

RESOLUTION NO. R-2009-0011

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2008-01371
(CONTROL NUMBER 2003-00099)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF LANTANA PLAZA DEVELOPMENT LLC &
BY LAND DESIGN SOUTH, INC., AGENT
(LANTANA PLAZA)

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

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

WHEREAS, Zoning Application DOA/EAC-2008-01371 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2009; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/EAC-2008-01371, the application of Lantana Plaza Development Llc &, by Land Design South, Inc., agent, for a Development Order Amendment to to modify conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2009, 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 Greene and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on January 13, 2009

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

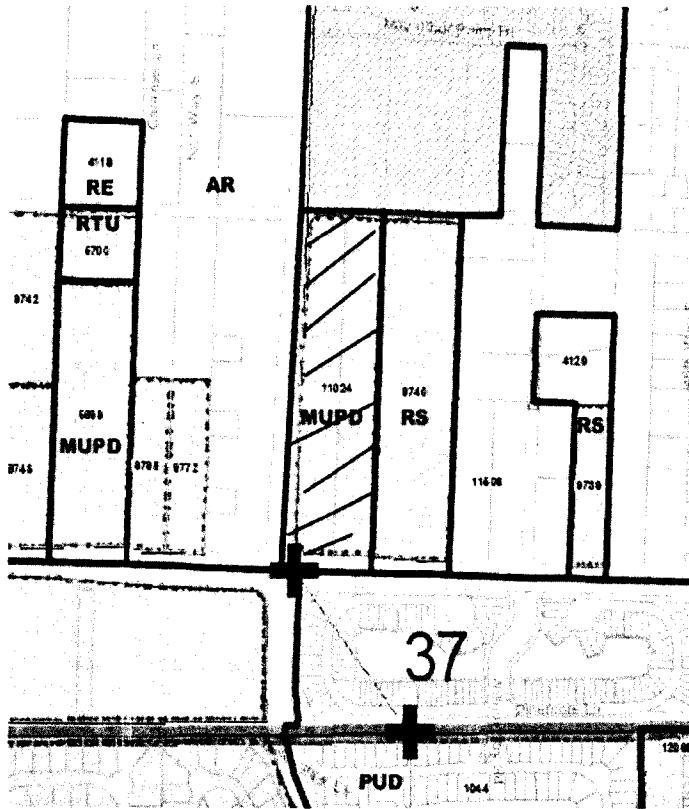
A PORTION OF TRACTS 14 AND 15, OF THE SOUTHWEST ONE -QUARTER, PLAT OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, LYING IN, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE N.02°08'51"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 111.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.02°08'51"E. ALONG THE EAST LINE OF SAID SECTION 36, SAID LINE BEING THE WEST LINE OF SAID TRACTS 14 AND 15, A DISTANCE OF 784.66 FEET TO THE POINT OF A CURVE OF A NON TANGENT CURVE, CONCAVE TO THE EAST, OF WHICH THE RADIUS POINT LIES S.86°34'45"E., A RADIAL DISTANCE OF 18,145.93 FEET; THENCE NORTHERLY ALONG THE ARC OF THE WEST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 12022, PAGES 197 THROUGH 218 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF 01°14'51", A DISTANCE OF 395.29 FEET; THENCE N.04°40'06"E. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 41.51 FEET; THENCE N.48°16'56"E. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 34.49 FEET; THENCE S.88°06'15"E., A DISTANCE OF 26.29 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF LANTANA PALMS, P.U.D., AS RECORDED IN PLAT BOOK 77, PAGES 91 AND 92 OF SAID PUBLIC RECORDS; THENCE S.02°06'14"W. ALONG SAID WEST LINE, A DISTANCE OF 1,284.61 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT -OF-WAY LINE OF LANTANA ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 14139, PAGES 1806 THROUGH 1808 OF SAID PUBLIC RECORDS; THENCE N.76°02'53"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 289.48 FEET; THENCE N.43°10'35"W. ALONG THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 12022, PAGES 197 THROUGH 218 OF SAID PUBLIC RECORDS, A DISTANCE OF 56.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 427,861 SQUARE FEET OR 9.822ACRES, ORE OR LESS.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1371
Zoning Quad 33



EXHIBIT C

CONDITIONS OF APPROVAL

ACCESS

1.Vehicular access to the property shall be prohibited from Nash Trail. (DRO: ZONING Zoning) (Previous Condition B.1 of Resolution R-2004-2426, Control No. 2003-099)

ALL PETITIONS

1.All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-2426 (Control 2003-099), have been consolidated as contained herein.

The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.Previous Condition A.1 of Resolution R-2004-2426, Control No. 2003-099, which currently states:

Development of the site is limited to the uses as approved by the Board of County Commissioners. The site plan dated June 11, 2004 shall be subject to changes pursuant to Condition C.3, and other applicable conditions. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING Zoning)

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated November 14, 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)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval for the commercial structures. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ARCH REVIEW Zoning) (Previous Condition C.1 of Resolution R-2004-2426, Control No. 2003-099)

2.Prior to final approval of the site plan by the Development Review Officer (DRO), the site plan shall be revised to indicate a plaza at the front facade of Building B. The plaza shall be subject to the following:

- a. located approximately midpoint of Building B;
- b. a minimum of one thousand (1,000) square feet in area;
- c. an architectural feature with a design consistent with the principal structure;
- d. details of the plaza shall be submitted to the Architectural Review Section for review and approval. (DRO: ARCH REVIEW Zoning) (Previous Condition C.2 of Resolution R-2004-2426, Control No. 2003-099)

3.Prior to final approval of the site plan by the Development Review Officer (DRO), the site plan shall be revised to relocate Building A to the southwest corner of the site. Relocation of building square footage from Building C to Building A shall also be permitted. Building setback, property development regulations; parking requirements may be deviated from ULDC requirements subject to Board of Adjustment approval. The approved variances shall be reflected in the final site pan. (DRO/BofA:DRO/BofA-Zoning) (Previous Condition C.1 of Resolution R-2004-2426, Control No. 2003-099)

ENGINEERING

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

- a. Building Permits for more than the 4,500 square foot convenience store, 5,000 square foot drive-in bank, and 12,000 square foot retail gross leasable floor area (325 net external PM peak hour trips) shall not be issued until the contract has been awarded for the construction of Melaleuca Lane from Jog Road to Haverhill Road as a 5 lane facility plus the appropriate paved tapers. (BLDG PERMIT: MONITORING Eng) (Previous condition E.1.a of Resolution R-2004-2426, Control No. 2003-099) [NOTE: COMPLETE]
- b. Previous condition E.1.b of Resolution R-2004-2426, Control No. 2003-099, which currently states:

No Building Permits for the site may be issued after September 23, 2007. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

Is hereby amended to read:

No Building Permits for the site may be issued after December 31, 2008. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

2. The mix of allowable commercial uses listed above may be adjusted based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: MONITORING Eng)

(Previous condition E.2. of Resolution R-2004-2426, Control No. 2003-099)

3. The property owner shall convey to Palm Beach County Land Development Division by warranty deed right of way required for:

- a. an expanded intersection at Haverhill Road and Lantana Road as approved by the County Engineer;
[Note: Complete]
- b. right turn lane south approach on Haverhill Road at the projects north and south entrance. Right turn lane right of ways shall be 12 feet in width, 280 feet in length, plus a taper length of 50 feet or as approved by the County Engineer;
- c. An additional 30 feet of right of way for Nash Trail.
[Note: Complete]

All right of way shall be conveyed on or before June 1, 2005, or prior to the issuance of the first Building Permit, whichever shall first occur. Right of way conveyance shall be free of all encumbrances and encroachments. 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 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 prior to dedication. Right-of-way conveyances shall also

include "Corner Clips." (DATE/BLDG PERMIT: MONITORING Eng)

(Previous condition E.3. of Resolution R-2004-2426, Control No. 2003-099)

4.The Property owner shall construct:

- a. Right turn south approach on Haverhill Road at the projects south entrance;
 - b. Right turn lane south approach on Haverhill Road at the projects north entrance; and,
 - c. Left turn lane north approach on Haverhill Road at projects north entrance, including median modifications;
 - d. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way;
 - e. Permits required by Palm Beach County for the construction in a-c shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING Eng)
 - f. Construction for the improvements in a-c shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng)
- (Previous condition E.4. of Resolution R-2004-2426, Control No. 2003-099)

5.LANDSCAPE WITHIN THE MEDIAN OF HAVERHILL ROAD

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

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING Eng)
 - b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING Eng)
 - c. At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING:MONITORING - Eng)
 - d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Haverhill Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING:MONITORING Eng)
- (Previous condition E.5. of Resolution R-2004-2426, Control No. 2003-099)

6.The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:MONITORING Eng)
(Previous condition E.6. of Resolution R-2004-2426, Control No. 2003-099)

HEALTH

1. Prior to the issuance of the Certificate of occupancy, the property owner shall provide to the Palm Beach County Health Department a letter from the Florida Department of Environmental Protection (FDEP) that "No Further Action" is required for the soil remediation. (CO: MONITORING- Health)

2. Prior to the issuance of the certificate of occupancy the property owner shall submit to the Palm Beach County Health Department proof that a groundwater remediation plan has been submitted to the Florida Department of Environmental Protection (FDEP). (CO: MONITORING-Health)

3. Previous condition D.1 of Resolution R-2004-2426 which reads:

Prior to Final Development Review Officer (DRO) Approval, the property owner shall submit to the Palm Beach County Health Department a Closure Plan that has been approved by the Florida Department of Environmental Protection (FDEP) for the subject site. (DRO: MONITORING-Health)

Is hereby DELETED-----Reason: completed

4. Previous condition D. 2 of Resolution R-2004-2426 which reads:

No land development activity, including land clearing, demolition or construction shall be conducted on the site, unless the Florida Department of Environmental Protection (FDEP) issues written confirmation that remediation has been performed to meet the standards set up by the FDEP Clean-up Criteria. (ONGOING: HEALTH)

Is hereby DELETED----Reason: completed

5. The property owner shall employ all reasonable measures on the subject site to prevent any activity that causes human or animal exposure to toxic materials/ contaminants to an extent that is likely to adversely affect human health and welfare. (ONGOING: HEALTH-Health) (Previous condition D. 3. of Resolution R-2004-2426, control 2003-0099)

6. All clearing, grading, construction, renovations and repairs shall be carried out with dust control measure adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading, or improvement plans shall require that measures such as the following to be undertaken to achieve effective dust control. These measures including watering, application of approved surfactants, shrouding, control of vehicle speed, paving of access areas or other operational or technological measures to reduce dispersion of dust. (ONGOING: HEALTH-Health) (Previous condition D. 4 of Resolution R-2004-2426, Control 2003-0099)

ZONING - LANDSCAPING

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Condition F.1 of Resolution R-2004-2426, Control No. 2003-099)

2. All palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Condition F.2 of Resolution R-2004-2426, Control No. 2003-099)

3. Previous Condition F.3 of Resolution R-2004-2426, Control No. 2003-099 which currently states:

All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub;
- c. forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE Zoning)

Is hereby deleted [Reason: The Code requires shrubs to be installed with the hierachial effect]

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE Zoning) (Previous Condition F.4 of Resolution R-2004-2426, Control No. 2003-099)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy trees in that location, unless specified herein. (CO: LANDSCAPE Zoning) (Previous Condition F.5 of Resolution R-2004-2426, Control No. 2003-099)

6. Previous Condition F.6 of Resolution R-2004-2426, Control No. 2003-099 which currently states:

All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE Zoning)

Is hereby deleted [Reason: Code requirement]

7. Field adjustment of plant materials and berm locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing native vegetation. (CO: LANDSCAPE Zoning) (Previous Condition F.7 of Resolution R-2004-2426, Control No. 2003-099)

8. Previous Condition F.8 of Resolution R-2004-2426, Control No. 2003-099 which currently states:

Berm height shall be measured from the nearest top of the curb or the crown of the road or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby deleted [Reason: Code requirement]

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH, PROPERTY LINE (ABUTTING NASH TRAIL)

9. Previous Condition G.1 of Resolution R-2004-2426, Control No. 2003-099 which currently states:

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

- a. a minimum fifteen (15) foot landscape buffer strip along the north property line. No width reduction or easement encroachment shall be permitted;
- b. one (1) native canopy tree for each thirty (30) feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. 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;
- e. 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,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby amended to read:

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

- a. a minimum fifteen (15) foot landscape buffer strip along the north property line. No width reduction or easement encroachment shall be permitted;
- b. one (1) native canopy tree for each thirty (30) feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

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

10.Previous Condition H.1 of Resolution R-2004-2426, Control No. 2003-099, which currently states:

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

- a. a minimum twenty (20) foot wide landscape buffer strip along the south and west property lines. No width reduction or easement encroachment shall be permitted excluding the south property line;
- b. one (1) native canopy tree for each thirty (30) feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. 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;
- e. 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;
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
- g. deviations from Conditions G.1.a through G.1.f for the west (approximately) 160 feet of south property line and the south (approximately) 260 feet of the west property line shall be permitted subject to an Alternative Landscape Plan (ALP) or Board of Adjustment approval, whichever process is more applicable. The ALP shall be subject to the review and approval by the Landscape Section. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby amended to read:

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

- a. a minimum twenty (20) foot wide landscape buffer strip along the south and west

property lines. A maximum five (5) foot easement overlap shall be permitted;

- b. one (1) native canopy tree for each thirty (30) feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

11.Previous Condition I.1 of Resolution R-2004-2426, Control No. 2003-099 which currently states:

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

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side 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 planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;
- f. one (1) small shrub for each four (4) linear feet of the property line, and to be planted on the exterior side of the wall. Shrub shall be a minimum height of eighteen (18) inches at installation;
- g. one (1) medium shrub for each two (2) linear feet of the property line, and to be planted on both sides of the wall. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- h. one (1) large shrub for each six (6) linear feet of the property line, to be planted on the exterior side of the wall. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby amended to read:

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

- a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum of five (5) foot easement overlap along the north 160 feet of the east portion only (adjacent to the lake) shall be permitted;
- b. a continuous two (2) foot high berm;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side 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 planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (BLDG PERMIT: LANDSCAPE Zoning)

ZONING - LANDSCAPING

12.Previous Condition I.2 of Resolution R-2004-2426, Control No. 2003-099 which currently states:

Prior to final approval by the Development Review Officer (DRO), an Alternative Landscape Plan (ALP) shall be submitted for the north 187 feet of the east property line. The ALP shall:

- a. indicate the relocation of the required plant materials on the exterior side of the wall elsewhere on the site; and,
- b. be subject to review and approval by the Landscape section. (DRO: LANDSCAPE Zoning)

Is hereby deleted [Reason: No Vegetation to preserve in this location]

ZONING - LANDSCAPING-INTERIOR

13. Decorative pavers (paving blocks or stamped concrete) shall be provided at the entrances located on Haverhill Road and Lantana Road. The minimum dimension for each area shall be as follows:

- a. both access points located on Haverhill Road 2,460 square feet;
- b. the access point located on Lantana Road 3,000 square feet;
- c. all T-intersections minimum of 750 square feet;
- d. all pedestrian cross-walks minimum of seven (7) feet wide. Alternating colors shall be provided where pedestrian cross-walks intersect with decorative paver areas for vehicular traffic. (DRO/BLDG PERMIT: DRO/ZONING Zoning) (Previous Condition J.1 of Resolution R-2004-2426, Control No. 2003-099)

14. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a mulch pedestrian path around the lake area located at the north end of the subject site. The path shall be connected to the internal pedestrian circulation system of the MUPD. (DRO: DRO Zoning) (Previous Condition J.2 of Resolution R-2004-2426, Control No. 2003-099)

15. Shade structures (trellis and/or gazebo) shall be provided in the following locations:

- a. a minimum of three (3) shade structures to be placed along the mulch path located around the lake;
- b. the shade structure shall have a minimum dimension of 100 square feet.
- c. details of the shade structures shall be submitted to the Architectural Review Section for review and approval. (DRO/BLDG PERMIT: DRO/ZONING Zoning) (Previous Condition J.3 of Resolution R-2004-2426, Control No. 2003-099)

16. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate an architectural focal point at the following locations:

- a. the area located in front of building B;
- b. the southwest corner of building C.
- c. the focal points shall be in the form of a plaza, fountain, columns, arcade or any other site element or similar pedestrian oriented public areas; and,
- d. details of these architectural focal points shall be submitted to the Architectural Review Section for review and approval. (DRO: ARCH REVIEW Zoning) (Previous Condition J.4 of Resolution R-2004-2426, Control No. 2003-099)

17. Previous Condition J.5 of Resolution R-2004-2426, Control No. 2003-099 which currently states:

Prior to final approval of the site plan by the Development Review Officer (DRO), 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/COUNTY ATTY Zoning)

Is hereby deleted [Reason: Code Requirement]

18. Prior to final approval of the site plan by the Development Review Officer (DRO), the property owner shall record a covenant/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/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING County Atty) (Previous Condition J.6 of Resolution R-2004-2426, Control No. 2003-099)

19. Special planting treatment shall be provided on both sides of the two (2) access points located on Haverhill Road and the access point located on Lantana Road. Planting shall consist of the following:

- a. a minimum of three (3) Royal Palms;
- b. a minimum of three (3) flowering trees along the access drive; and
- c. shrub or hedge materials. (CO: LANDSCAPE Zoning) (Previous Condition J.7 of Resolution R-2004-2426, Control No. 2003-099)

LIGHTING

1. Previous Condition K.1 of Resolution R-2004-2426, Control No. 2003-099 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 PERMIT/CODE ENF Zoning)

Is hereby deleted [Reason: Code Requirement]

2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG PERMIT Zoning) (Previous Condition K.2 of Resolution R-2004-2426, Control No. 2003-099)

3. All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty-five (65) feet from the east property line. (CO: BLDG PERMIT Zoning) (Previous Condition K.3 of Resolution R-2004-2426, Control No. 2003-099)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF Zoning) (Previous Condition K.4 of Resolution R-2004-2426, Control No. 2003-099)

PALM TRAN

1. Prior to issuance of the Certificate of Occupancy, 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 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. (CERTIFICATE OF OCCUPANCY: MONITORING/ENG -Palm Tran)

PLANNING

1. Vehicular access to the site shall be limited to Haverhill Road and Lantana Road. (Previous Condition L.1. of Resolution R-2004-2426, Control No. 2003-099) (ONGOING:

PLANNING: Planning)

2. The easternmost (50) feet of the property shall be cross-hatched, which will limit that portion of the property to landscaping, drainage, or at-grade parking. Vehicular storage, and/or storage of any kind is prohibited (with the exception of drainage and water retention, which is permitted on site (Previous Condition L.2. of Resolution R-2004-2426, Control No. 2003-099) (ONGOING: PLANNING: Planning)

3. The northernmost 200 feet of the property shall be cross-hatched, which will limit that portion of the property to landscaping, drainage, or at-grade parking. Vehicular storage, and/or storage of any kind is prohibited (with the exception of drainage and water retention, which is permitted on site) (Previous Condition L.3. of Resolution R-2004-2426, Control No. 2003-099) (ONGOING: PLANNING: Planning)

4. Prior to Final Site Plan Approval by the Development Review Officer (DRO), circulation on the site shall be organized along a spine road" which shall be designed as a pedestrian oriented street, as determined by the Planning Division (Previous Condition L.4. of Resolution R-2004-2426, Control No. 2003-099) (DRO:PLANNING-Planning)

SIGNS

1. Freestanding point of purchase signs fronting on Lantana Road and Haverhill Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - 100 square feet;
- c. maximum number of signs three (3);
- d. style - monument style only; and,
- e. location - the east side of the entrance located on Lantana Road and the north side of both entrances Haverhill Road as indicated on the site plan dated June 11, 2004
- f. Signs shall be limited to identification of tenants only. (CO: BLDG Zoning) (Previous Condition M.1 of Resolution R-2004-2426, Control No. 2003-099)

COMPLIANCE

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

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

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- b. 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
- c. Referral to code enforcement; and/or
- d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC,

in response to any flagrant violation and/or continued violation of any condition of approval.

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 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)