

RESOLUTION NO. R-2020-0331

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2019-00737
(CONTROL NO. 1981-00115)
a Development Order Amendment
APPLICATION OF TJAC Palmetto Park, LLC
BY Perry & Taylor PA, AGENT
(US Cigar Exchange)

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 26, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2019-00737 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 2020;

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-2019-00737, the Application of TJAC Palmetto Park, LLC, by Perry & Taylor PA, Agent, for a Development Order Amendment to add a use, 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 March 26, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on March 26, 2020.

Filed with the Clerk of the Board of County Commissioners on March 31, 2020.

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: /s/ Scott Stone
COUNTY ATTORNEY


BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 28, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING A PORTION OF TRACT 21, BOCA DEL MAR NO.6, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 142 AND 143, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 47 SOUTH, RANGE 42 EAST; THENCE WITH A BEARING OF SOUTH 89°50'07" WEST ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 67.00 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 01°03'02" EAST, A DISTANCE OF 134.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WITH A BEARING OF SOUTH 01°03'02" EAST ALONG THE PLATTED WEST RIGHT OF WAY LINE OF POWERLINE ROAD, SAID LINE LYING 67.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SECTION 28, A DISTANCE OF 550.00 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 88°56'58" WEST, A DISTANCE OF 455.71 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 46°03'02" WEST, A DISTANCE OF 267.35 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 01°03'02" WEST, A DISTANCE OF 420.00 FEET TO A POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 48, THENCE WITH A BEARING OF NORTH 89°50'07" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 48, SAID LINE LYING 85.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SECTION 28, A DISTANCE OF 252.25 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 83°03'15" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 48, A DISTANCE OF 396.39 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LESS THAT CERTAIN PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN THE STIPULATED ORDER OF TAKING RECORDED OCTOBER 2, 1991 IN OFFICIAL RECORDS BOOK 6976, PAGE 387 AND IN STIPULATED FINAL JUDGMENT RECORDED JUNE 1, 1993 IN OFFICIAL RECORDS BOOK 7732, PAGE 1017, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS CONTAINING 356,983 SQUARE FEET OR 8.1952 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

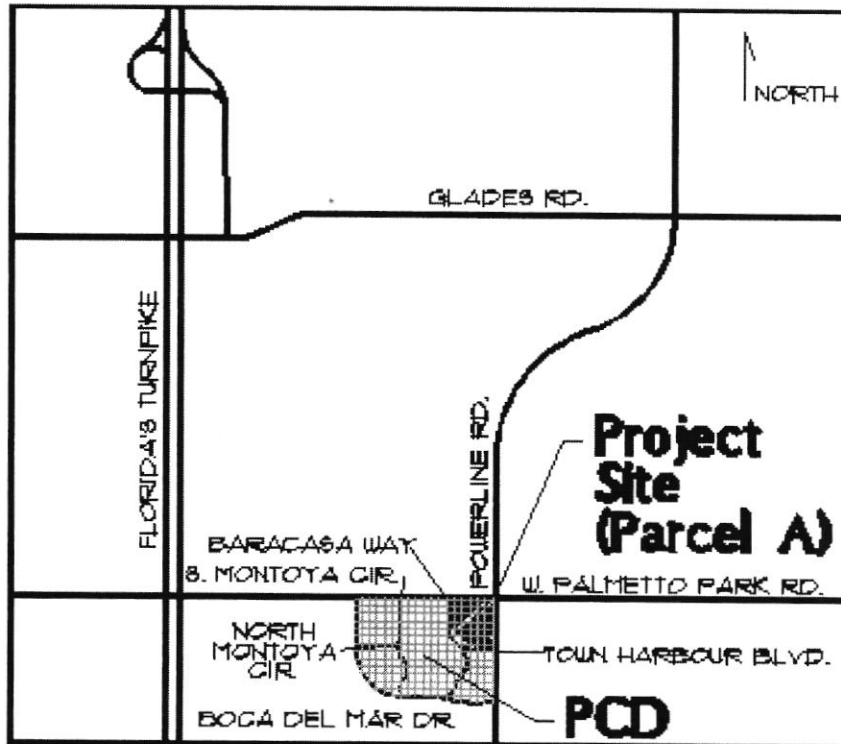


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Overall PCD)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-557, Control No.1981-00115, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-2088 (Control 1981-00115), 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-2019-0557(Control 1981-00115), 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: MONITORING - Zoning)

ALL PETITIONS-PARCEL A ONLY

2. Previous ALL PETITIONS Condition 2 of Resolution R-2019-557, Control No.1981-00115, which currently states:

The approved Preliminary Site Plan is dated January 28, 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated November 12, 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. (ONGOING: ZONING - Zoning)

ALL PETITIONS-PARCEL B ONLY

3. The approved Preliminary Site Plan is dated January 28, 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) (Previous ALL PETITIONS Condition 3 of Resolution R-2019-557, Control No.1981-00115)

ALL PETITIONS-PARCEL E ONLY

4. The approved Preliminary Site Plan is dated September 14, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 4 of Resolution R-2019-557, Control No.1981-00115)

ARCHITECTURAL REVIEW-PARCEL B ONLY

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for building A,B,D and E as indicated on the site plan dated December 22, 2008 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 and generally consistent with the elevations submitted by Marc Weiner and Associates and dated 11/14/2008. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2019-557, Control No.1981-00115)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between each drive thru lane of Building D2, and as follows:

A. Minimum width of five (5) feet, excluding curb;

B. A planting area shall be provided at each end of the median and shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;

C. One (1) palm tree with a minimum ten (10) feet of grey-wood and appropriate ground cover shall be installed in each planting area; and,

D. The remaining portion of the median shall be paved with decorative paving such as pre-cast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2019-557, Control No.1981-00115)

ARCHITECTURAL REVIEW-PARCELS B, C, D ONLY

3. All air conditioning and mechanical equipment shall be screened from view on all sides. (ONGOING: ARCHITECTURAL REVIEW - Building Division) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2019-557, Control No.1981-00115)

ENGINEERING

1. Petitioner shall align the project's east entrance onto Palmetto Park road with the east entrance of Del Mar Shopping Village. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2019-557, Control No.1981-00115)

2. Petitioner shall construct at the intersection of Palmetto Park Road and the project's east entrance:

a. left turn lane east approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2019-557, Control No.1981-00115)

3. Petitioner shall construct at the intersection of Palmetto Park Road and the project's west entrance:

a. left turn lane east approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2019-557, Control No.1981-00115)

4. Petitioner shall construct at the intersection of Palmetto Park Road and Boca Del Mar Drive:

a. left turn lane north approach,

b. right turn lane south approach, and

c. left turn lane east approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2019-557, Control No.1981-00115)

5. Petitioner shall align the project's west entrance onto Boca Del Mar Drive with Montoya Circle South. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2019-557, Control No.1981-00115)

6. Petitioner shall construct at the intersection of Montoya Circle South and Boca Del Mar Drive:

a. left turn lane west approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2019-557, Control No.1981-00115)

7. Petitioner shall construct at the project's east entrance and Boca Del Mar Drive:

a. left turn lane west approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2019-557, Control No.1981-00115)

8. Petitioner shall align the project's north entrance onto Boca Del Mar Drive with Montoya Circle South. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2019-557, Control No.1981-00115)

9. Petitioner shall construct at the project's north entrance and Boca Del Mar Drive:

a. left turn lane north approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2019-557, Control No.1981-00115)

10. Petitioner shall construct at the intersection of Boca Del Mar Drive and Powerline Road:

a. left turn lane north approach,
b. left turn lane south approach,
c. right turn lane east approach,
d. left turn lane west approach, and
e. right turn lane west approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2019-557, Control No.1981-00115)

11. Petitioner shall construct at the intersection of Powerline Road and the project's entrance road:

a. right turn lane north approach, and
b. left turn lane south approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2019-557, Control No.1981-00115)

12. Petitioner shall construct at the intersection of Palmetto Park Road and Powerline Road:

a. right turn lane north approach,
b. dual left turn lanes north approach,
c. dual left turn lanes south approach,
d. dual left turn lanes east approach,
e. dual left turn lanes west approach, and
f. modification of the existing signal when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2019-557, Control No.1981-00115)

13. Prior to the issuance of a certificate of occupancy for either Phase B (the shopping center) or Phase C (office complex) provide an additional two lane bridge over the Lake Worth Drainage District L-47 Canal on Powerline Road. Construction of this bridge shall commence 30 days after written notification by the County should the 4-laning of Powerline Road require it. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2019-557, Control No.1981-00115)

14. Petitioner shall not be issued building permits for Phases A (the financial plaza), Phase D (an office complex), or Phase E (the hotel/motel) until Powerline Road is four laned from the Hillsboro Canal north to the Lake Worth Drainage District L-47 Canal. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2019-557, Control No.1981-00115)

15. Petitioner shall contribute Two Hundred Thousand Dollars (\$200,000) to be paid at the time of the issuance of building permits on a square footage basis for Phases A, D and E as indicated on Exhibit No. 3 for this petition. This fee to be used in the implementation for Phase II of the area wide major thoroughfare road improvement program adopted by the County, OR for the four-laning of the Hillsboro Canal bridge on Powerline Road, at the County Engineer's discretion. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2019-557, Control No.1981-00115)

16. The developer will take necessary precautions to insure there will be no pollutant runoff from this project to adjacent or nearby surface waters. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2019-557, Control No.1981-00115)

17. Petitioner shall provide for a pedestrian/bikeway system integrated with the surrounding development. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2019-557, Control No.1981-00115)

18. Within thirty (30) days of this approval, the applicant shall enter into an agreement with Palm Beach County for the design and construction of roadway improvements as specified by the Board of County Commissioners. This resolution will become invalid unless said agreement is executed as specified above. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2019-557, Control No.1981-00115)

19. The property owner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$32,670.00 (594 trips X \$55.00 per trip). (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 19 of Resolution R-2019-557, Control No.1981-00115)

20. The traffic control gates shown in the access drives on the east, south, and west sides of Parcel C as shown on the proposed site plan shall remain open between the hours of 7:00 AM to 7:00 PM. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 20 of Resolution R-2019-557, Control No.1981-00115)

21. The Property owner shall fund the restriping of Boca Del Mar Drive to include a 175 foot left turn lane storage lane on the south approach to the Palmetto Park Road intersection, a 125 foot two way left turn lane, and a 50 foot left lane lane into the west driveway plus any appropriate paved tapers. Funds for this work shall be provided to the County Engineer prior to June 1, 1998. Amount of the funding shall be approved by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 21 of Resolution R-2019-557, Control No.1981-00115)

22. The developer shall install sod and irrigation on the south side of Palmetto Park Road from Boca Del Mar Drive to Montoya Circle South. The installation of the sod and irrigation is subject to Lake Worth Drainage District approval and will be completed prior to the final inspection for the new guard house on Boca Del Mar Drive. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 22 of Resolution R-2019-557, Control No.1981-00115)

ENGINEERING-PARCEL E ONLY

23. Prior to final DRO approval, the property owner shall resolve the right of way issue along the west side of Powerline Road, north of Boca Del Mar Drive, where the existing southbound right turn lane is partially constructed on private property. The property owner shall submit documentation for the County Engineer to determine that the issue has been resolved. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 23 of Resolution R-2019-557, Control No.1981-00115)

ENGINEERING-PARCEL A ONLY

24. 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, 2023. 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) (Previous ENGINEERING Condition 24 of Resolution R-2019-557, Control No.1981-00115)

HEALTH

1. Water service is available therefore no potable water system will shall be permitted on the site. (ONGOING: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2019-557, Control No.1981-00115)

2. Wastewater service is available, therefore no onsite septic system will be permitted. (ONGOING: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2019-557, Control No.1981-00115)

LANDSCAPE - GENERAL- PARCELS C AND D ONLY

1. Prior to site plan certification, the petitioner shall provide tabular data on the site plan to reflect conformance to the landscape design standards for planned developments in Section 6.8.A.23.b.(7)(b) of the Palm Beach County Land Development Code and all landscape conditions of approval. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2019-557, Control No.1981-00115)

LANDSCAPE - GENERAL-PARCELS C AND D ONLY

2. All 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. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2019-557, Control No.1981-00115)

LANDSCAPE - GENERAL-PARCEL D ONLY - ALTERNATIVE LANDSCAPE BETTERMENT PLAN

3. The petitioner may submit, to the Development Review Committee for approval, an Alternative Landscape Betterment Plan (ALBP) to substitute for the condition of approval for landscaping requirements for parcel D only. At a minimum this ALBP shall demonstrate:

a. The quality of plant material required by the applicable landscape and buffering conditions of approval is being utilized;

b. The minimum specifications of all plant material sizes as indicated in the conditions of approval are utilized; and,

c. That maximum spacing between planting groups does not exceed fifty (50) feet. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 7 of Resolution R-2019-557, Control No.1981-00115)

LANDSCAPE - INTERIOR-PARCEL A- FOUNDATION PLANTING - PARKING STRUCTURE

4. Prior to Final Development Review Officer (DRO) approval the Final Regulating Plan shall be amended to clarify the relocated or eliminated planter areas and provide linear and square footage dimensions to supplement the Foundation Planting and to support the Type I Waiver. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2019-557, Control No.1981-00115)

LANDSCAPE - INTERIOR-PARCEL B ONLY - BANK OUTPARCEL

5. The trees within the proposed parking area shall have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (ONGOING: ZONING - Zoning) [Note:

COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2019-557, Control No.1981-00115)

6. Immediately upon planting, all trees within the proposed interior parking area shall be a minimum of fourteen (14) feet in height with a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2019-557, Control No.1981-00115)

LANDSCAPE - PERIMETER-PARCEL C AND D ONLY - ALONG BOCA DEL MAR DRIVE

7. Landscaping within the required buffer along Boca Del Mar Drive shall be installed pursuant to Section 6.8.A, Table 6.8-3, Type D perimeter landscape area of the Palm Beach County Land Development Code and shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip.
- b. One (1) native canopy tree for every two hundred (200) square feet of landscape buffer area.
- c. Thirty (30) inch high shrub or hedge material for every one hundred fifty (150) square feet of landscape buffer area at installation, maintained at a minimum height of forty two (42) inches. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2019-557, Control No.1981-00115)

LANDSCAPE - PERIMETER-PARCEL D ONLY - ALONG THE NORTH AND EAST PROPERTY LINES

8. Landscaping and buffering along the north and east property lines of Parcel D shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip measured from the edge of pavement along the north property line and a minimum twenty-five (25) foot wide landscape buffer strip measured from the edge of pavement along the east property line.
- b. A six (6) foot high opaque berm, hedge or combination thereof. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2019-557, Control No.1981-00115)

SIGNS-PARCEL C ONLY

1. Signage for Parcel C fronting on Boca Del Mar Drive shall be limited to one (1) entrywall sign with a maximum sign height, measured from finished grade to highest point of eight (8) feet and maximum sign face area per side of 60 square feet. (ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2019-557, Control No.1981-00115)

SIGNS-PARCEL D ONLY

2. Signs for Parcel D shall be further limited and meet the following requirements:

- a. Maximum sign height, measured from crown of road - eight (8) feet;
- b. Maximum sign face area per side - 80 square feet;
- c. Maximum number of signs - one (1). (ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 2 of Resolution R-2019-557, Control No.1981-00115)

SITE DESIGN-PARCEL D ONLY

1. Prior to certification of the site plan for Parcel D, the petitioner shall provide the following:

- a. The delineation of the required pedestrian/bikeway system integrated with the surrounding development.
- b. Surrounding land uses. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2019-557, Control No.1981-00115)

SITE DESIGN-PARCELS B, C, D ONLY

2. Prior to site plan certification, receptacles for recycled material shall be designated on the site plan, located in the parking area or adjacent to the dumpster location. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2019-557, Control No.1981-00115)

SITE DESIGN- PARCELS B, C, D ONLY

3. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall include the following:

- a. Be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.
- b. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 3 of Resolution R-2019-557, Control No.1981-00115)

USE LIMITATIONS-PARCEL E ONLY

1. The Pawnshop use is limited to 3,200 square feet and is further limited pursuant to the applicant's Justification Statement as follows:

- a. No exterior signage containing the word, "pawn" is permitted;
- b. Shall be co-located with the jewelry retail use only (cannot be operated as a standalone pawnshop; and,
- c. Items subject to pawn brokerage are limited to jewelry and jewels including diamonds, watches, sterling silver objects and other similar items of value. (ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 1 of Resolution R-2019-557, Control No.1981-00115)

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.