

RESOLUTION NO. R-2021- 0858

RESOLUTION APPROVING ZONING APPLICATION DOA-2020-01546
(CONTROL NO. 1986-00008)
a Development Order Amendment
APPLICATION OF Pinewood Palm Beach Retail LLC.
BY Insite Studio, AGENT
(AutoZone Pinewood Square)

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 DOA-2020-01546 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 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 DOA-2020-01546, the Application of Pinewood Palm Beach Retail LLC., by Insite Studio, Agent, for a Development Order Amendment to modify the Site Plan; add square footage; 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 June 24, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

The motion was seconded by Commissioner Weiss 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 June 24, 2021.

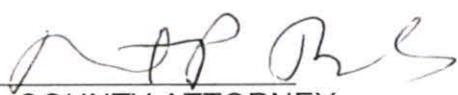
Filed with the Clerk of the Board of County Commissioners on June 24th, 2021.

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

Parcels 1 through 8, inclusive, PINewood SQUARE, according to the Plat thereof as recorded in Plat Book 84, Page 129, of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and containing 1,135,247 square feet (26.0617 acres) more or less.

TOGETHER WITH

A parcel of land in Tract 39 of Hiatus, Township 44 1/2 South, Range 42 East, Palm Beach County, Florida, described as follows:

Commencing at the quarter section corner in the south line of Section 34, Township 44 South, Range 42 East, Palm Beach County, Florida; thence S88°32'23"E, along the centerline of Lantana Road and south line of said Section 34, a distance of 196.00 feet; thence S01°27'37"W, a distance of 54.00 feet to the Point of Beginning and intersection with the south right of way line of said Lantana Road, said south right of way line lying 54.00 feet south of and parallel with said south line of Section 34; thence S88°32'23"E, along the south right of way line of said Lantana Road, a distance of 378.50 feet; thence S01°27'37"W, a distance of 165.00 feet to the intersection with a line 165.00 feet southerly of and parallel with the south right of way line of said Lantana Road; thence N88°32'23"W, along said parallel line a distance of 348.37 feet to a non-radial intersection with a curve concave to the northeast having a radius of 1577.02 feet and a tangent bearing of S20°43'44"E, thence northwesterly along the arc of said curve and easterly right of way line of Jog Road through a central angle of 05°09'56", a distance of 142.18 feet to a non-radial intersection; thence N36°39'26"E, a distance of 40.87 feet to the Point of Beginning.

Less and except additional right-of-way for Jog Road as described in Deed recorded in Official Records Book 6334, Page 1216, public records of Palm Beach County, Florida. 57,889 square feet (1.3289 acres) more or less.

TOGETHER WITH

A parcel of land lying within Lot 2, Tract 39, of the "Hiatus" Township 44 1/2 South, Range 42 East, Palm Beach County, Florida according to the original Government Plat of "Hiatus" otherwise known as Township 44 1/2 South, Range 42 East, (between Townships 44 South and 45 South) and being more particularly described as follows: Commence at the south one-quarter corner of Section 34, Township 44 South, Range 42 East, Palm Beach County, Florida; thence S88°32'23"E, (assumed bearing) along the south line of said Section 34, said south line also being the centerline of Lantana Road, a distance of 869.00 feet; thence S01°27'37"W, at right angles to the previous course, a distance of 54.00, to a point on the southerly right-of-way line of said Lantana Road and the Point of Beginning of the following described parcel; thence continue S01°27'37"W, a distance of 194.90 feet; thence N88°32'23"W, a distance of 223.50 feet; thence N01°27'37"E, a distance of 194.90 feet to a point on said southerly right-of-way line of Lantana Road; thence S88°32'23"E, along said southerly right-of-way line of Lantana Road, a distance of 233.50 feet, to the Point of Beginning. 43,560 square feet (1.0 acres) more or less.

TOTAL AREA 28.3906 ACRES

EXHIBIT B
VICINITY SKETCH

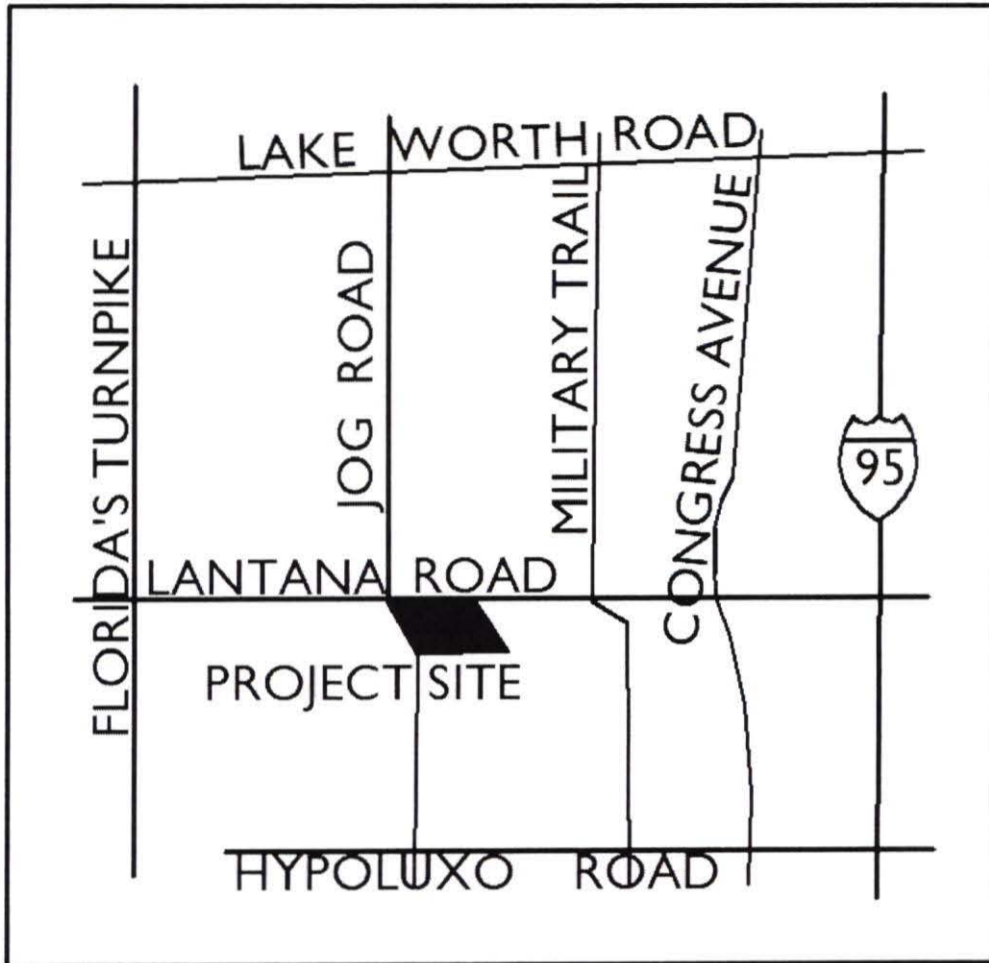


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-878, Control No.1986-00008, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-1117 (Control No. 1986-008), 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-2014-0878 (Control No. 1986-00008), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2014-878, Control No.1986-00008, which currently states:

The approved Preliminary Site Plan is dated April 18, 2014. 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 (DRO) as established in the Unified Land Development Code (ULDC), 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 April 26, 2021. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. All future development shall be designed to be consistent with Article 5.C of the Unified Land Development Code (ULDC) and the site plan approved by the Development Review Officer (DRO). (DRO: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2014-878, Control No.1986-00008)

2. The six (6) foot high wall shall be given architectural treatment on both sides consistent with the front of the center. (BLDGPM/ONGOING: BUILDING DIVISION - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2014-878, Control No.1986-00008)

3. In order to avoid an incompatible appearance upon east and south lying residential areas, the rear facades of the planned commercial development shall be given architectural treatment consistent with the front of the center. (Previous Architectural Review Condition 2 of Resolution R-2009-0016, Control No. 1986-008) (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous

ARCHITECTURAL REVIEW Condition 3 of Resolution R-2014-878, Control No.1986-00008)

4. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Type I Restaurant on Parcel K shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2014-878, Control No.1986-00008)

ENGINEERING

1. Prior to March 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lantana Road, 54 feet from centerline, plus right-of-way for Jog Road as indicated on Palm Beach County's Project #87-518, Parcel 135, free of all encumbrances and encroachments as shown. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2014-878, Control No.1986-00008)

2. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

Building Permits for more than Phase One which shall consist of 133,487 square feet of retail, a 6,000 square foot tire store and 28,000 square feet of mini warehouse, or a combination of uses which will not exceed 10,381 vehicle trips per day, shall not be issued until construction has been begun for:

a. Jog Road from Melaleuca Lane to Hypoluxo Road as a 4 lane median divided section plus the appropriate paved tapers.

b. Lantana Road from Hagen Ranch Road to Military Trail as a 4 lane median divided section plus the appropriate paved tapers. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2014-878, Control No.1986-00008)

3. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended prior to building permits for Phase 2 as defined above. (BLDG/PMT: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2014-878, Control No.1986-00008)

4. The Property Owner shall convey for the ultimate right-of-way of:

a. Lantana Road, 54 feet from centerline

b. Jog Road per the existing approved alignment map on file at the office of the county Engineer.

Conveyance must be accepted by Palm Beach County prior to issuance of First Building Permit. Right-of-way to be conveyed prior to March 15, 1986. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2014-878, Control No.1986-00008)

5. The Developer shall align the project's entrances onto Jog Road with the entrances from the project located at the southwest corner of Lantana Road and Jog Road and the project's middle entrance on Lantana Road with the entrance for the project located at the

northeast corner of Lantana Road and Jog Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2014-878, Control No.1986-00008)

6. The Developer shall construct a left turn lane east approach and a right turn lane south approach on Jog Road at the project's entrance road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2014-878, Control No.1986-00008)

7. The Developer shall construct a left turn lane east approach and a right turn lane west approach on Lantana Road at each of the project's entrance Roads on to Lantana Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2014-878, Control No.1986-00008)

8. a. The Developer shall fund the Construction Plans for Jog Road as a 4 lane median divided section from Lake Worth Road south to a point 250 feet south of the centerline of Melaleuca Lane plus the appropriate tapers. These construction plans shall be per the county Engineers Approval based upon Palm Beach County's minimum construction Plan standards as they presently exist or as they may from time to time be amended. The cost of providing all plans shall be approved by the County Engineers Office. Palm Beach County shall provide these construction plans with all funding provided by the developer.

b. The Developer shall provide Palm Beach county with all associated right of way Documents, including but not limited to, surveys, property owners' maps, legal descriptions for acquisition, parceled right of way maps, required for the for the acquisition of right of way for Jog Road from Lake Worth Road to a point 250 feet south of Melaleuca Lane plus the appropriate tapers. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition Section for any and all acquisition costs prior to July 1, 1986; for which this Petitioner shall provide all necessary funds.

c. Palm Beach County will then construct Jog Road as a 4 lane median section from Lake Worth Road south to a point 250 feet south of Melaleuca Lane plus the appropriate tapers per the County Engineers approval.

It is the intent that this Construction Contract shall be let during the fiscal year 1987-1988. Any funds which have not been expended for the work performed under condition No. 20 A & B shall be made available to Palm Beach County 30 days after formerly accepting all right of way documents and construction plans, or on July 1, 1987 whichever shall first occur. (DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2014-878, Control No.1986-00008)

9. 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 January 1, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2014-878, Control No.1986-00008)

10. Prior to the issuance of a building permit the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the project's middle entrance. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

(BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2014-878, Control No.1986-00008)

11. Construct a right turn lane west approach on Lantana Road at the project's middle entrance. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2014-878, Control No.1986-00008)

12. Landscape Within the Median of both Lantana Road and Jog Road

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

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit.

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy.

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

e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner 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 Lantana Road and Jog 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. (BLDGPMT/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2014-878, Control No.1986-00008)

13. Within ninety (90) days of a request by the County Engineer, the Property Owner shall provide to Palm Beach County Traffic Division an easement for the construction of a traffic signal on Lantana Road at the project's central driveway. The area of the easement shall be based upon the design of the signal, shall extend within the driveway approaching Lantana Road a sufficient length to accommodate detector loops, shall be the area required to accommodate signalization so as not to encroach into paved parking areas and avoid conflicts with existing utility encroachments, shall be free of all encumbrances and encroachments which would prevent signalization, and may overlap required buffers, all as determined by the County Engineer. The Property Owner shall not record the required documents. After final acceptance of the location, legal sketches and easement documents, Palm Beach County shall record all appropriate documents. (ONGOING:

MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2014-878, Control No.1986-00008)

14. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for:

55 feet, measured from centerline of the proposed right of way

12 feet, across the projects main entrance on Lantana Road to the adjoining sidewalk located in Lantana Road right of way.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County 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 not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

15. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, the Property Owner shall provide a temporary construction easement to Palm Beach County as approved by the County Engineer. Construction by the property owner within this easement shall conform to all Palm Beach County standards and codes. The Property Owner shall not record this required easement or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

16. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, the Property Owner shall provide a signal easement to Palm Beach County as approved by the County Engineer. Construction by the property owner within this easement shall conform to all Palm Beach County standards and codes. The Property Owner shall not record this required easement or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department, and the agency responsible for sewage works are used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2014-878, Control No.1986-00008)

LANDSCAPE - GENERAL

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2014-878, Control No.1986-00008)

2. For purposes of meeting foundation planting requirements, the south facade of the proposed Parcel K restaurant shall be considered the front. Prior to issuance of the Building Permit for the restaurant, the required foundation plantings on the east and west sides shall be provided, or an Alternative Landscape Plan shall be reviewed and approved by the Landscape Section in accordance with the ULDC. (BLDGPMPT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2014-878, Control No.1986-00008)

LANDSCAPE – PERIMETER

3. NORTH PROPERTY LINE OF OUTPARCEL K (FRONTAGE OF LANTANA ROAD)
In addition to code requirements, landscaping along the north property line of Parcel K shall be upgraded to include:

- a. No width reduction or easement encroachment shall be permitted.
- b. a minimum one (1) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet.
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDGPMPT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2014-878, Control No.1986-00008)

4. ZONING - LANDSCAPING-EAST PROPERTY LINE OF OUTPARCEL K, ABUTTING RESIDENTIAL

In addition to code requirements, landscaping along the east property line of Parcel K shall be upgraded to include one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDGPMPT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2014-878, Control No.1986-00008)

5. SOUTH PROPERTY LINE (ABUTTING CANAL)

In addition to the existing landscaping, landscaping along the south property line, abutting the canal, shall be upgraded to include:

- a. a six (6) foot high chain link fence shall be installed along the property line, subject to approval of the easement holder.
- b. the existing hedge shall be maintained at a minimum six (6) feet in height. (BLDGPMPT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2014-878, Control No.1986-00008)

6. OUTPARCEL F, FINANCIAL INSTITUTION

Prior to final approval by the Development Review Officer (DRO), the site plan shall show a divider median between each drive thru lane as follows:

- a. a minimum width of five (5) feet, excluding curb;
- b. a minimum length of thirty-five (35) feet;
- c. Each end of the median shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;
- d. one (1) palm tree with a minimum ten (10) feet of greywood and appropriate ground cover shall be installed in each planting area; and,
- e. the remaining portion of the median shall be paved with decorative paving such as precast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2014-878, Control No.1986-00008)

LIGHTING

1. Security lighting along the western property line shall be low intensity, no greater than twelve (12) feet in height and directed away from surrounding residential properties. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 1 of Resolution R-2014-878, Control No.1986-00008)

SITE DESIGN

1. Prior to site plan certification, a tree survey shall be submitted indicating the preservation of existing vegetation and the incorporation of said vegetation into the project design including the western portion of the site. Parking spaces in excess of the required minimum shall be utilized to incorporate existing vegetation in the overall design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2014-878, Control No.1986-00008)

2. The outdoor seating area of the restaurant on Parcel K shall not be covered with a solid roof. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2014-878, Control No.1986-00008)

3. Prior to final approval by the Development Review Officer, the Site Plan shall be revised to identify a twelve (12) foot wall along the west and north side of the loading area for Parcel 4 (Building G), with foundation plantings being provided for the entirety of the walled loading zone area, a minimum of eight (8) feet in width. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations or the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (ONGOING: AIRPORTS - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2014-878, Control No.1986-00008)

2. All accessory electrical equipment shall be screened with a six (6) foot high concrete panel wall. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 2 of Resolution R-2014-878, Control No.1986-00008)

3. The communication tower shall be limited to a monopole structure, a maximum of one hundred and fifty (150) feet in height measured from finished grade to highest point. Only one tower shall be permitted on the subject property. (BLDG/PMT/DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 3 of Resolution R-2014-878, Control No.1986-00008)

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.