

RESOLUTION NO. R-2013- 0799

RESOLUTION APPROVING ZONING APPLICATION EAC-2013-00153
(CONTROL NO. 1997-00086)
an Expedited Application Consideration
APPLICATION OF Addison Investment LLC
BY Kimco Realty Corporation, AGENT
(Addison Centre)

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

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

WHEREAS, Zoning Application EAC-2013-00153 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 2013; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for an Expedited Application Consideration.

WHEREAS, Article 2.A.1.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 EAC-2013-00153, the petition of Addison Investment LLC, by Kimco Realty Corporation, agent, for an Expedited Application Consideration to modify a Condition of Approval (Signs) in the MUPD Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 24, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor - Aye

Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 24, 2013.

Filed with the Clerk of the Board of County Commissioners on June 25th, 2013.


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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

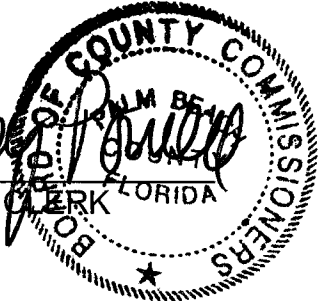


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

ADDISON CENTRE M.U.P.D., AS RECORDED IN PLAT BOOK 85, PAGES 83-84, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

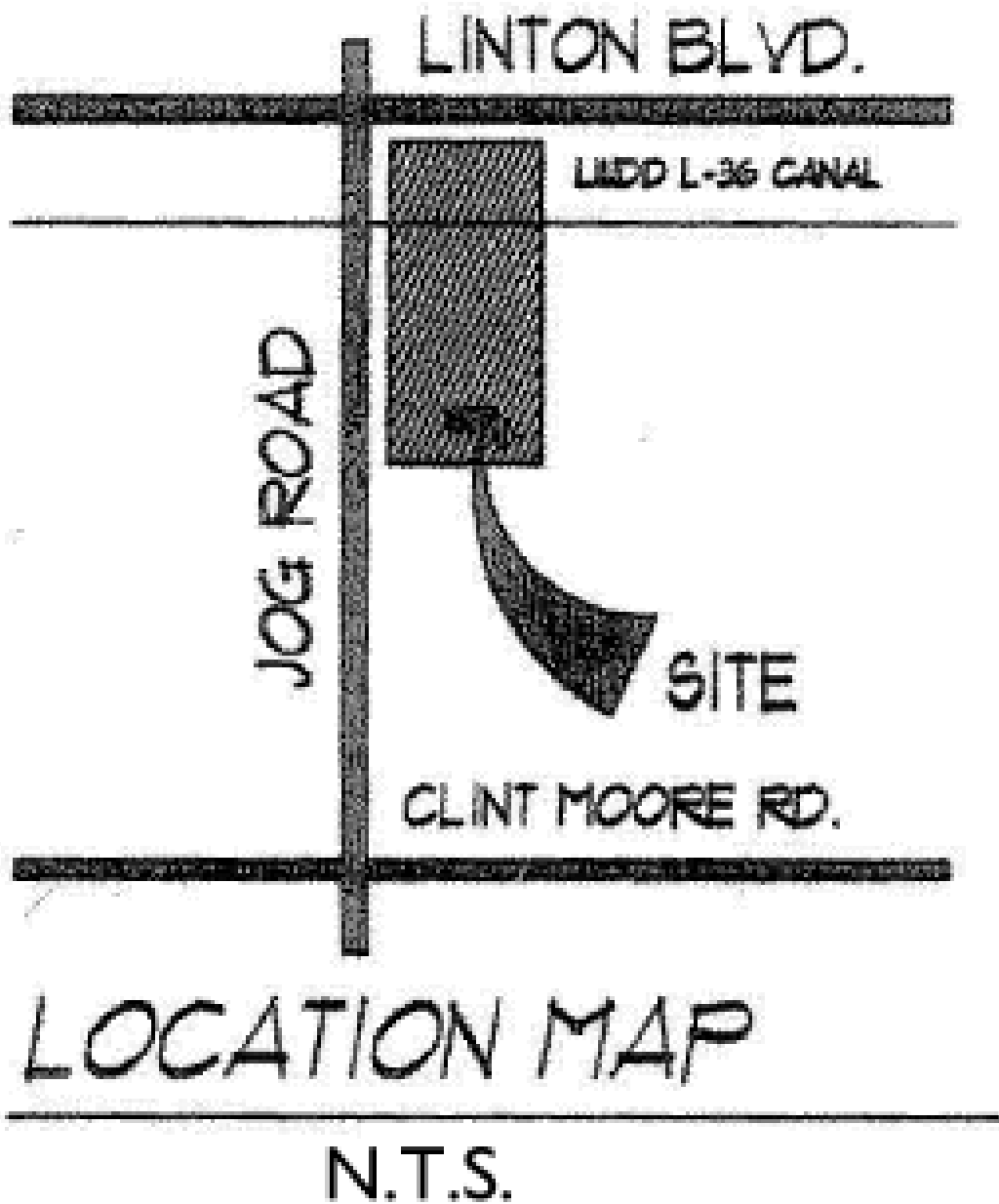


EXHIBIT C

CONDITIONS OF APPROVAL

EXHIBIT C

Expedited Application Consideration

ALL PETITIONS

1. Condition A.1 of Resolution R-2003-0559, Control No. 1997-00086, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-0121 (Petition PDD97-086), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-0559 (Control 1997-00086), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution R-2003-0559, Control No. 1997-00086, 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 February 18, 2003. 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:

The approved Preliminary Site Plan is dated May 8, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. Compatibility may be accomplished by using a minimum of three (3) of the following:

- a. Similar materials for the building facades;
- b. Similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia, etc.);
- c. Similar colors; or,
- d. Similar roof materials and treatment (i.e. pitched roof, dormers, etc.) (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1 of Resolution R-2003-0559, Control No. 1997-00086)

2. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.2 of Resolution R-2003-0559, Control No. 1997-

00086)

3. The maximum height for the supermarket shall be thirty-five (35) feet. All other structures shall be limited to a maximum of thirty (30) feet in height. Building height shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.3 of Resolution R-2003-0559, Control No. 1997-00086)

4. There shall be no external ladders mounted on any building. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.4 of Resolution R-2003-0559, Control No. 1997-00086)

5. Design of gutters and downspouts shall be integrated into the architectural design of all new or renovated buildings. Painting of the gutters and downspout shall not constitute architectural integration. (DRO: ARCH REV - Zoning) (Previous Condition B.5 of Resolution R-2003-0559, Control No. 1997-00086)

6. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.6 of Resolution R-2003-0559, Control No. 1997-00086)

7. Architectural Review Condition B.8 of Resolution R-2003-0559, Control No. 1997-00086, which currently states:

Prior to final DRC certification of the preliminary development plan, all retention or detention areas within the LWDD right-of-way, north ninety (90) feet of the site, shall be relocated. (DRC: ZONING - LWDD)

Is hereby deleted. [REASON: Delete per LWDD, and per Acknowledgement Agreement ORB 25668 PG 1743]

8. The delivery/loading area for the supermarket shall be screened from view from the east and south property lines by a fourteen (14) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (DRO: BLDG - Zoning) (Previous Condition B.9 of Resolution R-2003-0559, Control No. 1997-00086)

9. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to expand the loading dock covered canopy area to include the entire loading area. (DRO: ZONING - Zoning) (Previous Condition B.10 of Resolution R-2003-0559, Control No. 1997-00086)

10. The trash compactor indicated on the southwest corner of the supermarket shall be fully enclosed with a wing wall a minimum of eight (8) feet in height to include a canopy or roof. All service openings and doorways shall be completely screened with decorative gates. The wing wall, canopy and gates shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. If this cannot be accomplished, the service opening shall be re-oriented to face the interior of the loading area. (DRO: ZONING - Zoning) (Previous Condition B.11 of Resolution R-2003-0559, Control No. 1997-00086)

11. The proposed grocery store shall be designed to be generally consistent with the facade elevations dated February 17, 2003. At time of submittal for final DRC approval, the architectural elevations shall be submitted for architectural review and approval. Elevations and the site plan shall be designed to be consistent with Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC approved site plan. (DRO: ARCH REVIEW - Zoning) (Previous Condition B.12 of Resolution R-2003-0559, Control No. 1997-00086)

ENGINEERING

1. As required by the County Engineer and the Lake Worth Drainage District, 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 Linton Boulevard at the project's 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". 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 PRMT: MONITORING - Eng) (Previous Condition

E.1 of Resolution R-2003-0559, Control No. 1997-00086)

[Note: COMPLETED]

2. The Property Owner shall construct a right turn lane west approach on Linton Boulevard at the projects entrance road.

a. 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. (BLDG PRMT: MONITORING - Eng) (Previous Condition E.2.a of Resolution R-2003-0559, Control No. 1997-00086)

[Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PRMT: MONITORING - Eng) (Previous Condition E.2.b of Resolution R-2003-0559, Control No. 1997-00086)

[Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.2.c of Resolution R-2003-0559, Control No. 1997-00086) [Note: COMPLETED]

3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD

a. Prior to issuance of a Building Permit, the Property Owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Linton Boulevard. 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 Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All 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 PRMT: MONITORING - Eng) (Previous Condition E.3.a. of Resolution R-2003-0559, Control No. 1997-00086)

[Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required, shall be installed at the Property Owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the Property Owner 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. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this Property Owner. All landscape material shall be installed prior to the issuance of the first Certificate of Occupancy. (CO/ONGOING: MONITORING-Eng) (Previous Condition E.3.b of Resolution R-2003-0559, Control No.

1997-00086)

[Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the issuance of the first Building Permit to reflect this obligation. (BLDG PRMT: MONITORING-Eng) (Previous Condition E.3.c of Resolution R-2003-0559, Control No. 1997-00086) [Note: COMPLETED]

4. Prior to the issuance of a Building Permit, the Property Owner shall obtain at the Property Owner's expense from the Lake Worth Drainage District additional road right of way for the construction of a right turn lane on Linton Boulevard at the project's 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 and permitted by the Lake Worth Drainage District. If the Lake Worth Drainage District does not permit the acquisition of this right of way by the Property Owner, then this property owner shall be relieved from this condition. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.4 of Resolution R-2003-0559, Control No. 1997-00086) [Note: COMPLETED]

5. Construction of the project's exit only onto Linton Boulevard is approved as a temporary exit only. Use of this driveway shall be discontinued and shall then be removed by the Property Owner when a cross access is constructed with the adjacent parcel to the east. (ONGOING: CODE ENF - Eng) (Previous Condition E.5 of Resolution R-2003-0559, Control No. 1997-00086) [Note: COMPLETED]

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

a. No Building Permits for the site may be issued after December 31, 2004. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng) (Previous Condition E.6.a of Resolution R-2003-0559, Control No. 1997-00086)

LANDSCAPE - GENERAL

1. Condition C.12 of Resolution R-2003-0559, Control No. 1997-00086, which currently states:

All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation: Tree height: fourteen (14) feet. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: LANDSCAPE - Zoning)

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: LANDSCAPE - Zoning) (Previous Condition C.2 of Resolution R-2003-0559, Control No. 1997-00086)

3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (ONGOING: LANDSCAPE - Zoning) (Previous Condition C.3 of Resolution R-2003-0559, Control No. 1997-00086)

4. All new or replacement 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 shall not apply where a single row of shrubs is required, including along either side of a fence or wall. (ONGOING: LANDSCAPE - Zoning) (Previous Condition C.4 of Resolution R-2003-0559, Control No. 1997-00086)

5. All new or replacement trees and palms shall be planted in a meandering and naturalistic pattern. (ONGOING: LANDSCAPE - Zoning) (Previous Condition C.5 of Resolution R-2003-0559, Control No. 1997-00086)

LANDSCAPE - INTERIOR

6. Foundation plantings or grade level planters shall be provided along all sides of the supermarket and office building, to consist of the following:

- a. The minimum width of the required landscaped areas shall be upgraded to eight (8) feet in width for the front facade of the supermarket and on all sides of the office building, and five (5) feet in width for all other areas;
- b. The minimum length of the required landscaped areas shall be upgraded to no less than fifty (50%) percent of the front facade of the supermarket, and all sides of the office building; and, seventy-five (75%) of the west facade of the supermarket;
- c. The foundation planting required for the rear of the supermarket shall be located adjacent to the required loading area screening area;
- d. Landscape areas shall be planted with a minimum of one (1) tree or palm for every twenty (20) linear feet of required foundation planting area, and appropriate ground cover; and,
- e. Fifty (50%) of the required trees or palms for the north and west facades of the supermarket shall be Medjool or Royal palms, or other similar specimen palms, subject to approval by the Zoning Division. (ONGOING: LANDSCAPE - Zoning) (Previous Condition C.1 of Resolution R-2003-0559, Control No. 1997-00086)

7. Landscaping for the divider median in the western access driveway at Jog Road, the median along the east side of the access driveway at Linton Boulevard, and on both sides of the access way located at the southwest corner of the supermarket, shall consist of the following:

- a. One (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
- b. One (1) Medjool or Royal palm, or other similar specimen palms, subject to approval by the Zoning Division, for each thirty-five (35) linear feet of the median; and,
- c. A continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (ONGOING: LANDSCAPE - Zoning) (Previous Condition D.2 of Resolution R-2003-0559, Control No. 1997-00086)

8. Landscaping for terminal islands in the supermarket parking lot shall consist of the following:

- a. Two (2) canopy trees with one (1) flowering tree per island or two (2) canopy trees with

one (1) palm;

b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches; and,

c. Tree and shrub planting may be exempted in areas where light pole, fire hydrant, above or underground utilities are located. (ONGOING: LANDSCAPE - Zoning) (Previous Condition D.3 of Resolution R-2003-0559, Control No. 1997-00086)

9. Landscaping in the divider median in the center of the grocery store parking lot shall be shall be landscaped with the following:

a. A minimum of three (3) trellises or shaded structures shall be provided. Each structure shall be a minimum of five (5) feet in width and fifty (50) feet in length. Vines shall be planted adjacent to each structure;

b. A minimum four (4) foot wide pedestrian walkway paved with decorative pavers;

c. One shrub for each two (2) linear feet of the length of the median. Shrub shall be a minimum height of eighteen (18) inches at installation, and shall be maintained at a maximum height of thirty (30) inches; and,

d. Prior to final DRC approval of the site plan, the petitioner shall revise the site plan to reflect the locations of the required trellises or shaded structures. (ONGOING: LANDSCAPE - Zoning) (Previous Condition D.4 of Resolution R-2003-0559, Control No. 1997-00086)

10. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to indicate a focal point in the landscape divider median at the eastern terminus of the common drive. The focal point shall include a decorative fountain; gazebo; trellis or other shaded structure with planted vines; arcade; or, other similar pedestrian amenity subject to approval by the Zoning Division. (DRO: Zoning - Zoning) (Previous Condition D.5 of Resolution R-2003-0559, Control No. 1997-00086)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

11. Landscaping and buffering along the south and east property lines shall be upgraded to include:

a. A minimum fifteen (15) foot wide landscape buffer strip; and

b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development. (ONGOING: LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2003-0559, Control No. 1997-00086)

12. The following landscaping requirements shall be installed on the exterior side of the required wall:

a. One (1) canopy tree planted every twenty (20) feet on center;

b. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,

c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (ONGOING: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2003-0559, Control No. 1997-00086)

13. Along the interior side of the required wall in the south two-hundred (200) feet of the east property line, and the east two-hundred (200) feet of the south property line, the property owner shall install one (1) medium shrub, spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. Shrub shall be a minimum of twenty-four (24) inches in height at installation. (ONGOING: LANDSCAPE - Zoning) (Previous Condition F.3 of Resolution R-2003-0559, Control No. 1997-00086)

14. The following landscaping requirements shall be installed on the interior side of the required wall in the north 405 feet of the east property line and the west 405 feet of the south property line:

a. One (1) native canopy, flowering or multi-trunk tree for each twenty (20) linear feet of the property line;

- b. 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;
- c. 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,
- d. 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. (ONGOING: LANDSCAPE - Zoning) (Previous Condition F.4 of Resolution R-2003-0559, Control No. 1997-00086)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ALONG LINTON BOULEVARD AND JOG ROAD)

15. Landscaping along the north and west property lines, less the east 250 feet of the north property line, shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb;
- c. One (1) native canopy tree for each twenty (20) feet of the property line;
- d. 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. Credit may be given for existing pine trees and existing/relocated palm trees;
- e. One (1) medium shrub for each two (2) linear feet of property line, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Shrub shall be a minimum of twenty-four (24) inches at installation. (ONGOING: LANDSCAPE - Zoning) (Previous Condition G.1 of Resolution R-2003-0559, Control No. 1997-00086)

16. Landscaping and buffering along the east 250 feet of the north property line, shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum two (2) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb;
- c. One (1) native canopy tree for each twenty (20) feet of the property line;
- d. 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. Credit may be given for existing pine trees and existing/relocated palm trees;
- 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. (ONGOING: LANDSCAPE - Zoning) (Previous Condition G.2 of Resolution R-2003-0559, Control No. 1997-00086)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning) (Previous Condition H.1 of Resolution R-2003-0559, Control No. 1997-00086)

2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point and setback a minimum of twenty-five (25) feet from adjacent residentially zoned property lines. (ONGOING: BLDG - Zoning) (Previous Condition H.2 of Resolution R-2003-0559, Control No. 1997-00086)

3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding the lighting for the freestanding pharmacy/drug store at the northwest corner of the site and security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Condition H.3 of Resolution R-2003-0559, Control No. 1997-00086)

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 H.4 of Resolution R-2003-0559, Control No. 1997-00086)

LAKE WORTH DRAINAGE DISTRICT

1. Condition I.1 of Resolution R-2003-0559, Control No. 1997-00086, which currently states:

Prior to final DRC certification, a piping, paving, and planting (parking) agreement shall be approved by the LWDD, the Zoning Division and the County Attorney's office for the site improvements within the ninety (90) foot LWDD right-of-way (ORB 8854, Pages 1333-1350). A copy of the recorded document shall be submitted to the Zoning Division prior to DRC certification (DRC: ZONING - LWDD)

Is hereby deleted. [REASON: Delete per LWDD, and per Piping, Paving, & Parking License Agreement, ORB 10900 PG 188]

2. Condition I.2 of Resolution R-2003-0559, Control No. 1997-00086, which currently states:

Prior to the issuance of the building permit for each building, written confirmation from the LWDD regarding the validity of the piping, paving and planting (parking) agreement shall be provided to the Zoning Division. (BLDG PERMIT: ZONING - Zoning)

Is hereby deleted. [REASON: Delete per LWDD, and per Piping, Paving & Parking License Agreement, ORB 100900 PG 188]

3. Condition I.3 of Resolution R-2003-0559, Control No. 1997-00086, which currently states:

The property owner must comply with all ULDC provisions if the piping, paving and planting (parking) agreement is revoked. Compliance may result in the reduction of building area or obtaining a variance from the Board of Adjustment for the required improvements. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Delete per LWDD, and per Acknowledgement Agreement, ORB 25668 PG 1743]

PLANNED DEVELOPMENT

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Att) (Previous Condition K.2 of Resolution R-2003-0559, Control No. 1997-00086)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Att) (Previous Condition K.3 of Resolution R-2003-0559, Control No. 1997-00086)

PLANNING

1. The property shall be limited to the following uses pursuant to the Declaration of Restrictions as previously recorded in ORB 9624 PAGE 1022, Public Records of Palm Beach County, which was presented and accepted with modifications by the Board of County Commissioners on August 22, 2002 and will be re-recorded subsequent to the April 24, 2003 Board of County Commissioners Zoning Hearing:

a) Beauty/Hair Care salon;

- b) Bookstore (non-adult);
- c) Computer Retailer;
- d) Daycare Center, limited and general;
- e) Freestanding Drugstore with drive-thru;
- f) Dry cleaning drop off and pick up (no processing or cleaning on site);
- g) Financial institution;
- h) Florist;
- i) Government Services (Class A Conditional Use);
- j) Hospital or medical center;
- k) Jewelry Store;
- l) Mail Box Etc., Pack N Ship, or similar type use;
- m) Medical Supply Store/Retail;
- n) Medical Rehabilitation Center;
- o) Office, business, professional, medical or dental clinic;
- p) Printing and copying services;
- q) Grocery Store / Supermarket;
- r) Veterinary Clinic; and,
- s) Clothing Store. (ONGOING: PLANNING - Planning) (Previous Condition Planning 1 of 4 Resolution R-2003-0559, Control 1997-086)

2. Prior to January 1, 2005, or pursuant to implementation of Condition E.5, the site plan shall be amended to relocate the parking spaces that block the cross access connection to the former location of the temporary driveway (exit only). The parking stall striping shall be reconfigured accordingly.
(ONGOING: MONITORING/PLANNING - Planning) (Previous Condition Planning 2 of 4 Resolution R-2003-0559, Control 1997-086) [NOTE: Completed]

3. Prior to final site plan certification by the Development Review Committee (DRC), the property owner shall record a cross access easement from the subject property to the parcel to the east in a form acceptable to the County Attorney. (DRO: CO ATT - Planning) (Previous Condition Planning 3 of 4 Resolution R-2003-0559, Control 1997-086) [NOTE: Completed]

4. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the eastern property line at the location shown on the site plan, which reads "proposed vehicular and pedestrian cross access/stub street". (CO: MONITORING/BUILDING - Planning) (Previous Condition Planning 4 of 4 Resolution R-2003-0559, Control 1997-086) [NOTE: Completed]

SIGNS

1. All freestanding signs (i.e. point of purchase, entrance wall and directory) fronting on Jog Road shall be limited as follow:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet for sign closest to south property line and 80 square feet for sign at northern entrance driveway (Common Drive) from Jog Road;
- c. Maximum number of signs - Two (2);
- d. Style - Monument style only ; and,
- e. Location - 100' north of the south property line for the 100 square foot sign and within 25' of the northern access driveway (Common Drive) from Jog Road for the 80 square foot sign. (ONGOING: BLDG - Zoning) (Previous Condition M.3 of Resolution R-2003-0559, Control No. 1997-00086)

2. All freestanding signs (i.e. point of purchase, entrance wall and directory) fronting on Linton Boulevard shall be limited as follow:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet for sign closest to east property line and 80 square feet for sign at entrance driveway from Linton Boulevard;
- c. Maximum number of signs - Two (2);
- d. Style - monument style only; and,
- e. Location - 80' west of the east property line for the 100 square foot sign and within 25'

of the access driveway from Linton Boulevard for the 80 square foot sign. (ONGOING: BLDG - Zoning) (Previous Condition M.4 of Resolution R-2003-0559, Control No. 1997-00086)

3. The freestanding sign (i.e. point of purchase, entrance wall and directory) fronting on the northwest corner of the site (intersection of Linton Boulevard and Jog Road) shall be limited as follow:

- 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); and,
- d. Style - Monument style only. (ONGOING: BLDG - Zoning) (Previous Condition M.5 of Resolution R-2003-0559, Control No. 1997-00086)

4. Condition M.6 of Resolution R-2003-0559, Control No. 1997-00086, which currently states:

Wall signage mounted on buildings and drive-thru canopies shall be limited as follow:

- a. Maximum sign area of 100 square feet per sign;
- b. Location - North and west building facades only ; and,
- c. Maximum number of signs - One (1) per facade of each building. (CO: BLDG - Zoning)

Is hereby amended to read:

Wall signage mounted on buildings and drive-thru canopies shall limited as follows:

- a. Maximum sign area of one hundred (100) square feet per sign or minimum Unified Land Development Code (ULDC) requirements, whichever is less; and,
- b. Wall signage shall not be permitted on the east side of Building No. 4 facing residential. (CO: BLDG - Zoning)

SITE DESIGN

1. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to require decorative pavers for all parking stalls fronting the proposed grocery store. Pavers shall be the same as or consistent with those provided for all other walkways and pedestrian crosswalks for the grocery store. (DRO: ZONING - Zoning) (Previous Condition D.6 of Resolution R-2003-0559, Control No. 1997-00086)

2. The freestanding pharmacy/drug store shall be located at the northwest corner of the site. (DRO: ZONING - Zoning) (Previous Condition N.6 of Resolution R-2003-0559, Control No. 1997-00086)

USE LIMITATIONS

1. Hours of operation, including deliveries, shall be limited to 6:00 a.m. to 10:00 p.m. daily, excluding the freestanding pharmacy/drug store at the northwest corner of the site. (ONGOING: CODE ENF - Zoning) (Previous Condition N.2 of Resolution R-2003-0559, Control No. 1997-00086)

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of buildings, parking lots or access ways of the site. (ONGOING: CODE ENF - Zoning) (Previous Condition N.2 of Resolution R-2003-0559, Control No. 1997-00086)

3. No outdoor retail business activities, excluding deliveries, shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Condition N.5 of Resolution R-2003-0559, Control No. 1997-00086)

4. No beer, wine, or liquor sales shall be allowed on the site after 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous Condition N.7 of Resolution R-2003-0559, Control No. 1997-00086)

5. Overnight storage or parking of delivery vehicles, trucks or trailers shall not be permitted on site, except within designated loading and delivery areas. Truck engines

(including refrigeration units) shall not be operated between 10:00 p.m. and 6:00 a.m. (ONGOING: CODE ENF - Zoning) (Previous Condition N.8 of Resolution R-2003-0559, Control No. 1997-00086)

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; 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; the 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 Unified Land Development Code 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 of Approval; 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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)