

RESOLUTION NO. R-2014- 0723

RESOLUTION APPROVING ZONING APPLICATION DOA-2013-01342
(CONTROL NO. 1980-00114)
a Development Order Amendment
APPLICATION OF Buckeye Real Estate Investments LLC
BY Creech Engineers Inc., AGENT
(West Boca Square)

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;

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;

WHEREAS, Zoning Application DOA-2013-01342 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 a Development Order Amendment; and,

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 DOA-2013-01342, the petition of Buckeye Real Estate Investments LLC, by Creech Engineers Inc., agent, for a Development Order Amendment to modify the Site Plan, add an access point, and modify Conditions of Approval (Signage, Access). in the CG/SE 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 May 22, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 22, 2014.

Filed with the Clerk of the Board of County Commissioners on June 11th, 2014.

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

WEST BOCA SQUARE REPLAT, AS RECORDED IN PLAT BOOK 67, PAGES 141-143, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

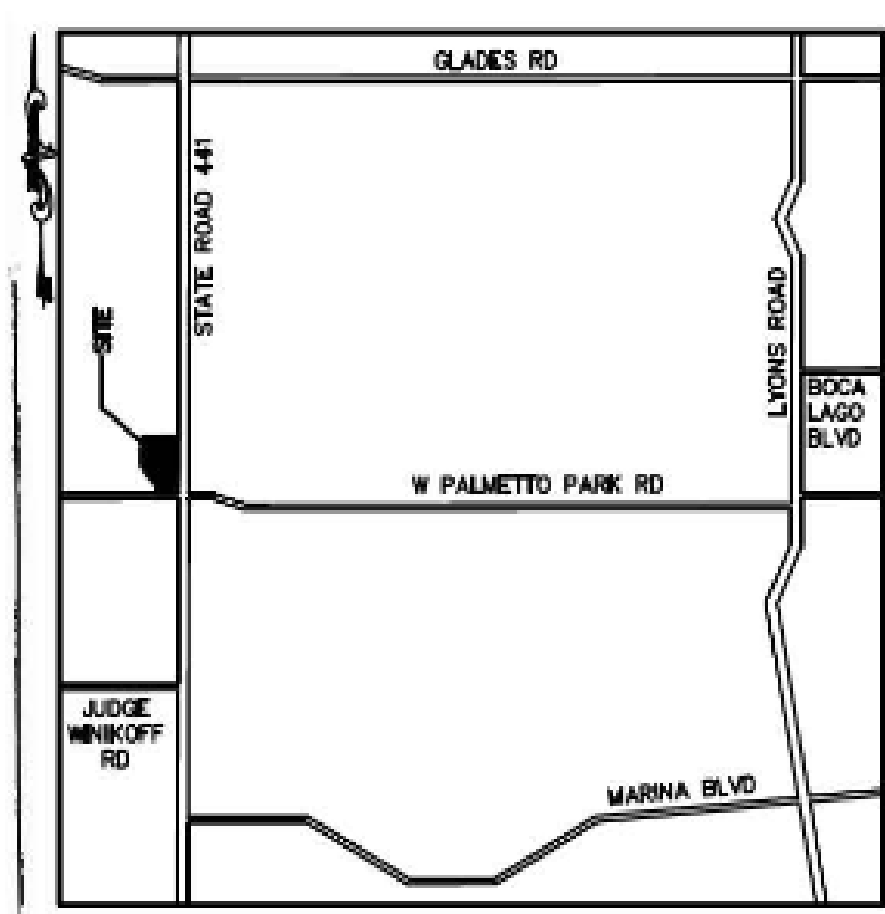


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous All Petition Condition of Resolution No. R-94-1089 (Control No 80-114 (G) which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Article 5.8 (Palm Beach County Land Development Code), as amended, unless expressly modified. (Previously Condition No. A.1 of Resolution No. R-93-1372, Petition 80-114(F)). (MONITORING)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-94-1089 (Control No 80-114 (G), and R-95-0425 (Control No 80-114 (H)), 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. The approved Preliminary Site Plan is dated December 23, 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)

3. Previous All Petition Condition of Resolution No. R-95-0425 (Control No 80-114 (H) which currently states:

The petitioner shall comply with all previous conditions of approval as indicated in Resolution R-94-1089.

Is hereby deleted: REASON: Condition is consolidated with a new All Petition Condition. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous Condition E.1 of Resolution R-1994-1089, Control No. 1980-00114, which currently states:

The Property Owner shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ONGOING: MONITORING - Eng)

Is hereby deleted. [Reason: Drainage is a Code Requirement] (ONGOING: MONITORING - Engineering)

2. No positive outfall shall be permitted into the Palmetto Park Road drainage system unless approved by the County Engineer. Drainage from this project shall be contained onsite with outfall only being permitted into a drainage district subject to their permission

and approval. (ONGOING: MONITORING - Eng) (Previous Condition E.3 of resolution R-1994-1089, Control No. 1980-00114) (ONGOING: MONITORING - Engineering)

3. Prior to March 1, 1990, or prior to the issuance of the first Building Permit, whichever shall first occur, the Property Owner shall convey to Palm Beach County, Land Development Division by road right-of-way warranty deed for State Road 7, 200 feet, free of all encumbrances and encroachments on an alignment approved 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. Right of way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE: MONITORING - Eng) (Previous Condition E.3 of Resolution R-1994-1089, Control No. 1980-00114) [Note: COMPLETED] (DATE: MONITORING - Engineering)

4. All trips traveling north when exiting the site shall turn left onto U.S. Highway 441. Traffic devices to ensure that vehicles may safely cross the southbound lane of U.S. Highway 441 must be acceptable to the County Engineer and the Florida Department of Transportation. (ONGOING: MONITORING - Eng) (Previous Condition E.4 of Resolution R-1994-1089, Control No. 1980-00114) (ONGOING: MONITORING - Engineering)

5. Previous Condition E.5 of Resolution R-1994-1089, Control No. 1980-00114, which currently states:

The Property Owner shall construct on State Road 7 at the project's:

- a. north entrance a right turn lane, north approach,
 - b. middle entrance a right turn lane, north approach and a left turn lane, south approach
 - c. south entrance a left turn lane, south approach and a right turn lane, north approach
- All concurrent with the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct on State Road 7 at the project's:

- a. north entrance: a right turn lane, north approach [Note: COMPLETED]
- b. two middle entrances: right turn lanes north approach and left turn lanes south approach [Note: COMPLETED]
- c. south entrance: a right turn lane north approach

All work is subject to permitting by the Florida Department of Transportation. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

6. Previous Conditions E6a and E6b of Resolution R-1994-1089, Control No. 1980-00114, which currently state:

- a. The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$499,950.00 (9,090 trips X \$55.00 per trip)
- b. A traffic generation study in accordance with Article 10, Section 10.8 of the Palm Beach County Land Development Code (PBCLDC) shall be submitted and approved by the County Engineer prior to site plan certification in order to establish the appropriate impact fee for this project. Payment shall be made prior to December 1, 1992.

Are hereby deleted. [Reason: CODE REQUIREMENT] (DATE: MONITORING - Engineering)

7. Previous Condition E7 of Resolution R-1994-1089, Control No. 1980-00114, which currently states:

In order to comply with the mandatory traffic performance standards, the Property Owner shall provide a minimum of 3,700 square feet of the project shall remain in professional office use. (ONGOING: MONITORING - Eng)

Is hereby deleted. [Reason: NO LONGER APPLICABLE] (ONGOING: MONITORING -

Engineering)

8. In addition to the impact fee this Property Owner shall contribute the amount of \$1,000,000.00 toward roadway improvements in the project area. These funds shall be delivered to Palm Beach County prior to twenty (20) days after receipt of the resolution approving this project. (DATE: MONITORING - Eng) (Previous Condition E.8 of Resolution R-1994-1089, Control No. 1980-00114)

[Note: COMPLETED] (DATE: MONITORING - Engineering)

9. The Property Owner shall install signalization, if warranted as determined by the County Engineer, at the project's entrance(s) and State Road 7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this Property Owner shall be relieved from this condition. (ONGOING: ENGINEERING - Eng) (Previous Condition E.9 of Resolution R-1994-1089, Control No. 1980-00114) (ONGOING: ENGINEERING - Engineering)

10. Condition B.1 of Resolution R-1994-1089, Control No. 1980-00114, which currently states:

No more than three (3) access points shall be permitted. (ONGOING: MONITORING - Eng)

Is hereby deleted. [Reason: NO LONGER APPLICABLE] (ONGOING: MONITORING - Engineering)

11. Contiguous access to all portions of the PCD for pedestrians, bicyclists, and the handicapped shall be provided. (Previous Condition B.2 of Resolution R-1994-1089, Control No. 1080-00114) (ONGOING: MONITORING - Eng) (ONGOING: MONITORING - Engineering)

12. Access to mass transit facilities shall be provided. (ONGOING: MONITORING - Eng) (Previous Condition B.3 of Resolution R-1994-1089, Control No. 1908-00114) (ONGOING: MONITORING - Engineering)

13. Planting within the Palmetto Park and 441 intersection shall be in conformance with the graphics presented at the Board of County Commissioners. All graphics shall be made a part of the record prior to DRO. (DRO: MONITORING - Engineering)

14. No access shall be permitted onto El Bosque Way. (ONGOING: MONITORING - Engineering)

15. The Property Owner shall provide sod and irrigation within all rights-of-way of SR7 and Palmetto Park Road) subject to County Engineering approval. All landscaping and irrigation shall be maintained in accordance with Palm Beach County standards. (ONGOING: MONITORING - Engineering)

16. Prior to the issuance of the any further building permit for the site the Property Owner shall complete a pedestrian/bicycle access from the SR 7 and Palmetto Park Road intersection into the interior of the shopping center. The Property Owner shall provide Palm Beach County necessary construction easements to build this pedestrian/bicycle pathway including any site plan revisions. If necessary, an appropriate culvert shall be included by the Property Owner (BLDGPM: MONITORING - Engineering)

17. The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$7590 (138 trips X \$55.00 per trip) (BLDGPM: IMPACT FEES OFFICE - Engineering)

18. LANDSCAPE WITHIN THE MEDIAN

Prior to site plan certification, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:	Groundcover:
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	Sabal Palmetto

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
- b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the Property Owner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed prior to the issuance of the next building permit for the site. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the next building permit to reflect this obligation. Maintenance shall be in accordance with the issued permits.

The Property Owner's Association shall perpetually maintain a liability insurance policy covering all required median landscaping. Said insurance policy shall be acceptable to Palm Beach County and shall name Palm Beach County as an additional insured. Petitioner shall provide Palm Beach County with evidence of said insurance policy on a yearly basis. (DRO/ONGOING: MONITORING - Engineering)

ENVIRONMENTAL

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan approval. (Previous Environmental Resource Management Condition D.1.of Resolution No R-94-1089 (Control No 80-114 (G)) (DRO: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management)
2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (Previous Environmental Resource Management Condition D.2 of Resolution No R-94-1089 (Control No 80-114 (G)) (BLDGPM: BUILDING DIVISION - Environmental Resource Management)
3. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (Previous Environmental Resource Management Condition D.3 of Resolution No R-94-1089 (Control No 80-114 (G)) (ONGOING: BUILDING DIVISION - Environmental Resource

Management)

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on site. (Previous Health Condition F.1. of Resolution R-94-1089; Control 80-114)(ONGOING:HEALTH-Health)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previous Health Condition F.2. of Resolution R-94-1089; Control 80-114)(ONGOING:HEALTH-Health)

3. Previous Health Condition F.3. of Resolution R-94-1089; Control 80-114 which reads:

Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulations (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

Is Hereby Amended to read:

Owners and operators of facilities that generate hazardous, toxic, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewerage system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Florida Department of Health in Palm Beach County, and the agency responsible for sewage works is used.(ONGOING:HEALTH-Health)

4. Water service and sewer service are available to the property. Therefore, no potable and/or on-site sewage disposal system shall be permitted on the site. (Previous Health Condition F.4. of Resolution R-94-1089; Control 80-114)(ONGOING:HEALTH-Health)

LANDSCAPE - GENERAL

1. All trees on site shall be permitted to reach and maintained at a mature height of a minimum of fifteen (15) feet. Maintenance shall conform to Arbor Society recommended practices. Previous Landscape Condition G.1. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Landscape)

2. All landscape areas shall be fully irrigated. Previous Landscape Condition G.2. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: LANDSCAPE - Zoning)

3. A complete set of landscape plans shall be submitted to the Zoning Division demonstrating conformance to all Landscape Code Requirements and conditions of approval. Previous Landscape Condition G.3. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: LANDSCAPE - Zoning)

4. Prior to site plan approval, a tree survey shall be submitted which locates all oaks or slash pines found on site. Those trees within the perimeter buffer shall be incorporated into the project design. Previous Landscape Condition G.4. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (DRO: LANDSCAPE - Zoning)

5. All trees required by this petition, replacement material and/or subsequent plantings shall meet the following minimum standards:

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. Previous Landscape Condition G.5. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: LANDSCAPE - Zoning)

6. Prior to April 1, 1994, the petitioner shall install all landscaping as indicated in the submitted supplemental landscape plan dated October 12, 1993. Previous Landscape

Condition H.3. of Resolution No. R-94-1089 (Control No 80-114 (G) [COMPLETED] (DATE/ONGOING: LANDSCAPE - Zoning)

7. Prior to site plan certification, the site plan shall be amended to indicate all required supplemental landscape pursuant to Exhibit dated October 12, 1993. Previous Landscape Condition H.4. of Resolution No. R-94-1089 (Control No 80-114 (G) [COMPLETED] (DRO: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

8. One landscape island shall be provided for every twelve (12) parking spaces. Previous Landscape Condition H.2. of Resolution N. R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR-LANDSCAPING (INTERIOR)

9. Previous Landscape Condition H.1. of Resolution No R-94-1089 (Control No 80-114 (G) which currently states:

The above noted perimeter landscape conditions shall be modified to accommodate special landscaping for the intersection of Palmetto Park and US 441 as reflected on Exhibit 47. Parking shall be based upon a ninety-five percent (95%) net leasable floor area figure. All excess stalls shall be used to break up the expansive eastern parking area. One (1) additional tree shall be planted for each ninety (90) square feet of additional interior landscape area.

Is hereby amended to read:

All excess stalls shall be used to break up the expansive eastern parking area. One (1) additional tree shall be planted for each ninety (90) square feet of additional interior landscape area. [COMPLETED] (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER- LANDSCAPING SOUTH & EAST PROPERTY LINES (ABUTTING RIGHTS-OF-WAY)

10. Landscaping within the twenty-five (25) foot landscape buffers abutting rights-of-way shall be upgraded to include:

a. Native canopy trees an average of fifteen (15) feet on center.

1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall; fifty percent (50%) of these trees shall be twelve (12) foot tall; twenty percent (20%) of these trees shall be ten (10) foot tall.

b. One (1) native palm for each thirty (30) linear feet of required buffer.

c. A landscape buffer a minimum of thirty-six (36) inches in height at installation to be maintained at forty-two (42) inches. (Previous Landscape Condition H.5. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Landscape)

LANDSCAPE - PERIMETER-LANDSCAPING WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

11. Landscaping along the western property line shall include:

a. An eight (8) foot tall concrete block and steel wall installed along the western edge of parking and loading area.

b. A minimum thirty (30) foot wide landscape buffer along the entire western base building line.

c. A minimum three (3) foot tall berm sloping from the wall to the western base building line.

d. Native canopy trees shall be planted an average of fifteen (15) foot on center and shall be compatible with the adjacent pine flatwoods.

1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall;

2. Fifty percent (50%) of these trees shall be twelve (12) foot tall;

3. Twenty percent (20%) of these trees shall be ten (10) foot tall.

e. One (1) native palm for each 30 linear feet.

f. A double row of shrubs.

1. Planted an average of thirty-six (36) inches on center (1,468 plants).

2. Fifty percent (50%) shall be native.
3. Ten percent (10%) of these shrubs shall be forty-two (42) inches in height; Fifty percent (50%) of these shrubs shall be thirty-six (36) inches in height; forty percent (40%) of these shrubs shall be twenty-four (24) inches in height.
4. An average height of forty-two (42) inches shall be reached within one (1) year of installation and shall be maintained at an average height of eight (8) feet. Previous Landscape Condition J.1. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED]
(ONGOING: ZONING - Landscape)

PARKING

1. All uses shall utilize shared parking arrangements acceptable to the Planning, Zoning and Building Department. Appropriate cross access and parking agreements shall be submitted. Previous Shared Parking Condition L.1. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED]
(ONGOING: ZONING - Building Division)

SIGNS

1. No off-premise signs shall be permitted on site. (Previous Sign Condition M.1. of Resolution No. R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Code Enforcement)
2. Pole mounted signs shall not be permitted. (Previous Sign Condition M.1. of Resolution No. R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: BUILDING DIVISION - Zoning)
3. Monument signs shall not exceed ten (10) feet in height nor a total of 100 square feet in area. (Previous Sign Condition M.3. of Resolution No. R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: BUILDING DIVISION - Zoning)
4. Previous Sign Condition M.4. of Resolution No. R-94-1089 (Control No 80-114 (G) which currently states:

One (1) point of purchase sign shall be permitted on Palmetto Park Road and a maximum of three (3) shall be permitted on U.S. 441. (ONGOING: ZONING - Code Enforcement)

Is hereby amended to state:

One (1) point of purchase sign shall be permitted on Palmetto Park Road and signage along U.S. 441 shall be permitted in accordance with standards of the Unified Land Development Code. (ONGOING: ZONING - Building Division)

5. A master signage program shall be submitted prior to site plan approval demonstrating conformance to these conditions. (Previous Sign Condition M.5. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (DRO/ONGOING: ZONING - Building Division)

SITE DESIGN

1. All perimeter lighting along the west wall of the subject property shall be extinguished no later than 10:00 p.m. Previous Building and Site Design Condition 1 of Resolution No R-94-1089 (Control No 80-114 (G) (ONGOING: ZONING -CODE ENFORCEMENT)
(ONGOING: ZONING - Code Enforcement)
2. Previous Building and Site Design Condition 1 of Resolution No R-94-1089 (Control No 80-114 (G) which currently states:

The gross leasable area (GLA) of the entire PCD shall not exceed 300,000 square feet. At least 8,700 square feet of the total GLA shall be professional offices. The location of the minimum required office space shall be clearly delineated on the site plan prior to approval.

Is hereby Deleted. REASON: The Code requires review based on gross square footage. (ONGOING: ZONING - Building Division)

3. All out-parcels shall be no less than 3/4 acre in size. (Previously Condition No. C.3 of Resolution No. R-93-1372, Petition 80-114(F)). (ZONING/BUILDING)

Is hereby deleted. [REASON: The ULDC and Article 11 do not regulate outparcel size.] (ONGOING: ZONING - Building Division)

4. The minimum setback for structures, vehicular circulation and parking areas adjacent to residential uses shall be exceeded by at least twenty percent (20%). Previous Building and Site Design Condition C.4 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: BUILDING DIVISION - Zoning)

5. Receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of El Bosque Way, residential uses shall be exceeded by at least twenty percent (20%). Previous Building and Site Design Condition C.5 of Resolution No. R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Code Enforcement)

6. All areas or receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall be screened by a gaited four-sided enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. Enclosures shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians. Residential uses shall be exceeded by at least twenty percent (20%). Previous Building and Site Design Condition C.6 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Code Enforcement)

7. The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet. (Previous Building and Site Design Condition C. 7 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED]

Is hereby deleted: REASON: This is a Code Requirement. (ONGOING: ZONING - Building Division)

8. All mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure. (Previous Building and Site Design Condition C.8 of Resolution No R-94-1089 (Control No 80-114 (G). [COMPLETED]

(ONGOING: ZONING - Building Division)

9. The rear portion of all structures shall be stucco. Elevations shall be provided which show (minimal) architectural treatment. Previous Building and Site Design Condition C.9 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Code Enforcement)

10. All outdoor lighting behind the center shall be directed away from residential areas through the use of reflective shields. Lighting fixtures in this portion of the site shall not exceed twelve (12) feet in height. Lighting in the eastern portion of the center shall not exceed thirty-six (36) feet in height. Previous Building and Site Design Condition C.10 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Code Enforcement)

11. Solid waste collection from the subject site shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. Previous Building and Site Design Condition C.11 of Resolution No R-94-1089 (Control No 80-114 (G) (ONGOING: SOLID WASTE AUTHORITY - Code Enforcement)

12. Prior to April 1, 1994, the petitioner shall apply a finish to any portion of the existing wall along SR 7 and Palmetto Park Road not entirely covered by landscaping. The required finish shall be consistent with the architectural character of the center. Previous Building and Site Design Condition C.12 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (DATE/ONGOING: ZONING - Code Enforcement)

13. The entire property shall be master planned as a single Planned Commercial Development (PCD) and subject to unity of control. The unity of control shall be approved by the County Attorney prior to site plan approval. (Previous Sign Condition M.3. of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - County Attorney)

USE LIMITATIONS-DISCOUNT AUTO PARTS

1. Vehicle service bays shall not be permitted. (Previous Building and Site Design Condition 13 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (ONGOING: ZONING - Building Division)

2. The architectural design of the remaining outparcel shall incorporate material, appearance and lighting as the principal structure and as required by the POA. An elevation and rendering of the proposed structure shall be approved by the Development Review Committee (DRC). The building permits for the structure shall be consistent with the architectural design approved by the DRC. (Previous Building and Site Design Condition 14 of Resolution No R-94-1089 (Control No 80-114 (G) [COMPLETED] (DRO: ZONING - Building Division)

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)

3. Previous Compliance Condition No. O.1 of Resolution R-93-1372, Petition 80-114(F) which currently states:

The petitioner and owner(s) of the subject property shall completely satisfy all previous

conditions of approval and applicable code and land development regulations prior to the issuance of a building permit for the remaining vacant outparcel on or before July 1, 1994.

Is hereby deleted. [REASON: Replaced with updated Compliance Conditions] (ONGOING: MONITORING - Zoning)

4. No administrative time extensions to any conditions of approval shall be granted. Non-compliance with any time certain conditions of approval shall result in the initiation of a Status Report to the Board of County Commissioners in accordance with Article 5.8 of the Palm Beach County Land Development Code. Previous Compliance Condition 4. of Resolution No R-94-1089 (Control No 80-114 (G) (ONGOING: MONITORING - Zoning)

5. Previous Compliance Condition O.3 of Resolution No R-94-1089 (Control No 80-114 (G) which currently states:

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby deleted. [REASON: Replaced with updated Compliance Conditions] (ONGOING: MONITORING - Zoning)

6. (Previous Compliance Condition O.4. of Resolution No R-94-1089 (Control No 80-114 (G) which currently states:

No administrative time extensions to any conditions of approval shall be granted. Non-compliance with any time certain conditions of approval shall result in the initiation of a Status Report to the Board of County Commissioners in accordance with Article 5.8 of the Palm Beach County Land Development Code.

Is hereby deleted. [REASON: Replaced with updated Compliance Conditions] (ONGOING: MONITORING - Zoning)

7. Previous Compliance Condition O.5 of Resolution No. R-94-1089 (Control No 80-114 (G) which currently states:

To insure compliance with all requirements, violations of these conditions or any applicable requirement of the ULDC shall result in the return of this petition directly to the Board of County Commissioners for further review pursuant to Section 5.8 of the ULDC. (Previously Condition No. O.6 of Resolution No. R-93-1372, Petition 80-114(F)).

Is hereby deleted. [REASON: Replaced with updated Compliance Conditions] (ONGOING: MONITORING - Zoning)

8. Prior to site plan certification by the Development Review Committee, the petitioner shall provide the Zoning Division with surety in a manner and form acceptable to Palm Beach County to ensure compliance with the conditions of approval. At a minimum, the surety shall meet the following criteria:

- a. The amount of the surety shall be 120% of a certified cost estimate of all improvements necessary to satisfy conditions C.12; E.13; H.3; I.2; and K.1.
- b. The surety shall be valid until August 1, 1994 or later; and,
- c. Prior to issuance of the surety, the cost estimate shall be submitted and approved by the County Engineer and Zoning Division.

Is hereby deleted. [REASON: Replaced with updated Compliance Conditions] (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.