

RESOLUTION NO. R-2019- 0899

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2018-02137
(CONTROL NO. 2003-00036)
a Development Order Amendment
APPLICATION OF 441 Associates, LLC
BY Insite Studio, AGENT
(South Road Office 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-06, Supplement 24, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2018-02137 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2019;

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 DOA/CA-2018-02137, the Application of 441 Associates, LLC, by Insite Studio, Agent, for a Development Order Amendment to reconfigure the Site Plan, modify uses, add square footage, modify or delete Conditions of Approval (Building and Site Design, Landscaping, Signs, Use Limitations), and Restart the Commencement Clock, 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 June 27, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 27, 2019.

Filed with the Clerk of the Board of County Commissioners on July 5th, 2019.

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

ALL OF THE PLAT OF SOUTH ROAD/441, AS RECORDED IN PLAT BOOK 108, PAGES
3 AND 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 9.26 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

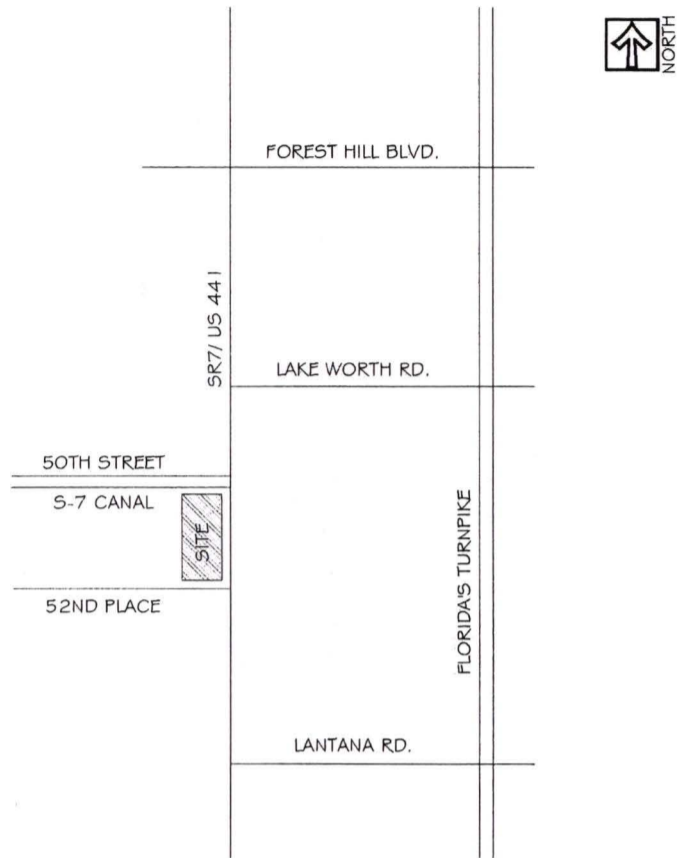


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2009-17, Control No.2003-00036, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R--2004-0157 (Control 2003-036), 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 or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-0017(Control 2003-036), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2009-17, Control No.2003-00036, which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated September 22, 2008. 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 8, 2019. 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)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2009-17, Control No.2003-00036, which currently states:

At time of submittal for final DRO approval, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: The Code allows Architectural Elevations to be submitted at the time of Building Permits Review for compliance with Article 5.C.]

2. Design of gutters and downspouts shall be integrated into the architectural design of the buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (BLDGPMT: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2009-17, Control No.2003-00036)

BUILDING AND SITE DESIGN

1. Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2009-17, Control No.2003-00036, which currently states:

The maximum height for buildings A, B, C and D, as shown on the site plan dated November 14, 2003 shall be thirty-five (35) feet including air conditioning, mechanical equipment, satellite dishes and architectural features. The maximum height for the financial institution building, including air conditioning, mechanical equipment, satellite dishes and architectural features shall be twenty-five (25) feet. All heights shall be measured from finished grade to highest point, excluding decorative elements.

Is hereby amended to read:

The maximum height for buildings A, B, and C, as shown on the Site Plan dated April 8, 2019 shall be thirty-five (35) feet including air conditioning, mechanical equipment, satellite dishes and architectural features. All heights shall be measured from finished grade to highest point, excluding decorative elements. (BLDGPMPT: BUILDING DIVISION - Zoning)

2. Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2009-17, Control No.2003-00036, which currently states:

All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier that is consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (DRO: ARCHITECTURAL REVIEW - Building Division)

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

3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within seventy-five (75) feet of the west property line and shall be confined to the areas designated on the site plan. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2009-17, Control No.2003-00036)

4. Prior to final DRO approval, the site plan shall be amended to reflect a reduction in impervious surface area at the ingress and egress to the bank queuing and by-pass lanes. The adjacent median to the south shall be expanded to the maximum extend permissible to accommodate this reduction, subject to approval by the County Engineer and Zoning Division. (DRO: ENGINEERING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2009-17, Control No.2003-00036)

5. Prior to approval of the site plan by the Development Review Officer (DRO), the site plan shall be amended to remove: both vehicular and pedestrian connections, decorative paving and add parking spaces to be in alignment with the westernmost parking spaces across from the access to the adjacent PUD property to the west. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2009-17, Control No.2003-00036)

6. Previous BUILDING AND SITE DESIGN Condition 6 of Resolution R-2009-17, Control No.2003-00036, which currently states:

Prior to approval of the site plan by the Development Review Officer (DRO), the site plan shall be amended to indicate the following amenities consistent with the site plan dated September 22, 2008:

- a. a trellis or similar pedestrian amenity acceptable to the Zoning Division which has a direct connection to the sidewalk system on the property; and,
- b. the west side of the 2,850 square foot structure (Bldg D), shall be grassed. The overall width of the grassed area shall be a minimum of seventy-five (75) feet in width.

Is hereby amended to read:

Prior to approval of the site plan by the Development Review Officer (DRO), the Final Site Plan shall be amended to indicate a trellis or similar pedestrian amenity acceptable to the Zoning Division which has a direct connection to the sidewalk system on the property consistent with the site plan dated April 8, 2019. (DRO: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2009-17, Control No.2003-00036, which currently states:

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

No Building Permits for the site may be issued after February 1, 2005. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng) (Previous Condition E1 of Resolution R-2004-157, Control Number 2003-036)

Is hereby amended to read:

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

a. No Building Permits for the site may be issued after December 31, 2021, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for 52nd Place South, 40 feet from centerline. Right of way conveyance shall be free of all encumbrances and encroachments. The 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. The Grantor further warrants 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 Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees. Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips". (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2009-17, Control No.2003-00036)

3. LANDSCAPE WITHIN THE MEDIAN OF STATE ROAD 7

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 7. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by the petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D.

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.

e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR 7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT: MONITORING - Eng) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2009-17, Control No.2003-00036)

4. The Property Owner shall fund the construction plans, construction and construct 52nd Place South from State Road 7 to the western-most driveway connection to be consistent with Palm Beach County standards for a non-plan collector street plus appropriate tapers. 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. (BLDGPMT: MONITORING - Monitoring)

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

5. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the north side of 52nd Place South from State Road 7 to the west property line. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2009-17, Control No.2003-00036)

2. A 25% upland set-aside equal to or greater than 0.78 acres is required for this site. However, a 0.44-acre portion of this required set-aside is proposed for cash buy-out and a 0.34-acre portion is shown on the site plan to remain. Should the cash buy-out option not be exercised, an upland preserve set-aside equaling or greater to 0.78 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation

and is approved by ERM. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2009-17, Control No.2003-00036)

3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2009-17, Control No.2003-00036)

4. Should the proposed buy-out of 0.44 acres of required upland set-aside be requested by the petitioner, the buy-out shall be executed and completed prior to final site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 4 of Resolution R-2009-17, Control No.2003-00036)

5. Should the proposed buy-out of 0.44 acres of required upland set-aside be requested by the petitioner, three (3) separate appraisals of the entire property at the proposed zoning to establish the property value of upland set-aside, shall be submitted to ERM for approval prior to accepting a cash buy-out in lieu of establishing an upland set-aside. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 5 of Resolution R-2009-17, Control No.2003-00036)

ZONING - LANDSCAPING

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

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM/CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2009-17, Control No.2003-00036)

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM/CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2009-17, Control No.2003-00036)

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

- a. Eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. This condition shall not apply to landscape buffers where a single row of shrubs is required along either side of a fence or wall. (BLDGPM/CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2009-17, Control No.2003-00036)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDGPM/CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2009-17, Control No.2003-00036)

5. A group of three (3) or more palm trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2009-17, Control No.2003-00036)

6. Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2009-17, Control No.2003-00036, which currently states:

All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list as suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: ZONING - Zoning)

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

7. Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2009-17, Control No.2003-00036, which currently states:

Field adjustment of berms, walls and/or plant materials may be permitted to provide pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation.

Is hereby amended to read:

Field adjustment of berms, walls and/or plant materials may be permitted for bisecting pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation. (CO: ZONING - Zoning)

8. Prior to final DRO approval, an Alternative Landscape Plan shall be submitted for landscaping along the east property line and any portion of the property where existing vegetation may affect the proposed landscaping. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 8 of Resolution R-2009-17, Control No.2003-00036)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF STATE ROAD 7/U.S. 441)

9. Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- 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 property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) 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 twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDGPM/CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 9 of Resolution R-2009-17, Control No.2003-00036)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (ABUTTING LWDD S-7 CANAL AND 52ND PLACE SOUTH)

10. Landscaping and buffering along the north and south property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. a minimum one (1) to two (2) foot high undulating berm with an average height of one

- and one-half (1.5) feet measured from top of curb;
- c. one (1) canopy tree for each thirty (30) linear feet of property line;
- d. one (1) palm or pine for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
- 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; and,
- 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. (BLDG/PMT/CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 10 of Resolution R-2009-17, Control No.2003-00036)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH HALF (PHASE I) OF THE WEST PROPERTY LINE (ABUTTING SOUTH ROAD PUD)

11. In addition to Code requirements, landscaping and buffering along the north half (Phase I) of the west property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm measured from finished grade;
- c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,
- e. 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, alternating on both sides of the wall. (CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 11 of Resolution R-2009-17, Control No.2003-00036)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH HALF (PHASE II) OF THE WEST PROPERTY LINE (ABUTTING SOUTH ROAD PUD)

12. Previous ZONING - LANDSCAPING Condition 12 of Resolution R-2009-17, Control No.2003-00036, which currently states:

By February 15, 2009, the property owner shall obtain a certificate of completion for buffering along the south half (Phase II) of the west property line (abutting South Road PUD) which shall include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm measured from finished grade;
- c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development.

Is hereby amended to read:

By March 27, 2020, the Property Owner shall obtain a certificate of completion for buffering along the south half (Phase II) of the west property line (abutting South Road PUD) which shall include:

- a. a minimum 25-foot wide landscape buffer strip. A maximum six foot wide easement overlap may be permitted provided a minimum of 19 feet remain clear for planting materials;
- b. a continuous two (2) foot high berm measured from finished grade;
- c. a six (6) foot high opaque barrier shall be located on the plateau of the berm. The exterior side of the barrier shall be given a finished architectural treatment that is architecturally consistent with the abutting development. (DATE: ZONING - Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH HALF (PHASE II) OF THE WEST PROPERTY LINE (ABUTTING SOUTH ROAD PUD)

13. Previous ZONING - LANDSCAPING Condition 13 of Resolution R-2009-17, Control No.2003-00036, which currently states:

In addition to Code requirements, the property owner shall upgrade and complete landscape and buffering along the south half (Phase II) of the west property line to include:

- a. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- 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, alternating on both sides of the wall;
- c. installation of irrigation for berm; and
- d. field adjustment of new plants and trees shall be permitted to provide for maximum screening.

Is hereby amended to read:

In addition to Code requirements, the Property Owner shall upgrade and complete landscape and buffering along the south half (Phase II) of the west property line to include:

- a. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the opaque barrier;
- 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, alternating on both sides of the barrier; and,
- c. installation of irrigation for berm; and
- d. field adjustment of new plants and trees shall be permitted to provide for maximum screening. (BLDG/PMT/CO: ZONING - Zoning)

ZONING - LANDSCAPING-INTERIOR

14. Previous ZONING - LANDSCAPING Condition 17 of Resolution R-2009-17, Control No.2003-00036, which currently states:

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning)

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

15. Previous ZONING - LANDSCAPING Condition 18 of Resolution R-2009-17, Control No.2003-00036, which currently states:

Foundation planting or grade level planters shall be provided along the following:

- a. North, east and west facades of the bank building and buildings B and D as shown on the site plan dated November 14, 2003;
- b. South, east and west facades of buildings A and C as shown on the site plan dated November 14, 2003;
- c. The minimum width of the required landscape areas shall be eight (8) feet, excluding the north facade of the bank building and the south facade of building A, where the minimum width shall be five (5) feet;
- d. The length of the required landscaped areas shall be no less than seventy-five (75) percent of the total length of each applicable facade; and,
- e. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover.

Is hereby amended to read:

Foundation planting or grade level planters for Buildings A and C as indicated on the Site Plan dated April 8, 2019 shall be upgraded to include:

- a. Foundation planting area along all facades;
- b. The minimum width of the required landscape areas shall be eight (8) feet;

- c. The length of the required landscaped areas shall be no less than seventy-five (75) percent of the total length of each applicable facade; and,
- d. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (BLDGPMT: ZONING - Zoning)

16. Landscaping for terminal islands in the parking area shall consist of the following:

- a. one (1) canopy or flowering tree for each island; and,
- b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (BLDGPMT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 19 of Resolution R-2009-17, Control No.2003-00036)

17. Previous ZONING - LANDSCAPING Condition 20 of Resolution R-2009-17, Control No.2003-00036, which currently states:

Special planting treatment shall be provided within the eight (8) foot wide median to the south of the bank queuing and bypass lanes, as shown on the site plan dated November 14, 2003. Planting shall consist of the following:

- a. a minimum of five (5) specimen palm (Bismarck, Canary, Medjool, Phoenix, or similar species). All palms shall be of the same variety;
- b. a minimum of four (4) flowering trees with a minimum of one (1) to be planted between each pair of palms. All flowering trees shall be of the same variety; and,
- c. a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty-six (36) inches. (CO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable]

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2009-17, Control No.2003-00036)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2009-17, Control No.2003-00036)

3. All outdoor, freestanding lighting fixtures shall be setback a minimum of thirty (30) feet from the west property line. (CO: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2009-17, Control No.2003-00036)

4. All outdoor lighting shall be extinguished no later than one half (1/2) hour after business hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2009-17, Control No.2003-00036)

5. Previous LIGHTING Condition 5 of Resolution R-2009-17, Control No.2003-00036, which currently states:

The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

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

MULTIPLE USE PLANNED DEVELOPMENT

1. Prior to approval of the site plan by the Development Review Officer (DRO), the petitioner 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. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 1 of Resolution R-2009-17, Control No.2003-00036)

2. Prior to approval of the site plan by the Development Review Officer (DRO), the property owner shall record a covenant/unity of control 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/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 2 of Resolution R-2009-17, Control No.2003-00036)

PALM TRAN

1. The location of easements for Bus Stop, Boarding and Alighting Areas, subject to the approval of Palm Tran, shall be shown on the site plan prior to the final approval of the DRO. The purpose of these easements is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2009-17, Control No.2003-00036)

2. Prior to Plat Recordation , the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 2 of Resolution R-2009-17, Control No.2003-00036)

SIGNS

1. Freestanding point of purchase signs fronting on State Road 7/U.S. 441 shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - twelve (12) feet;
- b. maximum sign face area per side - 120 square feet;
- c. maximum number of signs - two (2) for the entire site;
- d. style - monument style only;
- e. location - a maximum of one (1) sign within fifty (50) feet to the north or south side of each driveway from State Road 7/U.S. 441; and,
- f. Signs shall be limited to identification of tenants only. (CO: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2009-17, Control No.2003-00036)

2. Previous SIGNS Condition 2 of Resolution R-2009-17, Control No.2003-00036, which currently states:

Wall signs shall be limited to east facade of buildings A, B, C and D, and the south and east faades of the bank building, as shown on the site plan dated November 14, 2003. Individual lettering size shall be limited to a maximum of twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only.

Is hereby amended to read:

Wall signs shall be limited to east facade of buildings A and C, and the south and east facades of Building B, as shown on the Site Plan dated April 8, 2019. Individual lettering size shall be limited to a maximum of twenty-four (24) inches high. (CO: BUILDING

DIVISION - Zoning)

USE LIMITATIONS

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2009-17, Control No.2003-00036)

2. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2009-17, Control No.2003-00036)

3. Storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2009-17, Control No.2003-00036)

4. Previous USE LIMITATIONS Condition 4 of Resolution R-2009-17, Control No.2003-00036, which currently states:

No outdoor business activities shall be allowed on site, excluding deliveries and bank transactions.

Is hereby amended to read:

No outdoor business activities shall be allowed on site, excluding deliveries and Day Care operations within the designated Outdoor Activity Area. (ONGOING: CODE ENF - Zoning)

5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2009-17, Control No.2003-00036)

6. Business hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m., Saturdays and Sundays. This condition shall not apply to employees working overtime. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2009-17, Control No.2003-00036)

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.