

**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 August 23, 2001, at 9:38 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 - Absent  
Commissioner Burt Aaronson  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus - Arrived later  
Commissioner Tony Masilotti  
Assistant County Attorney Robert P. Banks  
Deputy Clerk Joan Haverly

**1.B.1. INVOCATION - Commissioner Greene**

**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 August 23, 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 8-23-2001**

**MOTION to receive and file proofs of publication 351509, 351512, 352853, 353400, and 353401. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 5-0. Commissioners Marcus and Roberts absent.**

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 307879 [5-24-2001], 319895 and 319896 [5-24-2001], 320594, 320595, and 321062 [6-25-2001]. These public hearings were continued to today's meeting.)

**1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY**

(CLERK'S NOTE: Commissioner Marcus joined the meeting.)

**1.F. ADOPTION OF AGENDA**

**MOTION to adopt the agenda. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Roberts absent.**

**1.F.1. AMENDMENTS TO AGENDA**

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
5	3.B.11.	<b>DOA99-15(A) (Croquet Foundation):</b> Amendment of conditions.
6	3.B.13.	<b>Z/CA88-72(B) (BP Amoco):</b> Amendment of conditions.

**1.G. UNSCHEDULED ITEMS - None**

**2. POSTPONEMENTS AND WITHDRAWALS - See pages 2-3.**

**3. CONSENT AGENDA - See pages 3-36.**

**4. REGULAR AGENDA - See pages 37-81.**

**5. DIRECTOR COMMENTS - See page 81.**

**6. COMMISSION COMMENTS - None**

**7. ADJOURNMENT - See page 82.**

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**2. POSTPONEMENTS AND WITHDRAWALS**

**2.A. POSTPONEMENTS**

**2.A.1. PETITION 99-36**

PETITION PDD99-36 (COCONUT PLAZA MUPD) OF JOE FEARNLEY, TRUSTEE, BY RICHARD W. CARLSON, JR., 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. 351509 AND 351512) POSTPONED TO OCTOBER 2, 2001, AT 9:30 A.M. -- 8-23-2001

Staff Recommendation: Postponement to October 4, 2001. (Requested by petitioner; staff supported.)

**2.A.2. PETITION 97-86**

PETITION EAC97-86(A) (ADDISON CENTER MUPD) OF LINTON JOG ASSOCIATES, BY CHARLES MILLAR, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION (EAC) TO MODIFY A CONDITION OF APPROVAL (LANDSCAPE) FOR THE 9.41-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LINTON BOULEVARD AND JOG ROAD. (P.O.P. 321062) POSTPONED TO OCTOBER 2, 2001, AT 9:30 A.M. -- 8-23-2001

**POSTPONEMENTS - CONTINUED**

**2.A.2. PETITION 97-86 - CONTINUED**

Staff Recommendation: Postponement to October 4, 2001. (Requested by petitioner; staff supported.)

**2.A.3.**

**PETITION 76-7**

PETITION PDD/DOA76-7(D) (OKEECHOBEE BOULEVARD MUPD) OF BLUEGREEN ENTERPRISES, BY SARA LOCKHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM PLANNED UNIT DEVELOPMENT (PUD) TO MUPD (MUPD) AND A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD LAND AREA, RECONFIGURE THE SITE PLAN, MODIFY/DELETE CONDITIONS OF APPROVAL, ADD SQUARE FOOTAGE, ALLOW VEHICLE SALES AND RENTAL, AND ALLOW A TYPE 3 CONGREGATE LIVING FACILITY (CLF) AS REQUESTED USES ON 17.44 ACRES OF THE 24.53(+7.09)-PROPERTY LOCATED APPROXIMATELY 200 FEET WEST OF SKEES ROAD ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD. (P.O.P. 319895 AND 319896 [5-24-2001]) POSTPONED TO OCTOBER 2, 2001, AT 9:30 A.M. -- 8-23-2001

Staff Recommendation: Postponement to October 4, 2001. (Requested by petitioner; staff supported.)

No backup provided.

Zoning Director William C. Whiteford informed the board that there might be no quorum on October 4, 2001, and asked them to approve an alternate date for the September zoning meeting.

**MOTION to schedule the September zoning meeting for October 2, 2001, at 9:30 a.m., prior to the BCC Regular meeting scheduled for that day. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Roberts absent.**

(CLERK'S NOTE: See page 81 for later discussion concerning the September 2001 zoning meeting.)

**MOTION to POSTPONE items 2.A.1., 2.A.2., and 2.A.3. to October 2, 2001. Motion by Commissioner Masilotti and seconded by Commissioner Greene.**

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

**2.B. WITHDRAWALS - None**

**3. CONSENT AGENDA**

**3.A. REQUESTS TO PULL ITEMS FROM CONSENT**

Zoning Director Whiteford pulled items 3.B.5., 3.B.6., 3.B.13., and 3.C.22. on behalf of the agents; see pages 37-38 and 45, 38-46, 63-74, and 74, respectively.

Commissioner Newell pulled item 3.B.9. on behalf of the agent; see pages 46-63.

**REQUESTS TO PULL ITEMS FROM CONSENT - CONTINUED**

Commissioner Masilotti pulled item 3.C.23.; see page 75.

**3.B. ZONING PETITIONS**

**3.B.4. RESOLUTION R-2001-1346**

RESOLUTION FOR PETITION Z2001-001 (LANTANA HILLS GOLF COURSE) OF PALM BEACH COUNTY SOLID WASTE AUTHORITY, BY ALEX MAKLED, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM AGRICULTURAL RESIDENTIAL (AR) TO PUBLIC OWNERSHIP (PO) FOR THE 23.0-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF LYONS ROAD AND LANTANA ROAD. (P.O.P. 353401) ADOPTED 8-23-23001

Staff Recommendation: Approval of the zoning map amendment and adoption of a resolution affirming that action. Conditions not applicable.

Zoning Commission Recommendation: Approval, subject to amended conditions.

Board of County Commissioners First Reading Results: Approved on first hearing and approved convention of second public hearing on August 23, 2001, at 9:30 a.m.

**3.B.5.** See pages 37-38 and 45.

**3.B.6.** See pages 38-46.

**3.B.7. RESOLUTION R-2001-1347**

RESOLUTION FOR PETITION Z/COZ2001-023 (LAUNDRY TIME) OF VINCENZO LOGRASSO, BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM NEIGHBORHOOD COMMERCIAL (CN) TO GENERAL COMMERCIAL (CG) WITH A CONDITIONAL OVERLAY ZONE (COZ) FOR THE 0.43-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF LAKE WORTH ROAD AND URQUHART STREET. (P.O.P. 351509 AND 351512) ADOPTED WITH CONDITIONS 8-23-2001

Staff Recommendation: Approval of the zoning map amendment 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 May 24, 2001. 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. The proposed retail building shall be designed and constructed to be generally consistent with the facade elevations by James G. Centanni dated June 18, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG - Zoning)

## CONSENT AGENDA - CONTINUED

### 3.B.7. PETITION 2001-023 RESOLUTION R-2001-1347 - CONTINUED

2. 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. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines Ordinance adopted by the Board of County Commissioners on July 24, 2001. (BLDG PERMIT: BLDG - Zoning)
3. Prior to final DRC Certification of the site plan, the petitioner shall show that the proposed development complies with all Lake Worth Road Commercial Corridor Overlay regulations. (DRC: BLDG PERMIT– Zoning/Planning)
4. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
5. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review and approval. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

#### C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 3,500 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 and DRC. (DRC: ZONING)
2. The minimum setback for all structures shall be limited to the following:
  - north property line - seventeen (17) feet, excluding the corner clip;
  - south property line - fifty (50) feet; and,
  - east and west property lines - eleven and one half (11.5) feet.(DRC:ZONING)
3. All roof or ground mounted air conditioning, 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)

#### D. HEALTH

3. 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 or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)

#### E. ENGINEERING

No Engineering Conditions of Approval.

#### F. LANDSCAPING - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:

## CONSENT AGENDA - CONTINUED

### 3.B.7. PETITION 2001-023 RESOLUTION R-2001-1347 - CONTINUED

- 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;
  - 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) (CO: LANDSCAPE - Zoning)
3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of two (2) varying heights as follows:
- twenty-four (24) inches – small shrub;
- twenty-four (24) to forty-eight (48) inches – medium shrub; and,
- forty-eight (48) to sixty (60) inches – high shrub
- These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)
4. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L=s tree list suggested in the APlant the Right Tree in the Right Place@ guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

#### G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (LAKE WORTH ROAD)

1. Landscaping and buffering along the north property line shall include:
  - a. a minimum seventeen (17) foot wide landscape buffer strip, except for corner clip. No width reduction or underground easement encroachment shall be permitted;
  - b. one (1) canopy tree planted each thirty (30) linear feet of the frontage;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the frontage with a maximum spacing of sixty (60) feet between clusters;
  - d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.

## CONSENT AGENDA - CONTINUED

### 3.B.7. PETITION 2001-023 RESOLUTION R-2001-1347 - CONTINUED

- e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

#### H. LANDSCAPING ALONG SOUTH PROPERTY LINE

- 1. Landscaping and buffering along the south property line shall include:
  - a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or underground\_easement encroachment shall be permitted;
  - b. one (1) canopy tree for each twenty (20) feet of the property line;
  - c. 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;
  - d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.
  - e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

#### I. LANDSCAPING ALONG THE EAST PROPERTY LINE (URQUHART STREET)

- 1. Landscaping and buffering along the east property line shall include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip, excluding corner clip. No width reduction or underground easement encroachment shall be permitted;
  - 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 the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.
  - e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

#### J. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the west property line shall include:
  - a. a minimum seven and one half (7.5) foot wide landscape buffer strip, except for corner clip. No width reduction or underground easement encroachment shall be permitted;
  - b. one (1) canopy tree planted every twenty (20) feet on center;

## CONSENT AGENDA - CONTINUED

### 3.B.7. PETITION 2001-023 RESOLUTION R-2001-1347 - CONTINUED

- c. 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;
- d. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation.
- e. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inches high at installation. (CO: LANDSCAPE)

#### K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (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. PARKING

- 1. Parking or loading shall not be permitted within the front setback of the north property line. (DRC / ONGOING: ZONING / CODE ENF)

#### M. PLANNING

- 1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) as indicated on the site plan dated May 24, 2001. These decorative pedestrian pathway areas are to be constructed of decorative pavers, or similar pavement treatment as allowed in the Lake Worth Corridor Overlay, to clearly indicate that the pathway is intended for pedestrians and shall be located at specified locations as shown on the site plan dated May 24, 2001. (DRC: PLANNING)
- 2. Prior to final site plan approval by the Development Review Committee, the notation at the western property line which currently reads "future cross access to commercial" shall be amended to read "proposed vehicular cross access to be paved to the property line for future access to adjacent parcel". (DRC: PLANNING-Planning)
- 3. Prior to the issuance of the first certificate of occupancy, the petitioner shall pave the property to the edge of the western property line at the location shown on the site plan which reads "proposed vehicular cross access to be paved to the property line for future access to adjacent parcel". (CO: MONITORING-BUILDING-Planning)

## CONSENT AGENDA - CONTINUED

### 3.B.7. PETITION 2001-023 RESOLUTION R-2001-1347 - CONTINUED

#### N. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point – eight (8) feet;
  - b. Maximum sign face area per side - 80 square feet;
  - c. Maximum number of signs - one (1) for the overall site; and
  - d. Style - monument style only; and,
  - e. Location – Lake Worth Road. (CO: BLDG)
2. Wall signs shall be limited to the north and east facades of the building, and lettering size shall be limited to eighteen (18) inches high. (CO: BLDG)

#### O. 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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.7. PETITION 2001-023 RESOLUTION R-2001-1347 - 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)

Zoning Commission Recommendation: Approval as amended.

### 3.B.8. RESOLUTION R-2001-1348

RESOLUTION FOR PETITION Z84-125(A) (REGENCY EQUESTRIAN) OF REGENCY EQUESTRIAN CENTRE INC., BY CAROL TURK, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) TO RESIDENTIAL TRANSITIONAL (RT) FOR THE 6.32-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE SOUTH OF LAKE WORTH ROAD ON THE EAST SIDE OF HUNTING TRAIL. (REVOKES R-85-709) (P.O.P. 351509 AND 351512) ADOPTED WITH VOLUNTARY COMMITMENTS 8-23-2001

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

#### A. ALL PETITIONS

1. Resolution R-85-709, granting approval of Petition 84-125 is hereby revoked. (MONITORING)

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 June 12, 2001. 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. HEALTH

1. An application for "Approval of subdivision with individual onsite sewage treatment disposal system "(OSTDS) must be submitted for approval to the Palm Beach County Health Department prior to final site plan certification. (DRC: HEALTH)

Conditions C & D have been intentionally omitted.

#### E. ENGINEERING

No Engineering Conditions of approval.

#### 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)

## CONSENT AGENDA - CONTINUED

### 3.B.7. PETITION 2001-023 RESOLUTION R-2001-1347 - CONTINUED

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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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)

Zoning Commission Recommendation: Approval as advertised.

**3.B.9.** See pages 46-63.

**3.B.10.** **RESOLUTION R-2001-1349**

RESOLUTION FOR PETITION Z2001-010 (BANK ATLANTIC) OF BANK ATLANTIC, BY SCOTT MOSLOF, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM SPECIALIZED COMMERCIAL (CS) TO COMMUNITY COMMERCIAL (CC) FOR THE 1.13-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST ATLANTIC AVENUE AND JOG ROAD. (P.O.P. 351509 AND 351512) APPROVED 8-23-2001

Staff Recommendation: Approval of the zoning map amendment and adoption of a resolution affirming that action.

Zoning Commission Recommendation: Approval as advertised.

**CONSENT AGENDA - CONTINUED**

**3.B.11.**

**RESOLUTION R-2001-1350**

RESOLUTION FOR PETITION DOA99-15(A) (CROQUET FOUNDATION) OF CROQUET FOUNDATION OF AMERICA, BY GEOFF SLUGGETT, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO MODIFY/DELETE CONDITIONS OF APPROVAL FOR THE 10.10-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SUMMIT BOULEVARD AND FLORIDA MANGO ROAD. (AMENDS R-99-1152) (P.O.P. 351509 AND 351512) ADOPTED WITH CONDITIONS AS AMENDED 8-23-2001

Staff Recommendation: Approval of the development order amendment 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 Resolutions R-99-1152 (Petition 99-015), 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.1 of Resolution R-99-1152, Petition CA99-015 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 May 17, 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 site plan is dated May 16, 2001. 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 building. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.1 of Resolution R-99-1152, Petition CA99-015)

**C. BUILDING AND SITE DESIGN**

1. Condition C.1 of Resolution R-99-1152, Petition CA99-015 which currently states:

Total gross floor area shall be limited to a maximum of 21,733 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 and shall be subject to Traffic Division's approval. (DRC: ZONING)

**CONSENT AGENDA - CONTINUED**

**3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED**

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 23,977 square feet (including the covered patio). Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less and shall be subject to Traffic Division's approval. (DRC: ZONING)

2. Condition C.2 of Resolution R-99-1152, Petition CA99-015 which currently states:

The maximum height for the museum/headquarters building, including all air conditioning and mechanical equipment, and satellite dishes measured from finished grade to highest point, shall not exceed thirty- five (35) feet. The ornamental spires shall not exceed thirty-nine (39) feet measured from finished grade to highest point. All other buildings shall be limited to one (1) story and not exceed twenty (20) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height for the museum/headquarters building, including all air conditioning and mechanical equipment, satellite dishes, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. The ornamental spires and decorative architectural elements shall not exceed thirty-nine (39) feet measured from finished grade to highest point. All other buildings shall be limited to one (1) story and not exceed twenty (20) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

3. Condition C.3 of Resolution R-99-1152, Petition CA99-015 which currently states:

All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

All roof or ground mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDG PERMIT: BLDG - Zoning)

**D. ENVIRONMENTAL RESOURCES MANAGEMENT**

1. A Phase I and limited Phase II Environmental Audit indicated that there is some localized contamination on the site. Prior to DRC site plan certification, the Petitioner shall meet with ERM staff with regard to the State requirements for the assessment of the contamination and the remediation of the site. (DRC: ERM) (Previously Condition D.1 of Resolution R-99-1152, Petition CA99-015)

**CONSENT AGENDA - CONTINUED**

### 3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED

#### E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Florida Mango 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) (Previously Condition E.1 of Resolution R-99-1152, Petition CA99-015) [COMPLETE]
2. The property owner shall convey to Palm Beach County Land Development Division by for:
  - a) road right-of-way warranty deed to provide for a 40 foot corner clip at Summit Boulevard and Florida Mango Road; [COMPLETE]
  - b) road right-of-way warranty deed to provide for a 25 foot corner clip at the intersection of West Patrick Circle and Summit Boulevard [COMPLETE]
  - c) a line of sight easement in the southwest corner of the intersection of West Patrick Circle and Summit Boulevard in accordance with the State of Florida Green Book Standards [COMPLETE]

All right of way or easements shall be conveyed prior to the issuance of the first Building Permit. 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) (Previously Condition E.2 of Resolution R-99-1152, Petition CA99-015)

3. The Property owner shall construct a pedestrian pathway along the east side of Florida Mango Rd. from Summit Blvd. to the projects south property line.
  - A. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - B. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng) (Previously Condition E.3 of Resolution R-99-1152, Petition CA99-015)
  - C. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previously Condition E.3.C of Resolution R-99-1152, Petition CA99-015)

**CONSENT AGENDA - CONTINUED**

**3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED**

F. LANDSCAPING - STANDARD

1. Condition F.1 of Resolution R-99-1152, Petition CA99-015 which currently states:

All canopy trees required to be planted on the perimeter of the 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

All canopy trees required to be planted on the perimeter of the site by this approval shall meet the following minimum standards at installation, unless specified herein:

- 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)

4. Condition F.2 of Resolution R-99-1152, Petition CA99-015 which currently states:

All palms required to be planted along the north and west property lines of the site by this approval shall meet the following minimum standards at installation:

- a. Palm heights:twelve (12) grey wood; overall height minimum (20) twenty feet;

**CONSENT AGENDA - CONTINUED**

### 3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED

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

Is hereby amended to read:

All palms required to be planted along the north property line (Summit Boulevard) of the site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: six (6) feet of grey wood; overall height minimum eighteen (18) feet;
  - b. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All palms required to be planted on the remaining portion of the site 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 F.3 of Resolution R-99-1152, Petition CA99-015)

#### G. LANDSCAPING - INTERIOR

- 1. One landscape island shall be provided for every ten (10) paved parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING) (Previously Condition G.1 of Resolution R-99-1152, Petition CA99-015)
- 2. Foundation planting or grade level planters shall be provided along all facades of the museum/headquarters building to consist of the following:
  - 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 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) (Previously Condition G.2 of Resolution R-99-1152, Petition CA99-015)
- 3. Planting at the intersection of Summit Boulevard and Florida Mango Road shall consist of the following:
  - a. Two (2) palms or tiered understory planting adjacent to the sign. (CO:LANDSCAPE)

### CONSENT AGENDA - CONTINUED

### 3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED

4. Planting in landscape median for the parking lot shall consist of the following:
  - a. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO:LANDSCAPE)
5. Focal Point in the round-about shall consist of the following:
  - a. One large specimen palm (ie. Medjool Date or Paurotis) or clusters of palms, and tiered understory planting;\_
  - b. or ,a fountain or a statue. Prior to final DRC certification, details of the fountain/statue shall be submitted to the Zoning Division for review (DRC/CO:LANDSCAPE)
6. Additional planting on the west side of the museum building shall consist of the following:
  - a. A minimum of three (3) specimen palms to be located on each side of the museum building. (CO:LANDSCAPE)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING SUMMIT BOULEVARD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip; and
  - b. A six (6) foot black, vinyl chain link fence. (CO: LANDSCAPE) (Previously Condition H.1 of Resolution R-99-1152, Petition CA99-015)
2. Condition H.2 of Resolution R-99-1152, Petition CA99-015 which currently states:

The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. One (1) Royal palm for each twenty (20) linear feet of the frontage, with a maximum spacing of sixty (60) feet between clusters; and
- b. 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). (CO: LANDSCAPE)

Is hereby amended to read:

The following landscaping requirements shall be installed on the exterior side of the required fence:

**CONSENT AGENDA - CONTINUED**

**3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED**

- a. One (1) Royal palm for each twenty (20) linear feet of the frontage, with a maximum spacing of sixty (60) feet between clusters;
- b. 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)

I. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL AND WEST PATRICK CIRCLE)

- 1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip; and
  - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb; and
  - c. A six (6) foot black, vinyl chain link fence. (CO: LANDSCAPE) (Previously Condition I.1 of Resolution R-99-1152, Petition CA99-015)

- 2. Condition I.2 of Resolution R-99-1152, Petition CA99-015 which currently states:

The following landscaping requirements shall be installed alternately on the both sides of the required fence:

- a. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
- b. One (1) palm or pine tree for each twenty (20) linear feet, 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)

Is hereby amended to read:

The following landscaping requirements shall be installed alternately on the both sides of the required fence:

- a. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
- b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters;

**CONSENT AGENDA - CONTINUED**

**3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED**

- 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; and,
- d. One (1) Wax Myrtle shrub planted for each 300 square feet of the buffer. Shrub shall be seventy-two (72) inch high at installation. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING FLORIDA MANGO ROAD)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. A minimum twenty-five (25) foot wide landscape buffer strip;
  - b. A six (6) foot black, vinyl chain link fence. (CO: LANDSCAPE) (Previously Condition J.1 of Resolution R-99-1152, Petition CA99-015)
- 2. Condition J.2 of Resolution R-99-1152, Petition CA99-015, which currently states:

The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. One (1) Royal palm for each twenty (20) linear feet of the frontage, with a maximum spacing of sixty (60) feet between clusters; and
- b. 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). (CO: LANDSCAPE)

Is hereby amended to read:

The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. One (1) Royal palm planted at twenty (20) feet on center. Palm heights shall be staggered with a minimum average height of twelve (12) feet of greywood;
- b. One (1) flowering tree planted at twenty (20) feet on center (except for driveway opening). Minimum height of the flowering trees shall be twelve (12) feet in height; 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). (CO: LANDSCAPE)

## CONSENT AGENDA - CONTINUED

### 3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED

#### 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) (Previously Condition K.1 of Resolution R-99-1152, Petition CA99-015)
2. All outdoor lighting fixtures shall not exceed fourteen (14) feet in height, and shall be setback a minimum of fifty (50) feet from any residential property line measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition K.2 of Resolution R-99-1152, Petition CA99-015)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF) (Previously Condition K.3 of Resolution R-99-1152, Petition CA99-015)
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 K.4 of Resolution R-99-1152, Petition CA99-015)

#### L. SIGNS

1. Freestanding signs fronting on Florida Mango Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 80 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG) (Previously Condition L.1 of Resolution R-99-1152, Petition CA99-015)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (Previously Condition L.2 of Resolution R-99-1152, Petition CA99-015)
3. No wall signs shall be permitted on any buildings. (ONGOING/DRC: CODE ENF/ZONING) (Previously Condition L.3 of Resolution R-99-1152, Petition CA99-015)

#### M. USE LIMITATION

1. Hours of operation including deliveries shall not be permitted prior to 6:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previously Condition M.1 of Resolution R-99-1152, Petition CA99-015)
2. 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 M.2 of Resolution R-99-1152, Petition CA99-015)

## CONSENT AGENDA - CONTINUED

### 3.B.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - CONTINUED

3. Repair or maintenance of vehicles or large equipment shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previously Condition M.3 of Resolution R-99-1152, Petition CA99-015)
4. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space as indicated on the site plan dated May 17, 1999. (ONGOING: CODE ENF) (Previously Condition M.4 of Resolution R-99-1152, Petition CA99-015)
5. No outdoor or amplified music shall be audible from the property lines. (ONGOING: CODE ENF)
6. Inward oriented loudspeakers may be permitted during special events or tournaments. A maximum of six (6) special events or tournaments shall be permitted for a total of twelve (12) days per year. (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) (Previously Condition N.1 of Resolution R-99-1152, Petition CA99-015)
2. Condition N.2 of Resolution R-99-1152, Petition CA99-015 which currently states:

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 99-15(A) RESOLUTION R-2001-1350 - 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)

Is hereby amended to read:

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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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.11. PETITION 99-15(A) RESOLUTION R-2001-1350 - 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) (Previously Condition N.2 of Resolution R-99-1152, Petition CA99-015)

Zoning Commission Recommendation: Approval as amended.

The amendments to the agenda sheet contained the following condition modification:

- Revised condition M.6:

Inward oriented loudspeakers may be permitted during special events or tournaments. A maximum of six (6) special events or tournaments shall be permitted for a total of ~~twelve (12)~~ fifteen (15) days per year. (ONGOING:CODE ENF)

### 3.B.12.

### RESOLUTION R-2001-1351

RESOLUTION FOR PETITION CA2000-096 (EAST CENTRAL REGIONAL GOVERNMENTAL CENTER) OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS/FACILITIES DEVELOPMENT AND OPERATIONS, BY JIM BARNES, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO EXCEED 100,000 SQUARE FEET IN THE PUBLIC OWNERSHIP (PO) ZONING DISTRICT FOR THE 36.0-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND AUSTRALIAN AVENUE. (P.O.P. 351509 AND 351512) ADOPTED WITH CONDITIONS 8-23-2001

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 June 27, 2001. 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. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review and approval. The proposed architectural treatments shall be consistent with the Architectural Design Guidelines approved by the Board of County Commissioners on April 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

**CONSENT AGENDA - CONTINUED**

**3.B.12. PETITION 2000-096 RESOLUTION R-2001-1351 - CONTINUED**

C. BUILDING AND SITE DESIGN

1. Prior to final DRC certification, the petitioner shall revise the site plan to indicate the following site amenities between the proposed office building and the parking garage;
  - a. Covered pedestrian walkway,
  - b. Outdoor patio, courtyard or plaza,
  - c. Seating area to consist of tables, benches and trash receptacles. (DRC: BLDG PERMIT - Zoning)

D. LANDSCAPING - STANDARDS

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
3. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of two (2) varying heights as follows:

twenty-four (24) inches – small shrub;

twenty-four (24) to forty-eight (48) inches – medium shrub; and,

forty-eight (48) to sixty (60) inches – high shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

**CONSENT AGENDA - CONTINUED**

### 3.B.12. PETITION 2000-096 RESOLUTION R-2001-1351 - CONTINUED

5. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

e. ENGINEERING

No New Engineering Conditions of approval.

F. LANDSCAPING ALONG RIGHT OF WAY FRONTAGES (ADJACENT TO SOUTHERN BOULEVARD AND AUSTRALIAN AVENUE)

1. Landscaping and buffering along the right of way frontages 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 planted every thirty (30) feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. double row of shrub or hedge material to be installed in accordance with Condition C.3 to and maintained in the hierarchy of heights. (CO/ONGOING: LANDSCAPE/CODE ENF)

G. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures 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)

H. MASS TRANSIT

1. Prior to final certification of the site plan by the Development Review Committee, 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 County Engineer. (DRC: ZONING - Eng)

## CONSENT AGENDA - CONTINUED

### 3.B.12. PETITION 2000-096 RESOLUTION R-2001-1351 - CONTINUED

2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran and the County Engineer prior to issuance of the certificate of occupancy for the proposed office building. 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. (CO: ZONING - Eng)

#### I. PLANNING

1. The petitioner shall agree to the County's undertaking a corrective land use amendment to Commercial High Office (CH-O) and rezoning of the site's PO Zoning to any zoning district that is consistent with the CH-O future land use designation. (ONGOING: Zoning-Planning)

#### J. 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.

## **CONSENT AGENDA - CONTINUED**

### **3.B.12. PETITION 2000-096 RESOLUTION R-2001-1351 - CONTINUED**

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

Zoning Commission Recommendation: Approval as amended.

**3.B.13.** See pages 63-74.

### **3.C. STATUS REPORTS**

#### **3.C.14. PETITION 79-148**

STATUS REPORT CR79-148B/E3 FOR RESOLUTION R-98-1297 FOR PETITION 79-148(B) (PALM BEACH ACURA) OF IRVING L. DODDS, PROPERTY OWNER-PETITIONER, FOR A TIME EXTENSION UNTIL AUGUST 27, 2003, TO COMMENCE DEVELOPMENT, AND UNTIL MAY 1, 2002, FOR CONDITION E.3. THE 10.4-ACRE PROPERTY IS LOCATED APPROXIMATELY 500 FEET WEST OF JOG ROAD ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD AND IS ZONED GENERAL COMMERCIAL (CG) WITH A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT (PCD). APPROVED 8-23-2001

Staff Recommendation: Approval of the time extensions as stated.

#### **3.C.15. RESOLUTION R-2001-1352**

RESOLUTION FOR STATUS REPORT SR80-103H.3 FOR RESOLUTION R-96-813 FOR PETITION 80-103(H) (SANDALFOOT PLAZA) OF FOUR FLORIDA SHOPPING CENTER, PETITIONER (PROPERTY OWNER: SOUTHPORT MORTGAGE), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) AND APPROVE A TIME EXTENSION UNTIL JUNE 24, 2002, TO COMMENCE DEVELOPMENT. THE 1.32-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.10 MILE SOUTH OF SANDALFOOT BOULEVARD/SOUTHWEST 14TH STREET ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441) AND IS ZONED GENERAL COMMERCIAL (CG) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD SQUARE FOOTAGE (+13,000 S.F.) AND ALLOW A FAST FOOD RESTAURANT AS A REQUESTED USE WITHIN A PLANNED COMMERCIAL DEVELOPMENT (PCD). (AMENDS R-96-813) ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 8-23-2001

Staff Recommendation: Approval of the amended conditions as follows and adoption of a resolution affirming that action, and approval of the time extension as stated.

## CONSENT AGENDA - CONTINUED

### 3.C.15. PETITION 80-103(H) RESOLUTION R-2001-1352 - CONTINUED

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING-Zoning)

### 3.C.16.

#### PETITION 81-67

STATUS REPORT SR81-67A.13 FOR RESOLUTION R-84-338 FOR PETITION 81-67(A) (C&M NURSERIES) OF C&M NURSERIES, PETITIONER (PROPERTY OWNER: RICHARD F. OLSON), TO APPROVE A TIME EXTENSION UNTIL JUNE 13, 2003. THE 1.07-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.1 MILE NORTH OF ATLANTIC AVENUE ON THE WEST SIDE OF HAGEN RANCH ROAD AND IS ZONED GENERAL COMMERCIAL (CG). APPROVED 8-23-2001

Staff Recommendation: Approval of the time extension as stated.

### 3.C.17.

#### PETITION 81-233

STATUS REPORT SR81-233.4 FOR RESOLUTIONS R-82-151 AND R-82-152 FOR PETITION 81-233 (BALMORAL) OF CROUCH-PALERMO FLORIDA INC., PETITIONER (PROPERTY OWNER: FAIRFIELD COMMUNITIES, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 13, 2002, FOR R-82-151 AND R-82-152. AFFECTED ARE 5.9 UNPLATTED ACRES OF THE 271.0-ACRE + PUD PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE FLORIDA TURNPIKE AND LANTANA ROAD, ALL OF WHICH ACRES ARE ZONED RESIDENTIAL TRANSITIONAL (RT) WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT (PUD), INCLUDING AN ON-SITE WATER AND SEWAGE TREATMENT FACILITY AND EXCAVATION. APPROVED 8-23-2001

Staff Recommendation: Approval of the time extension as stated.

### 3.C.18.

#### PETITION 83-82

STATUS REPORT SR83-82A.3 FOR RESOLUTIONS R-95-860 AND R-95-861 FOR PETITION 83-82(A) (ADDISON ACADEMY DAY CARE) OF LIONEL G. ASTOR, PETITIONER (PROPERTY OWNER: BOCA ACADEMY, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 22, 2003, FOR R-95-860 AND R-95-861. THE 3.5 ACRE PROPERTY IS LOCATED APPROXIMATELY 0.2 MILE NORTH OF GLADES ROAD ON THE EAST SIDE OF JOG ROAD AND IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) TO AMEND THE SITE PLAN, ADD SQUARE FOOTAGE, INCREASE THE NUMBER OF CHILDREN, AND MODIFY CONDITIONS FOR AN EXISTING DAY CARE. APPROVED 8-23-2001

Staff Recommendation: Approval of the time extension as stated.

## CONSENT AGENDA - CONTINUED

### 3.C.19.

### RESOLUTION R-2001-1353

RESOLUTION FOR STATUS REPORT SR88-10.6 FOR RESOLUTION R-89-345 FOR PETITION 88-10 (DEVONSHIRE PUD) OF ALAN D. REESE, TRUSTEE, PETITIONER (PROPERTY OWNER: SD & D1 LTD.), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) AND APPROVE A TIME EXTENSION UNTIL JUNE 21, 2003, TO RECORD A PLAT. THE 4.9-ACRE PROPERTY IS LOCATED ON 42ND STREET APPROXIMATELY 330 FEET EAST OF MILITARY TRAIL AND APPROXIMATELY 0.3 MILE SOUTH OF LAKE WORTH ROAD AND IS ZONED MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT (PUD), TYPE 3 CONGREGATE LIVING FACILITY (CLF). (AMENDS R-89-345) ADOPTED RESOLUTION WITH CONDITIONS AND APPROVED TIME EXTENSION 8-23-2001

Staff Recommendation: Approval of the amended conditions as follows and approval of the time extension as stated.

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING-Zoning)

### 3.C.20.

### PETITION 90-13

STATUS REPORT SR90-13.8 FOR RESOLUTIONS R-90-1444 AND R-90-1445 FOR PETITION 90-13 (CLOUTIER/PONZA PLACE PUD) OF CLOUTIER CONSTRUCTION COMPANY, INC., PETITIONER (PROPERTY OWNER: RAFFAEL ABBANATTE), TO APPROVE A TIME EXTENSION UNTIL JUNE 28, 2002, FOR R-90-1444 AND R-90-1445. THE 4.1-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.5 MILE NORTH OF HYPOLUXO ROAD ON THE WEST SIDE OF LAWRENCE ROAD AND IS ZONED SINGLE-FAMILY RESIDENTIAL (RS) WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT (PUD). APPROVED 8-23-2001

Staff Recommendation: Approval of the time extension as stated.

### 3.C.21.

### RESOLUTION R-2001-1354

RESOLUTION FOR STATUS REPORT SR92-7.4 FOR RESOLUTIONS R-93-515 AND R-93-516 FOR PETITION 92-7 (LIPKINS PCD) OF SHIRLEY K. BERNSTEIN AND ANN K. SCHULMAN, PETITIONER (PROPERTY OWNER: KATHLEEN B. LIPKINS, STEPHEN L. LIPKINS, ET AL., TRUSTEES), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) AND APPROVE A TIME EXTENSION UNTIL JUNE 24, 2002, TO COMMENCE DEVELOPMENT. THE 8.1-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF HYPOLUXO ROAD AND MILITARY TRAIL AND IS ZONED COMMUNITY COMMERCIAL (CC) WITH A SPECIAL EXCEPTION FOR A PLANNED GENERAL COMMERCIAL DEVELOPMENT (PGCD), INCLUDING A FAST FOOD RESTAURANT WITH DRIVE-THRU WINDOW, AUTO SERVICE STATION (AUTOMATIC), AND FINANCIAL INSTITUTION WITH THREE DRIVE-UP TELLERS. (AMENDS R-93-516) ADOPTED WITH CONDITIONS 8-23-2001

## CONSENT AGENDA - CONTINUED

### 3.C.21. PETITION 92-7 RESOLUTION R-2001-1354 - CONTINUED

Staff Recommendation: Approval of the amended conditions and adoption of a resolution affirming that action, and approval of the time extension as stated.

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING-Zoning)

3.C.22. See page 74.

3.C.23. See page 75.

### 3.C.24. **RESOLUTION R-2001-1355**

RESOLUTION FOR STATUS REPORT SR96-26.3 FOR RESOLUTION R-96-816 FOR PETITION 96-26 (BAGELS TO GO) OF ROGER DEAN, PETITIONER (PROPERTY OWNER: RD FAMILY, LTD. PARTNERSHIP), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) AND APPROVE A TIME EXTENSION UNTIL JUNE 24, 2002, TO COMMENCE DEVELOPMENT. THE 0.52-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.25 MILE EAST OF CONGRESS AVENUE ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD AND IS ZONED GENERAL COMMERCIAL (CG) WITH A CLASS A CONDITIONAL USE (CA) TO ALLOW A FAST FOOD RESTAURANT WITHIN THE WESTGATE COMMUNITY REDEVELOPMENT AGENCY (CRA) OVERLAY DISTRICT. (AMENDS R-96-816) ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 8-23-2001

Staff Recommendation: Approval of the amended conditions as follows and adoption of a resolution affirming that action, and approval of a time extension as stated.

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING-Zoning)

**CONSENT AGENDA - CONTINUED**

**3.C.25.**

**RESOLUTION R-2001-1356**

RESOLUTION FOR STATUS REPORT CR79-134A FOR RESOLUTION R-99-1145 FOR PETITION 79-134(A) (LEARNING EXPERIENCE OF WEST BOCA) FROM STATUS REPORT SR79-134A.5 OF FLORIDA CHILDCARE PROP I LC, PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (NUMBER OF CHILDREN) AND APPROVE A TIME EXTENSION UNTIL JULY 1, 2002, TO COMPLY WITH CONDITIONS A.2, A.3, AND E.3. THE 1.00-ACRE PROPERTY IS LOCATED 0.25 MILE WEST OF STATE ROAD 7 (U.S. 41) ON THE SOUTH SIDE OF SANDALFOOT BOULEVARD AND IS ZONED MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) WITH A SPECIAL EXCEPTION FOR A DAY CARE CENTER. (AMENDS R-99-1145) ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 8-23-2001

Staff Recommendation: Approval of the amended conditions as follows and approval of the time extension as stated.

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number 2 of Resolution No. R-99-1145 which currently states:

The daycare shall be limited to a maximum 64 children total.

Is hereby amended to state:

The daycare shall be limited to a maximum 50 children total. (ONGOING: CODE ENF/HEALTH)

**3.D. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS**

**3.D.26.**

**PETITION 93-7**

RECEIPT AND FILE OF ZONING COMMISSION RESOLUTION ZR-2001-003 OF PETITION DOA93-7(A) (MONTE PACKAGING) OF STJ PROPERTIES, BY JULIO DUMAS, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO MODIFY CONDITIONS OF APPROVAL IN ZONING COMMISSION ZR-93-001 (PETITION CB93-7) ON PROPERTY LOCATED IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST. APPROVED 8-23-2001

Staff Recommendation: Receipt and file of Zoning Commission Resolution ZR-2001-003.

**3.D.27.**

**PETITION 2001-007**

RECEIPT AND FILE OF ZONING COMMISSION RESOLUTION ZR-2001-004 OF PETITION CB2001-007 (LEGUM WHOLESALE NURSERY) OF E. WAYNE LEGUM, BY BERIL KRUGER, AGENT, FOR A CLASS B CONDITIONAL USE (CB) TO ALLOW A WHOLESALE NURSERY IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT ON TRACTS 2, 7, 8, 9, AND 10 IN BLOCK 44, PALM BEACH FARMS COMPANY PLAT 3 LESS THE RIGHT-OF-WAY FOR STATE ROAD 7 (U.S. 4441) AND LESS THE NORTH 30.36 FEET OF SAID TRACT 2 (LAKE WORTH DRAINAGE DISTRICT CHANCERY CASE 407). APPROVED 8-23-2001

**CONSENT AGENDA - CONTINUED**

**3.D.27. PETITION 2001-007 - CONTINUED**

Staff Recommendation: Receipt and file of Zoning Commission Resolution ZR-2001-004.

**3.D.28. PETITION 2001-010**

RECEIPT AND FILE OF ZONING COMMISSION RESOLUTION ZR-2001-005 OF PETITION CB2001-010 (BANK ATLANTIC) OF BANK ATLANTIC, BY SCOTT MOSOLF, AGENT, FOR A CLASS B CONDITIONAL USE (CB) TO ALLOW AN EXISTING FINANCIAL INSTITUTION WITH THREE DRIVE-THRU LANES IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT ON A 1.12-ACRE PROPERTY IN VILLAGE OF ORIOLE PLAT 1, SECTION 5, TOWNSHIP 46 SOUTH, RANGE 42 EAST. APPROVED 8-23-2001

Staff Recommendation: Receipt and file of Zoning Commission Resolution ZR-2001-005.

**3.E. ABANDONMENT RESOLUTIONS**

**3.E.29. RESOLUTION R-2001-1357**

RESOLUTION FOR PETITION ABN94-82 (JEWISH COMMUNITY DAY SCHOOL) TO ABANDON THE SPECIAL EXCEPTION GRANTED BY RESOLUTION R-95-120 (PETITIONER: FRIEDA IGNATOFF AND ROSE EDWARDS) FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW AN ELEMENTARY AND SECONDARY SCHOOL ON THE 8.3-ACRE PROPERTY LOCATED APPROXIMATELY 0.25 MILE NORTH OF COMMUNITY DRIVE (12TH STREET) ON THE WEST SIDE OF MILITARY TRAIL IN THE RESIDENTIAL TRANSITIONAL URBAN (RTU) ZONING DISTRICT. (REVOKES R-95-120) ADOPTED 8-23-2001

Staff Recommendation: Adoption of a resolution approving the abandonment of the special exception granted by R-95-120

**3.E.30. RESOLUTION R-2001-1358**

RESOLUTION FOR PETITION ABN93-7 (MONTE PACKAGING) TO ABANDON THE CONDITIONAL OVERLAY ZONE (COZ) GRANTED UNDER RESOLUTION R-93-651 (PETITIONER: OSCAR K. JOHNSON) FOR THE 14.49-ACRE PROPERTY LOCATED APPROXIMATELY 1.0 MILE NORTH OF WEST ATLANTIC AVENUE ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441) IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT. (AMENDS R-93-651) ADOPTED 8-23-2001

Staff Recommendation: Adoption of a resolution approving the abandonment of the conditional overlay zone granted by R-93-651.

## CONSENT AGENDA - CONTINUED

### 3.F. CORRECTIVE RESOLUTION

#### 3.F.31.

#### RESOLUTION R-2001-1359

RESOLUTION FOR PETITION DOA95-63(B) (COSTCO, AKA APPLES & ORANGES) OF COSTCO WHOLESALE CORPORATION, BY KIERAN J. KILDAY, AGENT, TO CORRECT CONDITIONS C.2, G.3.D, H.3, I.2, J.6, AND K.3 OF RESOLUTION R-2001-0980 FOR THE EXISTING 27.77-ACRE PROPERTY (PREVIOUSLY, 27.88 ACRES LESS 0.11 ACRE FOR LAKE WORTH DEVELOPMENT DISTRICT) LOCATED APPROXIMATELY 0.8 MILE NORTH OF CLINT MOORE ROAD ON THE EAST SIDE OF CONGRESS AVENUE. ADOPTED WITH AMENDED CONDITIONS 8-23-2001

Staff Recommendation: Adoption of a resolution correcting the stated conditions as follows:

- C.2. Condition B.2 of Resolution R-98-0873, Petition DOA95-63(A) which currently states:

A maximum of three (3) out-parcels shall be permitted on-site. A maximum of one (1) out-parcel may have vehicular circulation on all four (4) sides.

Is hereby amended to read:

Only one (1) out-parcel shall be permitted on-site and limited to a maximum 5,860 sq. ft. bank with one drive thru lanes and one ATM lane. (DRC: BLDG - Zoning)

- G.3. Condition D.3 of Resolution R-98-0873, Petition DOA95-63(A) which currently states:

Landscaping on Congress Avenue (exclusive of preserve and/or vegetation relocation receiving zones) shall consist of the following:

- a. Total quantity of trees shall average one tree per 200 square feet of buffer area.
- b. The total quantity of required trees under Table 6.8-3 of the ULDC (one tree per 300 sq. ft. of buffer area shall comply with the following minimum tree height and canopy requirements:
  - i) Fifty (50) percent twelve (12) foot high with six (6) foot canopy;
  - ii) Forty (40) percent fourteen (14) foot high with seven foot (7) foot canopy; and
  - iii) Ten (10) percent sixteen (16) foot high with eight (8) foot canopy.
- c. Remainder of trees provided shall be a minimum ten (10) foot high with four (4) foot canopy to allow flexibility in the proposed Alternative Landscape Betterment Plan. Palms may be substituted as permitted per ULDC requirements.
- d. Minimum twenty (20) foot width. (LANDSCAPE-Zoning)

Is hereby amended to read:

## CONSENT AGENDA - CONTINUED

### 3.F.31. PETITION 95-63(B) RESOLUTION R-2001-1359 - CONTINUED

Landscaping on Congress Avenue (exclusive of preserve and/or vegetation relocation receiving zones) shall consist of the following:

- a. Total quantity of trees shall average one tree per 200 square feet of buffer area.
- b. The total quantity of required trees under Table 6.8-3 of the ULDC (one tree per 300 sq. ft. of buffer area shall comply with the following minimum tree height and canopy requirements:
  - i) Fifty (50) percent twelve (12) foot high with six (6) foot canopy;
  - ii) Forty (40) percent fourteen (14) foot high with seven foot (7) foot canopy; and
  - iii) Ten (10) percent sixteen (16) foot high with eight (8) foot canopy.
- c. Remainder of trees provided shall be a minimum ten (10) foot high with four (4) foot canopy to allow flexibility in the proposed Kilday & Associates Conceptual Landscape Plan dated May 29, 2001. Palms may be substituted as permitted per ULDC requirements.
- d. Minimum ~~fifty (50)~~ forty-five (45) foot buffer width to include a five (5) foot overlap in the existing ten (10) foot utility easement. The overall fifty (50) foot dimension will with include a six (6) foot high continuous berm except where the berm height may be varied as required by FPL guidelines. (LANDSCAPE-Zoning)

- H.3. Condition F.3 of Resolution R-98-0873, Petition DOA95-63(A)) which currently states;

All outdoor lighting shall be extinguished no later than 12:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

Is hereby amended to read:

All outdoor lighting shall be extinguished no later than 12:00 a.m., excluding security lighting only. (ONGOING: CODE ENF)

- I.2. Condition G.2 of Resolution R-98-0873, Petition DOA95-63(A) which currently states:

Total gross floor area shall be limited to a maximum of 246,900 square feet and construction may be implemented by Developer in two phases. Phase-I development shall consist of construction of an unmanned, remote "ATM" banking facility in a 1.37 +/- acre area along with associated landscaping, paving and signage as identified on the Preliminary Development Plan as set forth on exhibits identified as the Boca Congress Center Master Plan and Site Plan, as last revised by Winston Lee & Associates on June 15, 1998. (DRC: ZONING)

Phase-1 development activities, as referenced in the previous paragraph, shall constitute the initial, but not necessarily the ultimate, construction improvements within the Phase-I area, and shall include:

## CONSENT AGENDA - CONTINUED

### 3.F.31. PETITION 95-63(B) RESOLUTION R-2001-1359 - CONTINUED

- a. Construction and landscaping of the perimeter berm along Congress Avenue conforming to previous approvals and limited to an area extending from the south side of the entrance drive to the north boundary of the FPL Easement Area;
- b. Compliance with requirements of the previous County Environmental Resource Management approvals to the minimum extent necessary to complete Phase-I development;
- c. Easements as may be required, both within and outside the Phase-I area, to provide for public utility improvements and/or drainage facilities; and,
- d. No water or sewer service requirements since Phase-I facilities will not be manned.

Developer shall within fifteen (15) days of County's amendment of Development Order conditions apply for, and DRC shall thereafter expeditiously process final certification of exhibits identified as the Boca Congress Center Master Plan and Site Plan, as last revised by Winston Lee & Associates on June 15, 1998, reflecting the proposed Phase -I development activities. The Phase-I ATM shall be operational no later than March 31, 1999, and shall remain operational until replaced by any future development.

Developer shall have three years in which to commence development of a subsequent phase or phases of Project development following the first building inspection of Phase-I as set forth in Section 5.8, Table 5.8-1, Planned Development District: Non-Planned Unit Development. (DRC/DATE: ZONING/MONITORING - Code Enf/Zoning)

Is hereby amended to read:

~~Total gross floor area shall be limited to a maximum of 156,523 square feet and construction may be implemented by Developer in two phases. Phase-I development shall consist of construction of an unmanned, remote "ATM" banking facility in a 1.37 +/- acre area along with associated landscaping, paving and signage as identified on the Preliminary Development Plan as set forth on exhibits identified as the Boca Congress Center Master Plan and Site Plan, as last revised by Kilday & Associates on May 29, 2001. (DRC: ZONING)~~

~~Phase-I development activities, as referenced in the previous paragraph, shall constitute the initial, but not necessarily the ultimate, construction improvements within the Phase-I area, and shall include:~~

- ~~a. Construction and landscaping of the perimeter berm along Congress Avenue conforming to previous approvals and limited to an area extending from the south side of the entrance drive to the north boundary of the FPL Easement Area;~~
- ~~b. Compliance with requirements of the previous County Environmental Resource Management approvals to the minimum extent necessary to complete Phase-I development;~~
- ~~c. Easements as may be required, both within and outside the Phase-I area, to provide for public utility improvements and/or drainage facilities; and,~~

## CONSENT AGENDA - CONTINUED

### 3.F.31. PETITION 95-63(B) RESOLUTION R-2001-1359 - CONTINUED

d. ~~No water or sewer service requirements since Phase-I facilities will not be manned.~~

~~Developer shall within fifteen (15) days of County's amendment of Development Order conditions apply for, and DRC shall thereafter expeditiously process final certification of exhibits identified as the Boca Congress Center Master Plan and Site Plan, as last revised by Kilday & Associates on May 29, 2001, reflecting the proposed Phase-I development activities. The Phase-I ATM shall be operational no later than March 31, 1999, and shall remain operational until replaced by any future development.~~

~~Developer shall have three years in which to commence development of a subsequent phase or phases of Project development following the first building inspection of Phase-I as set forth in Section 5.8, Table 5.8-1, Planned Development District: Non-Planned Unit Development. (DRC/DATE: ZONING/MONITORING - Code Enf/Zoning) [REASON: Phase 1-ATM already constructed.]~~

Total gross floor area shall be limited to a maximum of 156,523 square foot retail center and 5,860 square foot bank, with two (2) drive-thru lanes and one (1) ATM lane, as delineated on the Boca Congress Center Master Plan and Site Plan, as last revised by Kilday and Associates on May 29, 2001. The Site Plan shall expire pursuant to the provisions of Article 5, Section 5.8, of the ULDC.

- J.6. ~~No wall signs permitted.~~ All proposed wall signage shall be subject to review and approval by the Boca Raton Community Appearance Board. (BLDG PERMIT: BLDG-Zoning)
- K.3. Prior to final site plan approval, the Petitioner shall record a deed restriction on the subject property, as approved by the Zoning Division and The County Attorney's office. The deed restriction shall be enforceable by the Boca Golf and Tennis Property Owners Association and shall not be amended without their written consent. The deed restriction shall limit the uses and any vertical design structure to the plan approved by the Board of County Commissioners, as amended by the final approved site plan. The deed restriction shall provide that no gas station shall be permitted on the property, nor shall there be cross access of any existing or future adjacent gas stations. (DRC: Zoning/Co Att)

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

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

**4. REGULAR AGENDA**

**4.A. ITEMS PULLED FROM CONSENT AGENDA**

(CLERK'S NOTE: Items 3.B.5. and 3.B.6. are companion items and were considered together.)

**3.B.5. RESOLUTION R-2001-1360**

RESOLUTION FOR PETITION DOA74-158(B) (SHALOM MEMORIAL PARK) OF FOUR JR. CORPORATION, BY H. P. TOMPKINS, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO DELETE 98.79 ACRES FROM THE 126-ACRE PROPERTY LOCATED APPROXIMATELY 4.0 MILES WEST OF THE BEELINE HIGHWAY ON THE NORTH SIDE OF NORTHLAKE BOULEVARD, WHICH WAS GRANTED A SPECIAL EXCEPTION (SE) FOR A CEMETERY AND MAUSOLEUM. THE REMAINING 27.21 ACRES WILL RETAIN THE SE. (AMENDS R-81-1629 [PETITION 81-205] AND R-74-964, R-76-923, AND R-76-924 [PETITION 74-158; SEE R-2001-1361) (P.O.P. 351509 AND 351512) ADOPTED WITH CONDITIONS 8-23-2001

Staff Recommendation: Adoption of a resolution approving the request for the development order amendment with the following conditions:

**A. ALL PETITIONS**

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-81-1629 (Petition 81-205) and Resolutions R-74-964, R-76-923 and R-76-924 (Petition 74-158), shall remain full force and in effect. (ONGOING: MONITORING-Zoning)

**B. 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 or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any biomedical waste, which may be generated at this site, shall be properly handled and disposed of in accordance with Rule 64E-16FAC (ONGOING: HEALTH/CODE ENFORCEMENT)
6. 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)

Items C, and D omitted intentionally

**E. ENGINEERING**

No new Engineering Conditions of approval.

**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)

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.5. PETITION 74-158(B) RESOLUTION R-2001-1360 - CONTINUED

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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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)

Zoning Commission Recommendation: Approval as advertised.

### 3.B.6.

### RESOLUTION R-2001-1361

RESOLUTION FOR PETITION PDD2000-112 (OSPREY ISLES) OF FOUR JR. CORPORATION, BY H. P. TOMPKINS, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AGRICULTURAL RESIDENTIAL (AR) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE 101.36-ACRE PROPERTY LOCATED APPROXIMATELY 4.0 MILES WEST OF THE BEELINE HIGHWAY ON THE NORTH SIDE OF NORTHLAKE BOULEVARD. (SEE R-2001-1360) (P.O.P. 351509 AND 351512) ADOPTED WITH CONDITIONS AS AMENDED 8-23-2001

Staff Recommendation: Adoption of a resolution approving the request for the zoning map amendment with the following conditions:

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED**

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 revised site plan is dated August 23, 2001. 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- Zoning)

B. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on the perimeter of the site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: 50% - 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 (3.5 feet) at 3 points measured from the trunk to the outermost branch tip; and,
  - d. Number of Species: 5 minimum, one of which must be flowering, 40% maximum of any one species
  - e. Native: 60% native (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Height: Twelve (12) feet clear trunk;
  - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of two (2) varying heights as follows:

twenty-four (24) inches ? small shrub;

twenty-four (24) to forty-eight (48) inches ? medium shrub; and,

forty-eight (48) to sixty (60) inches ? high shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)
4. Required landscape buffers shall not overlap utility easements. (DRC: ZONING - Zoning)
5. The DRC shall not permit any administrative reduction to the minimum required buffer widths. (DRC: ZONING-Zoning)
6. Credit may be given for existing or relocated trees and palms provided they meet current ULDC requirements. (DRC: ZONING ?Zoning)

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

### 3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED

7. A group of three or more pine trees may not supercede the requirements for a canopy tree along the Northlake Boulevard frontage. (CO: LANDSCAPE-ZONING - Zoning)

#### C. LANDSCAPING ALONG SOUTH PROPERTY LINE (NORTHLAKE BOULEVARD FRONTAGE)

1. Landscaping and buffering along the south property line shall include:
  - a. a minimum twenty-five (25) 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 planted each twenty (20) linear feet of frontage with maximum spacing of twenty-five (25) on center;
  - d. one (1) pine tree for each twenty-five (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inch high at installation.
  - f. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inch high at installation. (CO: LANDSCAPE - Zoning)

#### D. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, east and west property lines 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;
  - d. one (1) pine tree for each twenty-five (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - e. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inch high at installation.
  - f. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inch high at installation. (CO: LANDSCAPE - Zoning)

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED

#### E. ENGINEERING

1. The Property owner shall fund the construction of a left turn lane west approach on Northlake Boulevard at the project's entrance road. Funding shall be coordinated and approved by Roadway Production Division of the County Engineer. Funding shall include all plan revision costs, Palm Beach County's Staff Administrative Costs and construction costs. Funding shall be completed by October 1, 2001. If funding is not received by Palm Beach County Roadway Production Division by this date, the property owner shall pay all costs associated with the redesign, permitting, and construction of the left turn lane, and complete the construction of the left turn lane prior to the issuance of the first building permit. (DATE: MONITORING- Eng)

#### 2. LANDSCAPE WITHIN MEDIAN OF NORTHLAKE BOULEVARD

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to:

- landscape the adjacent median of Northlake Boulevard
- provide landscape cutouts within the existing adjacent concrete traffic separators

This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing 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 landscaping installation and maintenance requirements shall be subject to the standards as 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)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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' 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

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED

material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner=s documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the Building Permit. (BLDG PERMIT: MONITORING-Eng)

3. Prior to DRC certification the final subdivision plan shall be revised to reflect the project entrance aligned with 112th Terrace on the south side of Northlake Boulevard adjacent to the site. (DRC APPROVAL: ENG)

#### F. MASS TRANSIT

1. 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-Zoning)
2. 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) for more than 25% of the units, or the 100th unit, whichever is less. 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 PERMIT: MONITORING - Eng)

#### G. PLANNING

1. Prior to final master plan approval by the Development Review Committee (DRC), in order to comply with Recommendation #4 from page 52 from the Western Northlake Corridor Land Use Study, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Northlake Boulevard and for all internal roadways. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of thirty (30) feet or less along the sidewalk of Northlake Boulevard and for all internal roadways, subject to approval of the County Engineer. However, all trees planted within safe sight triangles shall have a minimum eight (8) foot clear trunk and otherwise shall comply with the provisions of Streetscape Standards, as applicable. (DRC: PLANNING-Engineering)

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED**

2. Prior to final master plan approval by the Development Review Committee, the notation at the southeastern property line which currently reads "future connection thru future development" shall be relocated to the southeastern and southern boundaries of the subject property and shall be amended to read "proposed vehicular and pedestrian cross access/stub streets to be paved to the property line for future access to adjacent parcel". (DRC: PLANNING-Planning)
3. Prior to the issuance of the first certificate of occupancy, the petitioner shall pave the property to the edge of the southeastern property line at the two (2) locations shown on the site plan which read "proposed vehicular and pedestrian cross access/stub street to be paved to the property line for future access to adjacent parcel". (CO: MONITORING-BUILDING-Planning)

**H. PLANNED UNIT DEVELOPMENT**

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to streets fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Street bike lanes/or sidewalk shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)
5. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the intersection of the project's entrance, and cul-de-sacs. Decorative street pavers shall be provided at each t-intersection. The focal points shall be in the form of a plaza, fountain, arcade, landscaping with uplighting, pavers or similar construction material acceptable to the Zoning Division. (DRC: ZONING - Zoning)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units shall be limited to the following:

<b>Property Development Regulations</b>	<b>Administrative Deviation or Flexible Regulations</b>
<b>Building Coverage Allowed: 40% maximum</b>	<b>Building Coverage Requested: 44% maximum</b>

7. Drainage easements shall not be permitted along the rear yards of back-to-back units. (DRC: ZONING-Zoning)
8. All lots (units) where side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING/BLDG-Zoning)

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED

9. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

#### I. SIGNS

1. Freestanding signs fronting on Northlake Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side ? sixty (60) square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)

#### J. 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

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED**

- e. Imposition of entitlement density or intensity.

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

Zoning Commission Recommendation: Approval as amended.

Principal Planner David Flinchum informed the board that the agent had made a site plan revision to accommodate South Florida Water Management District jurisdictional wetlands. Kevin McGinley, agent, explained that the old plan did not provide much flexibility at the time of the final subdivision and that the new plan saved 20 acres of wetland.

**MOTION to adopt a resolution approving the request for a development order amendment (item 3.B.5.) to delete land area with the revised site plan. Motion by Commissioner Masilotti and seconded by Commissioner McCarty.**

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

Zoning Director Whiteford pointed out that the revised site plan belonged with item 3.B.6.

Mr. McGinley cited condition E.1 that required the petitioner to fund the construction of a left-turn lane onto Northlake Boulevard and asked that if the petitioner could not meet the funding time frame that they be allowed to assume all costs associated with the left-turn lane.

**MOTION to adopt a resolution approving the request for a zoning map amendment (item 3.B.6.) from AR to PUD with the revised site plan and revised condition E.1. Motion by Commissioner McCarty and seconded by Commissioner Masilotti.**

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.6. PETITION 2000-112 RESOLUTION R-2001-1361 - CONTINUED

(CLERK'S NOTE: The following modifications appeared in the adopted resolution:)

- Revised condition A.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 June 12, 2001.~~ The revised site plan is dated August 23, 2001. 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-Zoning)

- Revised condition E.1:

The Property owner shall fund the construction of a left turn lane west approach on Northlake Boulevard at the project's entrance road. Funding shall be coordinated and approved by Roadway Production Division of the County Engineer. Funding shall include all plan revision costs, Palm Beach County's Staff Administrative Costs and construction costs. Funding shall be completed ~~prior to January 1, 2002.~~ by October 1, 2001. If funding is not received by Palm Beach County Roadway Production Division by this date, the property owner shall pay all costs associated with the redesign, permitting, and construction of the left turn lane, and complete the construction of the left turn lane prior to the issuance of the first building permit. (DATE:MONITORING-Eng)

### 3.B.9.

### RESOLUTION R-2001-1362

RESOLUTION FOR PETITION EAC99-76(B) (COLONY PARK PUD) OF CLINTON COMMUNITIES, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION (EAC) TO DELETE AN ACCESS POINT AND TO MODIFY/DELETE CONDITIONS OF APPROVAL IN RESOLUTION R-2000-1237 FOR THE 16.26-ACRE PROPERTY LOCATED APPROXIMATELY 400 FEET EAST OF BENOIST FARMS ROAD ON THE NORTH SIDE OF BELVEDERE ROAD. (AMENDS R-2000-1237) (P.O.P. 353400) ADOPTED WITH CONDITIONS AS AMENDED 8-23-2001

Staff Recommendation: Adoption of a resolution approving the request for the development order amendment with the following conditions:

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2000-1237 (Petition PDD1999-076(A)), 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-2000-1237, Petition PDD99-076(A), which currently states:

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

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 August 17, 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.

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 July 27, 2001. 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)

3. Condition A.1 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Resolution R-89-710, granting approval of Petition 88-101 for a day camp and recreation facilities is hereby revoked.

Is hereby deleted. [REASON: Completed]

#### B. BUILDING AND SITE DESIGN

1. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished floor to highest point. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.1 of Resolution R-2000-1237, Petition PDD99-076(A))
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) (Previously Condition B.2 of Resolution R-2000-1237, Petition PDD99-076(A))
3. The site plan shall be amended to include a car wash area for the residents. (CO: BLDG - Zoning) (Previously Condition B.3 of Resolution R-2000-1237, Petition PDD99-076(A))
4. The exterior elevations of all residential buildings shall provide variety and visual interest by incorporating all of the following items:
  - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
  - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
  - c. Contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
  - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

- e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING - Bldg) (Previously Condition B.4 of Resolution R-2000-1237, Petition PDD99-076(A))
5. The proposed residential buildings shall be designed and constructed to be generally consistent with the facade elevations by Tseng Consulting Group dated August 18, 2000. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.5 of Resolution R-2000-1237, Petition PDD99-076(A))
6. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning) (Previously Condition B.6 of Resolution R-2000-1237, Petition PDD99-076(A))
7. Canopy tree shaded pedestrian connections shall be provided from all parking areas not directly adjacent (exceeding 50 feet distance) to residential entryways. (DRC: ZONING - Bldg) (Previously Condition B.7 of Resolution R-2000-1237, Petition PDD99-076(A))
8. Prior to final DRC approval the site plan shall be amended to indicate the following amenities:
  - a. A minimum five (5) focal points within the interior parking island which shall include two (2) terminal island features, paver treatment and trellis;
  - b. A minimum ten (10) foot shaded pedestrian crosswalk with pavers, from Building 2 to the civic area and two (2) tot lots;
  - c. A family picnic pavilion and four (4) covered picnic shelters; and,
  - d. An eight (8) foot wide mulch fitness trail around the perimeter of the north retention area. (DRC: ZONING- Bldg Permit) (Previously Condition B.8 of Resolution R-2000-1237, Petition PDD99-076(A))
9. Condition B.9 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Prior to the first Certificate of Occupancy the portion of Lake Susan Road which is not providing access to the PUD shall be abandoned and a gate provided 230 feet east from Benoist Farms Road prohibiting access to the east. The abandoned portion of the right of way shall be included as part of the residential PUD if approved by the Board of County Commissioners. (CO: DRC - Zoning)

Is hereby amended to read:

The portion of Lake Susan Road adjacent to the development shall be abandoned and included in the Colony Park PUD prior to the first Certificate of Occupancy. This condition shall not apply if the abandonment is denied by the Board of County Commissioners.

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

The abandoned right-of-way may be incorporated into the Preliminary Development Plan and Site Plan at the time of final approval by the DRC, provided the overall density of 8 units per acre is not exceeded and total unit count is not increased. The petitioner must update the petition file by providing a revised legal description and survey to include the additional land area. The processing of this amendment is subject to approval of the Zoning Director. (DRC: ZONING - Survey)

10. If the abandonment of a portion of Lake Susan Road is approved, the following shall be incorporated into the area of the abandoned right-of-way prior to final DRC site plan approval:
  - a. A minimum eight (8) foot wide shaded walkway connecting to the mulch fitness trail;
  - b. An additional covered picnic shelter (gazebo);
  - c. One (1) canopy tree for each twenty-five (25) linear feet of right-of-way abandoned;
  - d. One twenty-four (24) inch high shrub or hedge for each four (4) linear feet of right-of-way abandoned, to be maintained at twenty-four inches;
  - e. One thirty (30) inch high shrub or hedge for each eight (8) linear feet of right-of-way abandoned, to be maintained at forty-eight (48) inches; and
  - f. All shrub or hedge material shall be planted and continuously maintained to achieve a hierarchical effect. (CO: DRC - Zoning)

#### C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A tree survey depicting all native trees with a 4 inch diameter breast height (dbh) shall be submitted to ERM for review and approval prior to the submittal of any site plan locating the proposed preserve. The survey shall depict the location of any native trees of specimen size and the location of any listed species found on the site. (DRC: ERM) (Previously Condition C.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. Significant vegetation indicated by the required tree survey shall be incorporated to the greatest extent possible, into the residential site plan design. (DRC: ERM) (Previously Condition C.2 of Resolution R-2000-1237, Petition PDD99-076(A))

#### D. LANDSCAPING - STANDARD

1. Twenty-five percent (25%) of all canopy trees required to be planted in the perimeter buffer 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;

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - 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; and,
    - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition D.1 of Resolution R-2000-1237, Petition PDD99-076(A))
  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;
    - 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 D.2 of Resolution R-2000-1237, Petition PDD99-076(A))
  3. All plant materials shall be planted in a meandering and naturalistic pattern, unless specified as otherwise herein or required by the ULDC. (CO: LANDSCAPE)

#### E. ENGINEERING

1. Condition E.1 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

The Property owner shall construct a left turn lane north approach on Benoist Farms Road at the project's entrance road.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, pavement marking and signing costs.
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby deleted: [REASON: No longer applicable to project]

2. Condition E.2 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

On or before June 1, 2001, 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 Benoist Farms Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement 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.  
(DATE: MONITORING-Eng)

Is hereby deleted: [REASON: No longer applicable to project]

3. The Developer shall plat the subject property in accordance with provisions of the Unified Land Development Code prior to the issuance of a building permit. (BLDG PERMIT: MONITORING-Eng) (Previously Condition E.3 of Resolution R-2000-1237, Petition PDD99-076(A))
4. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS
  - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Belvedere Road Right-of-Way. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards.

The property owner shall also be responsible for supplementing 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 landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

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.4.a of Resolution R-2000-1237, Petition PDD99-076(A))

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 the first certificate of occupancy. (CO: MONITORING - Eng) (Previously Condition E.4.b of Resolution R-2000-1237, Petition PDD99-076(A))
- c. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance 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.4.c of Resolution R-2000-1237, Petition PDD99-076(A))

#### F. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING) (Previously Condition F.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (DRC: ZONING) (Previously Condition F.2 of Resolution R-2000-1237, Petition PDD99-076(A))
3. A landscaped divider median with at grade bicycle and pedestrian cuts shall be provided in the center of the main entryway. The minimum length of this median shall be twenty five (25) feet. A minimum width of eight (8) 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 F.3 of Resolution R-2000-1237, Petition PDD99-076(A))
4. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED**

- 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) (Previously Condition F.4 of Resolution R-2000-1237, Petition PDD99-076(A))

**G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES  
(ABUTTING RESIDENTIAL AND LAKE SUSAN RIGHT-OF-WAY)**

- 1. Condition G.1 of Resolution R-2000-1237, Petition PDD99-076(A)) which currently states:

Landscaping and buffering around the perimeter of the developed portion of the site, along the north (south and inclusive of, the abandoned portion of Lake Susan Road), east, and west property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A minimum two (2) foot high continuous berm measured from top of curb; and,
- c. A six (6) foot high vinyl coated chain link fence or wall, placed on top of the berm. The exterior side of the wall, if used, shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. The eastern 100 feet of the north property line adjacent to the Lake Susan Road entrance, may be exempt from the requirements above to allow pedestrian connection to the north portion of the site. (CO: LANDSCAPE- Planning)

Is hereby amended to read:

Landscaping and buffering around the perimeter of the developed portion of the site, along the north (south and inclusive of, the portion of Lake Susan Road to be abandoned), east, and west property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A minimum two (2) foot high continuous berm measured from top of curb; and
- c. A six (6) foot high vinyl coated chain link fence or wall, placed on top of the berm. The exterior side of the wall, if used, shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE- Zoning)

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED**

2. Condition G.2 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

The following landscaping requirements shall be installed alternating on both sides of the required fence or wall:

- a. One (1) canopy tree planted every twenty-five (25) feet on center;
- 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.

Is hereby amended to read:

The following landscape requirements shall be installed alternating on both sides of the required fence or wall:

- a. One (1) canopy tree planted every twenty-five (25) 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 feet between clusters. (CO: LANDSCAPE)

3. Condition G.3 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Along the interior side of the required fence or wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.

Is hereby amended to read:

Along both sides of the required fence or wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG RETENTION AREA (NORTH PORTION OF SITE)

1. Condition G.4 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Landscaping along the dry retention area shall meet condition G.2. above with an eight (8) foot mulched fitness trail incorporated in the landscape buffer area.

Is hereby amended to read:

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED**

Landscaping along the retention area shall be upgraded to include the following:

- a. A minimum fifteen (15) foot wide right-of-way buffer strip for the north, south and west property lines, and a minimum 7.5 foot wide landscape buffer strip to the east;
- b. One (1) canopy tree planted every twenty-five (25) feet on center;
- c. 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;
- d. 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; and
- e. The portion of the south property line abutting Lake Susan Road may be exempt from this condition if the right-of-way is abandoned and incorporated into the PUD. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO BELVEDERE ROAD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum twenty-five (25) foot wide landscape buffer strip with no reductions or easement encroachment permitted;
  - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;
  - c. A six (6) foot high vinyl coated chain link fence or wall, placed on top of the berm. The exterior side of the wall, if used, shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE-Planning)
2. Condition H.2 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

The following landscaping requirements shall be installed alternating on both sides the required fence or wall:

- a. One (1) canopy tree planted every twenty (20) feet on center;
- 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,

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

- 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.

Is hereby amended to read:

- 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. (CO: LANDSCAPE)
3. Condition H.3 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Along the interior side of the required fence or wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.

Is hereby amended to read:

Along both sides of the required fence or wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

#### J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition I.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition I.2 of Resolution R-2000-1237, Petition PDD99-076(A))

#### K. MASS TRANSIT

1. 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 J.1 of Resolution R-2000-1237, Petition PDD99-076(A))

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

2. 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 a building permit for more than the 33rd unit. 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) (Previously Condition J.2 of Resolution R-2000-1237, Petition PDD99-076(A))

#### L. PLANNED UNIT DEVELOPMENT

1. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning) (Previously Condition K.1 of Resolution R-2000-1237, Petition PDD99-076(A))

2. Condition K.2 of Resolution R-2000-1237, Petition PDD99-076(A)) which currently states:

Prior to final site plan approval by the Development Review Committee, the petitioner shall record the restrictive covenant indicated as a "draft restrictive covenant" in Ordinance 96-59 which addresses landscaping in relation to proposed density. (PLANNING)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee, the petitioner shall record the restrictive covenant indicated as a "draft restrictive covenant" in Ordinance 96-59 that addresses landscaping in relation to proposed density. (PLANNING)

3. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING) (Previously Condition K.3 of Resolution R-2000-1237, Petition PDD99-076(A))
4. Focal points shall remain generally consistent with the June 29, 2000 conceptual site plan. The focal points shall be in the form of plazas, fountains, arcades or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRC: ZONING) (Previously Condition K.4 of Resolution R-2000-1237, Petition PDD99-076(A))
5. A minimum of two (2) designated parking spaces shall be provided per unit. (DRC/CO: ZONING/BLDG) (Previously Condition K.5 of Resolution R-2000-1237, Petition PDD99-076(A))

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

#### M. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the petitioner shall place a notation on the preliminary development plan that labels the eight (8) foot wide mulch fitness trail around the perimeter of the north retention area. (DRC:PLANNING)

#### N. SCHOOL BOARD

1. The property Owner shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models with the following:

##### "NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residence. School Board policies regarding overcrowding, or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previously Condition L.1 of Resolution R-2000-1237, Petition PDD99-076(A))

2. Prior to the issuance of the first Certificate of Occupancy (CO), a school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING – Bldg)

#### O. SECURITY MEASURES

1. Security lighting shall be provided for all stairwells and shall not be extinguished during evening hours. (ONGOING: CODE ENF) (Previously Condition M.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. The manager and caretaker/maintenance person shall reside on site to assure the availability of convenient and continuous maintenance and residential management services. (ONGOING: CODE ENF) (Previously Condition M.2 of Resolution R-2000-1237, Petition PDD99-076(A))

#### P. SIGNS

1. Condition N.1 of Resolution R-2000-1237, Petition PDD99-076(A) which currently states:

Freestanding residential identification signs fronting on Belvedere Road and Benoist Farms Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 80 square feet;

### REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED

- c. Maximum number of signs - one (1) per frontage; and
- d. Style - monument style only. (CO: BLDG)

is hereby amended to read:

The freestanding residential identification fronting on Belvedere Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point – eight (8) feet:
- b. Maximum sign face area per side – eighty (80) square feet;
- c. Maximum number of signs – one (1); and
- d. Style – monument style only. (CO: BLDG)

#### Q. 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 O.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. Condition O.2 of Resolution R-2000-1237, Petition PDD99-076(A) which currently states:

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.

### REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - 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)

Is hereby amended to read:

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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - 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)

Zoning Commission Recommendation: N/A

Robert A. Bentz, agent, submitted a handout containing the following condition modifications:

- Revised condition B.9:

~~The portion of Lake Susan Road adjacent to the development shall be abandoned and included in the Colony Park PUD prior to the first Certificate of Occupancy. This condition shall not apply if the abandonment is denied by the Board of County Commissioners.~~

If the Lake Susan Road ~~The abandoned~~ right-of-way is abandoned, the area may be incorporated into the Preliminary Development Plan and Site Plan at the time of final approval by the DRC, provided the overall density of 8 units per acre is not exceeded and total unit count is not increased. The petitioner must update the petition file by providing a revised legal description and survey to include the additional land area. The processing of this amendment is subject to approval of the Zoning Director. (DRC: ZONING-Survey)

- Revised condition G.1:

Landscaping and buffering around the perimeter of the developed portion of the site, along the north (south ~~and inclusive of, the portion of Lake Susan Road to be abandoned~~), east and west property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A minimum two (2) foot high continuous berm measured from top of curb; and
- c. A six (6) foot vinyl coated chain link fence or wall, placed on top of the berm. The exterior side of the wall, if used, shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO:LANDSCAPE-Zoning)

- Revised condition P.1:

The freestanding residential identification fronting on Belvedere Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area ~~per side - sixty (60)~~ eighty (80) square feet;

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED**

- c. Maximum number of signs - two (2) ~~one (1)~~; and
- d. Style - entrance wall signage ~~monument style~~ only. (CO:BLDG)

Land Development Director Kenneth S. Rogers said that staff had no objection to deleting condition B.9 if the petitioner thought they might want to use the Lake Susan Road right-of-way in the future.

Board discussion focused on the potential abandonment of the Lake Susan Road right-of-way.

**MOTION to adopt a resolution approving the request for a development order amendment to delete an access point and to modify/delete conditions of approval as recommended by staff but without the condition modification requested by the agent for the change in setback. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.**

Mr. Bentz asked Zoning Planner William Cross if he had any objection to modifying condition P.1 as requested. Mr. Cross said staff had no objection.

Board members said items should be discussed and worked out before being put on the agenda.

Mr. Bentz told the board that he was in possession of a letter from the County Engineer's office directing him that before he could go forward with the abandonment, he had to obtain consent from the party objecting to the project. The board informally agreed that the agent should ignore that requirement.

(CLERK'S NOTE: Minutes was provided with a letter from the attorney for Palm Beach Apartments, Ltd., detailing the company's opposition to abandonment of the Lake Susan Road segment. There was no motion to receive and file this letter.)

Commissioner Newell clarified that the motion on the floor included approval of condition P.1 but not of conditions B.9 or G.1.

**AMENDED MOTION to include the chair's clarification. The maker and seconder agreed.**

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

Staff told Commissioner Masilotti that the previous architectural elevations approved for this site, not the new architectural design guidelines, would apply to each building containing 16 units or less. Commissioners Masilotti and Newell objected to barracks-style buildings.

(CLERK'S NOTE: The following condition modification was included in the adopted resolution:)

- Revised condition P.1:

Condition N.1 of Resolution R-2000-1237, Petition PDD99-076(A) which currently states:

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.9. PETITION 99-76(B) RESOLUTION R-2001-1362 - CONTINUED**

Freestanding residential identification signs fronting on Belvedere Road and Benoist Farms Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 80 square feet;
- c. Maximum number of signs - one (1) per frontage; and
- d. Style - monument style only. (CO:BLDG)

is hereby amended to read:

~~Freestanding r~~Residential identification signs fronting on Belvedere Road and Benoist Farms Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - ~~80~~ sixty (60) square feet;
- c. Maximum number of signs - ~~one (1)~~ two (2) per frontage; and
- d. Style - ~~monument style~~ entrance wall signage only. (CO:BLDG)

**3.B.13.**

**a. RESOLUTION R-2001-1363**

RESOLUTION FOR PETITION Z88-72(B) (BP AMOCO) OF SOHIO OIL AND ANN THROGMORTON, BY SARA LOCKHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM AGRICULTURAL RESIDENTIAL (AR) AND GENERAL COMMERCIAL/PLANNED COMMERCIAL DEVELOPMENT (CG/PCD) TO COMMUNITY COMMERCIAL (CC) FOR 0.44 ACRE OF THE 1.58-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HYPOLUXO ROAD AND MILITARY TRAIL. (P.O.P. 320594 AND 320595 [6-25-2001]) ADOPTED 8-23-2001

Staff Recommendation: Adoption of a resolution approving the request for the zoning map amendment.

Zoning Commission Recommendation: Approval as amended.

**b. RESOLUTION R-2001-1364**

RESOLUTION FOR PETITION CA88-72(B) (BP AMOCO) OF SOHIO OIL AND ANN THROGMORTON, BY SARA LOCKHART, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW A CONVENIENCE STORE WITH GASOLINE SALES ON 0.44 ACRE OF THE 1.58-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HYPOLUXO ROAD AND MILITARY TRAIL. (REVOKES R-89-912 AMD R-89-1053) (P.O.P. 320594 AND 320595 [6-25-2001]) ADOPTED WITH CONDITIONS AS AMENDED 8-23-2001

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED

Staff Recommendation: Adoption of a resolution approving the request for the conditional use with the following condition:

#### A. ALL PETITIONS

1. Resolution R-89-912 granting approval of Petition SE1988-072 and Resolution R-89-1053 granting approval of Petition 1988-072A are hereby revoked. (MONITORING)
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 April 25, 2001. 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 building. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines adopted by the Board of County Commissioners on July 24, 2001. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
3. The same architectural character and treatment, including roof treatment, of the shopping center (Hypoluxo Square, Petition 2000-091) shall be provided on all sides of the proposed buildings and gas canopy. If the architectural treatments of Condition B.3 conflicts with Condition B.1, then the more restrictive of the two conditions shall be applied. (BLDG PERMIT: BLDG - Zoning)
4. Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to be consistent with the site plan dated April 25, 2001. (DRC: CONCURRENCY)
5. The proposed convenience store building shall be designed and constructed to be generally consistent with the facade elevations by DTI Design Tech International, Inc. dated August 17, 2001. Deviations form these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All roof or ground 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)

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED

#### D. CONVENIENCE STORE WITH GAS SALES

1. Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 4,224 square feet with an internal 520 square feet restaurant (6 seats), and 8 gas pumps and a 968 sq. ft. accessory car wash. 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)
2. Gas station canopies shall be designed consistent with the following standards:
  - a. twenty-five (25) feet maximum height if a pitched roof, with a minimum slope of 5:12, is used;
  - b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
  - c. lighting for the gas station canopy shall be flush mounted or recessed;
  - d. canopy signage shall be limited to a maximum of one (1) sign per right-of-way frontage with a maximum height of eighteen (18) inches; and,
  - e. colors for the gas canopy façade shall be in the descending order of beige, muted green and white. Frames for the solar panels, underside of the gas canopy and the canopy poles shall be beige, and shall be consistent with the beige color of the retail buildings located in the adjacent Hypoluxo Square (Petition 2000-091). (BLDG PERMIT/CO: BLDG - Zoning)

#### E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Hypoluxo Road and Military Trail 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. Prior to March 1, 2002 the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
  - a) the construction of a right turn lane on Military Trail at the project's entrance road. This right-of-way shall be along the project's east property line and shall be 12 feet in width. 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. 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. (BLDG PERMIT: MONITORING-Eng)

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED

3. Prior to the issuance of a building permit the property owner shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
4. The Property owner shall construct:
  - Right turn lane west approach on Hypoluxo Road at the project's entrance;
  - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
5. LANDSCAPE WITHIN THE MEDIAN OF MILITARY TRAIL AND HYPOLUXO ROAD
  - 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 Military Trail
    - provide cutouts within the concrete traffic separator of Military Trail and Hypoluxo Road adjacent to the site

As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. Landscaping shall at a minimum shall consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Street scape Standards. The property owner shall also be responsible for supplementing 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 Street scape 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)

- B. All required median landscaping, including an irrigation system for the median cutouts shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner=s Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED**

perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' 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. (CO: MONITORING-Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance 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)

F. LANDSCAPING - STANDARD

1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 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 by this approval shall be native booted Sabal palms and 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)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (HYPOLUXO ROAD FRONTAGE)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip; (a maximum of five (5) foot of easement encroachment may be permitted);
  - b. a minimum two (2) foot high continuous berm measured from top of curb;

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

### **3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED**

- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm or pine tree for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
- e. 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. Fifty (50) percent of the shrub or hedge materials shall be planted on plateau of the berm. (CO: LANDSCAPE)

#### **H. LANDSCAPING ALONG THE EAST PROPERTY LINE (MILITARY TRAIL FRONTAGE)**

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a minimum two and half (2.5) foot high continuous berm measured from top of curb;
  - c. one (1) canopy tree planted every thirty (30) feet on center;
  - d. one (1) palm or pine tree for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
  - e. 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. Fifty (50) percent of the shrub or hedge materials shall be planted on plateau of the berm. (CO: LANDSCAPE)

#### **I. LANDSCAPING - INTERIOR**

- 1. Foundation planting or grade level planters shall be provided along the front and side facades of the convenience store to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet for the front facade. The minimum width of the required landscape areas shall be eight (8) feet for the side facades;
  - 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)
- 2. Foundation planting or grade level planters shall be provided along the side facades of the car wash to consist of the following:
  - a. The minimum width of the required landscape areas shall be eight (8) feet along the south of the car wash and five (5) feet along the north side of the car wash;

### **REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

### **3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED**

- b. The length of the required landscaped areas shall be 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)

J. 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 lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

K. LWDD

- 1. Prior to recording of the Plat for the referenced petition, the owner shall convey to the District, by either a warranty deed or an easement, a strip of land whose south line is described as follows: beginning at the southeast corner of Lot 2 as described in the Easement Recorded in ORB 7511 Page 1952, then southeasterly along the projection of the East 206.50 feet of the south line of said easement as described in the aforesaid ORB and Page to the intersection with a line 98 feet south and parallel with the North line of the NW1/4 of Section 12/45/42, thence along a line 98 feet south and parallel to said North line to the west right-of-way line of Military Trail, for the required right-of-way for the L-18 Canal. (PLAT: ENG/LWDD)

L. PARKING

- 1. Overnight parking of any vehicle or trucks shall not be permitted on the site. (ONGOING: CODE ENF)

M. PLANNING

- 1. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the existing or proposed future location of sidewalks along Military Trail and Hypoluxo Road since this site is within two (2) miles of a school. (DRC: PLANNING)
- 2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with Recommendation #37 of the West Boynton Area Community Plan. To address this recommendation, the site plan shall be revised to include a shaded landscaped pathway/sidewalk system, excluding palm trees, along the sidewalks/walkways fronting Military Trail and Hypoluxo Road and on all of the pedestrian pathways that lead to the access road for Hypoluxo Square, Hypoluxo Road, and Military Trail. The applicant shall also submit cross-section details depicting this shaded landscaped pathway/sidewalk system. (DRC: LANDSCAPE-Planning)

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED

#### N. SIGNS

1. Freestanding point of purchase sign located on Military Trail and Hypoluxo Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 80 square feet; and,
  - c. Maximum number of signs - one (1) on each road frontage.  
(CO/BLDG PERMIT: BLDG)
2. Canopy signage shall be limited to the north and east sides of the canopy.  
(CO/BLDG PERMIT: BLDG)
3. Wall signage shall be limited to the east facade of the Convenience store. Lettering size of the wall sign shall be limited to eighteen (18) inches.  
(CO/BLDG PERMIT: BLDG)
4. No advertising 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)

#### O. 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.

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED

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

Zoning Commission Recommendation: Approval as amended.

Ron Kolins, agent, addressed the board about the following conditions:

- Condition D.2.e., specifically, "colors for the gas canopy façade shall be in the descending order of beige, muted green and white...." Mr. Kolins said he had agreed with staff that "beige" needed to be changed to "white." Zoning Director Whiteford said the change was minor and had been "hashed out" by the Zoning Commission.
- Condition E.2, according to which the petitioner is to dedicate right-of-way to the county prior to March 1, 2002, in order to accommodate the shopping center to be built behind the convenience store.
  - Mr. Kolins said it was his understanding from Land Development Director Rogers that if the shopping center for any reason did not go ahead within a reasonable period of time that the petitioner could ask for and receive the right-of-way back from the county because it will not have been needed. Mr. Rogers confirmed the comment, adding that the board would have to make the final determination that the right-of-way had not been necessary.
  - Mr. Kolins mentioned that dedicating the right-of-way would put the petitioner out of conformity with the normal landscape requirements and sought clarification that the petitioner would not be penalized. Mr. Whiteford clarified that the existing gasoline station was on property that had a 15-foot-wide landscape buffer and that dedicating 12 feet of it for the right-of-way left only 3 feet. The agent was concerned, he said, that enforcement action would be taken against the petitioner for not being in conformance with the code. Mr. Whiteford explained that the situation was a temporary one and that the petitioner was in no danger of being in violation.

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED**

- Condition N.3 applied only to wall signage on the east facade of the convenience store. Mr. Kolins said it needed to be written to apply only to the east facade of the gasoline station. He said that he did not think the code limited, nor was the petitioner to be limited, to putting signage on other facades as long as it was consistent with the code. Mr. Whiteford said the condition would be revised to allow the petitioner to have wall signage on the east and north sides of the convenience store and briefly discussed staff's thinking on the matter. Senior Planner Maryann Kwok added that the wall sign on the east face would be limited to 18 inches in height and the logo-type sign on the north facade would be limited to 60 inches in diameter.

A general discussion on the signage ensued. Commissioner Aaronson raised the possibility of changing the code to differentiate between lettered signs and insignia and what could be included in insignia.

**MOTION to adopt a resolution approving the request for a zoning map amendment from AR and CG/PCD to CC. Motion by Commissioner Masilotti and seconded by Commissioner McCarty.**

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

Ms. Kwok noted the following additional amendments to the conditions of approval:

- Delete the second sentence of B.1, delete B.3, and move B.3 [read: B.4] to A.3.
- Revise D.2.a to delete reference to pitched roof and minimum slope and add "from finished grade to the highest point."

**MOTION to adopt a resolution approving the request for a conditional use to allow a convenience store with gasoline sales with condition changes as discussed with the exception of no change to the 18-inch-high lettered sign. Motion by Commissioner Masilotti and seconded by Commissioner Greene.**

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

(CLERK'S NOTE: The adopted resolution contained the following condition modifications:)

- New condition A.3:

Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to be consistent with the site plan dated April 25, 2001. (DRC:CONCURRENCY)

## REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

### 3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED

- Revised condition B.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. ~~The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines adopted by the Board of County Commissioners on July 24, 2001.~~ (BLDG PERMIT:BLDG-Zoning)

- Deleted condition B.3:

~~The same architectural character and treatment, including roof treatment, of the shopping center (Hypoluxo Square, Petition 2000-091) shall be provided on all sides of the proposed buildings and gas canopy. If the architectural treatments of Condition B.3 conflicts with Condition B.1, then the more restrictive of the two conditions shall be applied.~~ (BLDG PERMIT:BLDG-Zoning)

- New condition B.3:

The proposed convenience store building shall be designed and constructed to be generally consistent with the facade elevations by DTI Design Tech International, Inc. dated August 17, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT:BLDG-Zoning)

- Deleted condition B.4:

~~Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to be consistent with the site plan dated April 25, 2001.~~ (DRC:CONCURRENCY)

- Revised condition D.2:

Gas station canopies shall be designed consistent with the following standards:

- a. twenty-five (25) feet maximum height measured from finished grade to the highest point if a pitched roof, with a minimum slope of 5:12, is used;
- b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
- c. lighting for the gas station canopy shall be flush mounted or recessed;
- d. canopy signage shall be limited to a maximum of one (1) sign per right-of-way frontage with a maximum height of eighteen (18) inches; and,
- e. colors for the gas canopy ~~façade fascia~~ shall be in the descending order of beige white, muted green and white. Frames for the solar panels, underside of the gas canopy and the canopy poles shall be beige, and shall be consistent with the beige color of the retail buildings located in the adjacent Hypoluxo Square (Petition 2000-091). (BLDG PERMIT/CO:BLDG-Zoning)

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.B.13.b. PETITION 88-72(B) RESOLUTION R-2001-1364 - CONTINUED**

- Revised condition N.3:

Wall signage shall be limited to the east and north facades of the Convenience store. ~~Lettering size of the wall sign shall be limited to eighteen (18 inches), and shall be limited to the following:~~

a. East façade:

- i. number of wall sign - one (1); and,
- ii. lettering size of the wall sign shall be limited to eighteen (18) inches;

b. North façade:

- i. number of wall sign - one (1);
- ii. style - corporate logo type sign; and,
- iii. maximum size - sixty (60) inches in diameter. (CO/BLDG PERMIT:BLDG)

**3.C.22.**

**PETITION 95-64**

STATUS REPORT SR95-64.3 FOR RESOLUTION R-96-1967 FOR PETITION 95-64 (CORAL LAKES APARTMENTS PUD) OF CORNERSTONE GROUP, PETITIONER (PROPERTY OWNER: CORAL LAKES APARTMENTS, INC.), TO AMEND CONDITIONS OF APPROVAL (TRAFFIC PERFORMANCE STANDARDS) AND APPROVE A TIME EXTENSION UNTIL JULY 6, 2002, TO RECORD A PLAT. THE 17.85-ACRE PROPERTY IS LOCATED APPROXIMATELY 350 FEET NORTH OF SIXTH AVENUE ON THE WEST SIDE OF CONGRESS AVENUE AND IS ZONED PLANNED UNIT DEVELOPMENT (PUD). POSTPONED TO OCTOBER 2, 2001 -- 8-23-2001

Staff Recommendation: Adoption of a resolution to amend the conditions as follows and approval of the time extension as stated.

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. No building permits shall be issued until the contract is let for the construction of Congress Ave from Lake Worth Rd to Melaleuca Ln to a 6-lane divided cross section (scheduled in the latest County 5-Year Road Program for FY 2003) (BLDG PERMIT:MONITORING-Eng)

A question arose regarding disposition of this item earlier in the meeting, specifically, whether it had been postponed for 30 days as part of the consent agenda approval.

**MOTION to POSTPONE the item for 30 days. Motion by Commissioner Masilotti, second by Commissioner McCarty, and carried 6-0. Commissioner Roberts absent.**

**REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED**

**3.C.23.**

**PETITION 96-4**

STATUS REPORT SR96-4 FOR RESOLUTIONS R-96-650 AND R-97-656 FOR PETITION 96-4 (COMMUNITY HOCKEY/LAKE WORTH SELF-STORAGE) OF DOUBLE A INDUSTRIES PROPERTIES INC., PETITIONER (PROPERTY OWNER: FRANCIS T. PANTALEO AND DENISE L. PANTALEO), TO APPROVE A TIME EXTENSION UNTIL JULY 1, 2003, FOR R-96-650 AND R-97-656. THE 17.51-ACRE PROPERTY IS LOCATED WEST OF THE FLORIDA TURNPIKE ON THE NORTH SIDE OF LAKE WORTH ROAD AND IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH REQUESTED USES FOR SELF-SERVICE STORAGE, VEHICLE RENTAL AND OFFICE, BUSINESS OR PROFESSIONAL, AND INDOOR ENTERTAINMENT (ROLLER SKATING/ICE HOCKEY RINK). APPROVED TIME EXTENSION TO JULY 1, 2002 -- 8-23-2001

Staff Recommendation: Approval of the time extension as stated.

In response to a question by Commissioner Masilotti, Principal Planner Linda Monroe explained why the petition was before the board for a two-year time extension. Commissioner Masilotti expressed concern that the petitioner, by failing to complete development, was tying up traffic with the county counting nonexistent trips and widening roads on the basis of those nonexistent trips. Ms. Monroe assured the commissioner that the Traffic Division felt comfortable with the two-year extension but suggested a one-year extension if it would give the commissioner a better comfort level. Commissioner Masilotti said that it would. Commissioner Aaronson agreed.

**MOTION to approve a time extension for one year (July 1, 2002). Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.**

Frank Pantaleo, property owner, said that the delay had been occasioned by his waiting for county notification of when the construction contracts for State Road 7 had been completed. Engineering Assistant Jim Choban responded that the county did not normally so notify property owners and that anyone driving in the area would have observed that the contracts were completed and that if they wanted to, they could move ahead.

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Roberts absent.**

**4.B. PREVIOUSLY POSTPONED CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION**

(CLERK'S NOTE; Items 4.B.32. and 4.B.33. are companion items and were considered together.)

**4.B.32.**

**a. APPLICATION 2000-SCA 78 COM 2**

APPLICATION 2000-SCA 78 COM 2 (MATT'S AUTO) OF MATHIAS R. STEMLINGER, BY KEVIN MCGINLEY, AGENT, FOR A SMALL SCALE LAND USE AMENDMENT (SCA) TO AMEND LAND USE FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH (CH) ON THE 0.56-ACRE PROPERTY LOCATED APPROXIMATELY 0.1 MILE WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF LAKE WORTH ROAD. (P.O.P. 307879 [5-24-2001]) APPROVED 8-23-2001

**REGULAR AGENDA - CONTINUED**

**4.B.32. APPLICATION 2000-SCA 78 COM 2 - CONTINUED**

**b. ORDINANCE 2001-035**

ORDINANCE AMENDING THE 1989 COMPREHENSIVE PLAN, AS AMENDED: ADOPTING SMALL SCALE LAND USE AMENDMENT 2000-SCA 78 COM 2 (MATT'S AUTO); MODIFYING FUTURE LAND USE ATLAS PAGE 78 BY CHANGING A 0.56-ACRE PARCEL OF LAND LOCATED APPROXIMATELY 0.1 MILE WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF LAKE WORTH ROAD FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH (CH). (AMENDS ORDINANCE 89-17) (P.O.P. 307879 [5-24-2001]) ADOPTED 8-23-2001

Staff Recommendation: Approval of the request and adoption of an ordinance affirming that action.

Local Planning Agency Recommendation: Approval.

**4.B.33.**

**a. RESOLUTION R-2001-1365**

RESOLUTION FOR PETITION Z99-16(A) (MATT'S AUTO SERVICE) OF MATHIAS R. STEMLINGER, BY KEVIN MCGINLEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) (RH) AND NEIGHBORHOOD COMMERCIAL (CN) TO GENERAL COMMERCIAL (CG) FOR THE 0.96-ACRE PROPERTY LOCATED APPROXIMATELY 0.1 MILE WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF LAKE WORTH ROAD. (P.O.P. 351509, 351512, AND 352853) ADOPTED 8-23-2001

Staff Recommendation: Adoption of a resolution approving the request for a zoning map amendment.

Zoning Commission Recommendation: Approval as advertised.

**b. RESOLUTION R-2001-1366**

RESOLUTION FOR PETITION CA99-16(A) (MATT'S AUTO SERVICE) OF MATHIAS R. STEMLINGER, BY KEVIN MCGINLEY, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW GENERAL REPAIR AND MAINTENANCE ON THE 0.96-ACRE PROPERTY LOCATED APPROXIMATELY 0.1 MILE WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF LAKE WORTH ROAD. (P.O.P. 351509, 351512, AND 352853) ADOPTED WITH CONDITIONS 8-23-2001

Staff Recommendation: Adoption of a resolution approving the request for a conditional use 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 June 12, 2001. 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)

## REGULAR AGENDA - CONTINUED

### 4.B.33.b. PETITION 99-16(A) RESOLUTION R-2001-1366 - CONTINUED

#### 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 building. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines presented to the Board of County Commissioners on April 24, 2001, as amended. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review and approval. Development shall be consistent with the approved architectural elevations. The architectural elevations shall be consistent with the Lake Worth Road Commercial Corridor Overlay (LWRCC-O) design guidelines. (DRC: BLDG PERMIT - Zoning)

#### C. BUILDING AND SITE DESIGN

1. Bay doors shall be limited to the location and orientation as shown on the site plan is dated June 12, 2001. (BLDG PERMIT: BLDG - Zoning)

#### D. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO LAKE WORTH ROAD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip which may incorporate the proposed outdoor pedestrian plaza;
  - 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 per twenty-five (25) linear feet of frontage feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, 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)

#### E. ENGINEERING

1. Prior to issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING- Eng)
2. LANDSCAPING WITHIN THE MEDIAN OF LAKE WORTH ROAD
  - 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:

## REGULAR AGENDA - CONTINUED

### 4.B.33.b. PETITION 99-16(A) RESOLUTION R-2001-1366 - CONTINUED

- landscape the adjacent median of Lake Worth Road Right-of-Ways
- provide landscape cutouts within the existing adjacent concrete traffic separators

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 latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system for the concrete median cutouts, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner=s Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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' 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. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner=s documents or other restrictive covenant documents, evidencing the maintenance 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)

## REGULAR AGENDA - CONTINUED

### 4.B.33.b. PETITION 99-16(A) RESOLUTION R-2001-1366 - CONTINUED

#### F. 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 or 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 ENF)
3. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

#### G. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) as indicated on the site plan dated June 12, 2001. These decorative pedestrian pathway areas are to be constructed of decorative brick pavers to clearly indicate that the pathway is intended for pedestrians and shall be located at specified locations as shown on the site plan dated June 12, 2001. (DRC: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the Lake Worth Road Corridor Study Area incorporated onto the site plan dated June 12, 2001. (DRC: PLANNING)
3. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the western property line at the location shown on the site plan which reads "future cross-connection pave to property line." (CO: MONITORING-BUILDING-Planning)

#### H. SIGNS

1. Freestanding point of purchase sign on Lake Worth Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point seven (7) 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)
2. Wall signs shall be limited to north facade of the retail/repair building and shall be limited to eighteen (18) inches high. (CO: BLDG)

#### I. USE LIMITATIONS

1. No general repair allowed on Sundays. (ONGOING: CODE ENF - Zoning)

## REGULAR AGENDA - CONTINUED

### 4.B.33.b. PETITION 99-16(A) RESOLUTION R-2001-1366 - CONTINUED

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the buildings. (ONGOING: CODE ENF - Zoning)
3. The southern building shall limited to an accessory office and inventory storage only. (ONGOING: CODE ENF)
4. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
5. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning)

#### J. 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

**REGULAR AGENDA - CONTINUED**

**4.B.33.b. PETITION 99-16(A) RESOLUTION R-2001-1366 - 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)

Zoning Commission Recommendation: Approval as advertised.

Planner Matthew Zern gave a presentation on the proposed amendment to the Comprehensive Plan. He noted that staff had received a telephone call of support from Mike Savage of the Lake Worth Road Merchants Association.

Planner Flinchum spoke on the proposed zoning map amendment and conditional use. At time of publication, staff had received no letters, he said.

(CLERK'S NOTE: Commissioners Greene and Masilotti left the meeting.)

PUBLIC COMMENT: None

**MOTION to adopt an ordinance approving a future land use change from HR-8 to CH. Motion by Commissioner McCarty, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Greene, Masilotti, and Roberts absent.**

**MOTION to adopt a resolution approving a zoning map amendment from RH and CN to CG. Motion by Commissioner McCarty, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Greene, Masilotti, and Roberts absent.**

(CLERK'S NOTE: Commissioner Greene rejoined the meeting.)

**MOTION to adopt a resolution approving a conditional use to allow general repair and maintenance. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 5-0. Commissioners Masilotti and Roberts absent.**

**5. DIRECTOR COMMENTS**

**5.A. ZONING DIRECTOR**

**5.A.34.**

DATE OF SEPTEMBER 2001 ZONING MEETING. DISCUSSED 8-23-2001

(CLERK'S NOTE: See page 3 for earlier discussion concerning the September 2001 zoning meeting.)

Zoning Director Whiteford confirmed that the date of the September zoning meeting would be October 2, 2001, the date of the BCC Regular meeting.

No backup provided.

**5.B. PLANNING DIRECTOR - None**

6. **COMMISSIONER COMMENTS - None**

7. **ADJOURNMENT**

**The chair declared the meeting adjourned at 10:45 a.m.**

ATTESTED:

APPROVED:

Clerk

Chair