

RESOLUTION NO. R-2016- 1561

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2015-02507
(CONTROL NO. 2003-00087)
a Development Order Amendment
APPLICATION OF 7-Eleven Inc.
BY Gunster, Yoakley & Stewart, PA, AGENT
(7-Eleven Lake Worth Road)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2015-02507 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2016;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, THE Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/R-2015-02507, the Application of 7-Eleven Inc., by Gunster, Yoakley & Stewart, PA, Agent, for a Development Order Amendment to reconfigure the site plan, add a Requested Use, and modify and delete Conditions of Approval (Engineering, Signs, and Use Limitations), on a parcel of land generally described as shown on the legal description 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 27, 2016, 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 McKinlay and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on October 27, 2016.

Filed with the Clerk of the Board of County Commissioners on October 31st, 2016.

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




EXHIBIT A

LEGAL DESCRIPTION

DEDICATION AND RESERVATION

KNOW ALL MEN BY THESE PRESENTS THAT GKK – LAKE WORTH, LTD. A FLORIDA LIMITED PARTNERSHIP, OWNER OF THE LAND SHOWN HEREON AS PARADISE SQUARE PROFESSIONAL PLAZA, M.U.P.D., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN TRACTS 121 AND 122, BLOCK 23, PALM BEACH FARMS COMPANY, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 122, BLOCK 23 OF THE REFERENCED PALM BEACH FARMS COMPANY, PLAT NO. 3, THENCE NORTH 90°00'00" WEST. ALONG THE NORTH LINE OF SAID TRACTS 121 AND 122. A DISTANCE OF 625.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF NASSAU ROAD (80' WIDE AS NOW LAID OUT AND IN USE) AS DESCRIBED IN OFFICIAL RECORD BOOK 1217, PAGE 371. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°00'00" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF NASSAU ROAD. A DISTANCE OF 572.92 FEET; THENCE SOUTH 44°59'20" EAST. A DISTANCE OF 42.43 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD AS RECORDED IN ROAD PLAT BOOK 5, PAGE 127, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°58'41" EAST. ALONG SAID NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD. A DISTANCE OF 175.06 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 5669.58 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°35'39". A DISTANCE OF 157.75 FEET, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE NORTH 88°25'40" EAST. CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE. A DISTANCE OF 62.26 FEET; THENCE NORTH 00°00'00" EAST. DEPARTING SAID NORTH RIGHT-OF-WAY LINE. A DISTANCE OF 128.10 FEET; THENCE SOUTH 89°57'13" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 125.98 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD; THENCE NORTH 88°25'40" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD, A DISTANCE OF 62.71 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5789.58 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°37'00". A DISTANCE OF 62.30 FEET, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 00°00'00" EAST. ALONG THE EAST LINE OF SAID TRACT 122, A DISTANCE OF 594.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 365,281.06 SQUARE FEET (8.39 ACRES) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

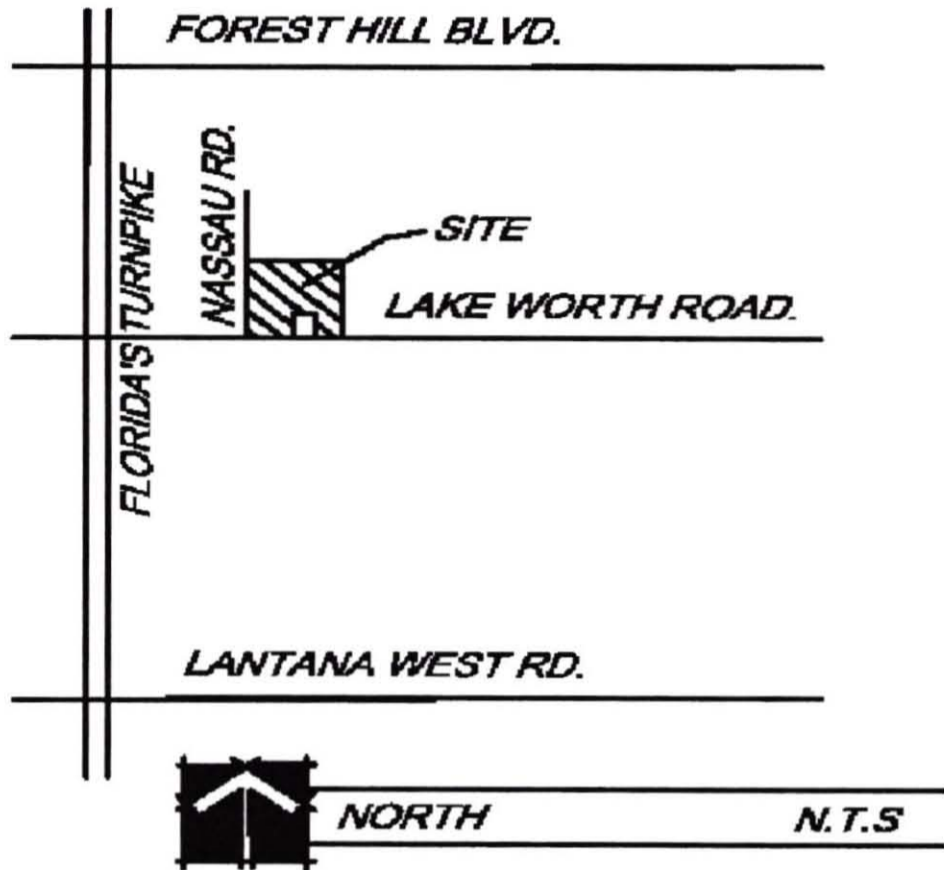


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2004-0733 (Petition 2003-087), 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2004-2015 (Petition 2003-087), have been consolidated as contained herein. The Applicant shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2004-2015, Control No.2003-00087, 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 July 7, 2004. 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:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated August 11, 2016. 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)

ENGINEERING

1. The Property Owner shall lengthen the existing left turn lane west approach on Lake Worth Road at Nassau Road to provide for a minimum 350 feet of storage length. This turn lane improvement shall be constructed 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.

a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2004-2015, Control No.2003-00087)

2. Prior to DRO approval of the final site plan, this Property Owner shall convey two cross access easements. One cross access easement shall be to the Property Owner to the east, the second cross access easement shall be to the "not included" .22 acre office building site. Location of the cross access easements shall be subject to the

approval of the County Engineer. Form and content shall be subject to approval of the County Attorney. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2004-2015, Control No.2003-00087)

3. Previous ENGINEERING Condition 3 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

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

No Building Permits for the site may be issued after April 22, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Chapter E 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:

No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

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

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

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

c. 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. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

d. Also, prior to the issuance of a Building Permit, and at the option of the Petitioner, the Petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the 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. (BLDGPMT/ONGOING:

ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2004-2015, Control No.2003-00087)

5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2004-2015, Control No.2003-00087)

6. If this Property Owner applies for and receives a permit from the State of Florida D.O.T. for an additional access onto Lake Worth Road, the Property Owner shall have the ability to add this access without reapproval from the Board of County Commissioners. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2004-2015, Control No.2003-00087)

7. Prior to DRO approval, the Property Owner shall modify the Site Plan to show right of way for the addition of a east approach right turn lane on Lake Worth Road at the project's westernmost driveway. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT and only required along the road frontage for this project. Additional width may be required to accommodate paved shoulders. (DRO: MONITORING - Engineering)

8. Prior to the issuance of building permits for more than 6,970 square feet, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Lake Worth Road the project's westernmost driveway. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT, and only required along the road frontage for this project. Additional width may be required to accommodate paved shoulders. The right of way shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

9. The Property Owner shall construct a right turn lane east approach on Lake Worth Road at the project's westernmost driveway. This construction shall be concurrent with the paving and drainage improvements for Phase II (at building permits for more than 6,970 square feet). 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for Phase II (at building permits for more than 6,970 square feet). (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II (at certificates of occupancy for more than 6,970 square feet).

(BLDG/PMT/CO: MONITORING - Engineering)

10. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDG/PMT: MONITORING - Engineering)

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 RESOURCES MANAGEMENT - Zoning) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2004-2015, Control No.2003-00087)

2. 25% upland set-aside equal to or greater than 0.60 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Zoning) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2004-2015, Control No.2003-00087)

3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2004-2015, Control No.2003-00087)

HEALTH

1. Owner or operator shall not cause, let, permit or allow the discharge of any hazardous waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department and the agency responsible for sewage works are provided and used by any person generating such waste. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2004-2015, Control No.2003-00087)

2. Owner or operator shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 2 of Resolution R-2004-2015, Control No.2003-00087)

3. Owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 3 of Resolution R-2004-2015, Control No.2003-00087)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

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

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements.

Is hereby deleted. [REASON: Now is a Code requirement.]

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULOC requirements.

Is hereby deleted. [REASON: Now a Code requirement.]

3. Berm height shall be measured from the nearest top of the curb or the crown of the adjacent road or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (Previous LANDSCAPE - GENERAL Condition 7 of Resolution R-2004-2015, Control No.2003-00087)

4. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

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

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

Is hereby deleted. [REASON: Now Code requirement]

5. Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

All trees and palms shall be planted in a meandering and naturalistic pattern.

Is hereby deleted. [REASON: Now Code requirement]

6. At time of submittal for Final Approval by the Development Review Officer the Property Owner shall submit Landscape Plan(s) to the Landscape Section for review and approval. The Plan(s) and/or supporting documents shall demonstrate the Preserve vegetation will meet or exceed the Unified Land Development Code requirements. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: ZONING - Zoning)

7. Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein.

Is hereby deleted. [REASON: Now Code requirement]

8. Field adjustment of plant materials and berm location may be permitted to provide pedestrian sidewalks/bike paths; to accommodate transverse utility or drainage easements crossings, and existing vegetation. (Previous LANDSCAPE - GENERAL

Condition 6 of Resolution R-2004-2015, Control No.2003-00087)

9. Prior to final DRO approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the west property line and/or any portion of the property where existing vegetation may affect the proposed landscaping. [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 8 of Resolution R-2004-2015, Control No.2003-00087)

10. Previous LANDSCAPE - GENERAL Condition 9 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

Prior to final ORO approval of the site plan, the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design.

Is hereby amended to read:

Prior to final DRO approval of the site plan, the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. All trees to be relocated must be relocated within the affected area

11. All existing trees to remain in the affected area (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. (BLDGPM: ZONING - Zoning)

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. (Previous LIGHTING Condition 1 of Resolution R-2004-2015, Control No.2003-00087)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (Previous LIGHTING Condition 2 of Resolution R-2004-2015, Control No.2003-00087)

3. All outdoor, freestanding lighting fixtures shall be setback a minimum of one hundred and five (105) feet from the north residential property line. (Previous LIGHTING Condition 3 of Resolution R-2004-2015, Control No.2003-00087)

4. Previous LIGHTING Condition 4 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

All outdoor lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only.

Is hereby amended to read:

To protect the residential uses to the north, all outdoor lighting within the north three hundred (300) feet of the subject site shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)

5. 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 LIGHTING Condition 5 of Resolution R-2004-2015, Control No.2003-00087)

MULTIPLE USE PLANNED DEVELOPMENT

1. Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 1 of Resolution R-

2004-2015, Control No.2003-00087, which currently states:

Prior to approval of the site plan by the Development Review Officer (DRO), the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof-lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director.

Is hereby deleted. [REASON: Code Requirement]

2. Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 2 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

Prior to approval of the site plan by the Development Review Officer (DRO), 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.

Is hereby deleted. [REASON: Now Code requirement]

PALM TRAN

1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Master/Site Plans prior to the final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2004-2015, Control No.2003-00087)

2. Prior to the issuance of the first building permit or recordation of the plat, whichever shall first occur, the property owner shall convey and or dedicate to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (Previous PALM TRAN Condition 2 of Resolution R-2004-2015, Control No.2003-00087)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

Freestanding ground mounted signs fronting on Lake Worth Road and Nassau Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - one hundred (100) square feet.
- c. maximum number of signs - one (1) for each Road frontage;
- d. style - monument style only; and,
- e. location - within fifty (50) feet of each access point.

(ONGOING: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Condition combined with sign condition number 2.]

2. Previous SIGNS Condition 2 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

Freestanding point of purchase signs at the intersection of Lake Worth Road and Nassau Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side - eighty (80) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only;
- e. sign shall be limited to identification of single-tenant only.

Is hereby amended to read:

Freestanding ground mounted signs fronting on Lake Worth Road and Nassau Road shall be limited as follows:

- a. maximum number of signs - three (3)
(ONGOING: BUILDING DIVISION - Zoning)

3. Previous SIGNS Condition 3 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

Wall signs shall be limited as follows:

- a. The west and south facades of the pharmacy building. No wall signs shall be permitted at the drive-thru canopy and at the covered main entry of the pharmacy building;
- b. the south facade of the 3,800 square foot retail building and the general repair and maintenance building;
- c. any two (2) facades of the medical office buildings; and,
- d. individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only.

Is hereby deleted. [REASON: The pharmacy building will be demolished]

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

Hours of operation for the proposed 5,000 square foot general repair and maintenance facility shall be limited to 8:00am to 7:00pm Monday through Saturday and 10:00am till 4:00pm on Sunday. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Is here by deleted because the use is deleted by Status Report STR-200300-00087-2]

2. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2004-2015, Control No.2003-00087)

3. Previous USE LIMITATIONS Condition 3 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

No outdoor repair and storage of vehicles or parts shall be permitted on the property. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Is here by deleted because the use is deleted by Status Report STR-200300-00087-2]

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) (ONGOING: MONITORING - Zoning)

DISCLOSURE

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