

RESOLUTION NO. R-2020- 1414

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2019-01971  
(CONTROL NO. 2003-00087)  
a Development Order Amendment  
APPLICATION OF Lake Worth Commercial Association, Inc., Palms West Professional  
Plaza, LLC, 7 Eleven Inc  
BY WGINC, AGENT  
(Lake Worth & Nassau 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 26, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2019-01971 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 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-2019-01971, the Application of Lake Worth Commercial Association, Inc., Palms West Professional Plaza, LLC, 7 Eleven Inc, by WGINC, Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, modify uses and Conditions of Approval, and restart the Commencement of Development 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 September 24, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and

made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

The motion was seconded by Commissioner 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	-	Absent
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2020.

Filed with the Clerk of the Board of County Commissioners on October 6th, 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:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



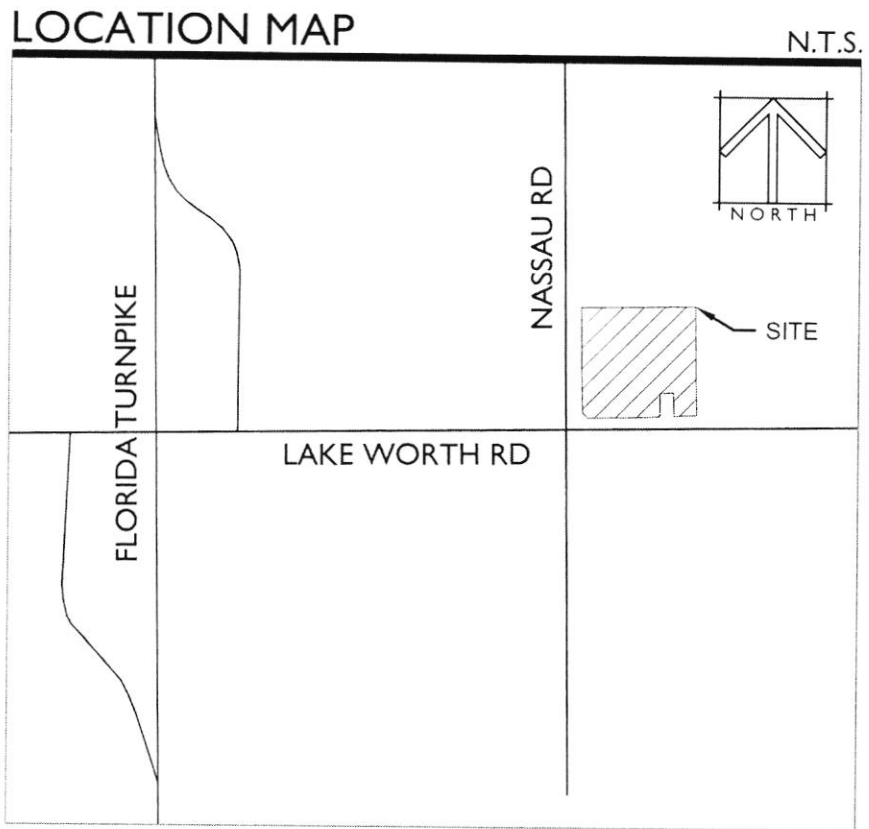
EXHIBIT A

LEGAL DESCRIPTION

ALL OF THE PLAT OF PARADISE SQUARE PROFESSIONAL PLAZA. M.U.P.D.,  
PLAT BOOK 104, PAGES 157 THROUGH 158, PUBLIC RECORDS OF PALM BEACH  
COUNTY, FLORIDA.

CONTAINING 8.39 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment (Planned Development District)**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-1561, Control No. 2003-00087, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2004-2015 (Petition 2003-087), have been consolidated as contained herein. The Applicant shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

##### **Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2004-2015 (Control 2003-00087) and Resolution R-2016-1561 (Control 2003-00087) 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2016-1561, Control No.2003-00087, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated August 11, 2016. 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 July 27, 2020. 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)

##### **ENGINEERING**

1. The Property Owner shall lengthen the existing left turn lane west approach on Lake Worth Road at Nassau Road to provide for a minimum 350 feet of storage length. This turn lane improvement shall be constructed concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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 the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2016-1561, Control No.2003-00087)

2. Prior to DRO approval of the final site plan, this Property Owner shall convey two cross access easements. One cross access easement shall be to the Property Owner to the east, the second cross access easement shall be to the "not included" .22 acre office building site. Location of the cross access easements shall be subject to the approval of

the County Engineer. Form and content shall be subject to approval of the County Attorney. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2016-1561, Control No.2003-00087)

3. Previous ENGINEERING Condition 3 of Resolution R-2016-1561, Control No.2003-00087, 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 December 31, 2017. 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 Chapter E of the Unified Land Development Code.

**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, 2023, 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)

4. The Petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lake Worth Road. 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 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 below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDG/PMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. 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. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

d. Also, prior to the issuance of a Building Permit, and at the option of the Petitioner, the Petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification 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 Lake Worth Road. 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/PMT/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution

R-2016-1561, Control No.2003-00087)

5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING/TC: ENGINEERING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2016-1561, Control No.2003-00087)

6. If this Property Owner applies for and receives a permit from the State of Florida D.O.T. for an additional access onto Lake Worth Road, the Property Owner shall have the ability to add this access without reapproval from the Board of County Commissioners. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2016-1561, Control No.2003-00087)

7. Prior to DRO approval, the Property Owner shall modify the Site Plan to show right of way for the addition of a east approach right turn lane on Lake Worth Road at the project's westernmost driveway. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT and only required along the road frontage for this project. Additional width may be required to accommodate paved shoulders. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2016-1561, Control No.2003-00087)

8. Prior to the issuance of building permits for more than 6,970 square feet, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Lake Worth Road the project's westernmost driveway. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT, and only required along the road frontage for this project. Additional width may be required to accommodate paved shoulders. The right of way shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT 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, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2016-1561, Control No.2003-00087)

9. The Property Owner shall construct a right turn lane east approach on Lake Worth Road at the project's westernmost driveway. This construction shall be concurrent with the paving and drainage improvements for Phase II (at building permits for more than 6,970 square feet). 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 from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for Phase II (at building permits for more than 6,970 square feet). (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II (at certificates of occupancy for more than 6,970 square feet). (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous

ENGINEERING Condition 9 of Resolution R-2016-1561, Control No.2003-00087)

10. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2016-1561, Control No.2003-00087)

11. The Property Owner shall construct i) right turn lane south approach on Nassau Rd at project entrance ii) left turn lane north approach on Nassau Rd at project entrance, both as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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

12. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall provide consent from the easement beneficiary that allows the easement to remain in the Water Management Tract. (DRO: ENGINEERING - 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 - Zoning) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2016-1561, Control No.2003-00087)

2. 25% upland set-aside equal to or greater than 0.60 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 - Zoning) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2016-1561, Control No.2003-00087)

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. [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2016-1561, Control No.2003-00087)

## **HEALTH**

1. Owner or operator shall not cause, let, permit or allow the discharge of any hazardous 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 by any person generating such waste. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2016-1561, Control No.2003-00087)

2. Owner or operator shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 2 of Resolution R-2016-1561, Control No.2003-00087)



3. Owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 3 of Resolution R-2016-1561, Control No.2003-00087)

#### **LANDSCAPE - GENERAL**

1. Prior to May 1, 2021, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: ZONING - Zoning)

2. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2016-1561, Control No.2003-00087, which currently states:

Berm height shall be measured from the nearest top of the curb or the crown of the adjacent road or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDGPM: ZONING - Zoning)

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

3. At time of submittal for Final Approval by the Development Review Officer the Property Owner shall submit Landscape Plan(s) to the Landscape Section for review and approval. The Plan(s) and/or supporting documents shall demonstrate the Preserve vegetation will meet or exceed the Unified Land Development Code requirements. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2016-1561, Control No.2003-00087)

4. Field adjustment of plant materials and berm location may be permitted to provide pedestrian sidewalks/bike paths; to accommodate transverse utility or drainage easements crossings, and existing vegetation. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 8 of Resolution R-2016-1561, Control No.2003-00087)

5. Prior to final DRO approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the west property line and/or any portion of the property where existing vegetation may affect the proposed landscaping. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 9 of Resolution R-2016-1561, Control No.2003-00087)

6. Prior to final DRO approval of the site plan, the Property Owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. All trees to be relocated must be relocated within the affected area. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 10 of Resolution R-2016-1561, Control No.2003-00087)

7. All existing trees to remain in the affected area (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 11 of Resolution R-2016-1561, Control No.2003-00087)

#### **LANDSCAPE - INTERIOR**

8. Previous G Condition 1 of Resolution R-2004-2015, Control No.2003-00087, 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: No longer applicable]

9. Previous G Condition 2 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

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

- a. one (1) canopy 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. (BLDGPM: ZONING - Zoning)

**Is hereby deleted.** [REASON: Allow to comply with current Code.]

10. Special planting treatment shall be provided on both sides of the access point on Lake Worth Road. Planting shall consist of the following:

- a. A minimum of three (3) Royal Palms or a similar specie acceptable to the Landscape Section;
- b. a minimum of three (3) flowering trees along the access drive; and,
- c. shrub or hedge materials. (BLDGPM: ZONING - Zoning) (Previous G Condition 3 of Resolution R-2004-2015, Control No.2003-00087)

11. Previous G Condition 4 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

The landscape medians located to the north and east of the pharmacy building, and as shown on the site plan dated February 20, 2004 shall be upgraded to include the following:

- a. A minimum width of eight (8) feet excluding curbs;
- b. one (1) palm tree planted for each fifteen (15) linear feet of the landscape median;
- c. one (1) shrub for each two (2) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation, and shall be maintained to a maximum height of thirty (30) inches at maturity. (BLDGPM: ZONING - Zoning)

**Is hereby deleted.** [REASON: No longer applicable. Refers to use deleted from the Plan with 2016 DOA Application.]

12. Previous G Condition 5 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

The landscape median located between the 5,000 square foot medical office (building F) and the 5,000 square foot general repair and maintenance facility, shall be upgraded to include the following:

- a. A minimum width of twelve (12) feet including curbs;
- b. two (2) sets of lattice panels, a minimum of thirty (30) feet in width and a minimum of eight (8) feet in height. Vines shall be installed along the end of each set of lattice panels. Details of the lattice panels shall be submitted to the Architectural Review Section for approval prior to final DRO approval of the site plan;
- c. a trellis with minimum dimensions of eight (8) feet in width and twelve (12) feet in length shall be provided at the north end of the median. Details of the trellis shall be submitted to the Architectural Review Section for approval prior to final DRO approval of the site plan;
- d. a pedestrian walkway with a minimum width of six (6) feet shall be provided beneath the length of the trellis and to be connected to the pedestrian crossings. The walkway shall be paved with either stamped concrete or paving blocks;
- e. a minimum of four (4) canopy trees. Tree height to be a minimum of sixteen (16) feet;
- f. a minimum of two (2) palms;
- g. a minimum of three (3) flowering trees. Tree height to be a minimum often (10) feet;
- h. one (1) small shrub for each four (4) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- i. one (1) medium shrub for each four (4) linear feet of the landscape median. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDGPM: ZONING - Zoning)

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

13. Previous G Condition 6 of Resolution R-2004-2015, Control No.2003-00087, which

currently states:

The landscape median located north of the loading area of the pharmacy shall be upgraded to include the following:

- a. A minimum width of nine (9) feet excluding curbs;
- b. a pergola with minimum dimensions of six (6) feet in width and sixty (60) feet in length. Details of the pergola shall be submitted to the Architectural Review Section for approval prior to final DRO approval of the site;
- c. a pedestrian walkway with a minimum width of four (4) feet shall be provided beneath the length of the pergola, and shall extend and be connected to the sidewalk and pedestrian crossing, which are located to the east (Medical Office Building). The walkway shall be paved with either stamped concrete or paving blocks;
- d. a minimum of six (6) palms;
- e. one (1) small shrub for each two (2) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. vines shall be installed at each end of the pergola. (BLDGPM: ZONING - Zoning)

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

14. Previous G Condition 7 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

The landscape median located east of the drive-thru lanes of the pharmacy shall be upgraded to include the following:

- a. A minimum width of eight (8) feet excluding curbs;
- b. one (1) canopy tree for each twenty (20) linear feet of the median;
- c. one (1) palm for each thirty (30) linear feet of the median; and,
- d. one (1) small shrub for each two (2) linear feet of the landscape median. Shrub shall be a minimum height of twenty-four (24) inches at installation, and shall be maintained at a maximum height of thirty (30) inches at maturity. (BLDGPM: ZONING - Zoning)

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

15. Prior to final DRO approval of the site plan, the property owner shall show on the site plan, and also install the following with either stamped concrete or paving blocks:

- a. A minimum of eight (8) feet in width for all pedestrian crosswalks;
- b. a minimum of fifty (50) feet in length and thirty (30) feet in width at both access driveways of Nassau Road and Lake Worth Road; and,
- c. all plazas and courtyards as shown on the site plan dated February 20, 2004. (BLDGPM/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous G Condition 8 of Resolution R-2004-2015, Control No.2003-00087)

16. Prior to final DRO approval of the site plan, details/layout of all plazas and courtyards shall be submitted to the Architectural Review Section for review and approval. Development of these plazas and courtyards shall be consistent with the approved details/layouts. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous G Condition 9 of Resolution R-2004-2015, Control No.2003-00087)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF LAKE WORTH ROAD)**

17. Previous C Condition 1 of Resolution R-2004-2015, Control No.2003-00087, 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. A maximum of five (5) foot easement encroachment may be permitted;
- b. a continuous three (3) foot high berm measured from top of curb;
- c. one (1) native canopy tree for each twenty-five (25) feet linear of the property line;
- d. 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;
- 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-six (36) inches at installation.

**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. A maximum of five (5) foot easement encroachment may be permitted; and,
- b. a continuous three (3) foot high berm measured from top of curb. (BLDGPMT: ZONING - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF NASSAU ROAD)**

18. Previous D Condition 1 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

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

- a. A minimum fifteen (15) foot wide landscape buffer strip. A maximum of five (5) feet easement encroachment may be permitted;
- b. a continuous two (2) foot high berm measured from top of curb;
- c. one (1) native canopy tree for each thirty (30) feet of the property line;
- d. 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;
- 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 six (6) 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.

**Is hereby amended to read:**

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

- a. A minimum fifteen (15) foot wide landscape buffer strip. A maximum of five (5) feet easement encroachment may be permitted; and,
- b. a continuous two (2) foot high berm measured from top of curb. (BLDGPMT: ZONING - Zoning)

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

19. Previous F Condition 1 of Resolution R-2004-2015, Control No.2003-00087, which currently states:

Landscaping and buffering 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 continuous two and one half (2.5) foot high berm measured from top of curb;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- 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;
- f. 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 to be planted on both sides of the wall; and,

g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall.

**Is hereby amended to read:**

Landscaping and buffering 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 continuous two and one half (2.5) foot high berm measured from top of curb; and,
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (BLDGPMT: ZONING - Zoning)

**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. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2016-1561, Control No.2003-00087)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2016-1561, Control No.2003-00087)

3. All outdoor, freestanding lighting fixtures shall be setback a minimum of one hundred and five (105) feet from the north residential property line. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2016-1561, Control No.2003-00087)

4. To protect the residential uses to the north, all outdoor lighting within the north three hundred (300) feet of the subject site shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2016-1561, Control No.2003-00087)

5. 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) (Previous LIGHTING Condition 5 of Resolution R-2016-1561, Control No.2003-00087)

**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/Site Plans prior to the 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 [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2016-1561, Control No.2003-00087)

2. Prior to the issuance of the first building permit or recordation of the plat, whichever shall first occur, 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. (BLDGPMT/PLAT: MONITORING - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 2 of Resolution R-2016-1561, Control No.2003-00087)

**PLANNING**

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney, submit a recorded cross access easement agreement, for the locations depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to the issuance of the Certificate of Occupancy, the property owner shall pave all vehicular and pedestrian cross access connections to the edge of the property line, with a break in any buffering or walls, for the locations depicted on the site plans. (CO: MONITORING - Planning)

### **SIGNS**

1. Freestanding ground mounted signs fronting on Lake Worth Road and Nassau Road shall be limited as follows:

a. maximum number of signs - three (3). (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2016-1561, Control No.2003-00087)

### **SITE DESIGN-BUILDINGS B, C AND D ONLY**

1. Prior to Final Approval by the Development Review Officer, the Final Regulating Plan shall be revised to show a detail of the proposed dumpster enclosures. The enclosure wall shall be given a similar architectural treatment that is generally consistent and compatible with the principal building. The opaque gates shall not be composed of chain link fence. (DRO: ZONING - Zoning)

### **USE LIMITATIONS**

1. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2016-1561, Control No.2003-00087)

### **UTILITIES-AFFECTED AREA ONLY**

1. Prior to Final Approval by the Development Review Officer, the final site plan shall be amended to ensure any easement encroachment over the required landscape islands within the parking lot is modified to allow sufficient area for growth of the required tree within the same island. The width and length of the island may be increased by the amount necessary to meet separation requirements of the utility providers as indicated in Article 7.C.5.B, Easements in Off-Street Parking Areas, of the ULDC or the Property Owner shall seek variance relief. (DRO: ZONING - Zoning)

### **COMPLIANCE**

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the

ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

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