

MEETING: BOARD OF COUNTY COMMISSIONERS, ZONING MATTERS

1. CALL TO ORDER: Board of County Commissioners sitting for the purpose of exercising zoning powers, Zoning Meeting of January 4, 2001, at 9:34 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

Chair Warren H. Newell
Vice-Chair Carol A. Roberts
Commissioner Burt Aaronson - Absent
Commissioner Addie L. Greene - Absent
Commissioner Mary McCarty
Commissioner Karen T. Marcus
Commissioner Tony Masilotti
Assistant County Attorney Barbara Alterman
Deputy Clerk Joan Haverly

1.B.1. INVOCATION - Commissioner Roberts

1.B.2. PLEDGE OF ALLEGIANCE

1.C. REMARKS OF THE CHAIR

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and the recommendations of the Land Use Advisory Board and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on January 4, 2001, at 9:30 a.m., in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

1.D. PROOF OF PUBLICATION APPROVED 1-4-2001

MOTION to receive and file Proofs of Publication 744955, 744956, 755709, 754782, and 766166. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 5-0. Commissioners Aaronson and Greene absent.

(CLERK'S NOTE: The following Proofs of Publication were approved for receipt and file in earlier meetings: 728613 and 728614 [9-28-2000], 746044 [11-30-2000 and 1-4-2001], 746045 and 746046 [11-30-2000], 747078 and 747079 [10-26-2000], and 775214 [11-30-2000 and 1-4-2001]. These public hearings were continued to today's meeting.)

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.F. ADOPTION OF AGENDA

MOTION to adopt the agenda. Motion by Commissioner Roberts, seconded by Commissioner Marcus, and carried 5-0. Commissioners Aaronson and Greene absent.

(CLERK'S NOTE: At this time, Commissioner Roberts initiated discussion on disclosure. See Item 1.G., page 2.)

1.F.1. AMENDMENTS TO AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
<u>1</u>	2.A.1.	Application 2000-SCA 63 COM 2 - Belvedere Commerce Center: Postpone to February 22, 2001.
<u>2</u>	2.A.2.	Petition 99-28(A) - Belvedere Commerce Center: Remand to February 1, 2001, Zoning Commission and February 22, 2001, Board of County Commissioners hearing.

- 7 **3.C.14. Status Report SR88-33E - Murphy's Towing:**
 Amend motion.
- 7 **3.C.15. Status Report SR89-106.3 - Northwoods PCD:**
 Postpone to February 22, 2001.
- 7 **3.C.17. Status Report SR73-91D - Lake Worth Plaza West-1st Union Bank:**
 Postpone to February 22, 2001.
- 9 **3.C.23. Status Report SR84-99F.2 - Mission Bay Plaza:**
 Postpone to March 22, 2001.
- 9 **3.C.25. Status Report SR94-56 - Wild Palms:**
 Postpone to March 22, 2001.
- 11 **4.B.29. Petition DOA75-151(C) - Delray Villas Civic Site:**
 Postpone to January 25, 2001.
- 11 **4.C.30. Application 2000-SCA 76 COM 2 - Lake Worth/Turnpike:**
 Amend motion.

1.G. DISCLOSURE

Earlier in the meeting, Commissioner Roberts suggested that since disclosure is given at individual items that it be scheduled at the beginning or end of each item.

Assistant County Attorney Alterman suggested that disclosure be scheduled at the start of each item.

Commissioner Newell said that disclosure did not need to be scheduled since the commissioners knew that disclosure needed to be given at each item.

- 1.H. UNSCHEDULED ITEMS - None**
- 2. POSTPONEMENTS AND WITHDRAWALS - See pages 3-6.**
- 3. CONSENT AGENDA - See pages 6-52.**
- 4. REGULAR AGENDA - See pages 52-55.**
- 5. DIRECTOR COMMENTS - See pages 56-57.**
- 6. COMMISSION COMMENTS - See pages 57-59.**

7. **ADJOURNMENT** - See page 59.

2. **POSTPONEMENTS AND WITHDRAWALS**

2.A. **POSTPONEMENTS**

2.A.1. **APPLICATION 2000-SCA 63 COM 2**

APPLICATION 2000-SCA 63 COM 2 (BELVEDERE COMMERCE CENTER) OF BELVEDERE COMMERCE CENTER, LLC, BY ROBERT E. BASEHART, AGENT, FOR A SMALL SCALE LAND USE AMENDMENT (SCA) TO AMEND LAND USE FROM INDUSTRIAL (IND) TO COMMERCIAL HIGH (CH) ON THE 1.38-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY. (P.O.P. 766196) POSTPONED TO FEBRUARY 22, 2001--1-4-2001

Revised Staff Recommendation: Postponement to February 22, 2001.

Zoning Director William C. Whiteford referred the board to the revised staff recommendation on the Amendments to the Agenda sheet.

No backup provided.

2.A.2. **PETITION 99-28**

PETITION PDD99-28(A) (BELVEDERE COMMERCE CENTER) OF BELVEDERE COMMERCE CENTER, LLC, BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AGRICULTURAL RESIDENTIAL (AR) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH A CONVENIENCE STORE WITH GASOLINE SALES FOR THE 8.56-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY. (P.O.P. 747078 AND 747079 [10-26-2000]) REMANDED TO FEBRUARY 1, 2001, ZONING COMMISSION, AND FEBRUARY 22, 2001, BOARD OF COUNTY COMMISSIONERS HEARING--1-4-2001

Revised Staff Recommendation: Remand to February 1, 2001, Zoning Commission and February 22, 2001, Board of County Commissioners hearing.

Zoning Director Whiteford informed the board of the revised staff recommendation on the Amendments to the Agenda sheet.

No backup provided.

2.A.3. **PETITION 99-36**

PETITION PDD99-36 (COCONUT PLAZA MUPD) OF JOE FEARNLEY, TRUSTEE, BY RICHARD W. ("CHIP") CARLSON, JR., AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AGRICULTURAL RESIDENTIAL (AR) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) FOR THE 3.83-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MILITARY TRAIL AND COCONUT LANE. (P.O.P. 728613 AND 728614 [9-28-2000]) POSTPONED TO FEBRUARY 22, 2001--1-4-2001

Staff Recommendation: Postponement to February 22, 2001. (Postponement requested by the petitioner.)

POSTPONEMENTS - CONTINUED

2.A.4.

PETITION 2000-062

PETITION Z2000-062 (LANAIR PARK TOWNHOMES) OF FAIRWAY ISLES LTD., BY KATHI POWELL, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM SINGLE-FAMILY RESIDENTIAL (RS) TO MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) FOR THE 3.61-ACRE PROPERTY LOCATED APPROXIMATELY 2,500 FEET EAST OF CONGRESS AVENUE ON THE NORTH SIDE OF DONNELLY DRIVE. (P.O.P. 744955 AND 744956) POSTPONED TO FEBRUARY 22, 2001--1-4-2001

Staff Recommendation: Postponement to February 22, 2001. (Postponement requested by Zoning Commission.)

No backup provided.

2.A.5.

PETITION 90-17

STATUS REPORT SR90-17A FOR RESOLUTION R-97-1289 OF PETITION 90-17(A) (BOYNTON SELF STORAGE) OF GEORGE T. KELLY IV, PETITIONER (LAWRENCE J. GABRIEL AND BOYNTON BEACH SELF STORAGE, PROPERTY OWNERS), CONCERNING 2.4 ACRES OF THE 6.32-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD APPROXIMATELY 500 FEET EAST OF HAGEN RANCH ROAD. THE PROPERTY IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD). POSTPONED TO FEBRUARY 22, 2001--1-4-2001

Staff Recommendation: Postponement to February 22, 2001.

3.C.15.

PETITION 89-106

STATUS REPORT SR89-106.3 FOR RESOLUTIONS R-90-587 AND R-90-588 OF PETITION 89-106 (NORTHWOODS PCD) OF FLOYD A. SCHLOSSBERG, PETITIONER AND PROPERTY OWNER, TO APPROVE A DEVELOPMENT ORDER AMENDMENT (DOA) TO AMEND CONDITIONS OF APPROVAL (BUILDING PERMIT) IN R-90-588 AND TO DIRECT THE CODE ENFORCEMENT DIVISION TO CITE THE PROPERTY OWNER FOR FAILURE TO COMPLY WITH CONDITION 13 (CONSTRUCTION OF DAVIS ROAD AS A THREE-LANE SECTION FROM FOREST HILL BOULEVARD TO THE PROJECT'S ENTRANCE). THE PROPERTY IS LOCATED ON THE NORTH SIDE OF FOREST HILL BOULEVARD APPROXIMATELY 110 FEET WEST OF DAVIS ROAD AND IS ZONED GENERAL COMMERCIAL (CG) WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT (PCD). POSTPONED TO FEBRUARY 22, 2001--1-4-2001

Revised Staff Recommendation: Postponement to February 22, 2001. (Postponement requested by petitioner.)

Zoning Director Whiteford referred the board to the revised staff recommendation on the Amendments to the Agenda sheet.

3.C.17.

PETITION 73-91

STATUS REPORT SR73-91D FOR RESOLUTION R-97-1576 OF PETITION 73-91(D) (LAKE WORTH PLAZA WEST-1ST UNION BANK) OF FIRST UNION NATIONAL BANK, PETITIONER (AMERICAN SAVINGS & LOAN ASSOCIATION, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL OCTOBER 23, 2002, FOR R-97-1576 FOR THE 0.97-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND LAKE WORTH ROAD. THE PROPERTY IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD SQUARE FOOTAGE (+1,060 S.F.). POSTPONED TO FEBRUARY 22, 2001--1-4-2001

Revised Staff Recommendation: Postponement to February 22, 2001. (Postponement requested by petitioner.)

POSTPONEMENTS - CONTINUED

3.C.23.

PETITION 84-99

STATUS REPORT SR84-99F.2 FOR RESOLUTION R-95-1467 OF PETITION 84-99(F) (MISSION BAY PLAZA) OF MISSION BAY PLAZA ASSOCIATES, PETITIONER (MISSION BAY PLAZA ASSOCIATES AND CENTRUM MISSION BAY LTD., PROPERTY OWNERS), TO REVOKE R-95-1467 FOR THE 24.28-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF GLADES

ROAD AND STATE ROAD 7 (U.S. 441). THE PROPERTY IS ZONED GENERAL COMMERCIAL (CG) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) AMENDING CONDITION A.9 (SQUARE FOOT LIMITATION). (REVOKES R-95-1467) POSTPONED TO MARCH 22, 2001--1-4-2001

Revised Staff Recommendation: Postponement to March 22, 2001. (Postponement requested by petitioner.)

Zoning Director Whiteford cited the revision on the Amendments to the Agenda sheet.

3.C.25.

PETITION 94-56

STATUS REPORT SR94-56 FOR RESOLUTIONS R-95-279 AND R-95-280 OF PETITION 94-56 (WILD PALMS) OF RONALD S. WOODS, TRUSTEE, PETITIONER AND PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL JANUARY 4, 2003, FOR R-95-279 AND R-95-280 AND TO DIRECT THE CODE ENFORCEMENT DIVISION TO CITE THE PROPERTY OWNER FOR FAILURE TO COMPLY WITH CONDITIONS 16, 17, 18, 19, AND 20 (COMPLETION OF THE PHYSICAL CHARACTERISTICS OF THE LAKES) OF R-96-1362. THE 36.90-ACRE PROPERTY IS LOCATED APPROXIMATELY ONE MILE WEST OF JUPITER FARMS ROAD ON THE NORTH SIDE OF RANDOLPH SIDING ROAD AND IS ZONED AGRICULTURAL RESIDENTIAL (AR) WITH A CLASS A CONDITIONAL USE (CA) ALLOWING REMOVAL OF EXCAVATED MATERIAL IN EXCESS OF 10 PERCENT. POSTPONED TO MARCH 22, 2001--1-4-2001

Revised Staff Recommendation: Postponement to March 22, 2001. (Postponement requested by petitioner.)

Zoning Director Whiteford directed the board's attention to the revision on the Amendments to the Agenda sheet.

4.B.29.

PETITION 75-151

PETITION DOA75-151(C) (DELRAY VILLAS CIVIC SITE) OF LANDCO INC., PETITIONER AND PROPERTY OWNER, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO ALLOW A TYPE 3 CONGREGATE LIVING FACILITY AND AN ADULT DAYCARE COMPLEX ON THE VACANT CIVIC POD OF THE DELRAY VILLAS PUD, THE 5.63-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF VIA FLORA AND LAKE IDA ROAD. THE PROPERTY IS ZONED SINGLE-FAMILY RESIDENTIAL (RS) WITH A SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT (PUD). (P.O.P. 746045 AND 746046 [11-30-2000]) POSTPONED TO JANUARY 25, 2001--1-4-2001

Revised Staff Recommendation: Postponement to January 25, 2001. (Postponement requested by petitioner.)

Zoning Director Whiteford noted the revision on the Amendments to the Agenda sheet.

PUBLIC COMMENT: None

POSTPONEMENTS - CONTINUED

MOTION to POSTPONE Items 2.A.1., 2.A.3., 2.A.4., 2.A.5., 3.C.15., 3.C.17., 3.C.23., 3.C.25., and 4.B.29. to the dates indicated. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 5-0. Commissioners Aaronson and Greene absent.

MOTION to REMAND Item 2.A.2. to the February 1, 2001, Zoning Commission, and February 22, 2001, Board of County Commissioners hearing. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 5-0. Commissioners Aaronson and Greene absent.

2.B. WITHDRAWALS

2.B.6. PETITION 2000-011

PETITION PDD2000-011 (ABLE'S SELF-SERVICE STORAGE FACILITY) OF PAUL MELOCHE AND MARJORIE MELOCHE, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AGRICULTURAL RESIDENTIAL (AR) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH A SELF-SERVICE STORAGE FACILITY AS A REQUESTED USE ON THE 8.05-ACRE PROPERTY LOCATED APPROXIMATELY 3,500 FEET WEST OF MILITARY TRAIL ON THE NORTH SIDE OF LANTANA ROAD. (P.O.P. 728613 AND 728614 [9-28-2000]) WITHDRAWN 1-4-2001

Staff Recommendation: Withdrawal. (Administratively withdrawn. No motion required.)

No backup provided.

2.B.7. PETITION 89-95

PETITION CA89-95(A) (HAVERHILL DAYCARE) OF L&G ENTERPRISES, INC., AND GABOR J. MERTL, BY GABOR J. MERTL, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW A GENERAL DAYCARE FACILITY ON THE SOUTHWEST CORNER OF HAVERHILL ROAD AND HORSESHOE CIRCLE NORTH. (P.O.P. 746045 AND 746046 [11-30-2000]) WITHDRAWN 1-4-2001

Staff Recommendation: Withdrawal. (Withdrawn by petitioner. No motion required.)

3. CONSENT AGENDA

3.A. REQUESTS TO PULL ITEMS FROM CONSENT AGENDA - None

3.B. ZONING PETITIONS

3.B.8. RESOLUTION R-2001-0001

RESOLUTION FOR PETITION DOA98-89(A) (CHS PROPERTIES MUPD) OF CHS PROPERTIES, PETITIONER AND PROPERTY OWNER, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO DELETE LAND AREA (-11.96 ACRES) AND MODIFY/DELETE CONDITIONS OF APPROVAL OF RESOLUTION R-99-1147 CONCERNING THE REMAINING 27.55 ACRES LOCATED AT THE SOUTHEAST CORNER OF SOUTHERN BOULEVARD AND CONGRESS AVENUE. THE PROPERTY IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD). (AMENDS R-99-1147) (P.O.P. 746044 AND 775214 [11-30-2000 AND 1-04-2001] AND 754782* [1-4-2001]) ADOPTED WITH CONDITIONS 1-4-2001

Staff Recommendation: Approval of the development order amendment and adoption of a resolution affirming that action, subject to the following conditions:

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

A. ALL PETITIONS

1. Condition A.1 of Resolution R-99-1147, Petition PDD98-089 which currently states:

Resolutions R-89-1383 and R-89-1384, granting approval of Petition 87-11 and Resolutions R-90-348, granting approval of Petition 87-11(A), are hereby revoked. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-1147 (Petition 98-089), have been consolidated as contained 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. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-99-1147, Petition PDD98-089 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 development and regulating plans are dated March 22, 1999 and conceptual site plan is dated March 22, 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. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated August 24, 2000. 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. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings located in the MUPD. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.1 of Resolution R-99-1147, Petition PDD98-089)
2. The exterior elevations of all buildings shall include the following:
 - a. Varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet;
 - b. Varied building materials and textures;

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- c. Varied building colors by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
 - d. Combination architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
 - e. Integrated design of gutters and downspouts into the architectural design of the building; and,
 - f. All building entries shall be easily identifiable and integrated into the building's architecture. (BLDG PERMIT: ZONING/BLDG) (Previously Condition B.2 of Resolution R-99-1147, Petition PDD98-089)
3. All exterior base colors are limited to earthtones, pastels, or neutrals (whites and grays). No primary colors shall be used as a base color. (BLDG PERMIT: ZONING/BLDG) (Previously Condition B.3 of Resolution R-99-1147, Petition PDD98-089)

C. CONVENIENCE STORE W/GAS SALES

- 1. 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. (DRC/ONGOING: ZONING/CODE ENF) (Previously Condition C.1 of Resolution R-99-1147, Petition PDD98-089)
- 2. The convenience store building and accessory gas station canopy 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 lighting fixtures. (BLDG PERMIT/CO: BLDG/ZONING/BLDG - Zoning) (Previously Condition C.2 of Resolution R-99-1147, Petition PDD98-089)
- 3. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF) (Previously Condition C.3 of Resolution R-99-1147, Petition PDD98-089)

D. BUILDING AND SITE DESIGN

- 1. Condition D.1 of Resolution R-99-1147, Petition PDD98-089 which currently states:

The maximum height for all structures, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to highest point, shall not exceed thirty-five feet (35) within Pod C and thirty (30) feet for Pods B and D.

Is hereby amended to read:

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

The maximum height for all structures, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to highest point, shall not exceed thirty-five feet (35) within Pod C and thirty (30) feet for Pod B. (BLDG PERMIT: BLDG - Zoning)

2. All air conditioning and mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previously Condition D.2 of Resolution R-99-1147, Petition PDD98-089)
3. Barbed wire or razor wire shall not be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF) (Previously Condition D.3 of Resolution R-99-1147, Petition PDD98-089)

E. ENGINEERING

1. Prior to September 1, 1999 this property owner shall fund the following intersections improvements at the intersection of Congress Avenue and the newly aligned Gun Club Road:
 - a. left turn lane, east approach
 - b. right turn lane, east approach (DATE: MONITORING - Eng) (Previously Condition E.1 of Resolution R-99-1147, Petition PDD98-089)
2. 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 for:
 - a) Ranch House Road 80 feet north of the existing south right of way line from Congress Avenue to the existing day care. (COMPLETE)
 - b) Farmdale Road a total of 50 feet right of way.
 - c) East Grace Drive as an 80/50 foot right of way as shown of the site plan dated 1/28/99 prepared by Kilday and Associates.

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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.2 of Resolution R-99-1147, Petition PDD98-089)

3. Prior to the issuance of a Building Permit, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Ranch House Road along the property frontage. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways encumbered by said minimum 20 foot drainage easement

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.3 of Resolution R-99-1147, Petition PDD98-089)

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for more than 2125 trips per day shall not be issued until a contract has been let for the construction of Australian Avenue as a 6 lane facility from Congress Avenue to Southern Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.4.a of Resolution R-99-1147, Petition PDD98-089) [COMPLETE]
- b) Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (DRC: ENG) (Previously Condition E.4.b of Resolution R-99-1147, Petition PDD98-089) [COMPLETE]

5. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

Condition E.5.A, B and C of Resolution R-99-1147, Petition PDD98-089) which currently states:

- 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 Australian Avenue 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

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

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) (Previously Condition E.5.A of Resolution R-99-1147, Petition PDD98-089)

- 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 Owner's Association and/or Homeowners'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 the issuance of a certificate of occupancy. If Certificates of Occupancy are requested prior to the final construction of the Australian Avenue Flyover then appropriate surety shall be posted for the landscape planting acceptable to the County Engineer. Landscape plantings shall then be completed within 90 notice to the property owner that the construction of the Australian Avenue flyover is completed. (CO: MONITORING - Eng) (Previously Condition E.5.B of Resolution R-99-1147, Petition PDD98-089)
- 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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.5.C of Resolution R-99-1147, Petition PDD98-089)

Is here by amended to read:

- A. Prior to issuance of a building permit, the property owner shall fund in the amount of \$53,392 to the Palm Beach Board of County Commissioners for landscaping the adjacent median of Congress Avenue Road Right-of-Way. All funding shall be completed prior to the issuance of a Building Permit. These funds shall then be used for the installation in the amount of \$12,784 and maintenance in the amount of \$40,608 for any landscape material installed by Palm Beach County or another Developer. If these funds are to be included in a landscape program by another Developer

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

Palm Beach County may administer the disbursement of these fees. (BLDG PERMIT:MONITORING - Eng)

6. The property owner shall participate in a Road Closure Public Hearing for any/all internal roads within or adjacent to the site. The site plan shall be modified to reflect Board of County Commissioners approved road closures affecting this site no later than October 1, 1999. Road closure improvements required by the Board of County Commissioners including but not limited to cul-de-sac, barricades, or guard rails, for Farmdale Road and/or Homewood Road adjacent to the site shall be funded by the petitioner. (DATE: ENG) (Previously Condition E.6 of Resolution R-99-1147, Petition PDD98-089)
7. Any road closure improvements if approved by the Board of County Commissioners shall be completed prior to January 1, 2000 or prior to the issuance of the first building permit whichever shall first occur. (BLDG PERMIT/DATE: ENG) (Previously Condition E.7 of Resolution R-99-1147, Petition PDD98-089)
8. During the construction phase of the project, there shall be no construction traffic permitted onto Ohio Road. (ONGOING: CODE ENF) (Previously Condition E.8 of Resolution R-99-1147, Petition PDD98-089)
9. After the construction has been completed, there shall be no access onto Ohio Road from the site. (ONGOING: CODE ENF) (Previously Condition E.9 of Resolution R-99-1147, Petition PDD98-089)

F. DEPARTMENT OF AIRPORTS

1. All construction on the site shall be pursuant to Article 18 (Airport Zoning Regulations) of the ULDC. (DRC/BLDG PERMIT: ZONING/BLDG - DOA) (Previously Condition F.1 of Resolution R-99-1147, Petition PDD98-089)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall provide a aviation easement covering the entire property which is satisfactory to the Department of Airports and the County Attorney. (DRC: ZONING - DOA/Co Atty) (Previously Condition F.2 of Resolution R-99-1147, Petition PDD98-089)

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition G.1 of Resolution R-99-1147, Petition PDD98-089 which currently states:

A tree survey of existing native specimen sized trees for Pods B, C, and D shall be completed and submitted to ERM prior to DRC site plan submittal.

Is hereby amended to read:

A tree survey of existing native specimen sized trees for Pods B, and C shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM)

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

H. LANDSCAPING - STANDARD

1. All canopy trees required to be planted within the right-of-way buffers 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition H.1 of Resolution R-99-1147, Petition PDD98-089)
2. All palms required to be planted by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: Twelve (12) feet clear trunk;
 - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition H.2 of Resolution R-99-1147, Petition PDD98-089)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previously Condition H.3 of Resolution R-99-1147, Petition PDD98-089)
4. The property owner shall maintain all landscaping within the MUPD in accordance with the Board of County Commissioners' conditions of approval and the ULDC. (ONGOING: CODE ENF) (Previously Condition H.4 of Resolution R-99-1147, Petition PDD98-089)

I. LANDSCAPING - INTERIOR

1. 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. (DRC: ZONING) (Previously Condition I.1 of Resolution R-99-1147, Petition PDD98-089)
2. Foundation planting or grade level planters shall be provided along all facades of all structures and to consist of the following:

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each facade of the structure. Bay door lengths may be excluded from the total length calculation of the facades, and,

- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE) (Previously Condition I.2 of Resolution R-99-1147, Petition PDD98-089)

J. LANDSCAPING ALONG ALL PROPERTY LINES ADJACENT TO RIGHT-OF-WAYS

- 1. Landscaping and buffering along the north/west property line (Congress Avenue and Australian Avenue frontages) up to the south side of the MUPD entrance onto Australian Avenue and along the 244' portion of the south property line (Ranch House Road frontage west of the daycare) shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet, measured from top of curb;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters. and,
 - e. Thirty (30) 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. (CO: LANDSCAPE) (Previously Condition J.1 of Resolution R-99-1147, Petition PDD98-089)
- 2. Condition J.2 of Resolution R-99-1147, Petition PDD98-089 which currently states:

Landscaping and buffering along the remainder of the north/west property line adjacent to the Australian Avenue flyover shall be upgraded to include:

 - a. A minimum twenty (20) foot wide landscape buffer strip;

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- b. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters. and,
- d. Thirty (30) 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.

An alternative landscape plan meeting the provisions of Section 7.3.D.4 of the ULDC may be substituted for the above requirements.

Is hereby deleted. (REASON : Pod D has been deleted from MUPD)

- 3. Condition J.3 of Resolution R-99-1147, Petition PDD98-089 which currently states:

Landscaping and buffering along the 664' portion of the south property line (Ohio Street frontage) shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A continuous two (2) foot high measured from top of curb;
- c. A six (6) foot black or green vinyl coated chain link fence, located at the plateau of the berm. If the required shrub or hedge materials of this condition are not maintained and have not reached the top of the required fence within eighteen (18) months of this approval (October 22, 2000), the chain link fence shall be replaced with a decorative aluminum or metal fence of the same height and at the same location;
- d. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;
- e. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- f. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches.

Is hereby amended to read:

Landscaping and buffering along the 664' portion of the south property line (Ohio Street frontage) shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high measured from top of curb;
 - c. A six (6) foot black or green vinyl coated chain link fence, located at the plateau of the berm. If the required shrub or hedge materials of this condition are not maintained and have not reached the top of the required fence within eighteen (18) months of the issuance of the first Certificate of Occupancy (CO) for Pod C, Phase Three, the chain link fence shall be replaced with a decorative aluminum or metal fence of the same height and at the same location;
 - d. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;
 - e. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters; and,
 - f. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches. (CO: LANDSCAPE)
4. Landscaping and buffering along all other right-of-way frontages shall be upgraded to include:
- a. A minimum fifteen (15) foot wide landscape buffer strip, reductions shall not be permitted;
 - b. One (1) canopy tree planted every thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters. and,
- d. Thirty (30) 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. (CO: LANDSCAPE) (Previously Condition J.4 of Resolution R-99-1147, Petition PDD98-089)

K. LANDSCAPING ALONG ALL OTHER PERIMETER PROPERTY LINES

- 1. Landscaping and buffering adjacent to residential zoning districts shall be upgraded to include the following in addition to the ULDC's opacity requirement for landscape barriers:
 - a. A minimum ten (10) foot wide landscape buffer strip, reductions shall not be permitted;
 - b. One (1) canopy tree for each twenty (20) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The required trees shall be installed on the exterior side of the non-living barrier;
 - c. One (1) palm for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters. and,
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy-two (72) inches. The shrub and hedge material shall be installed on the exterior side of the non-living barrier; and
 - e. A six (6) foot opaque fence or prefabricated panel wall. (CO: LANDSCAPE) (Previously Condition K.1 of Resolution R-99-1147, Petition PDD98-089)
- 2. Landscaping and buffering adjacent to nonresidential zoning districts shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree for each thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previously Condition K.2 of Resolution R-99-1147, Petition PDD98-089)

L. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Building Security Code, shielded and directed down and away from adjacent properties and streets.

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

(CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition L.1 of Resolution R-99-1147, Petition PDD98-089)

2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition L.2 of Resolution R-99-1147, Petition PDD98-089)
3. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding the lighting for the convenience store with gas sales and security lighting only. (ONGOING: CODE ENF) (Previously Condition L.3 of Resolution R-99-1147, Petition PDD98-089)
4. 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) (Previously Condition L.4 of Resolution R-99-1147, Petition PDD98-089)
5. Lighting for the gas station canopy shall be flush mounted or recessed. (BLDG PERMIT: BLDG - Zoning) (Previously Condition L.5 of Resolution R-99-1147, Petition PDD98-089)
6. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition L.1 above. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition L.6 of Resolution R-99-1147, Petition PDD98-089)

M. MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previously Condition M.1.A of Resolution R-99-1147, Petition PDD98-089)
- B. 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 the 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. (CO: BLDG - Eng) (Previously Condition M.1.B of Resolution R-99-1147, Petition PDD98-089)

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN) (Previously Condition M.2 of Resolution R-99-1147, Petition PDD98-089)
3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN) (Previously Condition M.3 of Resolution R-99-1147, Petition PDD98-089)

N. MUPD

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 buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previously Condition N.1 of Resolution R-99-1147, Petition PDD98-089)
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 Zoning Director. (DRC: ZONING - Co Att) (Previously Condition N.2 of Resolution R-99-1147, Petition PDD98-089)

O. PARKING

1. Prior to final site plan certification by the Development Review Committee, all delivery and/or loading areas and bay doors shall be indicated and shall not be oriented towards adjacent residentially zoned property lines, unless the bay doors are inwardly oriented within the site. (CO: BLDG - Zoning) (Previously Condition O.1 of Resolution R-99-1147, Petition PDD98-089)
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) (Previously Condition O.2 of Resolution R-99-1147, Petition PDD98-089)

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

3. Prior certification of the final site plan by the Development Review Committee (DRC), the petitioner shall provide the parking spaces as required by the ULDC for the proposed uses indicated on the Preliminary Development Plan dated March 22, 1999 or obtain a variance from the Board of Adjustment. (DRC: ZONING) (Previously Condition O.3 of Resolution R-99-1147, Petition PDD98-089)

P. SIGNS

1. Condition P.1 of Resolution R-99-1147, Petition PDD98-089 which currently states:

Freestanding sign on Australian Avenue shall be limited as follows:

- a. One sign (maximum of two tenants with project identification) a maximum fifteen (15) feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30) feet of the project's entrance on Australian Avenue.

Is hereby amended to read:

Freestanding sign on Australian Avenue shall be limited as follows:

- a. One sign (maximum of two tenants with project identification) a maximum fifteen (15) feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be a monument style sign located within thirty (30) feet of the entrance on Australian Avenue per the July 27, 1999 Agreement for Purchase and Sale to Palm Beach County. (CO: BLDG)

2. The proposed convenience store's freestanding point of purchase sign located at the Congress Avenue and Ranch House Road intersection shall be limited as follows:

- a. One sign a maximum eight (8) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style and located within fifty (50) feet measured from the intersecting right of way lines. (CO: BLDG) (Previously Condition P.2 of Resolution R-99-1147, Petition PDD98-089)

3. Freestanding signs on Ranch House Road shall be limited as follows:

- a. One multi-tenant sign a maximum ten (10) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30) feet of the project's entrance immediately east of the daycare on Ranch House Road; and,

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- b. One (1) multi-tenant sign a maximum eight (8) feet high, one on each side of Ranch House Road, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style sign and be located on either side of the street, within thirty (30) feet of the project's easternmost entrances on Ranch House Road. (CO: BLDG) (Previously Condition P.3 of Resolution R-99-1147, Petition PDD98-089)
- 4. Freestanding signs on Congress Avenue shall be limited as follows:
 - a. One multi-tenant sign a maximum twelve (12) feet high, measured from finished grade to highest point with a maximum one hundred and twenty (120) square feet sign face area per side. This sign shall be monument style sign and located 300 feet north of the intersecting right of way lines of Congress Avenue and Ranch House Road. (CO: BLDG) (Previously Condition P.4 of Resolution R-99-1147, Petition PDD98-089)
- 5. Wall signage mounted on the buildings shall be limited to the north, south and west facades with frontages on Congress Avenue, Australian Avenue, or Ranch House Road. No signage shall be permitted on the gas station canopy. (BLDG PERMIT: BLDG - Zoning) (Previously Condition P.5 of Resolution R-99-1147, Petition PDD98-089)
- 6. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (Previously Condition P.6 of Resolution R-99-1147, Petition PDD98-089)
- 7. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning) (Previously Condition P.7 of Resolution R-99-1147, Petition PDD98-089)

Q. USE LIMITATION

- 1. Condition Q.1 of Resolution R-99-1147, Petition PDD98-089 which currently states:

Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated March 22, 1999:

 - a. Pod A, Phase 1 - Convenience store with gas sales (3,400 sq. ft. w/ 8 fueling positions maximum);
 - b. Pod B, Phase 2 - Professional office use (21,850 sq. ft. maximum) and other general land uses pursuant to Table 6.8-2, Section 6.4.D of the ULDC subject to approval by the Traffic Division;
 - c. Pod C, Phase 3 - Warehouse use (142,897 sq. ft. maximum);

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- d. Pod D - Open space or stormwater management purposes. Uses other than these shall be subject to future BCC approval;
- e. The general location of all retention and detention areas shall remain as indicated. Minor reconfiguration may be permitted to comply with applicable Palm Beach County and SFWMD permits; and,
- f. A maximum 1,000 sq. ft. increase above the 168,147 sq. ft. total gross floor area shall be permitted subject to approval by the Traffic Division.

Is hereby amended to read:

- 1. Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated August 24, 2000:
 - a. Pod A, Phase 1 - Convenience store with gas sales (3,400 sq. ft. w/ 8 fueling positions maximum);
 - b. Pod B, Phase 2 - Professional office use (21,850 sq. ft. maximum) and other general land uses pursuant to Table 6.8-2, Section 6.4.D of the ULDC subject to approval by the Traffic Division;
 - c. Pod C, Phase 3 - Warehouse use (142,897 sq. ft. maximum);
 - d. The general location of all retention and detention areas shall remain as indicated. Minor reconfiguration may be permitted to comply with applicable Palm Beach County and SFWMD permits; and,
 - e. A maximum 1,000 sq. ft. increase above the 168,147 sq. ft. total gross floor area shall be permitted subject to approval by the Traffic Division. (DRC: ZONING)
- 2. Hours of operation for all uses, including deliveries and stocking activities, shall be limited from 6:00 a.m. to 11:00 p.m. daily. The convenience store with gas sales use shall be excluded from this limitation. (ONGOING: CODE ENF - Zoning) (Previously Condition Q.2 of Resolution R-99-1147, Petition PDD98-089)
- 3. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the final site plan approved by the Development Review Committee. (ONGOING: CODE ENF) (Previously Condition Q.3 of Resolution R-99-1147, Petition PDD98-089)
- 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) (Previously Condition Q.4 of Resolution R-99-1147, Petition PDD98-089)

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

- 5. The following uses shall be prohibited within the MUPD:
 - a. Broadcasting studio
 - b. Retail sales, mobile temporary or transient
 - c. Grain milling or processing
 - d. Amusements, temporary or special event
 - e. Air curtain incinerator

- f. Chipping and mulching
- g. Composting facility
- h. Recycling facilities (i.e. recycling center, recycling collection station, recycling drop-off bin, and recycling plant. (ONGOING: ZONING/CODE ENF) (Previously Condition Q.5 of Resolution R-99-1147, Petition PDD98-089)

R. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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) (Previously Condition R.1 of Resolution R-99-1147, Petition PDD98-089)
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; 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 ULDC 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; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

CONSENT AGENDA - CONTINUED

3.B.8. PETITION 98-89(A) RESOLUTION R-2001-0001 - CONTINUED

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition R.2 of Resolution R-99-1147, Petition PDD98-089)

3.B.9.

RESOLUTION R-2001-0002

RESOLUTION FOR PETITION Z2000-056 (URS GREINER/PBC REZONING) OF PALM BEACH COUNTY DEPARTMENT OF AIRPORTS, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM MULTIPLE USE PLANNED DEVELOPMENT (MUPD) TO PUBLIC OWNERSHIP (PO) FOR THE 12.31-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SOUTHERN BOULEVARD AND CONGRESS AVENUE. (P.O.P. 746044 AND 775214 [11-30-2000 AND 1-04-2001] AND 754782 [1-4-2001]) ADOPTED WITH VOLUNTARY COMMITMENTS 1-4-2001

Staff Recommendation: Approval of the official zoning map amendment and adoption of a resolution affirming that action, subject to the following voluntary commitments:

A. ALL PETITIONS

1. Development of the site is limited to the use as approved by the Board of County Commissioners. 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. (ONGOING: ZONING)

B. SIGN

1. Freestanding sign on Australian Avenue shall be limited as follows:
 - a. One sign (maximum of two tenants with project identification) a maximum fifteen (15) feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be a monument style sign located within thirty (30) feet of the entrance on Australian Avenue per the July 27, 1999 Agreement for Purchase and Sale to Palm Beach County.

CONSENT AGENDA - CONTINUED

3.B.9. PETITION 2000-056 RESOLUTION R-2001-0002 - CONTINUED

C. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC 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; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

CONSENT AGENDA - CONTINUED

3.B.10.

RESOLUTION R-2001-0003

RESOLUTION FOR PETITION CA2000-068 (UNITY CHURCH) OF UNITY CHURCH OF THE PALMS, PETITIONER (ROBERT BERMAN AND JOANNE BERMAN, PROPERTY OWNERS), BY MARK BRADFORD, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW A CHURCH OR PLACE OF WORSHIP ON THE 1.29-ACRE PROPERTY LOCATED APPROXIMATELY 1,000 FEET WEST OF INTERSTATE 95 ON THE NORTH SIDE OF DONALD ROSS ROAD. THE PROPERTY IS ZONED AGRICULTURAL RESIDENTIAL (AR). (P.O.P. 744955 AND 744956) ADOPTED WITH CONDITIONS 1-4-2001

Staff Recommendation: Approval of the conditional use and adoption of a resolution affirming that action, subject to the following conditions:

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 28, 2000. 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. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. The church shall be limited to a maximum of 50 seats and a total gross enclosed floor area of 4,200 square feet. Expansion shall be limited to 5% of the total square footage or 1,000 square feet whichever is less, and subject to the approval by the Traffic Division. (DRC / ONGOING BUILDING - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRC: ERM)

D. HEALTH

1. Application and engineering plans to upgrade the existing well or construct a limited use commercial well in accordance with Rule 64E-8FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)

E. ENGINEERING

1. Prior to August 1, 2001 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 a corner clip at Donald Ross Road and 69th Drive North. The 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. (DATE/BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Donald Ross Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

CONSENT AGENDA - CONTINUED

3.B.10. PETITION 2000-068 RESOLUTION R-2001-0003 - CONTINUED

F. LANDSCAPING

1. Fifty percent (50%) of the 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. (CO: LANDSCAPE-Zoning)
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the north, east and west property lines shall include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) native canopy tree planted every twenty (20) feet on center;
 - c. one (1) pine for each twenty (20) linear feet of property line with a maximum spacing of forty (40) feet between clusters;
 - d. a minimum of one native shrub for every forty (40) square feet with a maximum spacing of twenty (20) feet between clusters. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
 - e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (DONALD ROSS ROAD FRONTAGE)

- 1. Landscaping and buffering along the south property line shall include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. one (1) native canopy tree planted every twenty (20) feet on center;
 - c. one (1) pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of forty (40) feet on center; and,

CONSENT AGENDA - CONTINUED

3.B.10. PETITION 2000-068 RESOLUTION R-2001-0003 - CONTINUED

- d. a minimum of one native shrub for every forty (40) square feet with a maximum spacing of twenty (20) feet between clusters. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
- e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

- 1. Foundation planting or grade level planters shall be provided along the front and side facades to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the facade length; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

J. ALTERNATIVE LANDSCAPE PLAN

- 1. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the north property line and/or any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding holiday services. (ONGOING: CODE ENF)
- 4. 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)

L. SIGNS

- 1. Proposed freestanding sign fronting on Donald Ross Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6); and
 - b. maximum sign face area per side - sixty (60) square feet; and
 - c. maximum number of signs - one (1);

CONSENT AGENDA - CONTINUED

3.B.10. PETITION 2000-068 RESOLUTION R-2001-0003 - CONTINUED

- d. style - Monument style only; and,
- e. should the existing sign be replaced or relocated, the proposed sign shall comply to Condition L.1a through L.1.d (CO: BLDG.)

M. USE LIMITATIONS

-
1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m. daily , excluding holiday services. (ONGOING: CODE ENF)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC 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; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

CONSENT AGENDA - CONTINUED

3.B.10. PETITION 2000-068 RESOLUTION R-2001-0003 - CONTINUED

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

3.B.11.

RESOLUTION R-2001-0004

RESOLUTION FOR PETITION CA79-208(A) (EXQUISITE AUTO BODY) OF EXQUISITE AUTO BODY, PETITIONER (DAVID LICHTERMAN, TRUSTEE, PROPERTY OWNER), BY DENNIS KOEHLER, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW AN AUTOMOTIVE PAINT AND BODY SHOP ON 0.6 ACRE OF THE 1.1-ACRE PROPERTY LOCATED APPROXIMATELY 650 FEET NORTH OF LAKE WORTH ROAD ON THE WEST SIDE OF MILITARY TRAIL. THE PROPERTY IS ZONED GENERAL COMMERCIAL (CG). (AMENDS R-79-1477) (P.O.P. 744955 AND 744956) ADOPTED WITH CONDITIONS 1-4-2001

Staff Recommendation: Approval of the conditional use and adoption of a resolution affirming that action, subject to the following conditions:

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-79-1477, Petition 79-208 have been consolidated as contained 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. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 27, 2000. 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. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. Condition 5 of Resolution R-79-1477, Petition 79-208 which currently states:

All scrap material must be stored inside the building.

Is hereby deleted. Reason: [replaced by Condition K.1]
2. All 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 principal structure or equivalent landscape material. (CO: BLDG - Zoning)

CONSENT AGENDA - CONTINUED

3.B.11. PETITION 79-208(A) RESOLUTION R-2001-0004 - CONTINUED

C. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants of owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENFORCEMENT)

D. LANDSCAPING - STANDARDS

1. Fifty percent (50%) of all canopy trees required to be planted shall meet the following minimum standards at time of 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All landscaping shall be installed as shown on site plan prior to a Certificate of Occupancy. (Previous Condition 4 of Resolution R-79-1477, Petition 79-208)
4. Prior to March 1, 2001, the petitioner shall replace any dead, damaged or missing plant materials on the entire site. (DATE: MONITORING-LANDSCAPE)

E. ENGINEERING

1. Petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Military Trail. (Previous Condition 1 of Resolution R-79-1477, Petition 79-208)

CONSENT AGENDA - CONTINUED

3.B.11. PETITION 79-208(A) RESOLUTION R-2001-0004 - CONTINUED

2. Condition E.2 of Resolution R-79-1477, Petition 79-208 which currently states:

Petitioner shall not be allowed a median opening.

Is hereby deleted. Reason: [Median openings are approved by the Florida Department of Transportation.]

3. Condition E.3 of Resolution R-79-1477, Petition 79-208 which currently states:

Petitioner shall be allowed only one centrally located access drive onto Military Trail.

Is hereby deleted. Reason: [Driveways and locations are shown on the Final Site Plan and approved by the Florida Department of Transportation.]

F. LANDSCAPING - INTERIOR (WEST FACADE FACING RESIDENTIAL)

1. The west facade foundation planter shall have a minimum of two (2) native canopy trees and a cluster of three (3) booted sabal palms. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
- a. one (1) canopy tree planted every twenty (20) feet on center; and,
 - b. 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; and,
 - c. 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. (CO: LANDSCAPE)

H. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) across the driveways at the Military Trail entrance and from the existing sidewalk along Military Trail to the walkway which starts at the northeast corner of the proposed building as indicated on the site plan dated October 27, 2000. The decorative pedestrian pathway along Military Trail to the walkway shall be constructed of pavers, brick or decorative/stamped concrete to clearly indicate that the pathway is intended for pedestrians. For the pedestrian pathway from the Military Trail sidewalk to the project's entrance, consideration shall be given for pavement striping. (DRC: PLANNING)

J. SIGNS

1. Proposed freestanding signs on Military Trail shall be limited as follows:
- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;

CONSENT AGENDA - CONTINUED

3.B.11. PETITION 79-208(A) RESOLUTION R-2001-0004 - CONTINUED

- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. the sign face area for the existing oval pylon sign may expand to a maximum one hundred (100) square feet without alterations of its current height. Should the existing oval pylon sign be replaced or relocated, the

proposed sign shall comply to Condition J.1a through J.1.d.(BLDG PERMIT:
ZONING)

2. Prior to March 1, 2001, the petitioner shall remove the existing rectangular sign located in the parking lot (northeast corner of the site). (DATE: MONITORING)
3. No off-premise signs, relocated billboards, or wall signs shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

K. USE LIMITATIONS

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
2. There shall be no outdoor repair on site. (ONGOING: CODE ENF)
3. No barbed or razor wire shall be permitted on site. (CO/ONGOING: BLDG-/CODE ENF)
4. The west 5700 sq. ft. building shall be used for an automotive paint and body shop only. (ONGOING: CODE ENF)

L. COMPLIANCE

1. 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; 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 ULDC 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; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

CONSENT AGENDA - CONTINUED

3.B.11. PETITION 79-208(A) RESOLUTION R-2001-0004 - CONTINUED

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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)

3.B.12.

RESOLUTION R-2001-0005

RESOLUTION FOR PETITION Z2000-069 (ORIENTAL MARKET) OF LINH T. MAI, PETITIONER AND PROPERTY OWNER, BY KEVIN MCGINLEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) (RH) TO COMMUNITY COMMERCIAL (CC) FOR THE 0.21-ACRE PROPERTY LOCATED 300 FEET WEST OF MILITARY TRAIL ON THE SOUTH SIDE OF ELMHURST ROAD. (P.O.P. 744955 AND 744956) ADOPTED WITH VOLUNTARY COMMITMENTS 1-4-2001

Staff Recommendation: Approval of the official zoning map amendment and adoption of a resolution affirming that action, subject to the following voluntary commitments:

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of Adjustment. The Board of Adjustment site plan is Exhibit 9 dated June 6, 2000. 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. (ONGOING: ZONING)

B. LANDSCAPING WEST PROPERTY LINE (ADJACENT TO RESIDENTIAL)

1. Petitioner shall construct a six (6) foot high screen panel or slat wall on the west property line and install with the ULDC required number of trees alternating on the interior and the exterior side of the wall. (CO: LANDSCAPE)

C. PLANNING

2. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to indicate that the maximum allowable FAR for the site is 1,852 square feet or .20 FAR. (DRC: PLANNING)

CONSENT AGENDA - CONTINUED

3.B.12. PETITION 2000-069 RESOLUTION R-2001-0005 - CONTINUED

D. SIGNS

1. Freestanding point of purchase sign shall be located only facing Elmhurst Road and be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. maximum sign face area per side - forty (40) square feet;

- c. maximum number of signs - one (1) ; and
 - d. style - monument style only. (CO: BLDG)
2. Wall signage shall be limited to the north facade of the building and shall be limited to eighteen (18) inches in height. (CO: BLDG)

E. ENGINEERING

- 1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Westgate Ave. to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
- 2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Westgate Ave., 40 feet from centerline on or before September 1, 2001 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

F. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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:

CONSENT AGENDA - CONTINUED

3.B.12. PETITION 2000-069 RESOLUTION R-2001-0005 - CONTINUED

- 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; 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 ULDC 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; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

3.B.13.

RESOLUTION R-2001-0006

RESOLUTION FOR PETITION EAC88-127(B) (THOUSAND PINES PLAZA) OF SCOT A. JOHNSON, PETITIONER (OKEE STORAGE PARTNERS LTD. BY COMAC OKEE, INC., PROPERTY OWNER), BY KILDAY & ASSOCIATES, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION (EAC) TO RECONFIGURE THE SITE PLAN, MODIFY/ DELETE CONDITIONS OF APPROVAL, AND ADD BUILDING SQUARE FOOTAGE FOR 2.34 ACRES OF THE 9.78-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND SANSBURY'S WAY. THE PROPERTY IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD). (AMENDS R-97-1580) (P.O.P. 754709) ADOPTED WITH CONDITIONS 1-4-2001

Staff Recommendation: Approval of the development order amendment/expedited application consideration and adoption of a resolution affirming that action, subject to the following conditions:

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

A. ALL PETITIONS

1. Condition A.1 of Resolution R-97-1580, Petition DOA88-127(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-1079, R-94-1080 (Petition 88-127) have been consolidated as contained 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. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-1079, R-94-1080 (Petition 88-127) and Resolution R-97-1580 (Petition 88-127A) have been consolidated as contained 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. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-97-1580, Petition DOA88-127(A) 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 site plan is dated July 3, 1997. 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. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 21, 2000. 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. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to the issuance of the first building permit of the restaurant/retail building, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (BLDG PERMIT - Zoning)
3. Condition 1 of Resolution 89-1079, Petition 88-127 which currently states:

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

Prior to Site Plan Review Committee Submittal, the site plan shall be amended to indicate the following:

- a. The required Landscape Perimeter Buffer Option 1 or Option 2 between the self-service storage facility and perimeter property lines;
- b. The required handicap parking spaces for Parcel No. 1 and the self-

service storage facility;

- c. The incorporation, into the site development plan, of a minimum five (5) foot landscape strip and safety barriers subject to approval by the County Engineer.
- d. The location of dumpsters to service the various uses proposed on site; and
- e. Minimum three (3) acre delineation for the proposed self-service storage facility.

Is hereby deleted. Reason: [Not applicable.]

4. Condition B.3 of Resolution R-97-1580, Petition DOA88-127(A) which currently states:

Total gross floor area shall be limited to a maximum of 101,532 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less provided parking requirements are met pursuant to Section 7.2.B of the ULDC. (DRC: ZONING)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 104,425 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, subject to approval by Traffic Division or DRC. (DRC: ZONING)

5. Condition B.4 of Resolution R-97-1580, Petition DOA88-127(A) which currently states:

The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty five (25) feet except for the Self-service storage Building B, the Gas station canopy and the Financial institution. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty five (25) feet except for the Self-service storage Building B. (BLDG PERMIT: BLDG - Zoning)

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

6. Condition B.5 of Resolution R-97-1580, Petition DOA88-127(A) which currently states:

The maximum height for the Self-service storage Building B, the Gas station canopy and the Financial institution, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height for the Self-service storage Building B measured from finished grade to highest point shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning)

7. Condition B.6 of Resolution R-97-1580, Petition DOA88-127(A) which currently states:

All mechanical and air conditioning equipment shall be roof mounted and screened with parapets and be contained within enclosed loading and service areas except for the Self-service storage buildings. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

All ground or roof mounted air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the residential property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF) (Previous Condition C.1 of Resolution R-97-1580, Petition DOA88-127(A))

D. HEALTH

1. The Health Department shall have sole authority to determine sewage disposal. (ONGOING:HEALTH) (Previous Condition D.1 of Resolution R-97-1580, Petition DOA88-127(A)).
2. Water service is available to the property. Therefore, no well water shall be permitted on the site to provide potable water. (ONGOING:HEALTH) (Previous Condition D.2 of Resolution R-97-1580, Petition DOA88-127(A)).

E. ENGINEERING

- _____ 1. Condition 16 of Resolution R-89-1079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

2. The petitioner shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (Previous Condition E.2 of Resolution R97-1580, Petition DOA88-127(A).
3. Condition 12 of Resolution R-89-1079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).
4. Condition 13 of Resolution R-89-1079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).
5. The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists for as it may from time to time be amended. The Fair Share Fee for this project, based upon the number of approved trips, is \$201,246.00 (7,512 trips x \$26.79 per trip). (Previous Condition E.5 of Resolution R97-1580, Petition DOA88-127(A))

[Is hereby deleted. Reason: Impact fees are code requirement.]
6. Condition 18 of Resolution R-89-1079, Petition 88-127 was deleted by Resolution R97-1580, Petition DOA88-127(A).
7. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.7 of Resolution R97-1580, Petition DOA88-127(A))
[Completed]
8. 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 Okeechobee Boulevard. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. 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

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

- 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.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Fifty percent (50%) of the canopy 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R97-1580, Petition DOA88-127(A))
3. Prior to the first building permit, the petitioner shall replace any dead, damaged, or missing trees, shrubs or other required improvements along the south, east and 210 foot west property lines in accordance with the ULDC and conditions of approval as modified. (BLDG PERMIT: LANDSCAPING - Zoning) (Previous Condition B.2 of Resolution R-97-1580, Petition DOA88-127(A))

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD)

1. Landscaping and buffering along the north property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. Thirty (30) 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. (CO: LANDSCAPE) (Previous Condition G.1 of Resolution R97-1580, Petition DOA88-127(A))

H. LANDSCAPING ALONG THE NORTHERN 370 FEET WEST PROPERTY LINE (ABUTTING SANSBURY'S WAY)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for 25% canopy trees in that location; and
 - d. Thirty (30) 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. (CO: LANDSCAPE) (Previous Condition H.1 of Resolution R97-1580, Petition DOA88-127(A))

I. LANDSCAPING - INTERIOR

1. 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. (DRC: ZONING) (Previous Condition I.1 of Resolution R97-1580, Petition DOA88-127(A))
2. Condition I.2 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

Foundation planter strip shall be provided along the front and side facades of all new buildings. The minimum width of the required foundation planter strip shall be five (5) feet. The combined length of the required foundation planter strip shall be no less than 40% of the accumulative length of the structure. All required foundation planter strips shall be planted with a minimum of

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

one (1) tree or palm every twenty (20) feet and appropriate ground cover.
(DRC / CO: ZONING / LANDSCAPE)

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the front and side facades of the proposed structures (affected area) to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
3. A minimum five (5) foot landscape strip, three hundred and sixty (360) foot long and safety barriers along the north side of the existing detention lake shall be provided. (DRC: ZONING /ENG) (Previous Condition I.3 of Resolution R97-1580, Petition DOA88-127(A))

J. LIGHTING

1. Condition J.2 of Resolution R97-1580, Petition DOA88-127(A) 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. (CO / ONGOING: BLDG / CODE ENF - Zoning)

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property (affected area) and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

2. All new outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition J.3 of Resolution R97-1580, Petition DOA88-127(A))
3. All outdoor lighting shall be extinguished no later than 12.00 a.m., excluding security lighting only. (ONGOING: CODE ENF) (Previous Condition J.4 of Resolution R97-1580, Petition DOA88-127(A))
4. 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)

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

K. MASS TRANSIT

1. a. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previous Condition K.1.a of Resolution R97-1580, Petition DOA88-127(A))
- b. 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. (BLDG PERMIT: MONITORING - Eng) (Previous Condition K.1.b of Resolution R97-1580, Petition DOA88-127(A))
2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN) (Previous Condition K.2 of Resolution R97-1580, Petition DOA88-127(A))
3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN) (Previous Condition K.3 of Resolution R97-1580, Petition DOA88-127(A))

L. MUPD

1. Condition L.1 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

To ensure consistency with the site plan dated July 3, 1997 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)

Is hereby amended to read:

To ensure consistency with the site plan dated November 21, 2000 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

shall be relocated to portions of the site not previously covered. (DRC: ZONING)

 M. SIGNS

 1. Off-premise sign shall not be allowed on site. (ONGOING: CODE ENF) (Previously Condition M.1 of Resolution R97-1580, Petition DOA88-127(A))

2. Condition M.2 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

New freestanding signs (except for the existing sign) fronting on Okeechobee Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - one (1) sign at fifteen (15) feet and one (1) sign at ten (10) feet;
- b. Maximum sign face area per side - one (1) sign at 100 square feet and one (1) sign at 70 square feet;
- c. Maximum number of signs - two (2); and
- d. Style - monument style only. (CO: BLDG)

Is hereby amended to read:

New freestanding signs fronting on Okeechobee Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - one hundred (100) square feet;
- c. Maximum number of signs - two (2) (including the existing sign); and
- d. Style - monument style only; and,
- e. Should the existing sign be replaced or relocated, the new sign shall comply with Condition M.2.a through M.2.d. (CO: BLDG)

3. New freestanding signs fronting on Sansbury's Way shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 70 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (CO: BLDG) (Previous Condition M.3 of Resolution R97-1580, Petition DOA88-127(A))

4. Total number of freestanding signs for the entire site is limited to three (3). (CO:BLDG)

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

N. UNITY OF CONTROL

- _____ 1. Prior to Site Plan Certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney. (ONGOING: COUNTY ATTY) (Previous Condition N.1 of Resolution R97-1580, Petition DOA88-127(A))

O. USE LIMITATIONS

1. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted within the Planned Commercial Development. (ONGOING: CODE ENF) (Previous Condition O.4 of Resolution R97-1580, Petition DOA88-127(A))

2. Condition O.5 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

There shall be no outdoor service of food or liquor permitted on site.
(ONGOING: CODE ENF)

Is hereby deleted. Reason: [outdoor restaurant use is proposed]

3. No commercial use shall commence business activities (including deliveries and stocking operations) prior to 6:00 a.m. nor continue activities later than 12:00 p.m. (ONGOING: CODE ENF) (Previous Condition O.6 of Resolution R97-1580, Petition DOA88-127(A))

4. Condition O.7 of Resolution R97-1580, Petition DOA88-127(A) which currently states:

Delivery to the Fast-food restaurant shall be limited to the Loading area designated on the site plan dated July 3, 1997. (DRC: ZONING)

Is hereby amended to read:

Prior to final certification of the DRC, the site plan shall be revised to indicate the loading area. The requirement of the loading area shall be subject to DRC approval. (DRC: ZONING)

P. COMPLIANCE

1. 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; 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

CONSENT AGENDA - CONTINUED

3.B.13. PETITION 88-127(B) RESOLUTION R-2001-0006 - CONTINUED

- c. A requirement of the development to conform with the standards of the ULDC 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; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition P.1 of Resolution R97-1580, Petition DOA88-127(A))

- 2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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)

3.C. STATUS REPORTS

3.C.14. RESOLUTION R-2001-0007

RESOLUTION FOR STATUS REPORT SR88-33E FOR RESOLUTION R-98-1130 OF PETITION 88-33(E) (MURPHY'S TOWING) OF HAROLD MURPHY, PETITIONER AND PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (RIGHT-OF-WAY) AND APPROVE A TIME EXTENSION UNTIL MAY 22, 2002. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 330 FEET EAST OF CLEARY ROAD AND IS ZONED LIGHT INDUSTRIAL (IL) WITH A SPECIAL EXCEPTION TO DELETE LAND AREA (-8.871 ACRES). (AMENDS R-98-1130) ADOPTED AS AMENDED 1-4-2001

Revised Staff Recommendation: Approval of the legal description amendment, of the conditions of approval amendment, and of the time extension to May 22, 2002. The conditions are as follows:

- 1. All previously approved conditions of approval continue to apply unless expressly modified herein.
- 2. Condition number E.3. of Resolution R-98-1130 which currently states:

CONSENT AGENDA - CONTINUED

3.C.14. PETITION 88-33(E) RESOLUTION R-2001-0007 - CONTINUED

Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the north right-of-way of the West Palm Beach Canal free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyance shall also include "Safe Sight Distances" where appropriate at intersections as determined by the County Engineer. (Previously Condition E.3 of Resolution R-97-657, Petition 88-33(D)). (ENG) [COMPLETE]

Is hereby amended to state:

Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Southern Boulevard, 181± feet north of the north right-of-way of the West Palm Beach Canal free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyance shall also include "Safe Sight Distances" where appropriate at intersections as determined by the County Engineer. (Previously Condition E.3 of Resolution R-98-1130, Petition 88-33(E). (ENG) [COMPLETE]

At consent agenda approval, Zoning Director Whiteford requested approval of the revised motion as shown on the Amendments to the Agenda sheet.

3.C.15. See pages 4 and 6.

3.C.16.

PETITION 95-46

STATUS REPORT SR95-46.2 FOR RESOLUTION R-95-1321.4 OF PETITION 95-46 (VAN TINE PLACE) OF GARY ROSEKOWSKI, PETITIONER (RAY E. VAN TINE, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL SEPTEMBER 28, 2002, FOR THE 4.3-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE WEST OF CONGRESS AVENUE ON THE NORTH SIDE OF 6TH AVENUE SOUTH/MELALEUCA LANE. THE PROPERTY IS ZONED MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) WITH A VOLUNTARY DENSITY BONUS (VDB) OF 17 UNITS. APPROVED 1-4-2001

Staff Recommendation: Approval of a time extension to September 28, 2002.

3.C.17. See pages 4 and 6.

3.C.18.

PETITION 77-13

STATUS REPORT SR77-13(O) FOR RESOLUTIONS R-95-1728 AND R-95-1729 OF PETITION 77-13(O) (BOCA GREENS PLANNED UNIT DEVELOPMENT) OF BOCA GREENS, INC., PETITIONER (BOCA GREENS HOMEOWNERS ASSOCIATION, INC., PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL OCTOBER 21, 2002, FOR 2.97 ACRES OF THE 1,073.3-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NEW ENGLAND BOULEVARD AND STATE ROAD 7 (U.S. 441) APPROXIMATELY 0.4 MILE NORTH OF GLADES ROAD. THE PROPERTY IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) TO INCREASE ACREAGE. APPROVED 1-4-2001

CONSENT AGENDA - CONTINUED

3.C.18. **PETITION 77-13(O) - CONTINUED**

Staff Recommendation: Approval of a time extension until October 21, 2002.

3.C.19.

RESOLUTION R-2001-0008

RESOLUTION FOR STATUS REPORT SR78-253A.2 FOR RESOLUTION R-96-1742 OF PETITION 78-253(A) (WEST BOCA PLACE) OF GLADES PIKE EAST, LTD., AND GLADES PIKE INVESTMENTS, LTD., PETITIONERS (GLADES PIKE EAST, LTD., PROPERTY OWNER), TO REVOKE R-96-1742 FOR 3.48 ACRES OF THE 8.70-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF GLADES ROAD AND THE FLORIDA TURNPIKE. THE PROPERTY IS ZONED GENERAL COMMERCIAL (CG) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) ALLOWING AN AUTOMOTIVE SERVICE STATION AS A REQUESTED USE. (REVOKES R-96-1742) ADOPTED 1-4-2001

Staff Recommendation: Revocation of Resolution R-96-1742.

3.C.20.

PETITION 80-188

STATUS REPORT SR80-188D FOR RESOLUTIONS R-96-1956 AND R-96-1957 OF PETITION 80-188(D) (SEVENTH-DAY ADVENTIST CHURCH) OF FLORIDA CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS, PETITIONER AND PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL JULY 25, 2002, FOR THE 7.42-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF SUMMIT BOULEVARD APPROXIMATELY 800 FEET EAST OF JOG ROAD. THE PROPERTY IS ZONED RESIDENTIAL TRANSITIONAL URBAN (RTU) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD LAND AREA (+3.01 ACRES) AND SQUARE FOOTAGE

(+13,071 S.F.) AND TO RECONFIGURE THE SITE PLAN. APPROVED 1-4-2001

Staff Recommendation: Approval of a time extension to July 25, 2002.

3.C.21.

PETITION 81-1

STATUS REPORT SR81-1.3 FOR RESOLUTION R-81-316 OF PETITION 81-1 (BOCA GOLF AND TENNIS CLUB PUD) OF BOCA GOLF & TENNIS CLUB PUD, PETITIONER (BOCA GOLF & TENNIS PROPERTY OWNERS ASSOCIATION, INC., PROPERTY OWNERS), TO APPROVE A TIME EXTENSION UNTIL OCTOBER 13, 2001, FOR THE 312.2-ACRE PROPERTY LOCATED APPROXIMATELY 500 FEET NORTH OF CLINT MOORE ROAD ON THE WEST SIDE OF CONGRESS AVENUE. THE PROPERTY IS ZONED SINGLE-FAMILY RESIDENTIAL (RS) WITH A SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT (PUD). APPROVED 1-4-2001

Staff Recommendation: Approval of a time extension to October 13, 2001.

3.C.22.

PETITION 83-153

STATUS REPORT 83-153.2 FOR RESOLUTION R-96-1965 OF PETITION 83-153 (VICTORIA WOODS PUD) OF ROBERT C. MALT, PETITIONER (CORONA LAND DEVELOPMENT, INC., PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL OCTOBER 21, 2002, TO RECORD A PLAT FOR R-96-1965 FOR THE 164.6-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF SUMMIT BOULEVARD APPROXIMATELY 0.5 MILE EAST OF JOG ROAD. THE PROPERTY IS ZONED SINGLE-FAMILY RESIDENTIAL (RS) WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT (PUD). APPROVED 1-4-2001

Staff Recommendation: Approval of a time extension to October 21, 2002.

CONSENT AGENDA - CONTINUED

3.C.23. See pages 5 and 6.

3.C.24.

PETITION 85-89

STATUS REPORT SR85-89.4 FOR RESOLUTIONS R-90-1440 AND R-90-1441 OF PETITION 85-89(A) (GOLDEN LAKES PUD) OF WILLIAM R. BOOSE III, TRUSTEE, PETITIONER (ROBERT W. MCDONALD, GOLDEN LAKES VILLAGE ASSOCIATION A INC., AND PALM BEACH APARTMENTS LTD., PROPERTY OWNERS), TO APPROVE A TIME EXTENSION UNTIL OCTOBER 23, 2001, FOR THE 21.5-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD, NORTH SIDE OF BELVEDERE ROAD, AND EAST AND WEST SIDES OF GOLDEN LAKES BOULEVARD. THE PROPERTY IS ZONED SINGLE-FAMILY RESIDENTIAL (RS) WITH A SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT (PUD). APPROVED 1-4-2001

Staff Recommendation: Approval of a time extension to October 23, 2001.

3.C.25. See pages 5 and 6.

3.C.26.

PETITION 96-129

STATUS REPORT SR96-129 FOR RESOLUTION R-97-1567 OF PETITION 96-129 (WINTERPLACE PUD) OF RUBY BENNETT, PETITIONER (BRIGHTON AT DELRAY BEACH, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL OCTOBER 23, 2001, FOR THE 34.62-ACRE PROPERTY LOCATED APPROXIMATELY 0.25 MILE SOUTH OF FLAVOR PICT ROAD ON THE EAST SIDE OF MILITARY TRAIL. THE PROPERTY IS ZONED PLANNED UNIT DEVELOPMENT (PUD). APPROVED 1-4-2001

Staff Recommendation: Approval of a time extension to October 23, 2001.

3.C.27.

PETITION 89-52

STATUS REPORT CR89-52B/E7 FOR RESOLUTION R-2000-1235 OF PETITION 89-52(B) (GKK CORPORATION) OF PALM BEACH AGGREGATES, AKA GKK CORPORATION, PETITIONER AND PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL JUNE 1, 2001, FOR CONDITIONS E.7.A, E.7.B, AND E.7.C (LANDSCAPE WITHIN MEDIAN OF SOUTHERN BOULEVARD) FOR THE 3,044.85-ACRE PROPERTY LOCATED APPROXIMATELY THREE MILES WEST OF SEMINOLE PRATT WHITNEY ROAD ON THE NORTH SIDE OF SOUTHERN BOULEVARD. THE PROPERTY IS ZONED SPECIAL AGRICULTURE (SA) WITH A CLASS A CONDITIONAL USE (CA) ALLOWING A TYPE III-B EXCAVATION. APPROVED 1-4-2001

Staff Recommendation: Approval of a time extension until June 1, 2001.

3.D. CORRECTIVE RESOLUTION

3.D.28.

RESOLUTION R-2001-0009

RESOLUTION FOR PETITION TDR80-153(H) (ABERDEEN PLANNED UNIT DEVELOPMENT) OF LEVITT HOMES TO CORRECT THE FINDINGS OF FACT AND THE LEGAL DESCRIPTION OF RESOLUTION R-2000-1574 FOR THE 1,406.25-ACRE PROPERTY LOCATED APPROXIMATELY ONE MILE NORTH OF BOYNTON BEACH BOULEVARD ON THE WEST SIDE OF JOG ROAD. (AMENDS R-2000-1574) ADOPTED 1-4-2001

Staff Recommendation: Correct the findings of fact and the legal description and adopt a resolution affirming that action.

CONSENT AGENDA - CONTINUED

MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

Zoning Director Whiteford requested approval of the revised motion for Item 3.C.14. as shown on the Amendments to the Agenda sheet.

AMENDED MOTION to include approval of the revised motion of Item 3.C.14. Upon call for a vote, the motion carried 5-0. Commissioners Aaronson and Greene absent.

4. REGULAR AGENDA

4.A. ITEMS PULLED FROM CONSENT AGENDA - None

4.B. PREVIOUSLY POSTPONED ZONING PETITION

4.B.29. See pages 5 and 6.

4.C. SMALL SCALE LAND USE AMENDMENT

4.C.30.

a. APPLICATION 2000-SCA 76 COM 2

APPLICATION 2000-SCA 76 COM 2 (LAKE WORTH/TURNPIKE) OF SHIH C. CHING, OWNER-APPLICANT, BY KEVIN MCGINLEY, AGENT, FOR A SMALL SCALE LAND USE AMENDMENT (SCA) TO AMEND LAND USE FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL HIGH-OFFICE (CH-O) ON THE 4.88-ACRE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF LAKE WORTH ROAD AND THE RONALD REAGAN TURNPIKE. (P.O.P. 766196) CONTINUED TO APRIL 26, 2001, DATE CERTAIN--1-4-2001

b.

ORDINANCE AMENDING THE 1989 COMPREHENSIVE PLAN BY ADOPTING SMALL SCALE LAND USE AMENDMENT 2000-SCA 76 COM 2 (LAKE WORTH/TURNPIKE); MODIFYING FUTURE LAND USE ATLAS PAGE 76 BY CHANGING A 4.88-ACRE PARCEL OF LAND LOCATED AT THE SOUTHWEST QUADRANT OF LAKE WORTH ROAD AND THE RONALD REAGAN TURNPIKE FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL HIGH-OFFICE (CH-O). (P.O.P. 766196) CONTINUED TO APRIL 26, 2001, DATE CERTAIN--1-4-2001

Staff Recommendation: Approval of the request, subject to the following conditions, and adoption of an ordinance affirming that action:

1. The use of the site shall be limited to professional offices; and
2. The building height shall be limited to a maximum of two stories.

Local Planning Agency Recommendation: Approval of an alternative future land use change from LR-2 to Commercial Low-Office (CL-O).

REGULAR AGENDA - CONTINUED

4.C.30. APPLICATION 2000-SCA 76 COM 2 - CONTINUED

Senior Planner Susan Miller made the following remarks:

- The applicant was requesting a Commercial High-Office (CH-O) future land use in order to develop a professional-medical office complex.
- The area to the north of the site is vacant with Commercial High (CH) land uses and is approved for a hotel and convenience store. The area to the east has commercial and residential land uses. The area to the south and west is a large lot, low-density, single-family residential area.
- Staff recommended approval with conditions based on certain factors, namely, justification, demonstration of need, compatibility, and services and infrastructure.
- The site was consistent with the county's strip commercial policies and was not considered mid-block commercial.
- This had been a difficult amendment for staff because even though there have been amendments to commercial property on the north side of Lake Worth Road, the low-residential area to south and west of site is under large lot ownership patterns and could be combined for development consistent with land use designation. The area has intensified, however, and there is need for additional commercial office in the area. The best location for this is near the turnpike along Lake Worth Road.
- Staff proposed two conditions to assist in addressing compatibility concerns with the adjacent residential areas, namely, limiting the use of the site to professional offices and limiting the building height to two stories.
- At time of publication, staff had received two letters from one adjacent property owner. The first letter expressed opposition to the land use change; the second indicated a preference for a two-story office building to a residential development. In addition, staff had received several telephone calls of inquiry from area residents.
- The Land Use Advisory Board recommended an alternative future land use change to Commercial Low-Office (CL-O), because of compatibility concerns and because it was a less intensive land use.

Ms. Miller told Commissioner Masilotti that staff had also considered a CL-O designation for the property but thought that the CH-O conditions addressed their concerns about compatibility. The CL-O designation would allow non-medical professional offices, she said.

Commissioner Masilotti observed that staff could restrict CL-O in the same way they had restricted CH-O, thereby giving area residents a higher level of comfort because if, in future, the applicant wanted to change CL-O to CH-O, he would have to go through the whole process again.

REGULAR AGENDA - CONTINUED

4.C.30. APPLICATION 2000-SCA 76 COM 2 - CONTINUED

William ("Bill") Hall, chair of the Land Use Advisory Board (LUAB), said that the CL-O recommendation would limit to a greater extent the type of development that could occur. LUAB's concerns included the following: commercial development incompatible with the rural equestrian area; reduction in quality of life and lifestyle; and encouragement of piecemeal development. Speaking not as the LUAB chair but as past chair of the Commercial Needs Assessment Study, Mr. Hall said that while there are needs in this sector for commercial and office use development, he did not think that from the commercial needs assessment standpoint that that development should occur in a residential area which has a real character and flavor of life nor would it be in keeping with the Comprehensive Plan.

Kevin McGinley, agent, said that the applicant was amenable to either CH-O or CL-O. He offered to apply the CH-O condition of limiting use to professional-medical offices to a CL-O designation but observed that a two-story height limitation would result in a rooftop view from the turnpike. Mr. McGinley said the applicant would prefer to take a height limitation of 35 feet now and that the board review the applicant's site plan at zoning. If the height limitation was a problem at that time, it could be reduced. Taking the two-story condition now would deny the applicant the flexibility of possibly constructing buildings at window view instead of rooftop view from the turnpike.

Commissioner McCarty made the following observations:

- CL-O with CH-O restrictions was the ultimate answer.
- The board preferred to consider small scale land use amendments and zoning petitions concurrently and with some idea of site plan in order to get a better picture of the project and its impact on the neighborhood.
- The height issue is a zoning issue, not a land use issue.
- It was not realistic to have property this size next to the turnpike be residential or rural. Commercial Low and medical was probably the right way to go.
- She was open to the height issue at this point but was more concerned about some site planning, buffering, and character issues.
- According to staff, the code did not require simultaneous consideration of small scale amendments and zoning petitions. The board had the prerogative, however, to deny the small scale amendment at this point. When the applicant returned with a small scale amendment, zoning petition, and site plan, the board might be more amenable to approving the application.
- Future small scale land use amendments would expect to be given the same consideration of coming forward absent zoning petition and site plan.
- She appreciated the applicant's willingness to work with the conditions. Because she would prefer to see amendment, petition, and site plan all at once, she would probably vote against the amendment today and ask to look at the whole package.

REGULAR AGENDA - CONTINUED

4.C.30. APPLICATION 2000-SCA 76 COM 2 - CONTINUED

Zoning Director Whiteford told Commissioner Masilotti that the only way a billboard could be placed on this property was if it could qualify for a relocated billboard. If the board wanted no relocated billboard there, they would have to add a specific condition to the effect; this was something that typically would be done at zoning.

Commissioner Masilotti said that he favored a CL-O designation at this point as well as professional-medical offices on the property.

Agent McGinley explained to Commissioner Roberts why the applicant had applied for a small scale land use amendment without concurrent zoning. He said he would rather not have the application denied today but tabled until it could be submitted together with a zoning petition.

Planning Director Frank M. Duke said the board has approved small scale land use amendments without concurrent rezoning. The board has also directed that when an applicant files for rezoning, they want to hear amendment and petition concurrently, a position consistently maintained by staff. The code does not require concurrent filing so the applicant has the choice of coming forward with a small scale amendment separately, an option of which few applicants take advantage; the majority go through the process concurrently.

Commissioner Roberts said she had no problem with concurrent planning-zoning consideration. She did have a problem, however, with an attempted evasion of normal land use changes, which she attributed to the application under consideration.

Commissioner Masilotti said that if the applicant would agree to come forward with a site plan and zoning change at the March zoning meeting, he would ask for a postponement on this item to enable presentation of the entire package.

Mr. Whiteford told Commissioner Newell that if the applicant submitted a zoning petition for the next intake round, it would take at least two months to get it certified and another month to go to the Zoning Commission and to the Board of County Commissioners. Therefore, the entire package could be before the board in April or May.

Mr. Duke recommended continuing the item to the April zoning meeting, date certain, in order to avoid the applicant having to readvertise. If the package was not ready then, it could be continued again to the May zoning meeting.

MOTION to CONTINUE Application 2000-SCA 76 COM 2 to April 26, 2001, date certain. Motion by

Commissioner Masilotti and seconded by Commissioner Roberts.

PUBLIC COMMENT: None

Agent McGinley agreed to the continuation.

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Aaronson and Greene absent.

(CLERK'S NOTE: For further discussion on this item, see page 57.)

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR

5.A.30.1.

REMINDER OF JANUARY 8, 2001, HEARING ON LANE BOATHOUSE APPEAL. DISCUSSED 1-4-2001

Zoning Director Whiteford reminded the board of the Lane Boathouse appeal on Monday, January 8, 2001.

Commissioner Roberts noted that Commissioner Newell had to be in Tallahassee on Monday and advised against setting precedents without the presence of the entire board.

No backup provided.

5.A.31.

UPDATE ON MANAGEMENT GROWTH TIER SYSTEM CODE REWRITE PROJECT. DISCUSSED 1-4-2001

Senior Planner Aimee Craig Carlson informed the board that staff was continuing to work with the consultant team, working on negotiating the project contract as well as the peer review, and focusing on increasing local participation in terms of the consultant team. The contract would be brought forward in February for board approval, she said.

No backup provided.

5.B. PLANNING DIRECTOR

5.B.32.

UPDATE ON SECTOR PLAN. DISCUSSED 1-4-2001

Planning Director Frank M. Duke made the following report to the board:

- Staff held a public workshop early in December 2000. This was an opportunity for people to provide technical information to consultants WilsonMiller.
- Valuable technical information about costs was received from Henry Fishkind of Fishkind & Associates. Dr. Fishkind costed out the county's current trend plan and said there may be alternative ways to obtain cost savings.
- Large property owners were given the opportunity at the workshop, consistent with board direction that this happen in a public meeting, to provide the consultants with an indication of their property goals.
- Representatives of 1000 Friends of Florida and the Audubon Society stressed the importance of addressing water resource issues in this area and, in particular, looking for consistency with the Comprehensive Everglades Restoration Program and comprehensive water management plan for the northern country.
- This month, staff expected to receive the peer review panel's report and analysis of existing conditions.

DIRECTOR COMMENTS - CONTINUED

5.B.32. - CONTINUED

No backup provided.

5.C. PZ&B EXECUTIVE DIRECTOR COMMENTS

5.C.33.

CODE REVISION TO BRING FORWARD SMALL SCALE LAND USE AMENDMENTS AND ZONING CHANGES CONCURRENTLY. DISCUSSED WITH DIRECTION 1-4-2001

(CLERK'S NOTE: For earlier discussion of this subject, see Item 4.C.30., pages 53-56.)

Planning, Zoning and Building Executive Director Dominic Sims said that if it was the board's desire to hold fast to their earlier remarks about bringing forward small scale land use amendments and zoning changes concurrently, he would suggest that the board direct staff to develop a code change to make that concurrence a mandatory requirement.

Commissioner Roberts said the revision should be brought back as soon as possible. The board informally agreed.

6. COMMISSION COMMENTS

6.A. COMMISSIONER NEWELL

6.A.34.

REVIEW OF INTERSECTION ACCIDENT HISTORY AS PART OF ZONING PROCESS AND APPROVAL. DISCUSSED WITH DIRECTION 1-4-2001

Commissioner Newell noted that the accident history of intersections was not reviewed as part of the zoning process and approval, such as when a petition is received to allow a gasoline service station at an intersection at which a commercial center is located. If that intersection has a history of many serious injuries and much property damage, the board could deny the petition because the additional traffic would exacerbate the existing situation. Perhaps a self-storage facility should be located there instead of a gas station because traffic counts are much fewer with the former. Mr. Newell proposed that this history be made part of the zoning approval-denial process.

Assistant County Attorney Alterman suggested that staff could review accidents and traffic conditions as part of the Traffic Performance Standards (TPS) ordinance.

Commissioner Newell said he was not sure he wanted to see TPS that way. Intersection accident history was a site specific issue, he said, as was drainage, soils, unit types, and landscaping.

Commissioner Roberts pointed out that an intersection may have many accidents in one year and then not have a single accident for three years. Then again, an intersection might have a five-year history of something wrong at that corner. Therefore, she said, she would like to get more information from the Traffic Division before intersection accident history is made a county standard.

COMMISSION COMMENTS - CONTINUED

6.A.34. - CONTINUED

Commissioner Newell suggested that staff report back to the board with histories and options.

Engineering Assistant Jim Choban said that such a review would generate much debate as to whether the accidents have any relation to the proposed use. Many accidents might have nothing to do with the proposed use, he said.

Commissioner Newell acknowledged that that was so but described how accident potential would be compounded by adding a gas station to a commercial center intersection with a history of right-angle accidents. The board needed to know such history, he said, because projects with a tremendous accident history are getting approved.

Commissioner Masilotti agreed.

Planning, Zoning and Building Executive Director Sims said he would turn the matter over to County Engineer George T. Webb.

No backup provided.

6.B. COMMISSIONER MASILOTTI

6.B.35.

REVISION OF CODE TO ALLOW TRIP WAIVER FOR CERTAIN SCHOOL RELOCATIONS. DISCUSSED 1-4-2001

Commissioner Masilotti said that the Berean Baptist Church on Okeechobee Boulevard was closing its school and building a new one with the same number of classrooms a half-mile away. It had been informed by the county that the trips from the existing school would not be transferred to the new one nor any credit given and that it would have to go through the entire concurrency process and pay new impact fees. The school shares the current site with a large church, so the church bought land a few hundred yards away on the same side of the road to relocate the school there. The school will have the same number of trips at the new location as it has in its present location. Mr. Masilotti said that making the church go through the concurrency process was unfair.

Commissioner McCarty cited the board's policy of trying to do whatever was reasonable to help public and private schools and said there should be a way to waive the code provision.

After discussion, Commissioner Newell stated that the direction was for staff to come back with a plan or policy that would allow schools flexibility in moving vested trips to other properties within their immediate vicinity.

Assistant County Attorney Alterman sought to clarify that the waiver was for school relocation, not relocation-expansion.

Commissioner Masilotti said that whether a school relocated or relocated-expanded, it should get credit for its existing trips. This was going to be an issue with Kings Academy in the near future, he said.

Commissioner Roberts suggested putting a limit on the length of the move and that the school put an easement on the old property so no trips could be put there.

COMMISSION COMMENTS - CONTINUED

6.B.35. - CONTINUED

Commissioner Marcus cautioned that the county would need to make sure that each applicant did not try to sell its old property in order to finance expansion or whatever and then have no traffic ability because traffic ability would be assigned to the future location. Commissioner Masilotti remarked that that was why an easement made a lot of sense. Commissioner Marcus said if the school was willing to do the easement, then there should be no problem.

7. ADJOURNMENT

The Chair declared the meeting adjourned at 10:31 a.m.

ATTESTED:

Clerk

APPROVED:

Chair