

RESOLUTION NO. R-2017- 1123

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2015-02519
(CONTROL NO. 1999-00036)
a Development Order Amendment
APPLICATION OF CVS 4785 FL LLC, Taz Inc - Hardial Sibia
BY Hardial Sibia, AGENT
(Coconut Plaza)

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 ABN/DOA-2015-02519 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 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 ABN/DOA-2015-02519, the Application of CVS 4785 FL LLC, Taz Inc - Hardial Sibia, by Hardial Sibia, Agent, for a Development Order Amendment to reconfigure the site plan, add square footage, and amend Conditions of Approval (Building and Site Design, Landscape, Signs, 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 August 24, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

The motion was seconded by Commissioner Kerner 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	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Absent
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2017.

Filed with the Clerk of the Board of County Commissioners on September 5th, 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

PARCEL(S) A AND B, COCONUT PLAZA M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 74 AND 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

*Total Square Footage:173,948 (PLAT) 3.99 acres 173,947.98(CALCULATED)
Section 1, Township 42 South, Range 42 East*

PARCEL A:

PARCEL A COCONUT PLAZA M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 74 AND 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

2.18 acres

PCN # 00424601360010000

Section 1, Township 42 South, Range 42 East

PARCEL B:

PARCEL B COCONUT PLAZA M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGES 74 AND 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

1.81 acres

PCN # 00424601360020000

Section 1, Township 42 South, Range 42 East

EXHIBIT B
VICINITY SKETCH

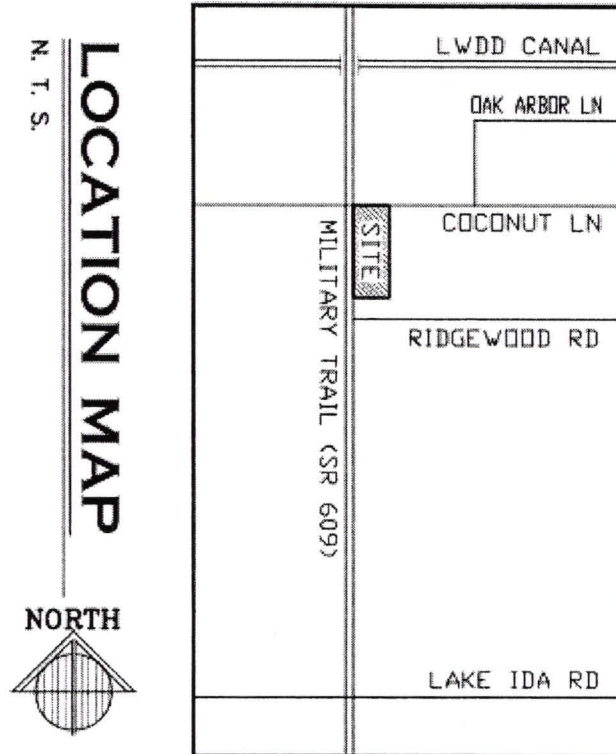


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2002-7, Control No.1999-00036, 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 revised site plan is dated November 7, 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:

The approved Preliminary Site Plan is dated April 24, 2017. 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. Prior to final DRC certification of the site plan, the petitioner/property owner shall provide to the Zoning Division evidence of a restrictive covenant approved by the Coco Pines Estates Homeowners Association to mitigate impacts. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous A Condition 2 of Resolution R-2002-7, Control No.1999-00036)

3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2002-0007 (Control 1999-00036), 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-PARCEL A

1. The proposed buildings shall be designed and constructed to be generally consistent with the facade elevations by Saltz Michelson Architects dated October 10, 2001. (ONGOING: ZONING - Zoning) (Previous B Condition 1 of Resolution R-2002-7, Control No.1999-00036)

ARCHITECTURAL REVIEW

2. Previous B Condition 2 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building.

Is hereby deleted. [REASON: Code Requirement]

ARCHITECTURAL REVIEW-PARCEL B

3. Previous B Condition 3 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Prior to final DRC certification of the site plan, the petitioner shall submit revised architectural elevations to the Architectural Review Section of the Zoning Division for review and approval. Development shall be consistent with the approved architectural elevations.

Is hereby amended to read:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the structures of Parcel B shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated March 27, 2017. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

4. Previous C Condition 3 of Resolution R-2002-7, Control No.1999-00036, which currently states:

The maximum height for all structures (except for the pharmacy building), including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet for the financial institution building. The pharmacy building, except for the northwestern entry /front portion of the building, shall not exceed thirty and one half (30.5) feet. The northwestern portion of the pharmacy building shall increase to a maximum of thirty-six (36) feet to accommodate a cuppola. All heights shall be measured from finished grade to highest point of the structures.

Is hereby amended to read:

The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet. The northwestern entry /front portion of Building A (Retail Pharmacy) shall not exceed thirty and one half (30.5) feet. The northwestern portion of the Building A may increase to a maximum height of thirty-six (36) feet to accommodate a cuppola. All heights shall be measured from finished grade to highest point of the structures. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Flavor Pict Road and Military Trail to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 1 of Resolution R-2002-7, Control No.1999-00036)

2. The Property owner shall construct a five foot pedestrian pathway along the south right of way of Coconut Lane (Flavor Pict Road) from Military Trail east to the project's east property line.

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 pavement markings and signing. (BLDGPMT: ENGINEERING - Engineering) [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 2 of Resolution R-2002-7, Control No.1999-00036)

3. LANDSCAPE WITHIN MEDIAN OF MILITARY TRAIL

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Military Trail Right-of-Way. Landscaping shall consist of: - Concrete median cut out strips - Median Landscaping As part of this permit process,

the property owner shall enter into an Indemnification Agreement. When landscape cutouts and median plantings are permitted, the Landscape Material within the roadway median shall be approved by the County Engineer. All new landscape material shall be consistent with any 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-2002-7, Control No.1999-00036)

4. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to accommodate drainage that currently flows through the property from the adjacent parcel to the north to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

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

a. No Building Permits for the site may be issued after December 31, 2020. 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)

ENVIRONMENTAL

1. 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)

2. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit a Site 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)

3. 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)

4. All conditions of the amended Settlement Agreement for vegetation violations shall be complied with before issuance of the Certificate of Occupancy. [Note: COMPLETED] (Previous F Condition 2 of Resolution R-2002-7, Control No.1999-00036)

5. All native vegetation that is to be planted as a result of the Settlement Agreement, which is not utilized in the planting on the buffer area along the eastern property line, shall be planted consistent with the location specified in the revised Settlement Agreement. [Note: COMPLETED] (Previous F Condition 1 of Resolution R-2002-7, Control No.1999-00036)

LANDSCAPE - GENERAL

1. Previous D Condition 1 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation: a. tree height: fourteen (14) feet b. trunk diameter: 3.5 inches measured 4.5 feet above grade; c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and, credit may be given for existing or relocated trees provided they meet current ULDC requirements.

Is hereby amended to read:

Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation: a. tree height: fourteen (14) feet. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning)

2. All palms (except for Medjool or Canary 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); and,
c. feet; and credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous D Condition 2 of Resolution R-2002-7, Control No.1999-00036)

3. 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. (ONGOING: ZONING - Zoning) (Previous D Condition 3 of Resolution R-2002-7, Control No.1999-00036)

4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (ONGOING: ZONING - Zoning) (Previous D Condition 4 of Resolution R-2002-7, Control No.1999-00036)

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

a. palm heights: seven (7) to eight (8) feet clear trunk. (ONGOING: ZONING - Zoning) (Previous D Condition 5 of Resolution R-2002-7, Control No.1999-00036)

LANDSCAPE - INTERIOR

6. Previous K Condition 1 of Resolution R-2002-7, Control No.1999-00036, which currently states:

One 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.

Is hereby deleted. [REASON: This is now a minimum Code Requirement.]

7. Foundation planter strip shall be provided along the front and side facades of all structures. The minimum width of the required foundation planter strip shall be six and one half (6.5) feet. The combined length of the required foundation planter strip shall be no less than fifty (50%) percent of the accumulative length of the structure. All required foundation planter strips shall be planted with a minimum of one (1) flowering tree or palm every twenty (20) feet and appropriate ground cover. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 2 of Resolution R-2002-7, Control No.1999-00036)

8. Special planting treatment shall be provided on both sides of the north access point of Military Trail, and at the intersection of Military Trail and Coconut Lane. Planting shall consist of the following: a. one (1) specimen palm (Medjool or Canary) for the Military Trail access point and a minimum of three (3) specimen palms (Medjool or Canary) for the intersection planting; a minimum of three (3) flowering trees; and shrub or hedge materials. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 3 of Resolution R-2002-7, Control No.1999-00036)

9. Special planting treatment shall be provided at the median of the north access point on Military Trail. Planting shall consist of the following:

- a. a minimum of two (2) specimen palms (Royal); and,
- b. shrub or hedge materials. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 4 of Resolution R-2002-7, Control No.1999-00036)

10. Special planting treatment shall be provided on both sides of the south access point on Military Trail and access point on Coconut Lane. Planting shall consist of the following:

- a. a minimum of one (1) specimen palms (Royal); and,
- b. shrub or hedge materials. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 5 of Resolution R-2002-7, Control No.1999-00036)

11. Landscape median located between the drive-thru lanes and the dumpster area of the pharmacy shall be increased to a minimum width of ten (10) feet. Landscaping for this median shall consist of:

- a. a solid concrete wall shall be installed. The wall shall have a minimum height of six (6) feet. Decorative caps along the top of the wall, and a medallion at alternate panel shall be installed on the exterior side of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development;
- b. one (1) flowering tree planted for each twenty (20) linear feet of the median;
- c. one (1) palm for each twenty (20) linear feet of the median with a maximum spacing of sixty (60) feet between clusters; and,
- d. one (1) small shrub for each two (2) linear feet of the median. Shrub shall be a minimum height of twenty-four (24) inches. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 6 of Resolution R-2002-7, Control No.1999-00036)

12. Previous K Condition 7 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Special planting treatment shall be provided in the open space at the southwest corner of the pharmacy. This open space shall consist of the following:

- a. a minimum of three (3) specimen palms;

- b. a minimum of five (5) flowering trees;
- c. shrub or hedge materials;
- d. the above planting in Condition 7.a through 7.c shall not be counted towards planting for the focal point; and,
- e. a focal point. Prior to final DRC certification of the site plan, the petitioner shall submit details of the focal point. This focal point shall be pedestrian oriented public areas, and shall be in the form of a plaza, fountain, sculpture, planter, or any other vertical site element or architectural design acceptable to the Public Hearing Section, Zoning Division. Should a planter be used as a focal point, the planter shall have a minimum height of eighteen (18) inches, a minimum diameter of twelve (12) feet, and a decorative cap with a minimum width of (18) inches. Planting within the planter shall consist of one (1) specimen palm (Medjool or Canary Date) and appropriate shrubs or groundcovers.

Is hereby amended to read:

Special planting treatment shall be provided in the open space at the southwest corner of Building A: This open space shall consist of the following:

- a. a minimum of three (3) specimen palms;
- b. a minimum of five (5) flowering trees;
- c. shrub or hedge materials;
- d. the above planting in Condition 7.a through 7.c shall not be counted towards planting for the focal point; and,
- e. a focal point. Prior to final DRO approval of the site plan, the Property Owner shall submit details of the focal point. This focal point shall be pedestrian oriented public areas, and shall be in the form of a plaza, fountain, sculpture, planter, or any other vertical site element or architectural design acceptable to the Zoning Division. Should a planter be used as a focal point, the planter shall have a minimum height of eighteen (18) inches, a minimum diameter of twelve (12) feet, and a decorative cap with a minimum width of (18) inches. Planting within the planter shall consist of one (1) specimen palm (Medjool or Canary Date) and appropriate shrubs or groundcovers. (ONGOING: ZONING - Zoning)

13. Decorative pavers shall be installed at each expansion and construction joints of the concrete sidewalk and at the pedestrian crossing areas. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 8 of Resolution R-2002-7, Control No.1999-00036)

14. Previous K Condition 9 of Resolution R-2002-7, Control No.1999-00036, which currently states:

The interior landscape for the financial institution and dry detention area shall be completed prior to the issuance of the Certificate of Occupancy for the financial institution.

Is hereby amended to read:

The interior landscape for Building B and dry detention area shall be completed prior to the issuance of the Certificate of Occupancy for Building B. (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (COCONUT LANE AND MILITARY TRAIL FRONTAGES)

15. Landscaping and buffering along the north and west property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree for each thirty (30) linear feet of the frontage;
- d. one (1) Royal palm for each twenty (20) linear feet of the frontage;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;

- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- g. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation; and,
- h. All shrub or hedge material shall be planted in a tiered layers consisting of a minimum of three (3) varying heights as follows: eighteen (18) to twenty-four (24) inches - groundcover and small shrub; twenty-four (24) to thirty-six (36) inches - medium shrub; and, forty-eight (48) to sixty (60) inches - large shrub.

Shrub materials shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect. (ONGOING: ZONING - Zoning) (Previous G Condition 1 of Resolution R-2002-7, Control No.1999-00036)

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

16. Landscaping and buffering along the south property line shall include:

- a. a minimum thirty (30) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous three (3) foot high berm measured from top of curb;
- c. and, a solid concrete wall to be installed at the plateau of the berm. The wall shall have a minimum height of six (6) feet from the plateau of the berm to the top of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with a butting development;
- d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall;
- e. one (1) palm for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and to be planted on both sides of the wall. (ONGOING: ZONING - Zoning) (Previous H Condition 1 of Resolution R-2002-7, Control No.1999-00036)

17. The following landscaping requirements shall be installed on the interior side of the required wall:

- a. one (1) small shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- b. one (1) medium shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- c. one (1) large shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
- d. all shrub or hedge materials shall be planted in a tiered layers consisting of a minimum of three (3) varying heights as follows:
eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches - medium shrub; and/or, forty-eight (48) to sixty (60) inches - large shrub.

Shrub materials shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect. (ONGOING: ZONING - Zoning) (Previous H Condition 2 of Resolution R-2002-7, Control No.1999-00036)

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

- a. one (1) shrub for every two (2) linear feet of the property line. Fifty (50) percent of the shrubs shall be placed at the plateau of the required berm. Shrub shall be a minimum height of thirty (30) inches at installation, and shall be maintained at a minimum height of forty-eight (48) inches at maturity. (ONGOING: ZONING - Zoning) (Previous H Condition 3 of Resolution R-2002-7, Control No.1999-00036)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH 290 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

19. Landscaping and buffering along the north 290 feet of the east property line shall include:

- a. a minimum thirty (30) foot wide landscape buffer strip along the north 290 feet of the east property line. No width reductions or encroachment shall be permitted;
- b. a continuous four (4) foot high berm measured from top of curb;
- c. a solid concrete wall shall be installed at the plateau of the berm. The wall shall have a minimum height of six (6) feet from the plateau of the berm to the top of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development;
- d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall;
- e. one (1) palm or pine for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and to be planted on both sides of the wall. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-2002-7, Control No.1999-00036)

20. The following landscaping requirements shall be installed on the interior side of the required wall:

- a. one (1) native small shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- b. one (1) native medium shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- c. one (1) native large shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation;
- d. all shrub materials shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:
eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches - medium shrub; and, forty-eight (48) to sixty (60) inches - large shrub.

Shrub materials shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect. (ONGOING: ZONING - Zoning) (Previous I Condition 2 of Resolution R-2002-7, Control No.1999-00036)

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

- a. one (1) shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and shall be maintained at a minimum height of forty-eight (48) inches at maturity. (ONGOING: ZONING - Zoning) (Previous I Condition 3 of Resolution R-2002-7, Control No.1999-00036)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH 355 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

22. Landscaping and buffering along the south 355 feet of the east property line shall include:

- a. a minimum forty (40) foot wide landscape buffer strip along the south 355 feet of the east property line. No width reductions or encroachment shall be permitted;
- b. a continuous four (4) foot high berm measured from top of curb;
- c. a solid concrete wall shall be installed at the plateau of the berm. The wall shall have a minimum height of six (6) feet from the plateau of the berm to the top of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development;
- d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall;

e. one (1) palm or pine for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and to be planted on both sides of the wall. (ONGOING: ZONING - Zoning) (Previous J Condition 1 of Resolution R-2002-7, Control No.1999-00036)

23. The following landscaping requirements shall be installed on the interior side of the required wall:

- a. one (1) native small shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- b. one (1) native medium shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- c. one (1) native large shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation;
- d. all shrub material shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:
eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches - medium shrub; and,
forty-eight (48) to sixty (60) inches - large shrub.

Shrub material shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect; and,

e. one (1) flowering tree for every thirty (30) linear feet of the property line. (ONGOING: ZONING - Zoning) (Previous J Condition 2 of Resolution R-2002-7, Control No.1999-00036)

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

- a. one (1) shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and shall be maintained at a minimum height of forty-eight (48) inches at maturity. (ONGOING: ZONING - Zoning) (Previous J Condition 3 of Resolution R-2002-7, Control No.1999-00036)

LANDSCAPE - PRESERVATION OF VEGETATION

25. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. include the approved DRO plan(s) with the approved Disposition Chart with the barricade permit application;
- c. complete the installation of all vegetation protection barricades and tagging; and,
- d. schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity.
(BLDGPM: ZONING - Zoning)

LIGHTING

1. Previous L Condition 1 of Resolution R-2002-7, Control No.1999-00036, which currently states:

All outdoor lighting used to illuminate the subject property shall be of low intensity, shielded and directed down and away from adjacent properties and streets. Any ground lighting used to illuminate project identification signage shall be directed toward the sign face and away from adjacent residential properties.

Is hereby deleted. [REASON: This is a Code Requirement.]

2. All outdoor lighting poles, with the exception of those placed on the north 290 feet of the east property line, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. All outdoor light poles placed on the north 290 feet of the east

property line shall not exceed fifteen (15) feet in height. (ONGOING: ZONING - Zoning) (Previous L Condition 2 of Resolution R-2002-7, Control No.1999-00036)

3. All outdoor light poles shall be located a minimum of fifty (50) feet from the east (residential) property line, except for the lights located within the north 290 feet of the east property line. Outdoor light poles located within the north 290 feet of the east property line shall be setback a minimum of 30 feet from the east property line. All lights shall be equipped with house-side cutoff shields to prevent lighting from spilling into residential areas. (ONGOING: ZONING - Zoning) (Previous L Condition 3 of Resolution R-2002-7, Control No.1999-00036)

4. All outdoor lighting shall be extinguished no later than 10:30 p.m. daily, excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous L Condition 4 of Resolution R-2002-7, Control No.1999-00036)

5. Previous L Condition 5 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Decorative freestanding and wall-mounted lighting fixtures shall be provided for the site and the buildings. The wall-mounted lighting fixtures shall be located at each column of the front entry portion of the pharmacy building. Prior to final DRC certification of the site plan, the petitioner shall submit pictures/photographs of the proposed freestanding/wall-mounted lighting fixtures for review and approval by the Public Hearing Section, Zoning Division.

Is hereby amended to read:

Prior to final Development Review Officer (DRO) approval, the Property Owner shall submit pictures/photographs of the proposed freestanding/wall-mounted lighting fixtures for review and approval of Building A. Decorative freestanding and wall-mounted lighting fixtures shall be provided for the site and the buildings. The wall-mounted lighting fixtures shall be located at each column of the front entry portion of Building A. (DRO: ZONING - Zoning)

PLANNED DEVELOPMENT

1. Previous M Condition 1 of Resolution R-2002-7, Control No.1999-00036, which currently states:

To ensure consistency with the site plan dated November 7, 2001 presented to the Board of County Commissioners, the total approved square footage or other area indicated as being covered by structures shall not be relocated to portions of the site not previously covered.

Is hereby deleted. [REASON: Condition addressed by new All Petition Condition.]

2. Previous M Condition 2 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Prior to issuance of the first Building permit-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, 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: Architectural consistency is a requirement of Article 5.C.]

3. Previous M Condition 3 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Prior to issuance of the first Building permit 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.

Is hereby deleted. [REASON: Code Requirement.]

SIGNS

1. Previous O Condition 1 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Freestanding sign fronting on Military Trail shall be limited as follows:

- a. Maximum sign height - six (6) feet measured from the adjacent sidewalk to the highest point;
- b. Maximum sign face area per side - sixty (60) square feet;
- c. Maximum number of signs - two (2). Should the petitioner choose to reduce the number of freestanding signs to one (1) the maximum sign height for this one sign may increase to eight (8) feet in height and eighty (80) square feet per sign face area. No changeable copies and product identification shall be allowed. Signs shall only advertise the business name and drive-thrus.
- d. Monument style only; and,
- e. No freestanding signs shall be permitted on Coconut Lane.

Is hereby amended to read:

Freestanding sign fronting on Military Trail shall be limited as follows:

- a. Maximum sign height - six (6) feet - measured from the finished grade;
- b. Maximum sign face area per side - sixty (60) square feet;
- c. Maximum number of signs - two (2). Should the Property Owner choose to reduce the number of freestanding signs to one (1) the maximum sign height for this one sign may increase to eight (8) feet in height and eighty (80) square feet per sign face area;
- d. Monument style only; and,
- e. No freestanding signs shall be permitted on Coconut Lane. (ONGOING: ZONING - Zoning)

2. Previous O Condition 2 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Wall signs shall be limited to the north and west facades of the pharmacy building and the west facade of the financial building. Dimension of wall signs shall be limited to a height of twenty-four (24) inches. No changeable copies and product identification shall be allowed. Signs shall only advertise the business name.

Is hereby amended to read:

Wall signs shall be limited to the north and west facades of Building A and the west facade of Building B. Dimension of wall signs shall be limited to a height of twenty-four (24) inches. (ONGOING: ZONING - Zoning)

3. Signs shall not utilize exposed neon, nor shall exposed neon be allowed as an architectural feature. (ONGOING: ZONING - Zoning) (Previous O Condition 3 of Resolution R-2002-7, Control No.1999-00036)

SITE DESIGN

1. Previous C Condition 1 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Total gross floor area shall be limited to a maximum of 16,389 square feet (excluding canopies). Further expansion shall be subject to BCC approval.

Is hereby deleted. [REASON: Site Plan is subject to All Petition condition and Board approved plan.]

2. The minimum setback for all structures adjacent to the east property line, except for the drive-thru canopy, shall be seventy-five (75) feet. The drive-thru canopy shall be setback a minimum of fifty-eight (58) feet from the east property line. (ONGOING: ZONING - Zoning) (Previous C Condition 2 of Resolution R-2002-7, Control No.1999-00036)

3. Previous C Condition 4 of Resolution R-2002-7, Control No.1999-00036, which currently states:

All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material.

Is hereby deleted. [REASON: Code Requirement]

USE LIMITATIONS

1. Previous P Condition 1 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Hours of operation for retail business activities, including deliveries, shall be 8:00 a.m. to 10:00 p.m.

Is hereby amended to read:

Hours of operation for business activities, including deliveries, shall be 8:00 a.m. to 10:00 p.m. (ONGOING: ZONING - Zoning)

2. Outdoor retail and associated business activities shall not be allowed on site. (ONGOING: ZONING - Zoning) (Previous P Condition 2 of Resolution R-2002-7, Control No.1999-00036)

3. Previous P Condition 3 of Resolution R-2002-7, Control No.1999-00036, which currently states:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space as shown on the approved site plan dated November 7,2001.

Is hereby amended to read:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading spaces. (ONGOING: ZONING - Zoning)

4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: ZONING - Zoning) (Previous P Condition 4 of Resolution R-2002-7, Control No.1999-00036)

5. Previous P Condition 5 of Resolution R-2002-7, Control No.1999-00036, which currently states:

The property shall be restricted to the following uses:

- a. a 4,000 square foot Financial institution with four (4) drive-thru lanes; and ,
- b. a 12,389 square foot pharmacy with two (2) drive-thru lanes.

Is hereby deleted. [REASON: Uses on the site are as indicated on the Site Plan as identified in the All Petition Condition.]

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: 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: ZONING - Zoning)

DISCLOSURE

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