

RESOLUTION NO. R-2009-1824

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2009-02692
(CONTROL NUMBER 1975-00068)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF GPH HOLDINGS LC
BY RUDEN, MCCLOSKEY, AGENT
(LOGGERS' RUN COMMERCIAL)

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 ZV/DOA/R-2009-02692 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 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 Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with applicable standards and provisions of the ULDC for use, layout, function, and general development characteristics, including appropriate portions of Article 4.B, Supplementary Use Standards.
3. This Development Order Amendment, with conditions as adopted, is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. This Development Order Amendment with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the property use on adjacent lands.
5. 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.
6. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Development Order Amendment is consistent with applicable neighborhood plans in accordance with BCC policy.

- 8. This Development Order Amendment has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC; and
- 9. This Development Order Amendment has demonstrated changed conditions or circumstances that necessitate a modification.

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 ZV/DOA/R-2009-02692, the application of GPH Holdings LC, by Ruden, McClosky, agent, for a Development Order Amendment to reconfigure the site plan and add square footage on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 22, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 22, 2009.

Filed with the Clerk of the Board of County Commissioners on October 26th, 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

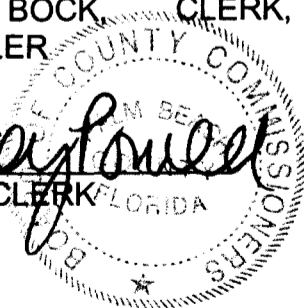


EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

ALL OF TRACT 1, **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGES 56 AND 57, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE RESERVED PARCEL DESCRIBED AS:

A PORTION OF TRACT 1, **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 49, PAGES 56 AND 57, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 1, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TRACT 2, OF THE AFOREMENTIONED LOGGERS' RUN COMMERCIAL REPLAT; THENCE SOUTH 79°02'59" EAST, A DISTANCE OF 69.91 FEET; THENCE NORTH 00°14'22" WEST, A DISTANCE OF 51.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°14'22" WEST, A DISTANCE OF EAST, A DISTANCE OF 114.00 FEET; THENCE SOUTH 89°45'38" WEST, A DISTANCE OF 131.58 FEET TO THE POINT OF BEGINNING.

CONTAINING: 547,158 SQUARE FEET (12.56 ACRES) MORE OR LESS GROSS AND 532,158 SQUARE FEET (12.22 ACRES) EXCLUDING RESERVED PARCEL.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL A HEREINABOVE, FOR ACCESS AND PASSAGE FOR THE PURPOSE OF INGRESS AND EGRESS IN, TO, UPON AND ACROSS THE SIDEWALKS, ENTRANCE, DRIVES AND LANES OF THE FOLLOWING LANDS, AS CREATED AND GRANTED IN THAT DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORD BOOK 4397, PAGE 387;

TRACTS 2 AND 3 OF **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 49, PAGE 56.

PARCEL C:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL A HEREINABOVE, FOR ACCESS AND PASSAGE FOR THE PURPOSE OF INGRESS AND EGRESS IN, TO, UPON AND ACROSS THE SIDEWALKS, ENTRANCE, DRIVES AND LANES OF THE FOLLOWING LANDS, AS CREATED AND GRANTED IN THAT DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORD BOOK 9983, PAGE 330:

TRACT 3 OF **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 49, PAGE 56.

PARCEL ID NO. 00-41-47-23-14-001-0000

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution 2009-0013, Control No. 1975-068, 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-0484, Control No. 1975-068, 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Conditions in Resolution R-97-542, Petition 1975-68(L) (Publix/Retail uses in Parcel D) and Conditions in Resolution R-97-10, Petition 1975-68(M) (Wendy's fast food restaurant in Parcel M, Tract 3), Resolution R-98-564, Petition 1975-068R (Chevron gas station in Parcel M, Tract B), Resolution R-99-014, Petition 1975-068(T) (Fire Station 56), Resolution 2003-1121, Petition DOA 1975-068(U), Resolution 2007-1432, Control No. 1975-068, Resolution 2009-0013, Control No. 1975-068 shall remain in full force and in effect. (ONGOING: MONITORING-Zoning) (Previous All Petitions Condition 2 of Resolution R-2009-0484, Control No. 1975-068)

3. All Petitions Condition 3 of Resolution R-2009-0484, Control No. 1975-068, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The Preliminary Site Plan for the Commercial Pod is dated November 17, 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)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The Preliminary Site Plan for the Commercial Pod is dated August 17, 2009. 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-ARCHITECTURAL REVIEW (FINANCIAL INSTITUTION IN COMMERCIAL POD - BUILDING L)

1. Architectural Review Condition 1 of Resolution R-2009-0013, Control No. 1975-068, which currently states:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the financial institution 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)

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building "L" 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) [NOTE : COMPLETED]

ARCHITECTURAL REVIEW-ARCHITECTURAL REVIEW (RETAIL AND TYPE I RESTAURANT IN COMMERCIAL POD - BUILDING K)

2.Architectural Review Condition 1 of Resolution 2009-0484, Control No. 1975-068, which currently states:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the retail and fast food restaurant 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)

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building "K" 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) [NOTE : COMPLETED]

ARCHITECTURAL REVIEW

3.Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of buildings. (BLDG PERMIT: ARCH REVIEW - Zoning)

DRO-DUMPSTER

1.Prior to the issuance of the Certificate of Occupancy (CO) for Building E, all areas for dumpsters or receptacles shall be in compliance with ULDC section 5.B.1.A.8. (CO:ZONING- Code Enf) (Previous Dumpster Condition 1 of Resolution R-2009-0484, Control No. 1975-068)

ENGINEERING

1.Developer shall construct four (4) lanes between the project and State Road No. 7 in the following manner:

- a. Two (2) lanes concurrent with the first plat.
- b. Two (2) lanes prior to platting more than forty (40) percent of the total units.
- c. The exact alignment and engineering plans for the roads shall conform to Palm Beach County Standards and shall be subject to the approval of the County Engineer.
- d. The above construction shall be along the following corridors: Palmetto Park Road, Glades Road or Hillsboro Boulevard. (ONGOING: ENGINEERING-Eng) (Previous Condition E1 of Resolution R-2009-484, Control No. 1975-068) [Note: COMPLETED]

2.Developer shall construct intersection improvements and signalization at the intersection of the aforesaid access roads and State Road No. 7, as warranted. (ONGOING: ENGINEERING-Eng) (Previous Condition E2 of Resolution R-2009-484, Control No. 1975-068) [Note: COMPLETED]

3.The property owner shall convey for the ultimate right-of-way of:

- a. Glades Road 120 feet total right-of-way. [Note: Complete]
- b. Palmetto Park Road 200 feet of right-of-way. [Note: Complete]
- c. Sixty (60) foot half right-of-way for Riverside Drive. [Note: Complete]

- d. Four hundred twenty-six (426) foot right-of-way for University Expressway. [Note: Complete]
- e. Sixty (60) foot half right-of-way for Hillsboro Boulevard from State Road No. 7 to the development. [Note: Complete]
- f. The developer shall provide a 3' high mulched berm along the south side of Glades Road through Logger's Run. [Note: Complete]

All within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of First Building Permit. (ONGOING: ENGINEERING-Eng) (Previous Condition E3 of Resolution R-2009-484, Control No. 1975-068) [Note: COMPLETED]

4. The ownership and maintenance of all canals and lakes shall be retained by and be the responsibility of the development's property owners association, unless transferred to a drainage district. (ONGOING: ENGINEERING- Eng) (Previous Condition E4 of Resolution R-2009-484, Control No. 1975-068)

5. Developer shall obtain approval of all drainage specifications from the Central and South Florida Flood Control District. (ONGOING: ENGINEERING - Eng) (Previous Condition E5 of Resolution R-2009-484, Control No. 1975-068)

6. Prior to site plan certification, the Master Plan will be revised to reflect the proposed amendments. In addition, the Master Plan site data shall reflect proposed and existing development dwelling unit counts. (DRO: ENGINEERING-Eng) (Previous Condition E6 of Resolution R-2009-484, Control No. 1975-068) [Note: COMPLETED]

7. Prior to site plan certification of the Master Plan the property owner shall identify the access locations to the site per the County Engineers approval. (ONGOING: ENGINEERING-Eng) (Previous Condition E7 of Resolution R-2009-484, Control No. 1975-068) [Note: COMPLETED]

8. The property owner shall construct turn lanes at the project's entrance(s) per the County Engineer's approval concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (ONGOING: ENGINEERING-Eng) (Previous Condition E8 of Resolution R-2009-484, Control No. 1975-068) [Note: COMPLETED]

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

a. No building permits for the site shall be issued after December 31, 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.E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition E9 of Resolution R-2009-484, Control No. 1975-068)

10. No menu boards shall be permitted for the drive through vehicles. All vehicles will be required to pull up to the drive through window to place orders. (ONGOING: ENGINEERING -Eng) (Previous Condition E10 of Resolution R-2009-484, Control No. 1975-068)

11. Prior to the issuance of the building permit for Building K', the existing utility easement conflicting with this building location shall be relocated. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E11 of Resolution R-2009-484, Control No. 1975-068)

12. Prior to final site plan approval by the DRO, the site plan as shown in application ZV/DOA-2008-1038, shall be revised such that there are no parking spaces that back out onto the drive aisle located on the north side of the proposed fast food and retail building. (DRO: ENGINEERING-Eng) (Previous Condition E12 of Resolution R-2009-484, Control No. 1975-068) [Note: COMPLETED]

LANDSCAPE - GENERAL

1. All newly planted or replacement 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; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution 2009-0013, Control No. 1975-068)

2. All newly planted or replacement 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 Landscape Condition 2 of Resolution R-2009-0484, Control No. 1975-068)

3. Prior to the issuance of the Certificate of Occupancy (CO) the property owner shall replace all dead and missing plant materials on the entire subject property. (ONGOING: LANDSCAPE Zoning). (Previous Landscape Condition 3 of Resolution R-2009-0484, Control No. 1975-068)

4. Prior to final DRO approval of the site plan, the petitioner shall meet with Landscape Section staff to discuss the incorporation of new or replacement landscaping with the existing vegetation on the site. An Alternative Landscape Plan shall be submitted for landscaping for the property to ensure that existing vegetation is integrated with the proposed landscaping. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 4 of Resolution R-2009-0484, Control No. 1975-068)

LANDSCAPE - GENERAL-ZONING - LANDSCAPING-LANDSCAPE STANDARDS (FINANCIAL INSTITUTION IN COMMERCIAL POD)

5. A divider median shall be provided between the first two drive thru lane from the building as follows:

- a. a minimum of 3 feet width excluding curb and shall extend a minimum 5' beyond the boundary of the overhead canopy;
- b. within, the extension of the median, a palm tree with a minimum 10' grey wood and appropriate ground cover shall be planted;
- c. The remaining portions of the median not used for planters shall be surfaced with pavers, brick or other decorative paving. (DRO: LANDSCAPE- Zoning) (Previous Landscape Condition No. 5 of Resolution R-2009-0484, Control No. 1975-068)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE EAST PROPERTY LINE ADJACENT TO PONDEROSA DRIVE (COMMERCIAL POD)

6. On or before October 1, 2007, the property owner of the Commercial Pod shall install a six (6) foot high hedge along the east property line. (DATE: LANDSCAPE - Zoning) (Previous Landscape Condition 6 of Resolution R-2009-0484, Control No. 1975-068) [Completed]

LANDSCAPE - GENERAL-FOUNDATION PLANTING

7. Foundation planting or grade level planters shall be provided along the south facade of Building E to consist of the following:

- a) The minimum width of the required landscape areas shall be five (5) feet;
- b) The length of the required landscaped areas shall be no less than 50% of the total length of the north side of the dog daycare facility; and,

c) Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot or one (1) palm species for each fifteen (15) linear foot of building facade and appropriate ground cover. (CO: LANDSCAPE-Zoning). (Previous Landscape Condition No. 7 of Resolution R-2009-0484, Control No. 1975-068)

PROPERTY & REAL ESTATE MANAGEMENT

1. Developer shall dedicate to Palm Beach County, the conservation area within the development as it relates to the Land Use Plan for Palm Beach County. (PREM:PREM-Prem) (Previous Civic Condition 1 of Resolution R-2009-0484, Control No. 1975-068)

2. Developer shall deed to the Board of County Commissioners of Palm Beach County, Florida, thirty-six (36) acres to be used for schools, parks, recreation centers, fire station, police station and/or libraries. (PREM:PREM-Prem) (Previous Civic Condition 2 of Resolution R-2009-0484, Control No. 1975-068) (COMPLETED)

3. The Developer shall construct an on-site utility facility if it becomes legally possible. The facility shall be conveyed to Palm Beach County for maintenance and operation. (PREM:PREM-Prem) (Previous Condition C.3 of Resolution R-2009-0484, Control No. 1975-068)

4. The land area donated for the County Park shall continue to be counted gross land area of the development for the purpose of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (Planned Unit Developments). (ZONING: PREM-Prem) (Previous Civic Condition 4 of Resolution R-2009-0484, Control No. 1975-068)

SIGNS

1. Freestanding point of purchase signs for the outparcels fronting on Palmetto Park Road in the commercial pod shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - one (1) each; and
- d. Style - monument style only. (BLDG PERMIT: BLDG- Zoning) (Previous Sign Condition 1 of Resolution R-2009-0484, Control No. 1975-068)

2. New or replacement freestanding signs for the Commercial Pod fronting on Oriole Country Road, Palmetto Park Road, and Ponderosa Drive 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 - 75 square feet;
- c. maximum number of signs - one (1) for each frontage;
- d. style - monument style only; and,
- e. location - frontage of Oriole Country Road, Palmetto Park Road, and Ponderosa Drive;
- f. Signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning) (Previous Sign Condition 2 of Resolution R-2009-0484, Control No. 1975-068)

SITE DESIGN-DAY CARE CENTER (NW CORNER OF THE COMMERCIAL POD)

1. The day care center shall be limited to a maximum of 7,571 square feet and 150 children. (ONGOING: CODE ENF-Health/Zoning) (Previous Day Care Center Condition 1 of Resolution R-2009-0484, Control No. 1975-068)

2. The adjacent retail bay to the south of the proposed day care shall not be used for any business primarily engaged in the sale or use of flammable materials, for example, restaurants and paint sales. This condition shall not preclude the use of normally accessory cleaning materials and other products customarily used in the operation of a retail business. (DRO/ONGOING:ZONING/CODE ENF-Zoning) (Previous Day Care Center Condition 2 of Resolution R-2009-0484, Control No. 1975-068)

3. Prior to final site plan certification 1 landscape island shall be provided along both the northern and the western parking areas (designated for the day care center).

(DRO:ZONING-Zoning) (Previous Day Care Center Condition 3 of Resolution R-2009-0484, Control No. 1975-068)

4. The day care center shall be limited to a maximum of eighty (80) students and 3,600 square feet of usable building area. (ONGOING: HEALTH-Health) (Previous Day Care Center Condition 4 of Resolution R-2009-0484, Control No. 1975-068)

5. The perimeter of the outdoor activity area shall be fenced with a solid 6 foot tall visually opaque fence. Architecturally maintained compatible with the shopping center (painted/stained). Signage shall be affixed to the fence indicating no trespassing or loitering. (CO:LANDSCAPE/HEALTH-Zoning) (Previous Day Care Center Condition 5 of Resolution R-2009-0484, Control No. 1975-068)

6. Landscaping around the exterior perimeter of the outdoor activity area shall be upgraded to include fifteen (15) foot tall canopy trees, fifteen (15) feet on center and a minimum of three (3) fifteen (15) foot canopy trees planted on the interior, in compliance with HRS requirements. (CO:LANDSCAPE/HEALTH-Zoning) (Previous Day Care Center Condition 6 of Resolution R-2009-0484, Control No. 1975-068)

7. Travel in front of the center and drop-off area shall be limited to one-way (south to north) "One-way" and "Do Not Enter" signs shall be appropriately installed. (DRO:ZONING-Zoning) (Previous Day Care Center Condition 7 of Resolution R-2009-0484, Control No. 1975-068)

8. Maximum speed in front of the facility shall be limited to 5 mph with appropriate signage installed. (ONGOING:CODE ENF-Zoning) (Previous Day Care Center Condition 8 of Resolution R-2009-0484, Control No. 1975-068)

9. Pavement in front of the facility shall be striped yellow and marked with caution signs. (DRO:ZONING -Zoning) (Previous Day care Center Condition 9 of Resolution R-2009-0484, Control No. 1975-068)

10. Sufficient asphalt pavement located in the interior (along the eastern side) of the expanded play area shall be removed and replaced or covered with material suitable for a play area, subject to approval by the Palm Beach County Public Health Unit. Prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan for the day care to indicate the extent of asphalt pavement to be removed or covered and material to be used. (DRO:ZONING/HEALTH-Bldg) (Previous Day Care Center Condition 10 of Resolution R-2009-0484, Control No. 1975-068)

11. Bollards shall be installed every ten (10) feet on center in the landscape strip around the outdoor play area, adjacent to all vehicular use areas. (CO:LANDSCAPE-Zoning) (Previous Day Care Center Condition 11 of Resolution R-2009-0484, Control No. 1975-068)

12. Landscaping around the north and east exterior perimeters of the outdoor activity area shall be upgraded to include twenty-four (24) inch high shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO:LANDSCAPE-Zoning) (Previous Day Care Center Condition 12 of Resolution R-2009-0484, Control No. 1975-068)

SITE DESIGN-DAY CARE CENTER (MONTESSORI ACADEMY, NE CORNER OF THE COMMERCIAL POD)

13. The petitioner shall relocate all dumpsters a minimum of 75 feet from the outdoor activity area. (DRO:ZONING-Zoning) (Previous Day Care Center Condition 13 of Resolution R-2009-0484, Control No. 1975-068)

SOLID WASTE AUTHORITY

1. The property owner and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: SWA-SWA) (Previous Solid Waste

Authority Condition 1 of Resolution R-2009-0484, Control No. 1975-068)

USE LIMITATIONS-(CHURCH IN COMMERCIAL POD)

1. Previous Use Limitation (Church) Condition 1 of Resolution 2009-0484, Control No. 1975-068 which currently states:

The church or place of worship within the commercial pod shall be limited to a maximum of 120 seats. (ONGOING:CODE ENF-Zoning)

Is hereby amended to read:

The church or place of worship within the commercial pod shall be limited to a maximum of 300 seats. (ONGOING:CODE ENF-Zoning)

USE LIMITATIONS-(VETERINARY CLINIC IN COMMERCIAL POD)

2. The veterinary clinic within the commercial pod shall be limited to a maximum of 3,200 square feet. (DRO/BLDG. PERMIT: ZONING-Zoning) (Previous Use Limitations [Veterinary Clinic] Condition 2 of Resolution 2009-0484, Control No. 1975-068).

3. Overnight boarding of animals shall be limited to hospitalization and associated medical services. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation [Veterinary Clinic] Condition 3 of Resolution 2009-0484, Control No. 1975-068).

USE LIMITATIONS-(HOURS OF OPERATION)

4. Commercial uses adjacent to a residential district shall not commence business activities, including deliveries and stocking, prior to 6:00 a.m. nor continue business activities later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning). (Previous Use Limitation [Veterinary Clinic] Condition 4 of Resolution 2009-0484, Control No. 1975-068).

COMPLIANCE

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

2. 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 (CO); 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