

RESOLUTION NO. R-2019- 0908

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2018-00120
(CONTROL NO. 2006-00367)
a Development Order Amendment
APPLICATION OF Grove Nurseries Inc
BY WGINC, AGENT
(Boynton Commons 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 2003-067, Supplement 24, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2018-00120 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-2018-00120, the Application of Grove Nurseries Inc, by WGINC, Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, modify uses and modify and delete Conditions of Approval (All Petition, Architecture, Dumpster, Engineering, Landscape), 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 shall not become effective until the Large Scale Future Land Use Atlas Amendment No. LGA-2018-0211 is effective.

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

LEGAL DESCRIPTION:

ALL OF PARCELS A,B,C, AND THE WATER MANAGAEMENT TRACT, BOYNTON COMMONS MEDICAL OFFICES M.U.P.D., ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 112, PAGES 81-82, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 10.102 ACRES

SITUATE IN SECTIONS 20 & 21, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

SITE LOCATION

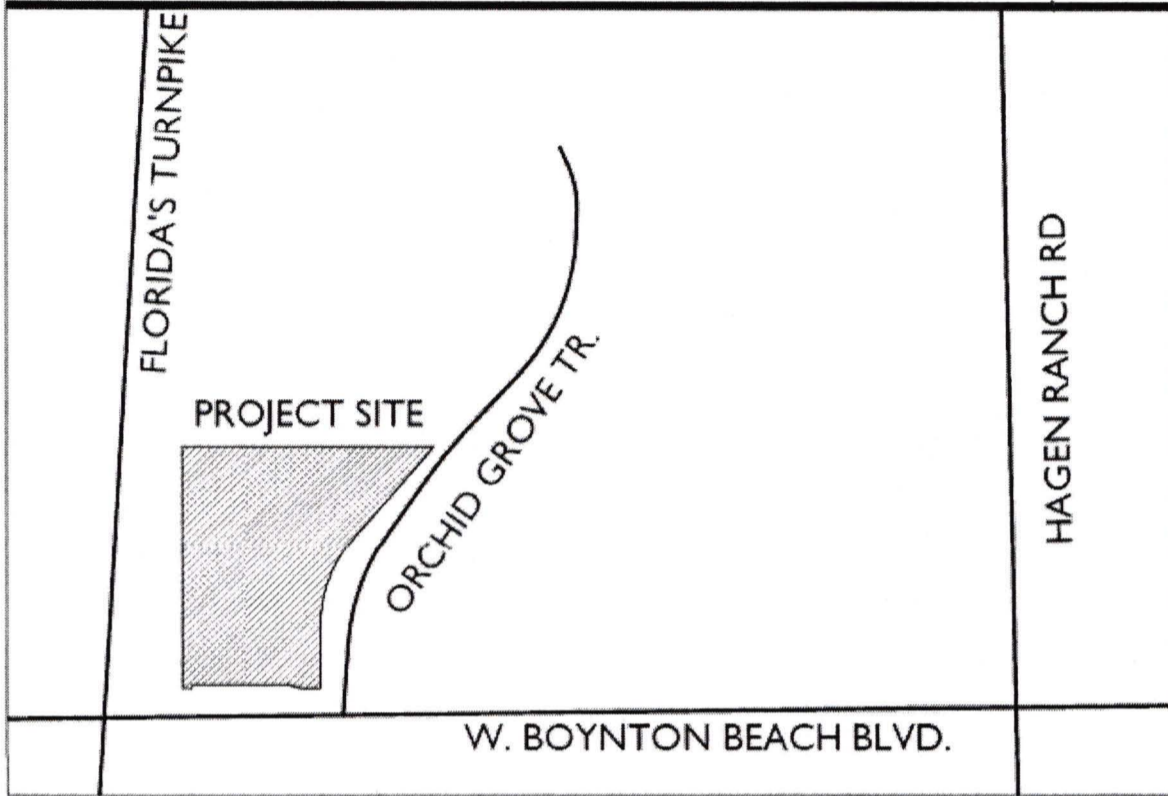


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated June 16, 2008 plan. All modifications must be approved by the Board of County Commissioners or Zoning Commission 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 (DRO: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

The relocation of 16,800 square feet and the deletion of the third story of Building "A" shall be permitted at final approval by the Development Review Officer (DRO). The relocation of the 16,800 square feet shall not be considered as amendments to the BCC/ZC approved plan pursuant to Article 2.D.1.G.3, and may be split between the remaining two floors of Building "A", the two floors of Building "B" and the one floor of Building "C".

Is hereby deleted. [REASON: Condition no longer applicable with site redesign.]

3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2008-1361 (Control 2006-00367), 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

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

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

Is hereby deleted. [REASON: Architectural Review may be submitted at time of Building Permit subject to compliance with Article 5.C. Design Standards]]

ARCHITECTURAL REVIEW-BUILDING HEIGHT

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

Buildings "A" and "B" shall not exceed two (2) stories, and Building "C" shall not exceed one (1) story in height. Height of all buildings shall be limited to a maximum of thirty-five (35) feet from finished grade to the highest point of the building. (DRO: ARCH REVIEW-Zoning)

Is hereby deleted. [REASON: Site plan and request have been revised.]

DUMPSTER

1. Previous DUMPSTER Condition 1 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

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 one hundred (100) feet of the north property line and shall be confined to the areas designated on the site plan. (DRO: ZONING - Zoning)

Is hereby amended to read:

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 fifty (50) feet of the north property line and shall be confined to the areas designated on the site plan. (DRO: ZONING - Zoning) (Previous Dumpster Condition 1 of Zoning Resolution R2008-0116, Control No. 2006-367)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

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

a. Building Permits for more than:

84,500 square feet of gross leasable medical office floor area

shall not be issued until Construction commences for the construction of an additional north and south approach through lane at Boynton Beach Boulevard and Hagen Ranch Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

b. No Building Permits for the site may be issued after January 1, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

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

a. Building Permits for more than:

84,500 square feet of gross leasable medical office floor area

shall not be issued until Construction commences for the construction of an additional north and south approach through lane at Boynton Beach Boulevard and Hagen Ranch Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for the site may be issued after December 31, 2020, 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 provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Boynton Beach Boulevard at the project's entrance

road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet 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. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2008-1361, Control No.2006-00367)

3. The Property owner shall construct a right turn lane east approach on Boynton Beach Boulevard at the Project Entrance. 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 by Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2008-1361, Control No.2006-00367)

4. Previous ENGINEERING Condition 4 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

Landscape Within the Median of Boynton Beach Boulevard

a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Boynton Beach Boulevard. This landscaping and irrigation shall at a minimum conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS as shown in the Boynton Beach Turnpike Interchange Design Guidelines and Standards for future Development shall be reviewed by the County Engineer to determine if the Turnpike Interchange Design Guideline Landscaping is appropriate for this corridor. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below.

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 Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner 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 Property Owner. The Property Owner 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 Property Owner.

e. If OTIS landscaping is determined to be appropriate then the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of a Building Permit. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Boynton Beach Boulevard. 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.

Is hereby amended to read:

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Boynton Beach Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit, or as approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy, or as approved by the County Engineer. (BLDGPM/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit, or as approved by the County Engineer. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Boynton Beach Boulevard. 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. (BLDGPM: MONITORING - Engineering)

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

6. The Property Owner shall submit an access easement to the County that provides access from the site to Orchid Grove Trail.

a. The easement shall be approved by the County Attorney and Land Development prior to recordation. The easement shall be recorded by the Property Owner prior to the final approval of the Site Plan by the Development Review Officer. (DRO: ENGINEERING - Engineering)

b. If the Property Owner no longer needs the access for the development, the Property Owner may release the access easement. (ONGOING: ENGINEERING - Engineering)

7. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: ENGINEERING - Engineering)

HEALTH

1. The property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2008-1361, Control No.2006-00367)

LANDSCAPE - STANDARD

1. Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

Prior to the issuance of a building permit , the Property Owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein.

Is hereby deleted. [REASON: Plans are to be submitted at time of Building Permit.]

2. Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

A minimum of sixty-five (65%) 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: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements.

Is hereby amended to read:

A minimum of sixty-five (65%) percent of canopy trees to be planted in the landscape buffers shall be native and meet be a minimum fourteen (14) feet in height. (BLDGPM: ZONING - Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (DRO: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2008-1361, Control No.2006-00367)

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2008-1361, Control No.2006-00367)

ZONING - LANDSCAPING-ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL, INDIAN HILLS PUD)

5. Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

In addition to code requirements, landscaping and buffer width along the north property line 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 eight (8) foot high opaque concrete wall. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a

maximum spacing of sixty (60) feet between clusters;

d. the property owner/developer may apply for a variance to allow all the required plant materials to be located on the interior side of the wall through the Type II Variance process and approval by the Zoning Commission. (DRO: LANDSCAPE - Zoning)

Is hereby amended to read:

Prior to issuance of the first Building Permit for the vertical construction of any proposed buildings and in addition to code requirements, landscaping and buffer width along the north property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a eight (8) foot high opaque concrete wall. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDGPM: ZONING - Zoning)

LANDSCAPING-ALONG THE EAST PROPERTY LINE (FRONTAGE OF ORCHARD GROVE TRAIL)

6. Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

In addition to the code requirements, landscaping and/or buffer width along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
- b. a two (2) foot high continuous berm;
- c. a six (6) foot high opaque concrete block wall to be placed on the plateau of the berm. This wall shall extend and connect to the 8-foot high wall along the north property line. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (DRO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: A 20 foot Right of Way buffer is a Code requirement. A berm or wall is no longer proposed.]

LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

7. Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet;
- c. one (1) native canopy tree (Live Oak) for each twenty-five (25) linear feet of the property line;
- d. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Ixora 'Nora Grant' shall be planted in a bed at the base of each Royal Palm;
- e. Shrub planting shall comply to ULDC requirements. (DRO: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5)

foot easement overlap;

- b. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet on center; and,
- c. Shrub planting shall comply to ULDC requirements.
(DRO/ONGOING: ZONING - Zoning)

LIGHTING

1. Previous LIGHTING Condition 1 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDGPM: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: The ULDC specifies that if the light fixture is within 100 foot of a residential FLU or use shall be a maximum height of 20 feet. Then height would be a maximum height equal to the height of the proposed building.]

2. Previous LIGHTING Condition 2 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: In accordance with ULDC Article 5.E. Hours are limited from 6:00 a.m. to 11:00 p.m. or up to one hour after active uses whichever is later.]

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran.(DRO: PALM TRAN-Palm Tran) (Previous Palm Tran/Mass Transit Condition 1 of Zoning Resolution R2008-1361, Control No. 2006-367)

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-PalmTran) (Previous Palm Tran/Mass Transit Condition 2 of Zoning Resolution R2008-1361, Control No. 2006-367)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be prepared to comply with the Boynton Beach Turnpike Interchange Design Guidelines & Standards for Future Development dated November 12, 1996 (Exhibit 3 of ORD. 96-65) (BBTIDG). If a conflict exists between the Design Guidelines and the ULDC, the more restrictive shall apply. Compliance with median landscaping requirements of the Design Guidelines shall be subject to approval by the Engineering Dept.

Is hereby deleted. [REASON: No longer applicable.]

2. Per LGA 2018-011, condition 1: Development of the site under the Commercial Low designation is limited to non-residential square footage and congregate living facility beds for a total maximum net daily trips of 5,724 and a maximum pm peak hour trips of 281. (ONGOING: PLANNING - Planning)

3. Per LGA 2018-011, condition 2: Commercial retail uses are capped at 30,000 square

feet. (ONGOING: PLANNING - Planning)

4. Per LGA 2018-011, condition 3, The Boynton Beach Turnpike Interchange Design Guidelines & Standards adopted by Ord. 1996-065, are hereby deleted. (ONGOING: PLANNING - Planning)

5. Prior to Final Approval by the Development Review Officer (DRO), the Preliminary Site Plan shall be amended to identify the Floor Area Ratio (FAR) for the various Multiple Planned Development District uses on site. (DRO: PLANNING - Planning)

SIGNS

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

- a. maximum sign height, measured from finished grade to highest point ten (10) feet;
- b. maximum sign face area per side -one hundred (100) square feet;
- c. maximum number of signs -one (1);
- d. signs shall be limited to identification of tenants only; and,
- e. no back lit signs shall be permitted. (BLDGPMT: BUILDING DIVISION-Zoning) (Previous SIGNS Condition 1 of Resolution R-2008-1361, Control No.2006-00367)

2. Freestanding signs fronting on Orchid Grove Trail shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side - sixty (60) square feet;
- c. maximum number of signs - one (1);
- d. signs shall be limited to identification of tenants only; and,
- e. no back-lit signs shall be permitted. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2008-1361, Control No.2006-00367)

3. Previous SIGNS Condition 3 of Resolution R-2008-1361, Control No.2006-00367, which currently states:

The Property Owner shall provide interior signage to direct traffic to the appropriate exit for east bound traffic to Orchid Grove Trail and for west bound traffic to Boynton Beach Boulevard. All signage shall comply to on-site directional signs of the ULDC. (BLDG PERMIT: BLDG – Zoning)

Is hereby amended to read:

The Property Owner shall provide interior signage to direct traffic to the appropriate exit for east bound traffic to Orchid Grove Trail and for west bound traffic to Boynton Beach Boulevard. (BLDGPMT: BUILDING DIVISION - Zoning)

USE LIMITATIONS

1. All construction traffic shall be limited to the Boynton Beach Boulevard access point. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2008-1361, Control No.2006-00367)

2. Construction activities shall be limited to 7:00 a.m to 6 p.m. Monday through Saturday. Construction activities shall be prohibited on Sundays and Legal Holidays. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2008-1361, Control No.2006-00367)

3. During construction phases of the site, the Property Owner and/or developer shall maintain Orchid Grove Trail to keep it clean from debris, and maintain the undeveloped portion of the site, including but not limited to, trash/debris removal grass mowing, etc.) until the entire site is developed. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2008-1361, Control No.2006-00367)

UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are aq direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated

with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) (Previous UTILITIES Condition 1 of Resolution R-2008-1361, Control No.2006-00367)

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.