

RESOLUTION NO. R-2014- 1641

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2014-00649  
(CONTROL NO. 2003-00025)  
a Development Order Amendment  
APPLICATION OF Turnpike Realty Inc  
BY Jon E Schmidt & Associates, AGENT  
(Turnpike/Exit 93 MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, 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/R-2014-00649 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 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/R-2014-00649, the petition of Turnpike Realty Inc, by Jon E Schmidt & Associates, agent, for a Development Order Amendment to reconfigure the Site Plan; add a Requested Use; and, to modify/delete Conditions of Approval (Engineering, Landscaping, and Sign), 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 October 23, 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	- Absent
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 October 23, 2014.

Filed with the Clerk of the Board of County Commissioners on October 24th, 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

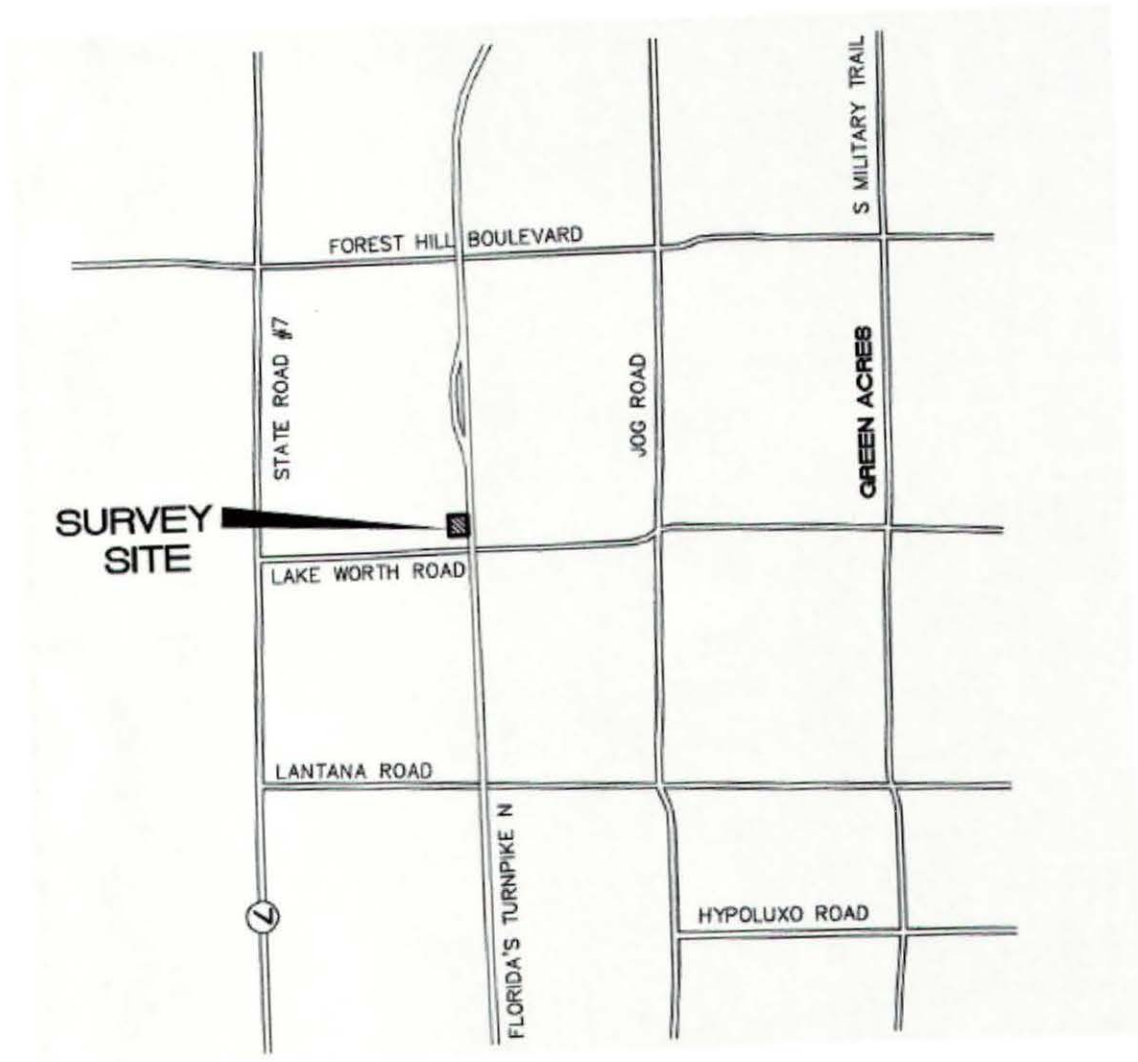
A PORTION OF PARCEL "A" OF "EXIT 93 LLC M.U.P.D." ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGES 160, 161, 162, AND 163 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF PARCEL "B" OF AFORESAID PLAT; THENCE SOUTH 89°22'27" WEST FOR 137.47 FEET TO THE WEST LINE OF SAID PARCEL "A"; THENCE SOUTH 00°37'24" EAST ALONG THE WEST LINE OF SAID PARCEL "A" FOR 227.34 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 89°22'27" EAST ALONG THE SOUTH LINE OF SAID PARCEL "A" FOR 137.59 FEET TO A SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE NORTH 00°39'11" WEST ALONG AN EAST LINE OF SAID PARCEL "A" ALSO BEING THE WEST LINE OF SAID PARCEL "B" FOR 227.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,266 SQUARE FEET, 0.7178 ACRES.



EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous A condition 1 of Resolution R-2003-1768, Control No.2003-00025, 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 September 9, 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.

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated August 19, 2014. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2003-1768, and R-2004-0395, (Control 2003-00025), 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: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. Previous C condition 1 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

At time of submittal for final Development Review Committee (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 certified site plan.

##### Is hereby amended to read:

At time of submittal for Building Permit, the Architectural Elevations shall be submitted for review and approval by the Building Department. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

2. All dumpster enclosures shall be enclosed with a concrete wall on three (3) sides. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. All service openings and doorways shall be completely screened with opaque decorative gates. (BLDGPM: BUILDING DIVISION - Zoning) (Previous C condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

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

a. A maximum height of twenty-five (25) feet. The roof shall have a minimum slope of 5:12. No flat roof shall be permitted;

- b. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and
- c. Lighting for the gas station canopy shall be flush mounted or recessed. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous C condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

## **ENGINEERING**

1. Previous E condition 1 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

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

a. Building Permits for more than the following uses shall not be issued until the contract has been let for a north approach and south approach right turn lane at the intersection of Lake Worth Road and Lyons Road.

- one gas station with a maximum 10 vehicle fueling position,
- one car wash,
- 2,800 square foot convenience store
- 2,600 square foot general commercial.

These uses have been determined to generate 1,449 daily external trips per day.

b. Building Permits for more than the following uses shall not be issued until the contract has been let for a three left turn lanes north approach at the intersection of Lake Worth Road and the Florida Turnpike. Construction shall also include the widening of the west bound through lanes in accordance with the approval of the Florida Department of Transportation.

- one gas station with a maximum 10 vehicle fueling positions;
- one car wash;
- 2,800 square foot convenience store;
- 2,600 square feet of general retail;
- hotel with a maximum of 114 rooms.

These uses have been determined to generate 2,328 external trips per day. The mix of all allowable uses listed in a) and b) above may be adjusted by the County Engineer, as permitted by the Zoning Division, based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

c. No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code.

### **Is hereby amended to read:**

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

a. Building Permits for more than the following uses shall not be issued until the contract has been let for a north approach and south approach right turn lane at the intersection of Lake Worth Road and Lyons Road.

- one gas station with a maximum 10 vehicle fueling position;
- one car wash;
- 2,800 square foot convenience store;
- 2,600 square foot general commercial.

These uses have been determined to generate 1,449 daily external trips per day.

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

b. Building Permits for more than the following uses shall not be issued until the contract has been let for a three left turn lanes north approach at the intersection of Lake Worth Road and the Florida Turnpike. Construction shall also include the widening of the west bound through lanes in accordance with the approval of the Florida Department of Transportation.

- one gas station with a maximum 10 vehicle fueling positions;
- one car wash;
- 2,800 square foot convenience store;
- 2,600 square feet of general retail;
- hotel with a maximum of 114 rooms.

These uses have been determined to generate 2,328 external trips per day. The mix of all allowable uses listed in a) and b) above may be adjusted by the County Engineer, as permitted by the Zoning Division, based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

c. No Building Permits for the site may be issued after December 31, 2019. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Acceptable surety required for the offsite road improvements as outlined in Condition E.1.a, and E.1.b, above shall be posted with the Land Development Division on or before March 18, 2004. Surety shall be in the amount of 110% and shall be based upon a certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE: ENGINEERING - Engineering) (Previous E condition 2 of Resolution R-2003-1768, Control No.2003-00025)

3. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMPT: MONITORING - Engineering) (Previous E condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

#### 4. LANDSCAPE WITHIN THE MEDIAN OF LAKE WORTH ROAD

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of the abutting right of way of Lake Worth Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in sub paragraph d below. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED]

d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and

manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lake Worth Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: ENGINEERING - Engineering) (Previous E condition 4 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

5. Previous E condition 5 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

The Property Owner shall construct a right turn lane east approach on Lake Worth Road at both project entrances.

a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

b. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit.

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy

**Is hereby deleted.** [REASON: Turn lane currently exists as a merge lane from the Turnpike that changes into a right turn lane. Extending the right turn lane will require only revision to the pavement marking and will not change the turn lane capacity.]

6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous E condition 6 of Resolution R-2003-1768, Control No.2003-00025)

7. Prior to approval of the Preliminary Development Plan by the Development Review Committee the Property Owner shall convey an access easement to the Property Owner to the west. Location of the access easement shall be approved by the County Engineer with the form of the easement approved by the County Attorney's Office. (DRO: ENGINEERING - Engineering) (Previous E condition 7 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

## **ENVIRONMENTAL**

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: Environmental Research Management - Environmental Research Management) (Previous D condition 1 of Resolution R-2003-1768, Control No.2003-00025).

## **LANDSCAPE - GENERAL**

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



- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 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. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

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. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

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

- a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches - large shrub; and
- d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence or wall. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

4. All trees and palms shall be planted in a meandering and naturalistic pattern, with exception to five (5) foot wide buffers. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 4 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 5 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

6. Prior to final DRC approval of the site plan, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning) (Previous F condition 6 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

#### **LANDSCAPE - PERIMETER**

7. Landscaping along the south property line abutting Lake Worth Road shall be upgraded to include:

- a. A minimum twenty (20) foot wide right-of-way buffer strip. No width reduction shall be permitted. Easement encroachment shall be permitted for the restaurant only;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) foot measured from top of curb;
- c. One (1) canopy tree for each thirty (30) linear feet of property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of property line, to be planted in groups of five (5);
- e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. One (1) medium shrub (saw palmetto, seagrape or pampas grass) for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous G

condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

8. Landscaping along the east property line abutting the Lake Worth Drainage District E-2-W Canal and Florida's Turnpike, shall be upgraded to include:

- a. A minimum twenty (20) foot wide right-of-way buffer strip. Fifty (50) percent width reduction shall be permitted pursuant to ULDC width reduction requirements. No easement encroachment shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of property line;
- c. One (1) palm or pine tree for each thirty (30) linear feet of property line, to be planted in groups of five (5);
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub (saw palmetto, seagrape or pampas grass) for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous H condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

9. Landscaping along the south 250 feet of the west property line abutting the Lake Worth Road Storage MUPD, shall be upgraded to include:

- a. A minimum five (5) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line; and
- c. One (1) medium shrub (saw palmetto, seagrape or pampas grass) for each two (2) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous I condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

#### **LANDSCAPE - INTERIOR**

10. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. Landscaping for terminal islands in the parking area shall consist of the following:

- a. One (1) canopy tree for each island; and,
- 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. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 1 of Resolution R-2003-1768, Control No.2003-00025)

11. Landscaped diamonds shall be provided between every row of abutting parking for the hotel. The minimum width and length of this diamond shall be eight (8) feet excluding curb. One tree shall be planted for every other diamond with a minimum spacing of twenty (20) feet on center, and appropriate ground cover shall be planted for each diamond. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

12. Landscaping in the eight (8) foot wide landscape buffer between the Hotel and C-store/Restaurant, and the divider median to the north of the hotel shall be upgraded as follows:

- a. One (1) canopy or flowering tree for each twenty (20) linear feet; and
- b. One (1) medium shrub for each two (2) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

13. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to provide a focal point on the south side of the hotel fronting the access way. (DRO: LANDSCAPE - Zoning) (Previous J condition 4 of Resolution R-2003-1768, Control

No.2003-00025) [Note: COMPLETED]

14. Previous J condition 5 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

Foundation planting or grade level planters shall be upgraded along the south, east and west facades of the convenience store, the south and west facades of the restaurant, and all sides of the hotel, to consist of the following:

- a. The minimum width of the required landscape areas shall be increased to eight (8) feet for the south, east and west sides of the convenience store, south and west sides of the restaurant, and the north, south and east sides of the hotel;
- b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure;
- c. Minimum equivalent of one (1) canopy, flowering or palm tree for each twenty (20) linear feet of building facade;
- d. One (1) small shrub for each two (2) linear feet, to be installed at a minimum height of eighteen (18) inches; and, e. One (1) medium shrub for each four (4) linear feet, to be installed at a minimum height of twenty-four (24) inches.

**Is hereby amended to read:**

Foundation planting or grade level planters shall be upgraded along the south, east and west facades of the convenience store, the south facades of the restaurant, and all sides of the hotel, to consist of the following:

- a. The minimum width of the required landscape areas shall be increased to eight (8) feet for the south, east and west sides of the convenience store, south and east sides of the restaurant building, and the north, south and east sides of the hotel;
- b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure;
- c. Minimum equivalent of one (1) canopy, flowering or palm tree for each twenty (20) linear feet of building facade;
- d. One (1) small shrub for each two (2) linear feet, to be installed at a minimum height of eighteen (18) inches; and,
- e. One (1) medium shrub for each four (4) linear feet, to be installed at a minimum height of twenty-four (24) inches. (BLDGPM: LANDSCAPE - Zoning)

15. Special planting treatment shall be provided on both sides of the southern and western access points. Planting shall consist of the following:

- a. A minimum of three (3) Royal Palms, or other specimen trees subject to Zoning approval. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 6 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

16. Landscaping shall be provided along the south and west sides of the utility facility located at the northeast corner of the subject site, to include the following:

- a. One (1) canopy tree for each twenty (20) linear feet of property line;
- b. One (1) medium shrub for each four (4) linear feet, to be installed at a minimum height of twenty-four (24) inches; and
- c. One (1) large shrub for each two (2) linear feet, to be installed at a minimum height of thirty (30) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 7 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

17. Decorative brick pavers shall be provided at the three-way intersection on the south side of the hotel, for all vehicular access points and where pedestrian walkways cross an access way. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 8 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

18. Special planting treatment shall be provided on both sides of the projects main vehicular corridor and the divider median to the south of the restaurant. Planting shall

consist of the following:

- a. One (1) Royal Palm, or other specimen trees subject to Zoning approval, for each thirty (30) linear feet; and,
- b. One (1) medium shrub for each two (2) linear feet, to be installed at a minimum height of twenty-four (24) inches. (BLDG/PMT: LANDSCAPE - Zoning) (Previous J condition 9 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

### **LIGHTING**

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: BUILDING DIVISION - Zoning) (Previous K condition 1 of Resolution R-2003-1768, Control No.2003-00025)

2. All outdoor, freestanding lighting fixtures shall not exceed thirty (30) feet in height measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous K condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

3. 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 K condition 3 of Resolution R-2003-1768, Control No.2003-00025)

### **PLANNED DEVELOPMENT - MUPD**

1. Prior to approval of the site plan by the Development Review Committee, the Property Owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: COUNTY ATTORNEY - Zoning) (Previous L condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

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: COUNTY ATTORNEY - Zoning) (Previous L condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

### **PLANNING**

1. Prior to the issuance of a certificate of occupancy, the petitioner shall pave the two (2) vehicular cross access points to the edge of the western property line at the locations shown on the final approved site plan. (CO: MONITORING - Planning) (Previous M condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

### **SIGNS**

1. Freestanding point of purchase signs shall be limited as follows:

- a. Maximum sign height: twelve (12) feet;
- b. Maximum number of signs: two (2);
- c. Maximum sign face area per side: sign A - seventy (70) square feet, and sign B - one-hundred (100) square feet;
- d. Use: sign A shall be limited to the convenience store with gas sales, and sign B shall be divided equally between the hotel and restaurant.
- e. Location: sign A - within fifty (50) feet of the Lake Worth Road entrance (distance shall be measured from the centerline of the access drive), and sign B - within fifty (50) feet of

southeast corner;

f. Style: monument; and

g. Signs shall be limited to project identification. (BLDG/PMT: BUILDING DIVISION - Zoning) (Previous N condition 1 of Resolution R-2003-1768, Control No.2003-00025)

2. Previous N condition 2 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

Wall signs shall be limited to south facades of the convenience store and restaurant buildings, and any facade of the hotel. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

**Is hereby deleted.** [REASON: Code Requirements.]

3. Signs on gas canopy shall be limited to south and east facades of the canopy. Lettering size shall be limited to eighteen (18) inches high. Canopy signs shall be limited to identification of tenants only. (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

### **SITE DESIGN**

1. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to comply with legal access requirements or obtain variance relief. (DRO: ZONING - Zoning) (Previous B condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

2. A five (5) foot wide sidewalk shall be provided along the south 250 feet of the west property line abutting the Lake Worth Storage MUPD. (BLDG/PMT/DRO: BUILDING DIVISION - Zoning) (Previous B condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

### **USE LIMITATIONS**

1. No outdoor business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF - Zoning) (Previous O condition 1 of Resolution R-2003-1768, Control No.2003-00025)

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous O condition 2 of Resolution R-2003-1768, Control No.2003-00025)

3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous O condition 3 of Resolution R-2003-1768, Control No.2003-00025)

4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous O condition 4 of Resolution R-2003-1768, Control No.2003-00025)

### **COMPLIANCE**

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: ZONING - Zoning) (Previous P condition 1 of Resolution R-2003-1768, Control No.2003-00025)

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

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user



of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or d. Referral to code enforcement; and/or e. Imposition of entitlement density or intensity. Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: ZONING - Zoning) (Previous P condition 2 of Resolution R-2003-1768, Control No.2003-00025)

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: ZONING - Zoning)

## **DISCLOSURE**

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