

RESOLUTION NO. R-2018- 0804

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2017-01594  
(CONTROL NO. 1998-00013)  
a Development Order Amendment  
APPLICATION OF William and Sons Realty  
BY Dunay, Miskel and Backman, LLP, Thomas Engineering Group, AGENT  
(Lantana and Military Wawa)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/CA-2017-01594 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2018;

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 (Application Processes and 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 Processes) 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.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/CA-2017-01594, the Application of William and Sons Realty, by Dunay, Miskel and Backman, LLP, Thomas Engineering Group, Agent, for a Development Order Amendment to reconfigure the Site Plan; delete square footage; and, to modify Conditions of Approval (Building and Site Design, Landscaping and Signs), 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 May 24, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 24, 2018.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2018.

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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'FLORIDA' at the bottom, separated by a star on the left. The inner ring contains the text 'PALM BEACH COUNTY' at the top and 'FLORIDA' at the bottom, also separated by a star on the left.

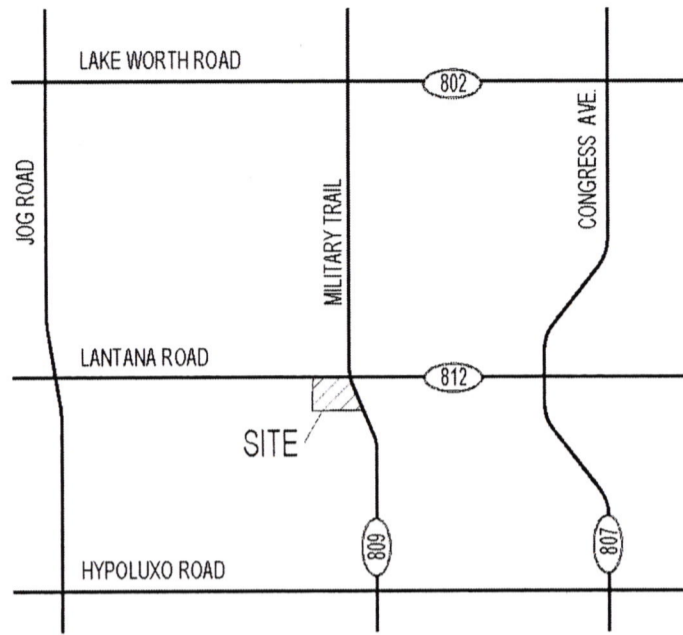
EXHIBIT A

LEGAL DESCRIPTION

Overall MUPD

All of the Military and Lantana M.U.P.D. – Plat No. 1 as recorded in Plat Book 85, Pages 3 and 4 of the Public Records of Palm Beach County, Florida consisting of 7.128 acres more or less.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2001-2068, Control No.1998-00013, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-1312 (Petition 98-1 3) has 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 Resolution R-2001-2068 (Control 1998-00013), 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 (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous A Condition 2 of Resolution R-2001-2068, Control No.1998-00013, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 23, 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 site plan is dated February 14, 2018. 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)

3. Prior to Final Approval by the Development Review Officer (DRO) an Alternative Landscape Plan shall be submitted for perimeter landscaping along the eastern 500 feet along Lantana Road and the Northern 240 feet along Military Trail. (DRO: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. 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. (BLDGPM/ONGOING: ZONING - Zoning) (Previous Condition 1 of Resolution R-2001-2068, Control No.1998-00013)

2. Exterior storage and loading areas shall be screened from view and integrated into the building design. (BLDGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2001-2068, Control No.1998-00013)

3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations of the fast-food restaurant to the Architectural Review Section of the Zoning Division for review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall

be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2001-2068, Control No.1998-00013)

## **ENGINEERING**

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road rightof- way warranty deed additional right of way for:

a. The construction of a right turn lane on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 200 feet in storage length, twelve feet in width or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Additional right of way to provide for an expanded intersection on Lantana Road at Military Trail as shown on the current site plan, drawing number 5971 SP27.DOG Dated 2/18/98. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous A Condition 1 of Resolution R-2001-2068, Control No.1998-00013)

2. Prior to January 15, 1999 the property owner shall convey a temporary roadway construction easement along Lantana 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. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-1998-1312, Control No.1998-00013)

3. The Property owner shall:

A). Modify the existing median opening on Lantana Road at Cherokee Drive to provide for a directional median opening in accordance with the County Engineers approval.

1) This Construction shall be concurrent with building permits for more than 16,000 square feet of commercial area. 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 relocation of the existing pedestrian pathway.

2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of building permits for more than 16,000 square feet of commercial area. (BLDG PERMIT: Monitoring - Eng)

3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for more than 16,000 square feet of commercial area.

B). Construct a right turn lane north approach on Military Trail at the projects entrance

1) All 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 relocation of the existing pedestrian pathway.

2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring - Eng)

3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 3 of Resolution R-2001-2068, Control No.1998-00013)

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

a. No Building Permits shall be issued until construction has beipn for the 6 laning of Lantana Road from Military Trail to Congress Alenu. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-1998-1312, Control No.1998-00013)

#### 5. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

a. 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 Lantana Road and Military Trail right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County . When permitted by Palm Beach County Department of Engineering and Public Works, 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 Street scape 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 Street scape 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. 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'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 on or before the issuance of a Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 5 of Resolution R-2001-2068, Control No.1998-00013)

#### 6. LANDSCAPE WITHIN MEDIAN OF MILITARY TRAIL AND LANTANA ROAD

a. Prior to issuance of the next 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 both Lantana Road and Military Trail Right-of-way. Landscaping shall consist of: 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system for the median cutouts 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 next certificate of occupancy. (BLDGPMT/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 next building permit. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 6 of Resolution R-2001-2068, Control No.1998-00013)

7. The Property owner shall modify the existing median opening on Military Trail 900 feet south of Lantana Road to provide for a directional median opening allowing for only northbound left turns.

a. This construction shall be concurrent with additional 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. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

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

c. Construction shall be completed prior to the issuance of the next Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 7 of Resolution R-2001-2068, Control No.1998-00013)

8. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the project's eastern most entrance. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDGPMPT/ONGOING: MONITORING - Engineering)

9. The Property Owner shall fund the construction plans and the construction to lengthen the existing right turn lane west approach on Lantana Road at the Project's eastern most entrance. This turn lane shall be lengthened to a length approved by the County Engineer.

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.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

10. The Property Owner shall fund the construction plans and the construction to lengthen the existing west approach dual left turn lanes along with milling and resurfacing of the associated west approach through lanes, lengthen the existing east approach dual left turn lanes at the intersection of Lantana Road and Military Trail. These turn lanes shall be lengthened as required by the County Engineer. This construction shall be prior to or 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. A portion of all of the modification cost, not to exceed 50%, may be impact fee creditable, at the discretion of the County Engineer.

- a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

11. 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)

#### **LANDSCAPE - GENERAL**

1. All right of way frontage trees required to be planted on 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,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous D Condition 1 of Resolution R-2001-2068, Control No.1998-00013)

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen
- c. (18) feet; and,
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous D Condition 2 of Resolution R-2001-2068, Control No.1998-00013)

3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous D Condition 3 of Resolution R-2001-2068, Control No.1998-00013)

4. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the south 170 feet of the east property line and the east 330 feet of the south property line where existing native vegetation may affect the proposed landscaping in the required buffers. (DRO: ZONING - Planning) (Previous D Condition 4 of Resolution R-2001-2068, Control No.1998-00013)

5. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Zoning) (Previous D Condition 5 of Resolution R-2001-2068, Control No.1998-00013)

#### **LANDSCAPE - PERIMETER-WESTERN 85 FEET ALONG LANTANA ROAD AND THE SOUTHERN 180 FEET ALONG MILITARY TRAIL**

6. Previous F Condition 1 of Resolution R-2001-2068, Control No.1998-00013, which currently states:

Landscaping and buffering along the Military Trail and Lantana Road property lines shall include:

- a. A minimum twenty (20) feet wide landscape buffer strip with a maximum five (5) feet overlap in the existing ten (10) feet utility easement for an overall twenty-five (25) feet width;
- b. An undulating berm with an average height of two (2) feet. This berm shall be a minimum one (1) foot and a maximum of three (3) feet in height. The berm with groundcover and hedge material shall be a minimum three (3) feet high at time of installation measured from the top of curb.
- c. One (1) canopy tree planted for each twenty (20) linear feet, with a maximum spacing of twenty-five (25) feet on center;
- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

**Is hereby amended to read:**

Landscaping and buffering along the Military Trail and Lantana Road property lines shall include:

- a. A minimum twenty (20) feet wide landscape buffer strip with a maximum five (5) feet overlap in the existing ten (10) feet utility easement for an overall twenty-five (25) feet width;
- b. One (1) canopy tree planted for each twenty (20) linear feet, with a maximum spacing of twenty-five (25) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BLDG/PMT/ONGOING: BUILDING/ZONING - Zoning)

**LANDSCAPE - PERIMETER-EASTERN 500 FEET ALONG LANTANA ROAD AND THE NORTHERN 240 FEET ALONG MILITARY TRAIL**

7. In addition to the Code and Type 2 Variance requirements, the buffers along the north and east property lines shall include:

- a. width of the buffers are depicted on the Preliminary Site Plan dated February 12, 2018; and,
- b. one (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (BLDG/PMT/ONGOING: BUILDING/ZONING - Zoning)

**LANDSCAPE - PERIMETER-SOUTH AND WEST PROPERTY LINES**

8. Landscaping and buffering along the south and west property lines shall include:

- a. a minimum ten (10) foot wide buffer along the south property line and a minimum of fifteen (15) foot wide buffer for the west property line;
- b. no width reductions or easement encroachments shall be permitted; and,
- c. a six (6) foot high black colored vinyl coated chain link fence. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous G Condition 1 of Resolution R-2001-2068, Control No. 1998-00013)

9. The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. one (1) canopy tree planted every twenty (20) feet on center;
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- c. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24)

inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BLDGPM/ONGOING: ZONING - Zoning) (Previous G Condition 2 of Resolution R-2001-2068, Control No.1998-00013)

10. Along the interior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (BLDGPM/ONGOING: ZONING - Zoning) (Previous G Condition 3 of Resolution R-2001-2068, Control No.1998-00013)

#### **LIGHTING**

1. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BLDGPM/ONGOING: ZONING - Zoning) (Previous H Condition 1 of Resolution R-2001-2068, Control No.1998-00013)

2. The minimum setback for all free-standing light poles structures adjacent to the south property line shall be twenty-five (25) feet. The minimum setback for all free-standing light poles structures adjacent to the west property line shall be forty (40) feet. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) (Previous H Condition 2 of Resolution R-2001-2068, Control No.1998-00013)

3. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) (Previous H Condition 3 of Resolution R-2001-2068, Control No.1998-00013)

#### **PALM TRAN**

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer.

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first Certificate of Occupancy (CO)]. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2001-2068, Control No.1998-00013)

#### **PARKING**

1. All delivery and/or loading areas within two hundred (200) feet of the west property line shall be screened from view by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (BLDGPM/CO: ZONING - Zoning) (Previous J Condition 1 of Resolution R-2001-2068, Control No.1998-00013)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (Previously Condition J.2 of Resolution R-98-1312, Petition PDD98-13) (ONGOING: CODE ENF - Code Enforcement) (Previous J Condition 2 of Resolution R-2001-2068, Control No.1998-00013)

#### **SIGNS**

1. Previous L Condition 1 of Resolution R-2001-2068, Control No.1998-00013, which currently states:

All signage on the property shall be limited as follows;

- a. Freestanding point of purchase sign at the northeast corner of the property shall be:
- b. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- c. Maximum sign face area per side - 150 square feet;
- d. Maximum number of signs - one (1);
- e. Monument style only. (BLDGPMPT/ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Conflicts with Sign Condition 2]

2. Previous L Condition 2 of Resolution R-2001-2068, Control No.1998-00013, which currently states:

Freestanding point of purchase signs fronting on Military Trail and Lantana Road shall be:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - one (1) for each frontage;
- d. Monument style only; and e. Location - within twenty-five (25) feet of driveway. (Previously Condition L.2 of Resolution R-98-1312, Petition PDD98-13)

**Is hereby amended to read:**

Ground Mounted Freestanding Signs fronting on Military Trail and Lantana Road shall be:

- a. Maximum sign height, measured from finished grade to highest point - twelve (12) feet for signs A-1 and A-2, and ten (10) feet for signs H and I;
- b. Maximum width (excluding base) - ten (10) feet;
- c. Maximum number of signs - two (2) for each frontage; and,
- d. Monument style only. (BLDGPMPT/DRO: BUILDING/ZONING- Zoning)

3. Wall signage shall be limited to the north and east facades of the buildings. (BLDGPMPT/DRO: ZONING - Building Division) (Previous L Condition 3 of Resolution R-2001-2068, Control No.1998-00013)

4. No off-premise signs or billboards shall be permitted on the property. (BLDGPMPT/ONGOING: BUILDING DIVISION - Zoning) (Previous L Condition 4 of Resolution R-2001-2068, Control No.1998-00013)

#### **SITE DESIGN**

1. Previous C Condition 1 of Resolution R-2001-2068, Control No.1998-00013, which currently states:

The maximum height for all structures (except Building No. 1) including air conditioning and mechanical equipment, shall be one story and not exceed twenty-five (25) feet measured from finished grade to highest point. Building No. 1 in the northeast portion of the property shall not exceed thirty (30) feet measured from finished grade to highest point.

**Is hereby amended to read:**

The maximum height for all structures (except Building No. 1) including air conditioning and mechanical equipment, shall be one story and not exceed twenty-five (25) feet measured from finished grade to highest point. Building No. 1 in the northeast portion of the property shall not exceed thirty (30) feet in building height as defined in the Code. (BLDGPMPT/ONGOING: BUILDING/ZONING - Zoning)

2. All air conditioning and mechanical equipment 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. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous C Condition 2 of Resolution R-2001-2068, Control No.1998-00013)

3. At time of Final Development Review Officer, the Final Site Plan shall be revised to show a divider median with mountable curb of a minimum 2 inches in height in lieu of the painted safety area depicted around the proposed concrete divider median at the east entrance

from Lantana Road. The remainder of the concrete median shall be a minimum of 6 inches in height. (DRO: ZONING - Zoning)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

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