

RESOLUTION NO. R-2017- 0971

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2016-02199
(CONTROL NO. 1991-00047)
a Development Order Amendment
APPLICATION OF Mazal Land, LLC
BY Miller Land Planning, AGENT
(Hagen Ranch Commerce Center 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 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/PDD/DOA-2016-02199 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2017;

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/PDD/DOA-2016-02199, the Application of Mazal Land, LLC, by Miller Land Planning, Agent, for a Development Order Amendment to reconfigure the site plan; add land area; request an Alternative Type 3 Incompatibility buffer to eliminate the required wall; and, to modify Conditions of Approval (Landscaping), 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 July 27, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Absent
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Absent
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 27, 2017.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2017.

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

LAND DESCRIPTION:

PARCEL 1:

COMMENCING AT A POINT AT THE SOUTHWEST CORNER OF THE FOLLOWING DESCRIBED PARCEL, TOWIT: THE EAST HALF OF TRACT 7 AND THE WEST ONE-QUARTER OF TRACT 6, BLOCK 55, "PALM BEACH FARMS COMPANY PLAT NO. 3" (SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN NORTHERLY, ALONG THE WEST BOUNDARY OF THE ABOVE DESCRIBED PARCEL A DISTANCE OF 275 FEET TO A POINT; THENCE EASTERLY, PARALLEL TO THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 100 FEET TO A POINT; THENCE SOUTHERLY, PARALLEL TO THE FIRST DESCRIBED COURSE A DISTANCE OF 275 FEET TO A POINT; THENCE WESTERLY ALONG THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 7, BLOCK 55, "PALM BEACH FARMS COMPANY PLAT NO. 3", SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 45, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG THE SOUTH LINE OF TRACT 7, A DISTANCE OF 165 FEET; THENCE RUN NORTHERLY PARALLEL TO THE WEST LINE OF TRACT 7, BLOCK 55, A DISTANCE OF 275 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY 90 FEET AND PARALLEL TO THE WEST LINE OF TRACT 7; THENCE RUN EASTERLY AND PARALLEL TO THE SOUTH LINE OF TRACT 7, A DISTANCE OF 100 FEET; THENCE RUN SOUTHERLY AND PARALLEL TO THE WEST LINE OF TRACT 7, A DISTANCE OF 90 FEET; THENCE RUN WESTERLY AND PARALLEL TO THE SOUTH LINE OF TRACT 7, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCING AT A POINT AT THE SOUTHEAST CORNER OF THE FOLLOWING PARCEL, TOWIT: THE EAST HALF OF TRACT 7 AND THE WEST ONE-QUARTER OF TRACT 6, BLOCK 55, "PALM BEACH FARMS COMPANY PLAT NO. 3", SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN NORTHERLY ALONG THE EAST BOUNDARY OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 75 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 75 FEET TO A POINT; THENCE SOUTHERLY PARALLEL TO THE FIRST DESCRIBED COURSE, A DISTANCE OF 75 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL, A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT A POINT AT THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIBED PARCEL, TOWIT: THE EAST HALF OF TRACT 7 AND THE WEST ONE-QUARTER OF TRACT 6, BLOCK 55, "PALM BEACH FARMS COMPANY PLAT NO. 3", IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE RUN NORTHERLY ALONG THE EAST BOUNDARY OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 75 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY PARALLEL TO THE SOUTH BOUNDARY 50 FEET TO A POINT; THENCE SOUTHERLY PARALLEL TO THE FIRST DESCRIBED COURSE, A DISTANCE OF 75 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL A DISTANCE OF 50 FEET TO A POINT; THENCE NORTHERLY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT A POINT AT THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIBED PARCEL, TOWIT: THE EAST HALF OF TRACT 7 AND THE WEST ONE-QUARTER OF TRACT 6, BLOCK 55, "PALM BEACH FARMS COMPANY PLAT NO. 3", IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE EAST BOUNDARY OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 75 FEET TO A POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG THE SAID EASTERLY BOUNDARY FOR A DISTANCE OF 200 FEET TO A POINT; THENCE WESTERLY PARALLEL WITH THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 100 FEET TO A POINT; THENCE SOUTHERLY PARALLEL WITH THE FIRST DESCRIBED COURSE A DISTANCE OF 200 FEET TO A POINT; THENCE EASTERLY ALONG A LINE WHICH IS 75 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACTS 6 AND 7 A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 7, BLOCK 55, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE RUN EASTERLY ALONG THE SOUTH LINE OF TRACT 7, A DISTANCE OF 265 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTHERLY PARALLEL WITH THE WEST LINE OF TRACT 7, BLOCK 55, A DISTANCE OF 275.0 FEET TO A POINT; THENCE RUN EASTERLY ALONG A LINE PARALLEL WITH THE SOUTH LINE OF TRACT 7, BLOCK 55, A DISTANCE OF 47.5 FEET TO A POINT; THENCE RUN SOUTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF TRACT 7, BLOCK 55, A DISTANCE OF 200.0 FEET TO A POINT; THENCE RUN WESTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF TRACT 7, BLOCK 55, A DISTANCE OF 25.0 FEET TO A POINT; THENCE RUN SOUTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF TRACT 7, BLOCK 55, A DISTANCE OF 75.0 FEET TO A POINT IN THE SOUTH LINE OF TRACT 7, BLOCK 55, THENCE RUN WESTERLY ALONG THE SOUTH LINE OF TRACT 7, A DISTANCE OF 22.5 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO THE FOLLOWING DESCRIBED PARCELS FOR INGRESS AND EGRESS:

A STRIP OF LAND 20 FEET IN WIDTH IN TRACT 7, BLOCK 55, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE CENTER LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 7; THENCE RUN EASTERLY ALONG THE SOUTH LINE OF TRACT 7, A DISTANCE OF 175 FEET; THENCE RUN NORTHERLY PARALLEL TO THE WEST LINE OF TRACT 7, A DISTANCE OF 275 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTHERLY, PARALLEL TO THE WEST LINE OF TRACT 7, A DISTANCE OF 487.28 FEET AND THERE TERMINATING.

AND

A STRIP OF LAND 20 FEET IN WIDTH IN TRACTS 6 AND 7, BLOCK 55, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE CENTER LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 7, THENCE RUN EASTERLY ALONG THE SOUTH LINE OF TRACT 7 A DISTANCE OF 165 FEET; THENCE RUN NORTHERLY PARALLEL TO THE WEST LINE OF TRACT 7 A DISTANCE OF 285 FEET TO THE POINT OF BEGINNING, THENCE RUN EASTERLY PARALLEL TO THE SOUTH LINE OF TRACTS 6 AND 7 A DISTANCE OF 247.5 FEET AND THERE TERMINATING.

TOGETHER WITH:

TRACTS "A", "B", "C" AND "D" OF "HAGEN RANCH COMMERCE CENTER REPLA P.C.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGE 127 OF THE PUBLIC RECORDS OF PALM/BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA; CONTAINING 402,752 SQUARE FEET OR 9.2458 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

Location Map

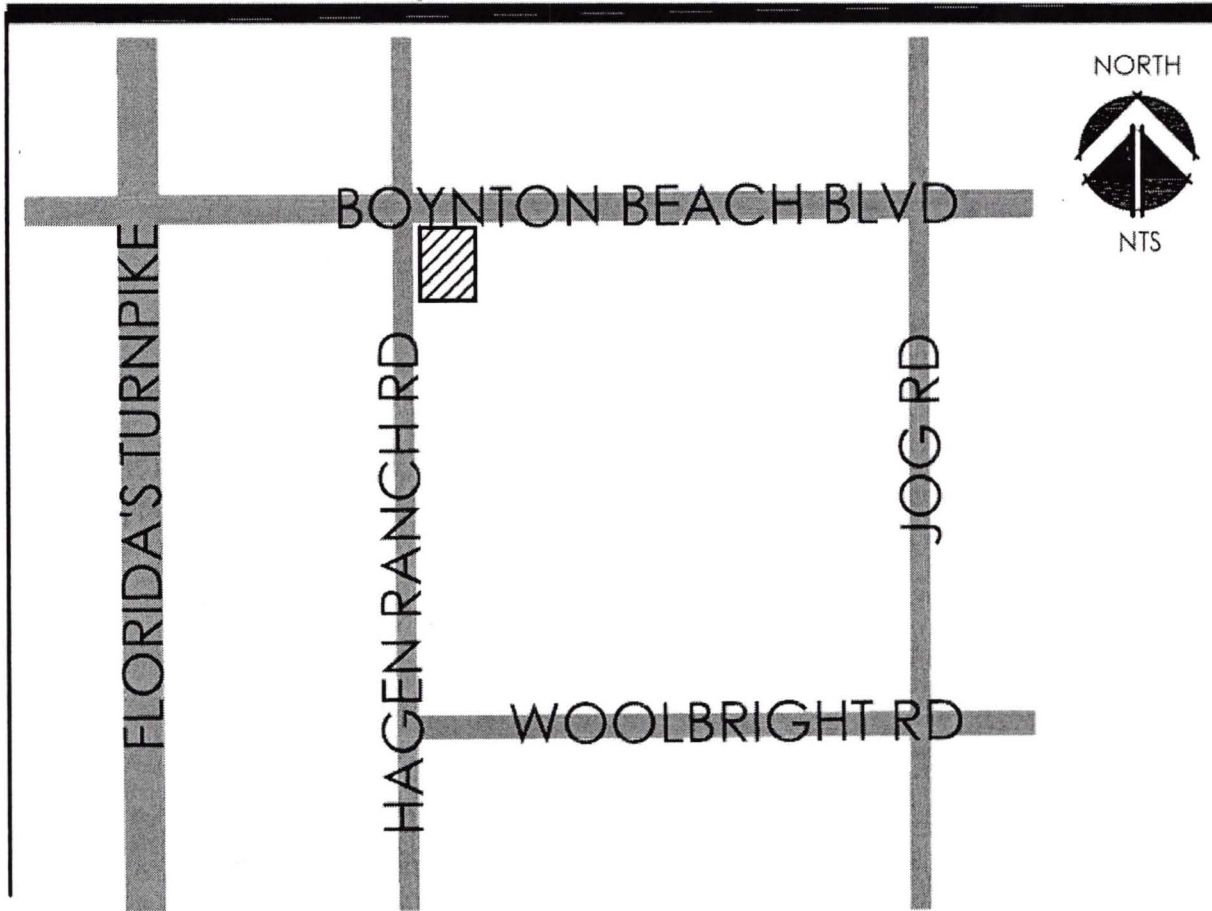


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2002-143, Control No.1991-00047, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-92-350 (Petition 91-47), and R-92-351 (Petition 91-47), 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-92-350 (Petition 91-47), R-92-351 (Petition 91-47), R-98-728 (Petition DOA 91-47(A), R-98-1120 and R-2002-0143 (Petition DOA-1991-047(B) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous A Condition 2 of Resolution R-2002-143, Control No.1991-00047, 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 master/site plan is dated October 17,2001. 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 master/site plan is dated May 11, 2017. 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)

ACCESS

1. Prior to site plan certification, the petitioner shall record in the public record a cross access agreement which provides access to the Property Owner to the east (Petition No. 90-17) in a form acceptable to the County Attorney. [Note: COMPLETED] (Previous B Condition 1 of Resolution R-2002-143, Control No.1991-00047)

BUILDING

1. Total gross floor area shall be limited to a maximum of 56,727 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRO/ONGOING: ZONING - Zoning) (Previous D Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. Architectural character and treatment which is compatible and harmonious with abutting residential development shall be provided on the rear facades of the retail buildings. (DRO/ONGOING: ZONING - Zoning) (Previous D Condition 2 of Resolution R-2002-143, Control No.1991-00047)

3. All air conditioning and mechanical equipment shall be screened from view on all sides

by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (ONGOING: ZONING - Zoning) (Previous D Condition 3 of Resolution R-2002-143, Control No.1991-00047)

COUNTY ATTORNEY

1. Previous W Condition 1 of Resolution R-2002-143, Control No.1991-00047, which currently states:

Prior to site plan certification, the petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney.

Is hereby amended to read:

Prior to site plan certification, the petitioner shall record in the public record a new Unity of Control for the entire subject property including the 1.77 acres to the west of Commercial Center. This must be in a form acceptable to the County Attorney.

ENGINEERING

1. Condition E.I of Resolution R-92-351, Petition 91-47, was deleted by Resolution R-98-0728. (Previous E Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ONGOING: ENGINEERING - Engineering) (Previous E Condition 2 of Resolution R-2002-143, Control No.1991-00047)

3. Prior to March 15, 1992 or prior to the issuance of the first Building Permit whichever shall first occur, the Property Owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Hagen Ranch Road, 60.5 feet from centerline free of all encumbrances and encroachments. Developer 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. (BLDG/PMT/DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-2002-143, Control No.1991-00047)

4. The Property Owner shall construct at the project middle entrance and Hagen Ranch Road a left turn lane north approach.

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

b. 4b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of building permits for more than 13,000 square feet of commercial floor area, including the existing convenience store. [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of certificates of Occupancy for more than 13,000 square feet of commercial floor area, including the existing convenience store. [Note: COMPLETED] (Previous E Condition 4 of Resolution R-2002-143, Control No.1991-00047)

5. Prior to site plan approval:

a. The site plan shall be revised to relocate the proposed north entrance onto Hagen Ranch Road a distance of 120 feet to the south. [Note: COMPLETED]

b. The Property Owner shall convey an access easement to the adjoining Property Owner to the east. Location to be approved by the County Engineer. [Note: COMPLETED] (Previous E Condition 5 of Resolution R-2002-143, Control No.1991-00047)

6. Condition E.6 of Resolution R-92-351, Petition 91-47 was deleted by Resolution R-98-0728. (Previous E Condition 6 of Resolution R-2002-143, Control No.1991-00047)

7. The Property Owner shall convey to the Lake Worth Drainage District the north 75 feet of the subject tracts the required right-of-way for Lateral Canal No. 24, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to March 15, 1992. (DATE: ENGINEERING - Engineering) (Previous E Condition 7 of Resolution R-2002-143, Control No.1991-00047)

8. Condition E.8 of Resolution R-92-351, Petition 91-47 was deleted by Resolution R-98-0728. (Previous E Condition 8 of Resolution R-2002-143, Control No.1991-00047)

9. The Property Owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. (Previous E Condition 9 of Resolution R-2002-143, Control No.1991-00047)

10. Condition E.10 of Resolution R-92-351, Petition 91-47 was deleted by Resolution R-98-0728. (Previous E Condition 10 of Resolution R-2002-143, Control No.1991-00047)

11. LANDSCAPE WITHIN MEDIAN OF BOYNTON BEACH BOULEVARD

At the option of the County Engineer the Property Owner shall either complete A or B of the following condition:

A1. Landscaping by the Property Owner as follows:

Prior to issuance of a building permit, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard road rightof- way. This permit, to be completed by the Property Owner, shall name Palm Beach County as the Applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the Property Owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. [Note: COMPLETED]

A2. All required median landscaping, including an irrigation system if required, shall be installed at the Property Owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. [Note: COMPLETED]

A3. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. [Note: COMPLETED]

B. Funding for Landscaping by the Property Owner as follows: Funding for the required landscaping by the property wner shall be provided to the County Engineer within 60 days notice that payment is requested. Funding may then be provided to the Palm Isles Homeowner's Association for an irrigation system or the planting of Landscape material within the median of Boynton Beach Boulevard adjacent to the site. [Note: COMPLETED] (Previous E Condition 11 of Resolution R-2002-143, Control No.1991-00047)

12. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. The extent of soil and groundwater contamination shall be defined and summarized in a complete Contamination Assessment Report (CAR) to be submitted to the Department of Environmental Resources Management (ERM) concurrent with site plan review application and approved by ERM prior to site plan certification. [Note: COMPLETED] (Previous G Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit an application for the Preservation of Native Vegetation to the Department of Environmental Resources Management (ERM). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to issuance of building permits, all petroleum contaminated soils located in stormwater retention areas, building or parking areas, driveways, or other areas to be covered by slabs, foundations, paving, or exfiltration trenches, shall be removed to levels designated by the Department of Environmental Resources Management and the area(s) shall be backfilled with clean, non-deleterious material. Petroleum contaminated soils in other areas shall be assessed and remediated in accordance with Chapter 17-770, Florida Administrative Code and Department of Environmental Regulation guidelines. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous G Condition 2 of Resolution R-2002-143, Control No.1991-00047)

4. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit (select one or more: Site Plan, Subdivision Plan, Landscape Plan or Alternate Landscape Plan) with a Tree Disposition Chart for review and approval. All vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a) the temporary location for the relocated vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved vegetation and identify what type of the permanent tree barricades/ protection devices will be utilized;
- c) a Justification Statement describing the maintenance of the relocated vegetation prior to the installation of the vegetation to a new location, and the length of time associated with the temporary storage of the relocated vegetation; and
- d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. Remediation of contaminated groundwater shall be performed by the petitioner in accordance with Chapter 17-770, Florida Administrative Code requirements. Time frames and schedules described in the rule shall be met by the petitioner unless extensions are granted by the Department of Environmental Resources Management. [Note: COMPLETED] (Previous G Condition 3 of Resolution R-2002-143, Control No.1991-00047)

6. No vegetation shall be removed or relocated and no Preservation of Native Vegetation permit; pursuant to ULDC Article 14.C, shall be issued until ERM conditions 1 and 2 are satisfied. (ONGOING: ERM-ERM)

7. Plans for any underground storage tanks must be signed off by ERM 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. [Note: COMPLETED] (Previous G Condition 4 of Resolution R-2002-143, Control No.1991-00047)

8. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. ERM Staff are willing to provide guidance on appropriate protective measures. [Note: COMPLETED] (Previous G Condition 5 of Resolution R-2002-143, Control No.1991-00047)

HEALTH

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the Property Owner. (Previous J Condition 1 of Resolution R-2002-143, Control No.1991-00047)
2. The car wash facility shall utilize a 100% water recycling system. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous C Condition 1 of Resolution R-2002-143, Control No.1991-00047)

LANDSCAPE - GENERAL

1. All trees planted on-site shall be a minimum of fourteen (14) feet in height at installation with a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous K Condition 1 of Resolution R-2002-143, Control No.1991-00047)

LANDSCAPE - INTERIOR

1. Interior grade-level tree planters shall be required within all applicable parking areas of Phase 2 as indicated on the site plan approved May 27, 1992 Exhibit 24. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous L Condition 1 of Resolution R-2002-143, Control No.1991-00047)
2. The site plan shall be amended to indicate five (5) foot wide landscape strips along the rear of the 14,250 and 12,700 square foot in-line retail center, except adjacent to access points to the rear of each building. The landscape strips shall be planted with a minimum of thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous L Condition 2 of Resolution R-2002-143, Control No.1991-00047)
3. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following: a. b. The minimum width of the required landscape areas shall be five (5) feet; The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure; and, Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous L Condition 3 of Resolution R-2002-143, Control No.1991-00047)

LANDSCAPE - PERIMETER-ALONG NORTH PROPERTY LINE (ABUTTING BOYNTON BEACH BOULEVARD)

1. Landscaping along Boynton Beach Boulevard shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip.
 - b. One fourteen (14) foot tall tree for each twenty (20) linear feet of frontage;
 - c. Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous M Condition 1 of Resolution R-2002-143, Control No.1991-00047)

LANDSCAPE - PERIMETER-ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

2. Previous N Condition 1 of Resolution R-2002-143, Control No.1991-00047, which currently states:

Landscaping within a fifteen (15) foot wide buffer strip along the south property line shall be upgraded to include: a. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.

Is hereby amended to read:

Landscaping within a fifteen (15) foot wide buffer strip along the south property line shall be upgraded to include:

- a. Abutting the main commercial building the a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
- b. Abutting the new parking area an Alternative Type 3 Buffer as illustrated on the Final Regulating Plan Buffer Detail "H" dated May 11, 2017 shall be planted. (DRO: ZONING - Zoning)

3. The following landscaping requirements shall be installed on the exterior side of the required wall: a. b. One fourteen (14) foot tall tree for each twenty (20) linear feet. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (ONGOING: ZONING - Zoning) (Previous N Condition 2 of Resolution R-2002-143, Control No.1991-00047)

4. The following landscaping requirements shall be installed on the interior side of the required wall:
a. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous N Condition 3 of Resolution R-2002-143, Control No.1991-00047)

LANDSCAPE - PERIMETER-ALONG THE EAST PROPERTY LINE

5. Landscaping within a ten (10) foot wide buffer strip along the east property line shall be upgraded to include:
- a. A six (6) foot high opaque concrete wall for that portion of the property line abutting property with residential land use. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
 - b. The following landscaping requirements shall be installed on the exterior side of the required wall:
 1. One fourteen (14) foot tall tree for each twenty (20) linear feet.
 2. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches
 - c. The following landscaping requirements shall be installed on the interior side of the required wall:
 1. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.
 - d. For the portion of the east property line abutting commercial zoning, the following landscape requirements shall be installed within the required ten (10) foot wide landscape strip:
 1. One fourteen (14) foot tall tree for each twenty (20) linear feet.
 2. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous O Condition 1 of Resolution R-2002-143, Control No.1991-00047)

LANDSCAPE - PERIMETER-ALONG WEST PROPERTY LINE (ABUTTING HAGEN RANCH ROAD)

6. Landscaping within the required fifteen (15) foot buffer along Hagen Ranch Road shall be upgraded to include:
- a. One fourteen (14) foot tall tree for each twenty (20) linear feet of frontage;
 - b. Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center. (ONGOING: ZONING - Zoning) (Previous P Condition 1 of Resolution R-2002-143, Control No.1991-00047)
7. Landscaping along 110 feet of Hagen Ranch Road, adjacent to the 3,600 square foot outparcel shall be upgraded to include:
- a. The landscape buffer adjacent to the 3,600 square foot out-parcel shall maintain a twenty (20) foot buffer excluding any easement encroachments in addition to the above requirements. (ONGOING: ZONING - Zoning) (Previous P Condition 2 of Resolution R-2002-143, Control No.1991-00047)

LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets. (ONGOING: ZONING - Code Enforcement) (Previous Q Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. Lighting fixtures shall not exceed twenty (20) feet in height. Lighting fixtures within one hundred and sixty (160) feet of residential areas shall not exceed twelve (12) feet in height. (ONGOING: ZONING - Code Enforcement) (Previous Q Condition 2 of Resolution R-2002-143, Control No.1991-00047)

3. All outdoor lighting within fifty (50) feet of residential areas shall be extinguished no later than 11 :00 p.m. Security lighting only is excluded from this requirement. (ONGOING: ZONING - Code Enforcement) (Previous Q Condition 3 of Resolution R-2002-143, Control No.1991-00047)

4. There shall be no rooftop lighting allowed on-site. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures. (ONGOING: ZONING - Code Enforcement) (Previous Q Condition 4 of Resolution R-2002-143, Control No.1991-00047)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Drainage District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. (ONGOING: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) (Previous F Condition 1 of Resolution R-2002-143, Control No.1991-00047)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (ONGOING: ZONING - Zoning) (Previous R Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. Previous R Condition 2 of Resolution R-2002-143, Control No.1991-00047, which currently states:

No parking of any vehicles shall be permitted along the rear of the facility except in parking spaces or unloading areas designated on the site plan.

Is hereby amended to read:

No parking of any vehicles shall be permitted along the rear of the facility except in parking spaces, unloading areas designated on the site plan and specially designated parking area for employees. (ONGOING: ZONING - Zoning)

PLANNING

1. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12,1996. [Note: COMPLETED] (Previous S Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. Prior to the issuance of a building permit, the property owner shall include in the landscape median permit application, landscaping details/ specifications meeting the standards as set forth in Section 28 (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12,1996. In lieu of this requirement, prior to the issuance of a building permit, if an agreement is reached between Palm Isles PUD and Palm Beach County for the landscaping of the median, the property owner may provide a cash contribution to the Palm Isles Homeowners Association

for the landscaping of the median provided the landscape detail specifications of the Palm Isles landscaping plan are consistent with the Boynton Beach Turnpike Interchange Corridor- Design Guidelines. [Note: COMPLETED] (Previous S Condition 2 of Resolution R-2002-143, Control No.1991-00047)

3. Trees within the perimeter landscape buffers shall be provided at a maximum of twenty-five (25) feet on center. (ONGOING: PLANNING - Planning) (Previous S Condition 3 of Resolution R-2002-143, Control No.1991-00047)

4. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions: a) Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median including a twenty-five (25) foot landscape buffer on Boynton Beach Boulevard with the exception of landscape buffering in front of the existing gas station use. The twenty-five (25) foot buffer will not be required in front of the existing gas station use; and b) Section 3: Landscaping Guidelines. (ONGOING: PLANNING - Planning) (Previous S Condition 4 of Resolution R-2002-143, Control No.1991-00047)

5. Per SCA 2017-011: Development of the site under the Commercial High future land use designation is limited to parking, landscaping, and drainage with no intensity/square footage permitted. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

1. The petitioner shall install stop bars and stop signs at the project's entrances on Boynton Beach Boulevard and Hagen Ranch Road in accordance with the manual of Uniform Traffic Control Device. This petitioner shall also install pedestrian crossing signs warning vehicles entering and exiting this project that school children are crossing in this area to Hagen Road Elementary School between the hours of 7:30 a.m. - 8:15 a.m. and 2:00 p.m. - 2:45 p.m. Plans detailing these control devices for vehicular and pedestrian traffic safety shall be submitted to the Growth Management Center of the School Board for approval prior to site plan certification. (ONGOING: SCHOOL BOARD - School Board) [Note: COMPLETED] (Previous U Condition 1 of Resolution R-2002-143, Control No.1991-00047)

SIGNS

1. Signs fronting on Boynton Beach Boulevard shall be limited as follows:

- a. Maximum sign height - ten (10) feet.
- b. Maximum total sign face area per sign - 100 sq. ft. total.
- c. Maximum number of signs - one (1) monument type sign. (ONGOING: ZONING - Zoning) (Previous V Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. Freestanding Point of purchase sign on Hagen Ranch Road shall be limited as follows:

- a. b. c. d. maximum sign height, measured from finished grade to highest point - six (6) feet; maximum sign face area per side - sixty (60) square feet; maximum number of signs - one (1); and, style - monument style only. (ONGOING: ZONING - Zoning) (Previous V Condition 2 of Resolution R-2002-143, Control No.1991-00047)

3. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. [Note: COMPLETED] (Previous V Condition 3 of Resolution R-2002-143, Control No.1991-00047)

4. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. (ONGOING: ZONING - Zoning) (Previous V Condition 4 of Resolution R-2002-143, Control No.1991-00047)

5. The service station gasoline price information shall comply with the minimum requirements of the applicable County Ordinance. (ONGOING: ZONING - Zoning) (Previous V Condition 5 of Resolution R-2002-143, Control No.1991-00047)

6. Should the existing freestanding Point of purchase sign at the intersection of Hagen Ranch Road and Boynton Beach Boulevard be replaced, removed or relocated, the new sign shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side - sixty (60) square feet;
- c. maximum number of signs - one (1); and
- d. style - monument style only. (ONGOING: ZONING - Zoning) (Previous V Condition 6 of Resolution R-2002-143, Control No.1991-00047)

SITE DESIGN

1. There shall be no dumpsters located within fifty (50) feet of any residentially zoned property. (ONGOING: ZONING - Zoning) (Previous H Condition 2 of Resolution R-2002-143, Control No.1991-00047)

2. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ONGOING: ZONING - Zoning) (Previous H Condition 1 of Resolution R-2002-143, Control No.1991-00047)

SOLID WASTE AUTHORITY

1. The Property Owner and/or all lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: ZONING - Zoning) (Previous T Condition 1 of Resolution R-2002-143, Control No.1991-00047)

USE LIMITATIONS

1. No outdoor speaker or public address systems which are audible offsite shall be permitted. (ONGOING: ZONING - Zoning) (Previous C Condition 2 of Resolution R-2002-143, Control No.1991-00047)

2. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous C Condition 3 of Resolution R-2002-143, Control No.1991-00047)

3. Vehicles shall not be tested off-site on residential streets. (ONGOING: ZONING - Zoning) (Previous C Condition 4 of Resolution R-2002-143, Control No.1991-00047)

4. There shall be no outdoor repair or storage of vehicles. (ONGOING: ZONING - Zoning) (Previous C Condition 5 of Resolution R-2002-143, Control No.1991-00047)

5. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (ONGOING: ZONING - Zoning) (Previous C Condition 6 of Resolution R-2002-143, Control No.1991-00047)

6. Retail business activities, excluding the auto service station and convenience store, shall not be allowed on site, including deliveries, prior to 6:00 a.m. nor continue later than 11:00 p.m. The fast food facility may be open until 12 o'clock midnight. (ONGOING: ZONING - Zoning) (Previous X Condition 1 of Resolution R-2002-143, Control No.1991-00047)

7. No storage or placement of any material, refuse, equipment or debris shall be permitted in the rear of any of the facilities. (ONGOING: ZONING - Zoning) (Previous X Condition 2 of Resolution R-2002-143, Control No.1991-00047)

8. No outdoor retail business activities shall be allowed on the site, excluding deliveries. (ONGOING: ZONING - Zoning) (Previous X Condition 3 of Resolution R-2002-143, Control No.1991-00047)

UTILITIES

1. The developer shall design the project on-site irrigation system to facilitate a suitable connection to a future reclaimed water transmission main on Hagen Ranch Road. The irrigation system shall be designed to allow a disconnection of the irrigation well and/or surface water irrigation pump providing irrigation water on an interim basis until connection to the reclaimed water system becomes available. There shall be no physical connection between the irrigation system and the potable water system. The design of the irrigation system shall be subject to the review and approval of the Palm Beach County Water Utilities Department. (ONGOING: ZONING - Zoning) (Previous Y Condition 1 of Resolution R-2002-143, Control No.1991-00047)

2. Upon the availability of reclaimed water from the Palm Beach County Southern Region Wastewater Treatment Plant, the Property Owner will enter into a Reclaimed Water Use Agreement with Palm Beach County and the Palm Beach County Water Utilities Department for the provision of reclaimed water to the project for the purpose of irrigating grassed and landscaped areas. (ONGOING: ZONING - Zoning) (Previous Y Condition 2 of Resolution R-2002-143, Control No.1991-00047)

3. The developer shall extend the 16-inch water main in Boynton Beach Boulevard, from the west property line of Palm Isles PUD to Hagen Ranch Road, and thence extend a 20-inch water main in Hagen Ranch Road, from the north side of Boynton Beach Boulevard to the entrance of Hagen Ranch Commerce Center, in accordance with Palm Beach County Water Utilities Department requirements. [Note: COMPLETED] (Previous Y Condition 3 of Resolution R-2002-143, Control No.1991-00047)

4. The developer shall construct a 6-inch force main from the existing 8- inch force main in Boynton Beach Boulevard, at the entrance to the Palm Isles PUD development to the project site, in accordance with Palm Beach County Water Utilities Department requirements. [Note: COMPLETED] (Previous Y Condition 4 of Resolution R-2002-143, Control No.1991-00047)

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) (ONGOING: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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