OF 51.88 FEET TO THE EAST RIGHT-OF-WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 4224, PAGE 780, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 615.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE SOUTH 00°30'38" EAST ALONG SAID LINE, A DISTANCE OF 1144.98 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) AS SHOWN IN COUNTY ROAD PLAT BOOK 2, PAGE 5, AND AS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 4251, PAGE 575 AND AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 97931-2347; THENCE NORTH 86°24'21" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 324.19 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 88°18'58" WEST, A DISTANCE OF 270.97 FEET TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°08'31"; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 46.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF JOG ROAD; THENCE NORTH 00°10'27" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1081.68 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 696,725 SQUARE FEET OR 15.995 ACRES, MORE OR LESS.

TOGETHER WITH: PARCEL 2:

A PARCEL OF LAND SITUATED IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

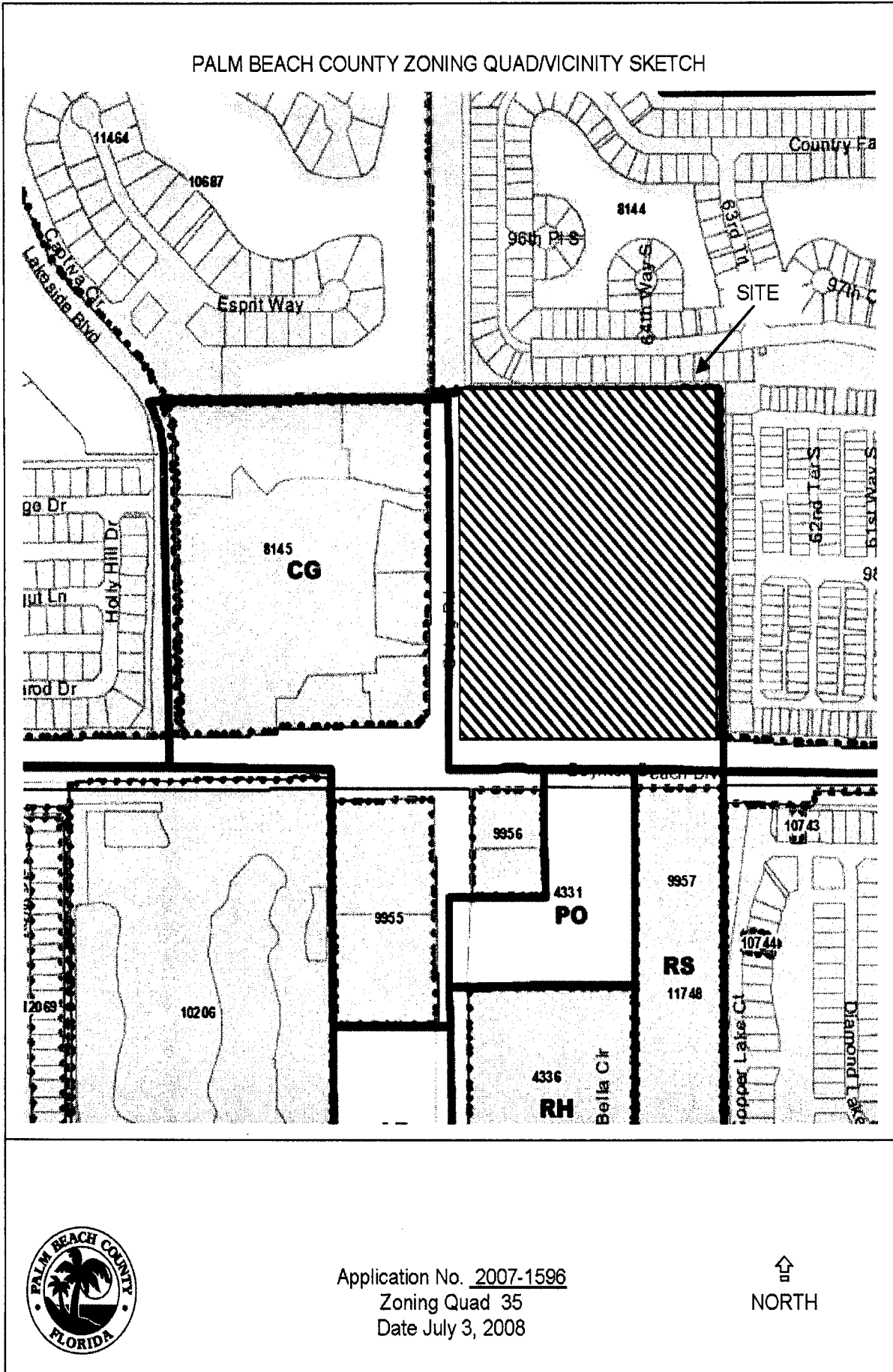
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE AFORESAID SECTION 22; THENCE NORTH 00°41'06" WEST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER (SE 1/4), A DISTANCE OF 1331.34 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SOUTHEAST ONE-QUARTER (SE 1/4); THENCE NORTH 89°31'42" EAST ALONG SAID LINE, A DISTANCE OF 51.88 FEET TO THE EAST RIGHT-OF-WAY LINE OF JOG ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4224, PAGE 780; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 615.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 333.67 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE

SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE SOUTH 00°30'38" EAST ALONG SAID LINE, A DISTANCE OF 1168.61 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) AS SHOWN IN COUNTY ROAD PLAT BOOK 2, PAGE 5, AND AS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 4251, PAGE 575 AND AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 97931-2347; THENCE NORTH 86°24'21" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 333.36 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE NORTH 00°30'38" WEST ALONG SAID LINE, A DISTANCE OF 1144.98 FEET TO THE POINT OF BEGINNING, SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 385,306 SQUARE FEET OR 8.845 ACRES, MORE OR LESS.

CONTAINING IN ALL 1,082,031 SQUARE FEET OR 24.840 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition A.1 of Resolution R-2002-1017, Control 1997-004, 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 June 11, 2002. 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 preliminary site plan is dated July 11, 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)

2. Condition A.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Prior to final DRC certification of the site plan, the petitioner shall revise concurrency applications to be consistent with the site plan dated June 11, 2002. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by new ULDC requirement that ties concurrency to the Preliminary Site Plan.]

3. Based on Article 2.E of the Unified land Development Code, this development order meets the requirements to receive a new three (3) year review date from date of approval of this resolution. (ONGOING: MONITORING - Zoning)

#### ARCHITECTURAL REVIEW

1. Previous Condition B.1 of Resolution R-2002-1017, Control No. 1997-004, which currently states:

At time of submittal for final DRC certification architectural elevations for the principal structure shall be submitted for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ZONING - Zoning)

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the primary building 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. 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. Previous Condition B.3 of Resolution R-2002-1017, Control No. 1997-004, which currently states:

All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by new code requirements, proposed elevations to be presented to the BCC to garner support, and Conditions requiring compliance with the Boynton Beach Boulevard Turnpike Interchange Corridor Design Guidelines.]

3. Previous Condition B.2 of Resolution R-2002-1017, Control No. 1997-004, which currently states:

Elevations for all secondary/out parcel buildings shall be submitted prior to building permit for architectural review and approval. The architecture of all buildings shall be consistent with Sec. 6.6.E of the ULDC. All secondary/out parcel buildings shall be unified in character, materials, colors, and architectural style of the approved elevations for the principal structure. (BLDG PRMT: ZONING)

Is hereby deleted. [REASON: Superseded by new code requirements, proposed elevations to be presented to the BCC to garner support, and Conditions requiring compliance with the Boynton Beach Boulevard Turnpike Interchange Corridor Design Guidelines.]

4. The creation of any building foundation shall be performed by low impact vibration equipment. (ONGOING: CODE ENF - Zoning) (Previous Condition B.4 of Resolution R-2002-1017, Control No. 1997-004)

## BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

Prior to final DRC certification of the master/site plan, the petitioner shall relocate or delete the dumpster currently shown at the southernmost retail building. (DRC/ONGOING: ZONING/CODE ENF - Zoning)

Is hereby deleted. [REASON: Revised site plan shows relocation of dumpster].

2. Condition C.2 of Resolution R-2002-1017, Control No, 1997-004, which currently states:

Prior to final DRC certification of the master/site plan, the petitioner shall revise the site plan to show a covered loading dock for the Grocery store" Building A. A full pitched roof, a minimum of thirty (30) feet in width and forty (40) feet in length, shall be provided over the loading dock. Design, color, pitch and material of the roof shall be consistent with the principal structure. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: Change of use under current request.]

3. Previous Condition C.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

The maximum height for the following structures shall be:

- a. Building A maximum thirty-five (35) feet ;
- b. All other building structures maximum thirty (30) feet;
- c. towers maximum height of sixty (60) feet including all architectural features and focal elements;
- d. all heights shall include architectural focal elements, air conditioning, mechanical equipment and satellite dishes and shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height for the following structures shall be:

- a. Building A (Convenience Store with Gas Sales) - maximum thirty-two (32) feet for main structure, and twenty-seven and one-half (27.5) feet for the canopy;
- b. Building L (General Daycare) - maximum twenty-five (25) feet;
- c. All other building structures maximum thirty-five (35) feet, with exception to two (2) roof peaks generally located towards the center (front facade) of the primary structure may be a maximum of forty (40) feet;
- d. Decorative Tower at Southwest corner of project - maximum sixty-five (65) feet; and,
- e. all heights shall include architectural focal elements, air conditioning, mechanical equipment and satellite dishes and shall be measured from finished grade to highest point. (BLDG PRMT: BLDG - Zoning)

4. A pedestrian courtyard with fountain shall bisect Building C, to include the following:

- a. Shall have an approximate dimension of twenty-five (25) feet in width by seventy (70) feet in length, with two (2) additional ten (10) foot deep by twenty (20) foot long pedestrian sitting areas;
- b. One (1) square fountain or water feature a minimum of five (5) feet in width by fifteen (15) feet in length, with a minimum perimeter height of two (2) feet;
- c. Two (2) decorative trellises with an approximate dimension of twenty-five (25) feet in width (located between both halves of Building C) and fifteen (15) feet in length. Climbing vines shall be incorporated into the design of each trellis;
- d. Decorative brick pavers shall be used for a minimum of seventy-five (75%) percent of all surface areas; and,
- e. Windows shall be required in both halves of Building C that allow for visibility of all areas of the courtyard, in a manner generally consistent with Community Policing Through Environmental Design (CPTED) practice. (BLDG PRMT: BLDG - Zoning)

5. Pedestrian plazas with decorative fountains shall be provided along the front facade of the primary building, as follows:

- a. Fountain dimensions - minimum twelve (12) foot in diameter, outer edge minimum three (3) feet in height, and internally fountain or decorative tiered fountain a minimum of six (6) feet in height;
- b. Plaza dimensions - in addition to required arcades, each fountain shall be located in or abutting a pedestrian plaza a minimum of ten (10) feet by fifteen (15) feet in area;
- c. Number of fountains/plaza features - minimum of three (3);
- d. Location - All required fountains shall be located in front of the west facade of the primary building. A minimum of one fountain/plaza shall be provided at the north and south ends of the primary building. (BLDG PRMT/DRO: BLDG/ZONING - Zoning)

6. Decorative brick pavers or brick shall be required as follows:

- a. Where any pedestrian walkway crosses a parking lot, accessway or other similar vehicular use area;
- b. Any sidewalks, pedestrian plazas or other similar gathering areas near fountains or trellises, excluding arcaded walkways;
- c. All uncovered sidewalks along the south and west facades of the primary building;
- d. The entire length of the walkway connecting Jog Road through the center of Building C to the primary structure, all other required walkways where located in divider medians, and the north/south sidewalk located in the primary parking lot;
- e. The three (3) primary vehicular ingress/egress access points from Jog Road (2) and Boynton Beach Boulevard (1), covering a minimum depth of one-hundred and forty (140) feet from the property line; and,
- f. A minimum of six (6) of the primary internal intersections. (BLDG PRMT/DRO: BLDG/DRO - Zoning)

7. The vehicular accessway located behind the primary building shall be limited to one-way traffic only. (DRO: ZONING - Zoning)



## DUMPSTER-DUMPSTER LOCATIONS

1. All areas or receptacles for the storage of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within 100 feet of the north or east property lines. (DRO/BLDG PRMT: ZONING/BLDG - Zoning)

## ENGINEERING

1. Engineering Condition E1 of Zoning Resolution R2002-1017, which currently states:

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:

- Jog Road at the Projects middle entrance;
- Jog Road at the Projects south entrance
- Boynton Beach Boulevard at the project's west 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 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. The 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)

Is hereby amended to read:

Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on:

- a) Jog Road at the Projects south entrance;
- b) Jog Road at the Projects middle entrance;
- c) Boynton Beach Boulevard at the project's west 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 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a 40 foot corner clip prior to the issuance of the first Building Permit whichever shall first occur. This Right-of-Way shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING-Eng)

Previous Condition E2 of Zoning Resolution R2002-1017, Zoning Petition Number PDD1997-004(B)

3. Engineering Condition E3 of Zoning Resolution R2002-1017, which currently states:

The Property owner shall construct:

- a) a right turn lane east approach on Boynton Beach Blvd at the projects west entrance road;
- b) extend the existing dual left turn lanes west approach on Boynton Beach Boulevard at Jog Road to a minimum length of 300 feet plus the appropriate paved taper.
- c) a right turn lane south approach on Jog Road at the project's north entrance road.
- i) 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.
- ii) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- iii) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property owner shall construct

- a right turn lane south approach on Jog Road at the project's south entrance road;
- a right turn lane south approach on Jog Road at the project's middle entrance road;
- left turn lane north approach on Jog Road at the project's middle entrance road a minimum of 280 feet in length plus a 50 foot paved taper.
- a right turn lane east approach on Boynton Beach Blvd at the projects west entrance road

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.

- a. Permits required from Palm Beach County and FDOT for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

4. Engineering Condition E2 of Zoning Resolution R2006-0151 which currently states:  
In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for more than 37,340 gross leasable floor area shall not be issued until the contract has been let for the construction of Hagen Ranch Road has begun for 5 lane section lane facility from canal to Boynton Beach Boulevard to Road Name plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) Note: Complete
- b) Building Permits for more than 62,952 gross leasable floor area shall not be issued until the contract has been let for the construction of the widening of Woolbright Road from Jog Road to Military Trail as a lane facility. Note: Complete
- c) Building Permits for more than 62,952 gross leasable floor area shall not be issued until construction has begun for Gateway Blvd from Jog Road to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) Note: Complete
- d) Building Permits for more than 109,749 square feet of gross leasable floor area (maximum 386 PM peak hour trips) shall not be issued until construction commences for an additional left turn lane (triple lefts) north approach at the intersection of Boynton Beach Boulevard and Jog Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

These intersection improvements shall consist of an additional north and south approach through lanes plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)  
e) No Building Permits for the site may be issued after January 1, 2007. 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)

Is hereby amended to read:

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

a. Building Permits shall not be issued for more than 157 external peak hour trips which would allow for a 16 fueling position gas station and 5,000 square foot convenience store until the contract has been let for the extension of Hypoluxo Road as a 4 lane section from Lyons Road to Hagen Ranch Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

b. Building Permits shall not be issued for more than 312 external peak hour trips which would allow for:

- 16 fueling position gas station and 5,000 square foot convenience store
- 10,000 square feet of retail
- 14,820 square foot drugstore
- 2 stall car wash

until construction has commenced for intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road.

These intersection improvements shall consist of an additional north and south approach through lanes plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

c. 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)

d. The mix of allowable commercial uses identified above may be adjusted as permitted by the Zoning Division and the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING:Eng)

5. Engineering Condition E5 of Zoning Resolution R2002-1017, which currently states:

#### LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Jog Road Right-of-Ways to provide for:

- a) median landscaping;
- b) concrete median cut outs;

This permit 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 latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing 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. (BLDG PERMIT: MONITORING- Eng)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)

C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner=s documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the first building permit. (BLDG PERMIT: ENGINEERING-Eng)

Is hereby deleted. Reason condition E7 is the new landscape condition

6. Engineering Condition E6 of Zoning Resolution R2002-1017, which currently states:

#### LANDSCAPE WITHIN MEDIAN OF STATE ROADS

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant to provide for:

- a) concrete median cut outs;

As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing 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)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during

periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)

C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner=s documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

Is hereby deleted. Reason condition E7 is the new landscape condition.

## 7. FUNDING OF MEDIAN LANDSCAPE IMPROVEMENTS

A. Prior to issuance of a building permit, the property owner shall fund median landscaping improvements for Boynton Beach Boulevard consisting of :

B. an irrigation system approved by the County Engineer within the median of Boynton Beach Boulevard from El Clair Ranch Road to Jog Road. Amount of this funding shall be determined by the County Engineer and provided to the property owner.

C. Replacement of the existing Washingtonian Palms with plant species approved by the County Engineer. Amount of the funding of the replacement material shall be determined by the County Engineer and provided to the property owner. Limits of the replacement material shall be from El Clair Ranch Road to the end of the median west of Alden Ridge Subdivision property line. (BLDG PERMIT: MONITORING- Eng) Previous Condition E7 of Zoning Resolution R2002-1017, Zoning Petition Number PDD1997-004(B)

D. New landscape material shall be consistent with the landscaping theme adopted for this roadway.

## 8. Engineering Condition E3 of Zoning Resolution R2006-0151, which currently states:

The property owner shall fund the installation of a traffic signal at Jog Road and the project's north entrance if and when warranted as determined by the County Engineer. Surety required for this signal shall be posted prior to the issuance of a Building Permit and shall remain in effect for a twenty (20) year time period. A traffic study shall be provided by the property owner prior to issuance of the building permit and shall include existing and proposed traffic volumes, synchronization and vehicle delay study. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to state:

The property owner shall fund the installation of a traffic signal at the intersection of Jog Road and the Projects main Entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs, required utility relocation, and right of way easement acquisition. Prior to the issuance of a Certificate of Occupancy the Property Owner shall permit, install and have operational the traffic signal at the intersection of Jog Road and the Projects main Entrance. (CO:MONITORING-Eng)

## 9. Engineering Condition E4 of Zoning Resolution R2006-0151 which currently states:

Acceptable surety required for the improvements identified in Condition No. E4d above shall be posted with the Office of the Land Development Division on or before July 26, 2006 . Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Property Owner's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based on an updated cost estimate prepared by the Roadway Production Division at the time of final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng)

Is hereby amended to read:

Acceptable surety required for the intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road as outlined in Condition E4 shall be posted with the Office of the Land Development Division on or before February 26, 2009. Surety in the amount of 110%

shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng) Note: Complete.

10. Condition E5 of Zoning Resolution R2006-0151 Zoning Petition Number PDD1997-004 which currently states:

The Property owner shall fund the construction plans, right of way acquisition costs and the construction of the improvements identified in condition E.4d above. Funding shall be completed on or before July 26, 2006. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE/MONITORING-Eng)

Is hereby deleted . Reason: These improvements are no longer required.

11. Condition E6 of Zoning Resolution R2006-0151 Zoning Petition Number PDD1997-004 which currently states:

Prior to September 1, 2006 the property owner shall convey to Palm Beach County Land Development Division by warranty deed for an Expanded Intersection at Boynton Beach Boulevard and Jog Road, including triple left turn lanes on the north approach. Right of way conveyance shall be free of all encroachments and encumbrances. The 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. The Grantor also agrees to provide Palm Beach County an environmental report subject to the approval of the County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. . In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING-Eng)

Is hereby deleted . Reason: Condition E1 and E2 above replaces this previous condition.

#### LANDSCAPE – STANDARD

1. Prior to the issuance of a Building Permit, the property owner shall submit a Landscape Plan or Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

2. Previous Condition F.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length;
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

Fifty-percent of canopy trees to be planted in the perimeter buffer shall meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 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 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2002-1017, Control 1997-004)

4. Condition F.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

All shrub or hedge material shall be planted in overlapping, continuous masses, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights, unless specified herein:

- a. eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub; and
- c. forty-eight (48) to seventy-two (72) inches large shrub. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Superseded by updated ULDC requirements.]

5. Condition F.4 of Resolution R-2002-1017, Control 1997-004, which currently states:

All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Superseded by other landscaping and Planning condition of approval requiring compliance with the Boynton Beach Turnpike Interchange (BBTIC) Design Guidelines.]

6. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition F.5 of Resolution R-2002-1017, Control 1997-004)

7. Field adjustment of berm and plant material locations may be permitted in the South and West R-O-W buffers, and internal median island planting areas to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements. (BLDG PERMIT: LANDSCAPING - Zoning)

#### ZONING - LANDSCAPING-ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

8. Condition G.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

Landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a minimum one and one half (1.5) to two and one half (2.5) foot high undulating berm with an average height of two (2) feet measured from top of curb. Field adjustment of the berm may be permitted to accommodate pergolas.
- c. one (1) canopy tree planted at twenty (20) feet of the property line;

- d. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet;
- c. one (1) live or laurel oak for each twenty-five (25) linear feet of the property line, planted in the back fifteen (15) feet of the landscape buffer a maximum of twenty-five (25) feet on center;
- d. a single row of Royal Palm trees to be located in the front five (5) foot of the landscape buffer and spaced fifty (50) feet on center Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm; and,
- e. All other required shrubs shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)

#### ZONING - LANDSCAPING-ALONG THE WEST PROPERTY LINE (FRONTAGE OF JOG ROAD)

9. In addition to Code requirements, landscaping and buffering along the west property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A minimum two (2) to three (3) foot high undulating berm; with an average height of two and one-half (2.5) feet;
- c. One (1) live or laurel oak for each fifteen (15) linear feet of the property line, planted a maximum of fifteen (15) feet on center;
- d. All other required shrubs shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)

#### ZONING - LANDSCAPING-ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

10. Previous Condition H.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

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

- a. a minimum thirty-five (35) foot wide landscape buffer strip; and
- b. a continuous, minimum four (4) foot high berm measured form top of curb. Height of berm may increase to six (6) feet provided all drainage of berm meets Engineering approval;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm to form an overall height of ten (10) feet. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. One (1) canopy tree for each twenty (20) linear feet of the property line, and shall be planted alternating on both sides of the wall;
- e. One (1) palm for each thirty (30) linear feet of the property line, and shall be planted alternating on both sides of the wall. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:



In addition to Code requirements, landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. a minimum thirty-five (35) foot wide landscape buffer strip;
- b. a continuous, minimum four (4) foot high berm measured from top of curb. Height of berm may increase to six (6) feet provided all drainage of berm meets Engineering approval;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm to form an overall minimum height of ten (10) feet. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. One (1) palm or cluster of palms or pines, for each thirty (30) linear feet of the property line, planted alternating on both sides of the wall;
- e. Additional planting shall be permitted if recommended by the Boynton Beach Turnpike Interchange Corridor Design Guidelines. (BLDG PERMIT: LANDSCAPE - Zoning)

11. Previous Condition H.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

The following landscaping requirements shall be installed on both sides of the required wall:

- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- c. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Superseded by updates to ULDC.]

#### ZONING - LANDSCAPING-INTERIOR

12. Previous Condition I.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

Landscaped divider medians shall be provided for every second rows of parking. The minimum width of this median shall be ten (10) feet excluding curb. Planting for the median shall consist of:

- a. One (1) canopy tree for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center.
- b. One (1) palm for each thirty (30) linear feet of the divider median; and
- c. One (1) shrub for each three (3) linear feet of the median. Shrub to be a minimum of twenty-four inches at installation, and shall be maintained at a maximum height of thirty (30) inches.
- d. Planting may be exempted in areas to accommodate pedestrian walkway. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Similar to ULDC required landscaping, and additional palms may conflict with proposed trellises.]

13. Previous Condition I.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

A minimum of three (3) sets of trellis/shaded structure shall be provided for the central pedestrian walkway/landscape divider median. Each structure shall have a minimum of ten (10) feet in width and forty (40) feet in length. Vines shall be planted adjacent to each structure. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

A minimum of six (6) pairs of trellis/shaded structures shall be provided for the principal pedestrian walkways located to the east of Buildings B, C and D. Each structure shall have a minimum of ten (10) feet in width and fifty (50) feet in length. Vines shall be planted adjacent to each structure. An additional trellis shall be required to the east of the parking lot for Building C, to have a minimum dimension of 15 feet in width, by 25 feet in length. (BLDG PERMIT: LANDSCAPE - Zoning)

14. Previous Condition I.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

Foundation planting or grade level planters shall be provided along the front and side facades of all structures except for the following:

- a. Foundation planting for buildings B, C, and D shall be provided on all four sides of the building; and
- b. Foundation planting shall consist of:
  - i. a minimum eight (8) feet in width of the required landscape areas;
  - ii. the length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure; and,
  - iii. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE-Zoning)

Is hereby amended to read:

Required Foundation Plantings shall be upgraded as follows:

- a. Building A: Minimum of seventy-five (75) percent of front, side and rear facades, with the rear faade being a minimum of five (5) feet in width;
- b. Building B: One-hundred (100) percent of north and south facades;
- c. Building C: Minimum of seventy-five (75) percent of the front, north-side and rear facades, with the rear facade being a minimum of five (5) feet in width. One-hundred (100) percent of the south-side facade, to be located on the southerly side of the drive through/by pass lane, to include a continuous hedge planted a minimum of twenty-four (24) inches on center, to be maintained at an approximate height of thirty-six (36) inches, with one (1) Royal Palm for each twenty (20) linear feet, planted twenty (20) feet on center;
- d. Building D: One-hundred (100) percent of east-side facade, to include a continuous hedge planted a minimum of twenty-four (24) inches on center, to be maintained at an approximate height of thirty-six (36) inches, with laurel or live oaks for each twenty (20) linear feet, planted twenty (20) feet on center;
- e. Primary Building (E, F, G, H, I, J): One-hundred (100) percent of north facade of Building E, fifty (50) percent of the rear facades of all buildings with a minimum width of five (5) feet, and seventy (70) percent of the south facade of Building J. Foundation planting areas may be increased along the south and west facades provided that pedestrian access is accomodated;
- f. Building L: Seventy-five (75) percent of the front and side facades;
- g. Building M: One-hundred (100) percent of the west-side faade, and seventy-five (75) percent of the front and rear facades, with a minimum of five (5) feet in width for the rear facade;
- h. Building N: One-hundred (100) percent of the west-side and rear facades, with a minimum of five (5) feet in width for the rear facade; and,
- i. If required by building, fire or other similar codes, percentages may be reduced or plant material relocated to accomodate emergency fire exits or other similar uses. (BLDG PERMIT: LANDSCAPE Zoning)

15. Previous Condition I.4 of Resolution R-2002-1017, Control 1997-004, which currently states:

Landscape diamonds shall be installed in the parking area, except for the sixty (60) degree angle parking, where landscape divider median is not provided. Landscaping for each diamond shall consist of:

- a. a minimum of one (1) canopy trees; and,
- b. appropriate groundcover. (DRC:ZONING-Zoning)

Is hereby amended to read:

Landscape diamonds shall be required in all parking rows west of the primary building (E, F, G, H, I and J) for each row of parking that does not face a building or landscape divider median. Landscape diamonds shall be located to ensure that required trees in landscape diamonds or terminal islands are spaced at a maximum thirty (30) feet on center. Landscaping for each diamond shall provide for a minimum five (5) foot by five (5) foot planting area, with one (1) flowering or canopy tree, or cluster of three (3) palms. (BLDG PERMIT: LANDSCAPING - Zoning)

16. In addition to the landscape requirements of the entranceway adjacent to the carwash, additional landscape buffering in the form of a six (6) foot hedge shall be required to screen the car wash queuing and exit areas, as follows:

- a. Composition - shrubs shall be a minimum of twenty-four (24) inches at time of installation, planted a minimum of twenty-four (24) inches on center, to be maintained at a minimum height of six (6) feet;
- b. Hedge locations - two (2) hedges shall be required, with one (1) originating at the northwest corner of the carwash structure (entrance/queueing area) and the other originating at the northeast corner (exit) - to be tied into required foundation planting, running alongside the carwash entrance and exit drive isles;
- c. Length - the hedge along to the west shall be a minimum of one-hundred (100) feet in length, and a minimum of eighty-five (85) feet in length to the east. (BLDG PERMIT: LANDSCAPING/ZONING - Zoning)

17. Previous Condition I.5 of Resolution R-2002-1017, Control 1997-004, which currently states:

Landscaping for terminal island in the parking area shall consist of the following:

- a. a minimum of one (1) canopy trees for each ten (10) linear feet of the island; and,
- b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaping for terminal island in the parking area shall consist of the following:

- a. a minimum of one (1) canopy trees for each ten (10) linear feet of the island with a maximum spacing of fifteen (15) feet on center; and,
- b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty (30) inches. (BLDG PERMIT: LANDSCAPE - Zoning)

18. Previous Condition I.6 of Resolution R-2002-1017, Control 1997-004, which currently states:

Landscape treatment for both sides of the western access driveway to the drugstore (Building E) shall consist of the following:

- a. west side of driveway an architectural design feature including, but not limited to a fountain, trellis or similar focal point;
- b. east side of driveway - an architectural design feature including, but not limited to a trellis/shade structure to screen the loading area. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

Building D: Prior to final approval by the Development Review Officer, the Final Site Plan shall be amended to indicate a minimum eight (8) foot high concrete panel wall a minimum of one-hundred and forty (140) feet in length, along the north side of the loading area. A minimum five (5) foot wide landscape planting area shall be required along one-hundred (100%) percent of the north side of the wall to be planted consistent with ULDC foundation planting requirements. The interior of the wall shall be upgraded with either decorative trellis and vine plantings, or as an alternative, may be upgraded with decorative architectural treatment similar to adjacent building, spaced a minimum of ten (10) foot on center. (DRO/BLDG PERMIT: ZONING/ARCH REV/LANDSCAPE - Zoning)

19. Previous Condition J.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

Special planting treatment shall be provided on both sides of the northern access point of Jog Road. Landscape treatment shall consist of the following:

- a. a minimum of three (3) specimen palms (Medjool or Canary);
- b. a minimum of five (5) flowering trees; and
- c. shrub or hedge materials;
- d. plant materials under this condition may satisfy landscape requirements for two (2) palms in the western buffer; and
- e. an architectural design feature consists of a trellis/shade structure with vines, or a fountain. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

Special planting treatment shall be provided along the interior areas for all three (3) access points to Jog Road, as follows:

- a. Location: Along the north side of the north access point, and on both sides of the central and southern access points;
- b. Shrubs and hedges: Shrubs and hedges shall be planted a minimum distance of two-hundred (200) feet starting from the R-O-W buffer and shall consist of shrubs planted a minimum of twenty-four (24) inches on center, to be maintained at a minimum height of thirty (30) inches. Exceptions shall be permitted where any foundation planting or other special planting treatment is required for Building B (car wash) or for bisecting pedestrian accessways;
- c. A minimum of four (4) royal palms; and,
- d. A minimum of four (4) flowering trees. (BLDG PERMIT: ZONING/LANDSCAPING - Zoning)

20. Previous Condition J.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Landscape treatment for the median at the northern access driveway located on Jog Road shall consist of:

- a. an architectural design feature consists of a fountain with shrub or hedge materials on both sides of the fountain feature. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

The divider median located in the central access point to Jog Road shall be upgraded to include a minimum of three (3) royal palms and a fountain a minimum of ten (10) foot wide by forty (40) feet in length. (BLDG PERMIT: LANDSCAPE - Zoning)

21. Previous Condition J.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

Special planting treatment shall be provided on both sides of the southern access point of Jog Road. Landscape treatment shall consist of the following:

- a. a minimum of five (5) Royal Palms;
- b. a minimum of five (5) flowering trees along the access drive; and
- c. shrub or hedge materials; and
- d. plant materials under this condition may satisfy landscape requirements for two (2) palms in the western buffer. (CO: LANDSCAPE-Zoning)

Is hereby deleted. [REASON: Consolidated with conditions for all Jog Road access points.]

22. Previous Condition J.4 of Resolution R-2002-1017, Control 1997-004, which currently states:

Special planting treatment shall be provided at the intersection of Boynton Beach Boulevard and Jog Road. Planting shall consist of the following:

- a. a minimum of three (3) specimen palms (Medjool or Canary);
- b. a minimum of five (5) flowering trees;
- c. shrub or hedge materials; and,
- d. an architectural design feature consists of a wall fountain or a project identification sign with planter. The wall fountain/sign shall be a maximum of six (6) feet in height and sixty (60) square feet in face area. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

Special architectural and landscape related features shall be provided in the Southwest corner at the intersection of Jog Road and Boynton Beach Boulevard, to include:

- a. A sixty-five (65) foot tall bell tower structure to be set back approximately forty-four (44) feet from the property line, subject to concurrent variance approval. No wall signage, corporate logo or colors shall be permitted;
- b. A decorative trellis (described as Decorative Trellis "A" detail) a minimum of eleven (11) feet in height shall run from the clock tower a minimum of one-hundred and twenty (120) feet along the parking lot and drive isle located to the north and east of the clock tower;
- c. Vines shall be planted at the base of all trellis support columns and be grown and maintained in the top of the trellis. (BLDG PERMIT: LANDSCAPING/ARCH REV - Zoning)

23. Previous Condition J.5 of Resolution R-2002-1017, Control 1997-004, which currently states:

Special planting treatment shall be provided on both sides of the eastern and western access points of Boynton Beach Boulevard. Landscape treatment shall consist of the following:

- a. a minimum of three (3) specimen palms (Medjool or Canary or Royal);
- b. a minimum of five (5) flowering trees; and
- c. shrub or hedge materials;
- d. plant materials under this condition may satisfy landscape requirements for two (2) palms in the western buffer; and
- e. an architectural design feature consists of a trellis/shade structure with vines or a fountain feature shall be placed at the north end of the access driveway. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

Special planting treatment shall be provided along the interior areas for all three (3) access points to Boynton Beach Boulevard, as follows:

- a. Location: Along both sides of each access point;
- b. Shrubs and hedges: Shrubs and hedges shall be planted a minimum distance of one-hundred and forty (140) feet starting from the R-O-W buffer and shall consist of shrubs planted a minimum of twenty-four (24) inches on center, to be maintained at a minimum height of thirty (30) inches. Exceptions shall be permitted for bisecting pedestrian

- accessways, or where there may be conflicts with any landscaping proposed for the west side of the daycare outdoor play area;
- c. A minimum of four (4) royal palms; and,
  - d. A minimum of four (4) flowering trees. (BLDG PERMIT: LANDSCAPING - Zoning)

## LIGHTING

1. Previous Condition K.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

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

Is hereby deleted. [REASON: A far more protective lighting Ordinance has since been adopted (Ord. 2005-041, ULDC Art. 5.E.4.E, Outdoor Lighting) that better restricts light trespass and glare, while conserving energy, improving safety, and curtailing the degradation of the night time visual environment.]

2. Previous Condition K.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Outdoor lighting shall be setback forty (40) feet from the north property line and one hundred (100) feet from the east property line. (CO: BLDG - Zoning)

Is hereby amended to read:

Outdoor lighting shall be setback from the north and east property lines, as follows:

- a. North property line: minimum thirty (30) feet;
- b. East property line - daycare facility and required parking and loading areas: minimum thirty (30) feet; and,
- c. East property line - all areas excluding those related to daycare facility: one-hundred (100) feet. (CO: BLDG - Zoning)

3. Previous Condition K.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

All outdoor lighting fixtures in the parking/vehicular area shall not exceed thirty (30) feet in height. Outdoor lighting within one hundred (100) feet of the north and east property lines shall be limited to twenty-five (25) feet in height. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)

Is hereby amended to read:

All outdoor lighting fixtures in the parking/vehicular area shall not exceed thirty (30) feet in height. Outdoor lighting within one hundred (100) feet of the north and east property lines shall be limited to twenty (20) feet in height. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)

4. Previous Condition K.4 of Resolution R-2002-1017, Control 1997-004, which currently states:

All outdoor lighting shall be extinguished no later than thirty (30) minutes after closing, excluding security lighting only. (ONGOING: CODE ENF)

Is hereby deleted. [REASON: Updated PBC Lighting Ord. 2005-041 allows one (1) hour, and consistency with the ULDC makes for more efficient Code Enforcement action.]

5. Previous Condition K.5 of Resolution R-2002-1017, Control 1997-004, which currently states:

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)

Is hereby deleted. [REASON: 1) Addressed by PBC Lighting Ord. 2005-041; 2) Prior condition inadvertently creates exemption from other condition restricting lighting height, and, 3) Deferring to the ULDC provides for more efficient Code Enforcement action.]

#### MULTIPLE USE PLANNED DEVELOPMENT

1. Previous Condition M.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

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 Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/CO ATTY Co Atty)

Is hereby amended to read:

Prior to approval of the Final Site Plan by the Development Review Officer, 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 Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING/CO ATTY - Zoning/Co Atty)

2. Previous Condition M.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant or a Unity of Control 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 or a Unity of Control shall be recorded in the public record in a manner and form acceptable to the County Attorney and two (2) recorded copies shall be provided to the Palm Beach County Planning Division. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/PLANNING/CO ATTY Co Atty)

Is hereby amended to read:

Prior to approval of the Final Site Plan by the Development Review Officer, the property owner shall record a covenant or a Unity of Control 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 or a Unity of Control shall be recorded in the public record in a manner and form acceptable to the County Attorney and two (2) recorded copies shall be provided to the Palm Beach County Planning Division. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING/PLANNING/CO ATTY - Co Atty)

3. Previous Condition M.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

Prior to final site plan certification of the site plan, the site plan shall be amended to show a focal point at the open space area adjacent to Jog Road frontage. The focal point shall be

in the form of a plaza, fountain, arcade, gazebo, shaded structures with benches or similar pedestrian oriented public areas acceptable to the Public Hearing Section, Zoning Division. Pedestrian walkways with decorative pavement shall be provided to allow direct access to these amenities. (DRC: ZONING-Zoning)

Is hereby deleted. [REASON: Superseded by revised Preliminary Site Plan and new Building and Site Design conditions.]

## PALM TRAN

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, 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 is required. (PLAT: ENG-PalmTran)

3. Previous Condition L.1 of Resolution R-2002-1017, Control No. 1994-007, which currently states:

Prior to final certification of the preliminary development plan or site plans by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)

Is hereby deleted. [REASON: Superseded by updated code and new Palm Tran conditions of approval.]

4. Previous Condition L.2 of Resolution R-2002-1017, Control No. 1994-007, which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, the County Engineer prior to the issuance of the first Certificate of Occupancy. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer.

Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the owner. (CO: ENGINEERING - Eng)

Is hereby deleted. [REASON: Superseded by updated code and new Palm Tran conditions of approval.]

5. Previous Condition L.3 of Resolution R-2002-1017, Control No. 1994-007, which currently states:

All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN - Zoning)

Is hereby deleted. [REASON: Superseded by updated code and new Palm Tran conditions of approval.]



6. Previous Condition L.4 of Resolution R-2002-1017, Control No. 1994-007, which currently states:

Commercial locations, which are open to the public, shall not restrict public mass transit access. (ONGOING: PALM TRAN - Zoning)

Is hereby deleted. [REASON: Superseded by updated code and new Palm Tran conditions of approval.]

## PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF-Zoning) (Previous Condition N.1 of Resolution R-2002-1017, Control 1997-004)

2. Previous Condition N.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate interior shopping cart storage. (DRC: ZONING-Zoning)

Is hereby amended to read:

Any businesses providing shopping carts shall be required to provide interior shopping cart storage. No exterior shopping cart storage shall be permitted. (ONGOING/DRO: CODE ENF - Zoning)

3. Previous Condition N.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

The parking area along the eastern faade of the grocery store/retail building shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (CO: BLDG-Zoning)

Is hereby deleted. [REASON: Building and site design primarily addresses use of parking to east of primary structure.]

4. All shopping carts shall incorporate devices which prevent the shopping carts from being taken outside of the parking lot boundaries indicated on the Final Site Plan. Exceptions shall be permitted to allow shopping carts to be taken to Palm Tran bus stops, provided cart owners ensure that carts are ret

## PLANNING

1. Condition O.1. of Resolution R-2002-1017, Control 1997-004, which currently states:

The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions:

- a) Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median including a twenty-five (25) foot landscape buffer on Boynton Beach Boulevard; and
- b) Section 3: Landscaping Guidelines. (Previous Condition O.PLANNING 1 of Resolution R-2002-1017, Control No. 1997-004) (ONGOING: PLANNING-Planning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer the property owner shall submit an approved landscape plan that complies with Sections #2 and #3 of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual. (DRO-LANDSCAPE-Planning)

2. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35 and 37 from the West Boynton Area Community Plan, the applicant shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Jog Road, Boynton Beach Boulevard, and along all internal sidewalks. In addition, the sidewalk that leads from the future outparcel to the grocery store shall be labeled as a shaded pedestrian path". (Previous Condition O.PLANNING 2 of Resolution R-2002-1017, Control No. 1997-004) (DRC: PLANNING-Planning)

Is hereby deleted: [Covered by Conditions #1 and #3.]

3. Condition O.3. of Resolution R-2002-1017, Control 1997-004, which currently states:

All buildings and structures shall be designed and constructed in accordance with Section 4 "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (Previous Condition O.PLANNING 3 of Resolution R-2002-1017, Control No. 1997-004) (BLDG PERMIT: BLDG - Planning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer the property owner shall submit an approved architectural plan that complies with Section #4 of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual. (DRO-ZONING/ARCHITECTURE-Planning)

## RODENTS

1. Prior to the issuance of a demolition permit for the existing structures on the subject property, the petitioner shall enter into a contract with a licensed exterminator for the removal and control of any rodents on the subject property. (BLDG. PERMIT:BLDG Zoning) (Previous Condition R.1 of Resolution R-2002-1017, Control 1997-004)

2. The Property Owner Association (POA) document for the shopping center shall include a provision that the POA shall be responsible for on-going, perpetual rodent and pest control. (ONGOING: CODE ENF Zoning) (Previous Condition R.2 of Resolution R-2002-1017, Control 1997-004)

## SIGNS

1. Previous Condition P.1 of Resolution R-2002-101, Control 1997-004, which currently states:

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

- a. maximum sign height, measured from finished grade to highest point - twelve (12) feet;
- b. maximum sign face area per side - one hundred square feet;
- c. maximum number of signs - one (1) sign for each frontage;
- d. style - monument style only; and,
- e. location - within fifty (50) feet of both sides of the main access of each road frontage;
- f. signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)

Is hereby amended to read:

Freestanding signs (multiple tenants) fronting on Boynton Beach Boulevard and Jog Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - twelve (12) feet;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs - one (1) sign for each frontage;

- d. style - monument style only;
- e. location - Jog Road: within fifty (50) feet of the primary pedestrian access to Building C; and, Boynton Beach Boulevard: within fifty (50) feet of the main entrance; and
- f. No changeable copy shall be permitted. (BLDG PRMT: BLDG - Zoning)

2. Previous Condition P.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Freestanding point of purchase sign for Outparcel (convenience store with gas sales) fronting on Jog Road and Outparcel (drugstore) fronting on Boynton Beach Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side sixty (60) square feet;
- c. maximum number of signs - one (1) sign;
- d. style - monument style only; and,
- e. sign shall be limited to identification of the tenant for the drugstore and identification of tenant and gas price for the gas station. (CO: BLDG-Zoning)

Is hereby amended to read:

Outparcel identifications signs shall be limited as follows:

- a. Location and number - One (1) sign for Building A (Convenience store with gas sales and co-located Type II Restuarant) at the Southwest corner fronting the intersection of Jog Road and Boynton Beach Boulevard; and, one (1) sign for Building D (drugstore) fronting on Jog Road;
- b. maximum sign height, measured from finished grade to highest point - six (6) feet;
- c. maximum sign face area per side - twenty (20) square feet; and
- d. Changeable copy shall be prohibited, with exception to State required fuel price listings. (BLDG PERMIT: BLDG - Zoning)

3. Previous Condtion P.3 of Resolution R-2002-1017, Control No. 1997-004, which currently states:

Wall signs shall be limited to the following:

- a. Buildings A-1, A , B, F and G west faade only;
- b. Buildings C, D, E, H - south and west facades;
- c. individual lettering size shall be limited to twenty-four (24) inches high for all structures except for the grocery store, lettering size may be thirty-six (36) inches in height. Wall signs shall be limited to only identification of tenants only. (CO: BLDG-Zoning)

Is hereby deleted. [REASON: Superceded by more restrictive ULDC sign limitations adopted in the MGTS Code Rewrite (Ord. 203-067), and other condition requiring compliance with the sign limitations of the BBTIC Design Guidelines and Standards.]

4. Previous Condition P.4 of Resolution R-2002-1017, Control 1997-004, which currently states:

All signs on the site shall be designed and constructed in accordance with Section 5 - "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: BLDG - Planning)

Is hereby amended to read:

Unless other conditions herein or the ULDC is more restrictive, all signage shall comply with Section 5, Signage Guidelines, of the Boynton Beach Turnpike Interchange Corridor Design Guidelines and Standards for Future Development, as dated March 10, 2003. (DRO/BLDG PRMT: ZONING/BLDG - Zoning)

5. Entrance signage shall be limited and upgraded as follows:

- a. Maximum number - three (3) pair;
- b. Location - two (2) pair at the southernmost two (2) entrances from Jog Road, and one (1) pair at the westernmost entrance from Boynton Beach Boulevard;
- c. Maximum sign face area per sign - sixty (60) square feet;
- d. Maximum height - eight (8) feet; and,
- e. Decorative fountains - each entrance sign shall incorporate a decorative fountain immediately in front of the sign, with a minimum dimension of four (4) feet in width, by ten (10) feet in length, by eighteen (18) inches deep, to include a minimum of four (4) fountain bubblers projecting approximately thirty-six (36) inches from the water surface. (BLDG PRMT: BLDG - Zoning)

6. The subject site shall be limited to one (1) flag or freestanding flagpole. (BLDG PRMT: BLDG - Zoning)

#### USE LIMITATIONS

1. Previous Condition D.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

Gas station canopies shall be designed consistent with the following standards:

- a. a maximum height of twenty-five (25) feet. If a pitched roof is used, the roof shall have a minimum slope of 5:12. No flat roof shall be permitted;
- b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
- c. lighting for the gas station canopy shall be flush mounted or recessed; and,
- d. canopy signage shall be limited to a maximum of one (1) wall sign per right-of-way frontage with a maximum height of twenty-four (24) inches.(BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Gas station canopies shall be designed consistent with the following standards:

- a. A pitched roof having a minimum slope of 5:12. No flat roof shall be permitted;
- b. The clearance of the canopy shall be a minimum of sixteen (16) feet and a maximum of seventeen (17) feet, measured from finished grade to the underside of the canopy;
- c. lighting for the gas station canopy shall be flush mounted or recessed; and,
- d. Each pump shall provide a decorative "concrete and stucco canopy column" as indicated on the Architectural Elevations by Kenneth McGee, P.A. dated July 11, 2008. (BLDG PERMIT/CO: BLDG - Zoning)

2. Previous Condition D.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Prior to final DRC certification of the site plan, the petitioner shall reduce the gas canopy to a maximum 15,000 square feet. The canopy shall be set back from the west property line a minimum seventy-five (75) feet. (DRC: ZONING - Zoning)

Is hereby amended to read:

The gas station canopy shall be limited to a maximum of 15,000 square feet. (DRO: ZONING - Zoning)

3. Previous Condition D.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

Prior to final DRC certification of the site plan, the aisles between each fueling station shall be reduced to a maximum of twenty-seven (27) feet in width. (DRC: ZONING - Zoning)

Is hereby amended deleted. [REASON: ULDC regulates minimum distances required, and other condition limiting maximum canopy square footage further restricts size.]

4. Previous Condition D.4 of Resolution R-2002-1017, Control 1997-004, which currently states:

The gas sales facility shall be limited to a maximum number of twelve (12) fueling stations. (DRC: ZONING Zoning)

Is hereby amended to read:

The convenience store with gas sales shall be limited to a maximum of six (6) fuel pumps and twelve (12) fueling positions. (DRO: ZONING - Zoning)

5. Previous Condition Q.1 of Resolution R-2002-1017, Control 1997-004, which currently states:

Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 3,500 square feet with six (6) pumps or a maximum of twelve (12) fueling stations. If an accessory restaurant is provided within the convenience store, the maximum building area for the restaurant shall not exceed thirty (30) percent of the convenience store's total square feet per ULDC requirements. (DRC: ZONING-Zoning)

Is hereby amended to read:

Building A shall be a maximum of 5,000 square feet, and the collocated Type II restaurant shall comply with the following:

- a. Maximum size - 2,000 square feet; and,
- b. No outdoor seating or dining areas shall be permitted (DRO: ZONING - Zoning)

6. Previous Condition Q.2 of Resolution R-2002-1017, Control 1997-004, which currently states:

Hours of business operation on a daily basis (except limitations on Sunday deliveries and loading activities), including deliveries and loading activities shall be limited to the following:

- a. convenience store with gas sales, drugstore - 24 hours;
- b. car wash facility and auto service facility 7:00 a.m. to 6:00 p.m.;
- c. all other uses 7:00 a.m. to 10:00 p.m.
- d. delivery trucks stored overnight anywhere on the site shall not operate their engines and/or refrigeration equipment between the hours of 8:00 p.m. and 7:00 a.m.
- e. no Sunday deliveries and loading activities for all uses. (ONGOING: CODE ENF-Zoning)

Is hereby amended to read:

Hours of operation, including deliveries and stocking, shall be limited as follows:

- a. Buildings A, C, E through J, M and N - 6:00 a.m. to 11:00 p.m.;
- b. Building B (Carwash) - 6:00 a.m. to 7:00 p.m.;
- c. Building D (Drugstore) - 6:00 a.m. to 11:00 p.m. Drive through lanes may be open 24 hours daily for pharmacy related services only;
- d. Building L (Daycare) - 6:00 a.m. to 8:00 p.m. Monday through Friday. Outdoor activities (play area) shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday;
- e. Deliveries, loading or trash compacting shall be prohibited on Sunday; and,
- f. Where permitted, delivery trucks parked onsite shall be prohibited from idling, running refrigeration equipment, or any other similar generator equipment between 8:00 p.m. and 7:00 a.m. Monday through Saturday, and shall be prohibited entirely on Sundays. (ONGOING: CODE ENF - Zoning)

7. Previous Condition Q.3 of Resolution R-2002-1017, Control 1997-004, which currently states:

Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted anywhere on site. (ONGOING: CODE ENF - Zoning)

8. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning) (Previous Condition Q.4 of Resolution R-2002-1017, Control 1997-004)

9. The storage of rental trucks/trailers or outside vendors shall not be permitted. (ONGOING/DRO: CODE ENF/ZONING - Zoning)

10. Vehicular access gates shall be required for the car wash as follows:

a. Location - All entrance and exit areas to the car wash. Gates shall also be required for the vehicular area to the south of the car wash spaces to allow use of vacuum equipment exceeds 50 percent of the spaces indicated on the Final Site Plan;

b. Hours - Gates shall be closed and locked during any hours the carwash is required to be closed. (ONGOING/DRO: CODE ENF/ZONING - Zoning)

11. The maximum single tenant building (including bays within the primary building) size shall not exceed 50,000 gross square feet. (BLDG PERMIT: BLDG - Zoning)

12. Auto detailing, including hand washing and waxing, striping, interior cleaning and other manual services shall be prohibited. This shall not include the use of automotive vacuum equipment by automobile owners, provided such equipment is limited to the area immediately south of the car wash. (ONGOING: CODE ENF - Zoning)

## VARIANCE

1. Prior to approval of the Final Site Plan by the Development Review Officer, the approved variance requests and any associated conditions of approval shall be indicated on the Final Site Plan. (DRO: ZONING - 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) (Previous Condition S.1 of Resolution R-2002-1017, Control No. 1997-004)

2. Previous Condition S.2 of Resolution R-2002-1017, Control 1997-004 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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

Is hereby amended to read:

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)