

RESOLUTION NO. R-2021- 0154

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2019-01674
(CONTROL NO. 1995-00057)
a Development Order Amendment
APPLICATION OF Bixmor GA Marketplace Wycliffe, LLC
BY Cotleur & Hearing, Inc., AGENT
(Marketplace at Wycliffe 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 as amended, have been satisfied;

WHEREAS, Zoning Application ZV/DOA/CA-2019-01674 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2021;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/CA-2019-01674, the Application of Bixmor GA Marketplace Wycliffe, LLC, by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment to reconfigure the Site Plan to modify uses, add a building, and modify Conditions of Approval, 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 January 28, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

The motion was seconded by Commissioner Sachs 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 Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 28, 2021.

Filed with the Clerk of the Board of County Commissioners on February 17th, 2021

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

ALL OF THE PLAT OF THE SHOPPES AT WYCLIFFE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 83, PAGE 41, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 24.16 ACRES MORE LESS

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-1999-982, Control No.1995-00057, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-393 (Petition PDD95-057), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1999-0982 (Control No. 1995-00057), 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 A Condition 2 of Resolution R-1999-982, Control No.1995-00057, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated March 25 1999. The phasing plan is dated April 21, 1999. 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 November 23, 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)

3. Previous A Condition 3 of Resolution R-1999-982, Control No.1995-00057, which currently states:

Prior to site plan approval the site plan shall be amended to meet all conditions of approval and all applicable requirements of the ULDC.

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

ENGINEERING

1. Deleted under resolution R-1999-982 (Previous E Condition 1 of Resolution R-1999-982, Control No.1995-00057)

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right

of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) [Note: Completed]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owners Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to June 1, 2001. (DATE: MONITORING - Eng) [Note: Completed]

c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 2 of Resolution R-1999-982, Control No.1995-00057)

3. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way if required for the construction of a right turn lane on Lake Worth Road 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-1999-982, Control No.1995-00057)

4. The Property owner shall reconstruct the existing median opening on Lake Worth 150 feet west of the projects west property line to provide for the following:

- a. a left turn lane west approach on Lake Worth Road at the projects main entrance road;
- b. a right turn lane east approach on Lake Worth Road at the projects main entrance road;
- c. relocation of all the existing trees currently in the median of Lake Worth Road, which will be part of the construction program of the left turn lane into this projects entrance. Any of the existing trees which cannot be relocated, shall be replaced with a similar type and height, subject to the approval of the County engineer; and,
- d. nonmountable curbing on both sides of the median area relocation. This construction and tree location program 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 4 of Resolution R-1999-982, Control No.1995-00057)

5. The Property owner shall construct a separate right turn lane north approach on SR 7 at the projects north and the projects main entrance and SR 7, if permitted by the Florida Department of Transportation. If this construction is permitted by the Florida Department of

Transportation, this construction by the property owner shall be accomplished by one of the following:

a. This property owner may fund the construction of these right turn lanes directly with the Florida Department of Transportation. These turn lanes shall then be incorporated into the six laning of SR 7 from Lake Wortnoad to Forest Hill Boulevard by the Florida Department of Transportation.

b. This property owner may elect to construct these right turn lanes after the widening of SR 7 by the Florida Department of Transportation. If the property owner intends to construct these turn lanes after the widening of SR 7, then surety for this construction shall be posted prior to the issuance of the first Building Permit. This construction shall then be completed prior within six months after the issuance of the first Building Permit. Surety shall be based upon 100% of the certified cost estimate by the developer's Engineer. (BLDG/PMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 5 of Resolution R-1999-982, Control No.1995-00057)

6. Previous E Condition 6 of Resolution R-1999-982, Control No.1995-00057, which currently states:

In order to comply with the mandatory Traffic Performance Standards:

a. No building permits shall be issued until construction has begun for SR 7 as a minimum 4 lane section from SR 80 to Boynton Beach Boulevard plus the appropriate paved tapers

b. No building permits shall be issued until Lake Worth Road or a comparable facility approved by the County Engineer is under construction as a 2/3 lane cross-section from its present terminus west of SR 7 to South Shore Boulevard.

Is hereby amended to read:

No Building Permits for the site may be issued after December 31,2024. 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)

7. Deleted under resolution R-1999-982 (Previous E Condition 7 of Resolution R-1999-982, Control No.1995-00057)

8. In the event the property owner wishes to construct a directional left turn lane at the project's north entrance on SR 7, such improvement shall be subject to approval by the Florida Department of Transportation and the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous E Condition 8 of Resolution R-1999-982, Control No.1995-00057)

9. Prior to the Final Site Plan approval, the Property Owner shall revise the traffic impact study report to reflect the latest proposed land use shown on the site plan. (DRO: ENGINEERING - Engineering)

ENVIRONMENTAL

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to the approval of the site plan by the DRO. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. The automated car wash facility shall use a 100% water recycling system. (Previous G Condition 1 of Resolution R-1999-982, Control No.1995-00057)

2. Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (Previous G Condition 2 of Resolution R-1999-982, Control No.1995-00057)

LANDSCAPE - GENERAL

1. 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. (BLDGPM: ZONING - Zoning) (Previous H Condition 1 of Resolution R-1999-982, Control No.1995-00057)

LANDSCAPE - INTERIOR

2. Previous L Condition 1 of Resolution R-1999-982, Control No.1995-00057, which currently states:

One 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. (ONGOING: ZONING - Zoning)

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

3. A landscaped divider median shall be provided between every third row of abutting parking. The minimum width of this median shall be ten (10) feet. One tree and appropriate ground cover shall be planted for each thirty(30) linearfeet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (BLDGPM: ZONING - Zoning) (Previous L Condition 2 of Resolution R-1999-982, Control No.1995-00057)

4. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (BLDGPM: ZONING - Zoning) (Previous L Condition 3 of Resolution R-1999-982, Control No.1995-00057)

5. Landscape planter areas shall be provided along the front and side facades of the principal structure. The minimum width of the required landscape planter areas shall be five (5) feet. The combined length of the required landscape planter areas shall be no less than 40% of the total length of the applicable side of the structure. All required landscape planter areas shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover. (BLDGPM: ZONING - Zoning) (Previous L Condition 4 of Resolution R-1999-982, Control No.1995-00057)

6. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to show a landscaped divider median along the north side of the middle entrance to the development on State Road 7. The minimum width of this median shall be ten (10) feet excluding curbs and sidewalks, and overlap with retention or detention areas shall not be permitted. (DRO: ZONING - Zoning)

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

7. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six (6) foot high hedge, fence or berm or combination at time of installation. The wall if used, shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BLDGPM: ZONING - Zoning) (Previous I Condition 1 of Resolution R-1999-982, Control No.1995-00057)

8. One (1) canopy tree planted every twenty (20) feet on center shall be installed on alternating sides of the hedge fence or wall; and, (BLDGPM: ZONING - Zoning) (Previous I Condition 2 of Resolution R-1999-982, Control No.1995-00057)

9. A twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches, shall be installed along the interior and exterior sides of the wall or fence or on the

plateau of the berm. (BLDGPMPT: ZONING - Zoning) (Previous I Condition 3 of Resolution R-1999-982, Control No.1995-00057)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ABUTTING SR7/US441 AND LAKE WORTH ROAD)

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

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) canopy tree shall be planted every twenty (20) feet on center;
- c. one (1) palm tree or pine tree for each thirty (30) linear feet of frontage.
- d. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and, twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (BLDGPMPT: ZONING - Zoning) (Previous J Condition 1 of Resolution R-1999-982, Control No.1995-00057)

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

11. Previous K Condition 1 of Resolution R-1999-982, Control No.1995-00057, 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 with an undulating berm having an average height of three (3) feet; and,
- b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.

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 with an undulating berm having an average height of three (3) feet; and,
- b. A six (6) foot high opaque concrete wall. The location of the wall may be adjusted, but permitted to be no farther than 25 feet from the property line.
- c. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BLDGPMPT: ZONING - Zoning)

LANDSCAPE - PERIMETER

12. One (1) canopy tree shall be planted every twenty (20) feet on the west side of the required wall. (BLDGPMPT: ZONING - Zoning) (Previous K Condition 2 of Resolution R-1999-982, Control No.1995-00057)

13. One (1) palm or pine tree shall be planted for each thirty (30) linear feet of the length of the buffer. A group of three or more palms or pine trees may supersede the requirement for a canopy tree. (BLDGPMPT: ZONING - Zoning) (Previous K Condition 3 of Resolution R-1999-982, Control No.1995-00057)

14. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches, shall be installed on the east side of the required wall. (BLDGPMPT: ZONING - Zoning) (Previous K Condition 4 of Resolution R-1999-982, Control No.1995-00057)

LIGHTING

1. Previous M Condition 1 of Resolution R-1999-982, Control No.1995-00057, which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.

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

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous M Condition 2 of Resolution R-1999-982, Control No.1995-00057)

PALM TRAN

1. Previous N Condition 1 of Resolution R-1999-982, Control No.1995-00057, which currently states:

Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack.

Is hereby deleted. [REASON: No longer applicable]

2. Previous N Condition 2 of Resolution R-1999-982, Control No.1995-00057, which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner.

Is hereby deleted. [REASON: No longer applicable]

PARKING

1. All delivery and/or loading areas shall be screened from view from the west property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (BLDGPMPT/CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous O Condition 1 of Resolution R-1999-982, Control No.1995-00057)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous O Condition 2 of Resolution R-1999-982, Control No.1995-00057)

3. Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in the parking areas adjacent to the east side of the principal structure. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous O Condition 3 of Resolution R-1999-982, Control No.1995-00057)

4. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous O Condition 4 of Resolution R-1999-982, Control No.1995-00057)

PLANNED DEVELOPMENT

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring

architectural consistency between all project buildings and project identification/signage with the general architectural character of the Wycliffe Golf and Country Club PUD. This covenant shall require the use of prevalent Mediterranean architecture, including such elements as pastel colored stucco, classical features (columns, arches, medallions, bull's eye windows, etc.), terra cotta colored barrel tile roofs, and towers. The covenant shall be recorded in a form and manner acceptable to the County Attorney. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous D Condition 1 of Resolution R-1999-982, Control No.1995-00057)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the County Attorney. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous D Condition 2 of Resolution R-1999-982, Control No.1995-00057)

SIGNS

1. Point of purchase freestanding signs fronting SR7/US441 shall be limited as follows:

- Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
- Maximum sign face area per side - 150 square feet;
- Maximum number of signs - one (1); and,
- Style - monument style only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous P Condition 1 of Resolution R-1999-982, Control No.1995-00057)

2. Point of purchase freestanding signs fronting Lake Worth Road shall be limited as follows:

- Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
- Maximum sign face area per side - 150 square feet;
- Maximum number of signs - one (1);
- Style - monument style only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous P Condition 2 of Resolution R-1999-982, Control No.1995-00057)

3. Outparcel identification signs shall be limited as follows:

- Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- Maximum sign face area per side - 40 square feet;
- Maximum number of signs - one per outparcel; and,
- Style - monument style only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous P Condition 3 of Resolution R-1999-982, Control No.1995-00057)

4. Entry wall/project identification signs shall be limited as follows:

- Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- Maximum sign length - sixteen (16) feet;
- Maximum number of signs - one (1);
- Style - monument style only; and,
- Location - to be located on the southeast corner of the site only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous P Condition 4 of Resolution R-1999-982, Control No.1995-00057)

5. Entry wall/project identification signs shall be limited as follows:

- Maximum sign height, measured from finished grade to highest point - six (6) feet;
- Maximum sign length - sixteen (16) feet;
- Maximum number of signs - one (1);
- Style - monument style only; and,
- Location - to be located on the northeast corner of the site only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous P Condition 5 of Resolution R-1999-982, Control No.1995-00057)

SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 168,701 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000

square feet, whichever is less. (DRO: ZONING - Zoning) (Previous B Condition 1 of Resolution R-1999-982, Control No.1995-00057)

2. The subject property shall be limited to a maximum of five (5) out parcels. (DRO: ZONING - Zoning) (Previous B Condition 2 of Resolution R-1999-982, Control No.1995-00057)

3. Previous B Condition 3 of Resolution R-1999-982, Control No.1995-00057, which currently states:

All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated February 25, 1999).

Is hereby deleted. [REASON: It is a Code requirement that Conditional and Requested Uses remain in the location on the Site Plan approved by the BCC.]

4. Previous B Condition 4 of Resolution R-1999-982, Control No.1995-00057, which currently states:

All roof mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure.

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

5. Previous B Condition 5 of Resolution R-1999-982, Control No.1995-00057, which currently states:

All other air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material.

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

6. No building or accessory structure, other than the required wall in the landscape buffer, shall be located within 50 feet of the west property line. (DRO: ZONING - Zoning) (Previous B Condition 6 of Resolution R-1999-982, Control No.1995-00057)

USE LIMITATIONS-CONVENIENCE STORE WITH GAS SALES

1. Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 3,000 square feet with 6 pumps (maximum/1 2 fueling stations) and a 900 square foot accessory car wash (ONGOING: ZONING - Zoning) (Previous C Condition 1 of Resolution R-1999-982, Control No.1995-00057)

2. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (DRO/ONGOING: CODE ENF - Zoning) (Previous C Condition 2 of Resolution R-1999-982, Control No.1995-00057)

3. Gas station canopies shall be limited to a maximum of twenty-five (25) feet in height, including air conditioning and mechanical equipment and satellite dishes, measured from finished grade to the highest point. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy or attached outdoor lighting fixtures. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous C Condition 3 of Resolution R-1999-982, Control No.1995-00057)

4. Lighting for the gas station canopy shall be flush mounted or recessed. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous C Condition 4 of Resolution R-1999-982, Control No.1995-00057)

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.