

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 November 30, 2000, at 9:37 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 - Arrived later
Vice-Chair Carol A. Roberts - Absent
Commissioner Burt Aaronson
Commissioner Addie Greene
Commissioner Mary McCarty
Commissioner Karen T. Marcus
Commissioner Tony Masilotti
Assistant County Attorney Barbara Alterman
Deputy Clerk Joan Haverly

1.B.1. INVOCATION - Commissioner McCarty

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 November 30, 2000, 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 11-30-2000

MOTION to receive and file Proofs of Publication for November 30, 2000: 746045 and 746046; and for November 30, 2000, and January 4, 2001: 746044 and 775214. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Newell and Roberts absent.

(CLERK'S NOTE: The following Proofs of Publication were approved for receipt and file in earlier meetings: 665705 and 665706 [6-29-2000]; 681076, 681077, and 926900 [7-27-2000]; 681382 [6-29-2000]; 728613 and 728614 [9-28-2000]; and 747078 and 747079 [10-26-2000]. These public hearings were continued to today's meeting.)

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.F. ADOPTION OF AGENDA

Commissioner Marcus asked for the amendments to the agenda. In response, Zoning Director William C. Whiteford asked that the agenda be adopted and that any amendments be taken up later.

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

1.F.1. AMENDMENTS TO THE AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
6	3.C.12.	Petition DOA84-152(H) - Boca Synagogue: Amended conditions.
7	3.C.13.	Petition DOA74-126(D) - Gun Club Center: Amended conditions.

1.G. DISCLOSURE - This was done at the individual items.

1.H. UNSCHEDULED ITEMS - See Item 5.A.37.1., page 78.

2. POSTPONEMENTS AND WITHDRAWALS - See pages 2-5.

3. CONSENT AGENDA - See 5-63.

4. REGULAR AGENDA - See pages 63-75.

TIME CERTAIN 11:00 A.M. (Item 4.C.33.) - See pages 74-75.

5. DIRECTOR COMMENTS

ZONING DIRECTOR COMMENTS - See pages 75-78.

PLANNING DIRECTOR COMMENTS - See pages 78-80.

6. COMMISSION COMMENTS - None

7. ADJOURNMENT - See page 80.

Zoning Director Whiteford introduced several staff members to Commissioner Greene.

The board joined Commissioner Marcus in welcoming back from surgery Principal Planner David Flinchum.

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

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. PETITION 2000-011

PETITION PDD2000-011 (ABLE'S SELF-SERVICE STORAGE FACILITY) OF PAUL MELOCHE AND MARJORIE MELOCHE, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AR-AGRICULTURAL RESIDENTIAL TO MUPD-MULTIPLE USE PLANNED DEVELOPMENT WITH A SELF-SERVICE STORAGE FACILITY AS A

REQUESTED USE ON THE 8.05-ACRE PROPERTY LOCATED APPROXIMATELY 3,500 FEET WEST OF MILITARY TRAIL ON THE NORTH SIDE OF LANTANA ROAD. (P.O.P. 728613 AND 728614 [9-28-2000]) POSTPONED TO JANUARY 4, 2001--11-30-2000

Staff Recommendation: Postponement until January 4, 2001. Administrative postponement by staff.

No backup provided.

POSTPONEMENTS - CONTINUED

2.A.2.

PETITION 96-62

PETITION Z/DOA96-62(B) OF AMERICAN HERITAGE SCHOOL OF BOCA DELRAY, INC., AND WILLIAM R. LAURIE, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM AR-AGRICULTURAL RESIDENTIAL TO RS-SINGLE-FAMILY RESIDENTIAL AND A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD LAND AREA, ADD STUDENTS, RECONFIGURE THE SITE PLAN, AND MODIFY/DELETE CONDITIONS OF APPROVAL IN RESOLUTION R-97-1569 FOR 6.59 ACRES OF THE 40.31-ACRE PROPERTY LOCATED APPROXIMATELY 1,300 FEET EAST OF JOG ROAD ON THE SOUTH SIDE OF LINTON BOULEVARD. (P.O.P. 681076, 681077, AND 926900 [7-27-2000]) POSTPONED TO JANUARY 25, 2001--11-30-2000

Staff Recommendation: Postponement until January 4, 2001. Postponement requested by petitioner; staff has no objection.

(CLERK'S NOTE: See page 4 for discussion of date change.)

2.A.3.

PETITION 89-95

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

Staff Recommendation: Postponement until January 4, 2001. Postponement by Zoning Commission.

No backup provided.

2.A.4.

PETITION 2000-039

PETITION PDD2000-039 (TOWN COMMONS MUPD 1) OF HALVERSON DEVELOPMENT, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AR-AGRICULTURAL RESIDENTIAL TO MUPD-MULTIPLE USE PLANNED UNIT DEVELOPMENT (MUPD) WITH A FINANCIAL INSTITUTION AND A FAST FOOD RESTAURANT AS REQUESTED USES ON THE 19.5-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LYONS ROAD AND HYPOLUXO ROAD. (P.O.P. 747078 AND 747079 [10-26-2000]) POSTPONED TO JANUARY 25, 2001--11-30-2000

Staff Recommendation: Postponement until January 25, 2001. Postponement requested by petitioner; staff has no objection.

2.A.5.

PETITION 98-73

PETITION Z/CA98-73(2) (KAHLERT SELF-SERVICE STORAGE FACILITY) OF HERBERT KAHLERT AND KARL KAHLERT, BY KILDAY & ASSOCIATES, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM AGRICULTURAL RESIDENTIAL TO IL-LIGHT INDUSTRIAL AND A CLASS A CONDITIONAL USE (CA) TO ALLOW TRUCK RENTALS ON THE 4.85-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HAGEN RANCH ROAD AND BOYNTON BEACH BOULEVARD. (P.O.P. 746045 AND 746046) POSTPONED TO JANUARY 25, 2001--11-30-2000

Staff Recommendation: Postponement until January 25, 2001. Postponement requested by petitioner, by right; no motion required.

POSTPONEMENTS - CONTINUED

3.D.20.

PETITION 89-106

STATUS REPORT SR89-106.3 FOR RESOLUTIONS R-90-587 AND R-90-588 FOR PETITION 89-106 (NORTHWOODS PCD) OF FLOYD A. SCHLOSSBERG, PETITIONER AND PROPERTY OWNER, TO: (A) APPROVE A TIME EXTENSION UNTIL AUGUST 21, 2002, FOR PHASE 2 OF THE ABOVE TWO RESOLUTIONS; (2) DIRECT THE CODE ENFORCEMENT DIVISION TO CITE THE PROPERTY OWNER FOR FAILURE TO COMPLY WITH CONDITION 13 OF R-90-588; AND (3) ADOPT A RESOLUTION APPROVING A DEVELOPMENT ORDER AMENDMENT (DOA) TO AMEND CONDITIONS OF APPROVAL (SQUARE FOOTAGE). THE 3.4-ACRE PROPERTY IS LOCATED ON THE NORTH SIDE OF FOREST HILL BOULEVARD APPROXIMATELY 110 FEET WEST OF DAVIS ROAD AND IS ZONED CG-GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT. POSTPONED TO JANUARY 4, 2001--11-30-2000

Revised Staff Recommendation: Postponement until January 4, 2001.

(CLERK'S NOTE: Item 3.D.23. was added later. See page 5.)

3.D.23.

PETITION 95-46

STATUS REPORT SR95-46.2 FOR RESOLUTION R-95-1321.4 FOR PETITION 95-46 (VAN TINE PLACE) OF GARY ROSEKOWSKI, PETITIONER (RAY E. VAN TINE, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL SEPTEMBER 28, 2002. THE 4.3-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.5 MILE WEST OF CONGRESS AVENUE ON THE NORTH SIDE OF 6TH AVENUE SOUTH (MELALEUCA LANE) AND IS ZONED RM-MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) WITH A VOLUNTARY DENSITY BONUS OF 17 UNITS. APPROVED 11-30-2000

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

4.E.35.

PETITION 75-151

PETITION DOA75-151(C) (DELRAY VILLAS CIVIC SITE) OF LANDCO INC., BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO ALLOW A TYPE 3 CONGREGATE LIVING FACILITY AND AN ADULT DAYCARE ON THE 5.63-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF VIA FLORA AND LAKE IDA ROAD. (P.O.P. 746045 AND 746046) POSTPONED TO JANUARY 4, 2001--11-30-2000

Revised Staff Recommendation: Postponement until January 4, 2001.

Principal Planner Flinchum informed the board that staff had received two postponement requests this morning: (1) **Item 3.D.20.** (Petition 89-106) until January 4, 2001; and (2) **Item 4.E.35.** (Petition DOA75-151[C]) until January 4, 2001.

Commissioner Aaronson announced he would not be present at the January 4 meeting. He said that he planned to meet with the parties to Item 4.E.35. and that it would either be scheduled on the January 4 consent agenda or be postponed at the January 4 meeting. As for **Item 2.A.2.**, he asked that it be postponed until January 25.

Robert A. Bentz, agent for Item 4.E.35., acknowledged the possibility of postponement in the event of non-resolution of issues.

POSTPONEMENTS - CONTINUED

MOTION to POSTPONE Items 2.A.1., 2.A.2., 2.A.3., 2.A.4., 2.A.5., 3.D.20., and 4.E.35. to the dates indicated. Motion by Commissioner Marcus and seconded by Commissioner Aaronson.

At this time, Principal Planner Linda Monroe told the board that she had received a postponement request for **Item 3.D.23.** until January 4, 2000.

PUBLIC COMMENT: NONE

AMENDED MOTION to POSTPONE Item 3.D.23. to the date indicated. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Roberts absent.

2.B. WITHDRAWALS

2.B.6. PETITION 86-17

PETITION DOA86-17(A) (7-ELEVEN #26779) OF SOUTHLAND CORPORATION, BY CLAUDIA GILL, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO RECONFIGURE THE SITE PLAN AND ADD PUMPS FOR THE 0.88-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SUMMIT BOULEVARD AND CONGRESS AVENUE. (P.O.P. 728613 AND 728614 [9-28-2000]) WITHDRAWN 11-30-2000

Staff Recommendation: Withdrawn by petitioner. No motion required.

3. CONSENT AGENDA

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

3.B. REMAND

3.B.7. PETITION 2000-052

PETITION PDD/TDR2000-052 (VALENCIA IV PUD) OF GL HOMES OF FLORIDA II CORPORATION, BY KILDAY & ASSOCIATES, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AR-AGRICULTURAL RESIDENTIAL TO PUD-PLANNED UNIT DEVELOPMENT AND FOR A TRANSFER OF DEVELOPMENT RIGHTS (TDR) FOR 327 UNITS AND DESIGNATION OF PDD2000-052 AS THE RECEIVING AREA FOR THE 454.08-ACRE PROPERTY LOCATED APPROXIMATELY TWO MILES SOUTH OF LANTANA ROAD ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441) AND WEST SIDE OF THE FLORIDA TURNPIKE. (P.O.P. 728613 AND 728614 [9-28-2000]) REMAND TO NOVEMBER 20, 2000, DEVELOPMENT REVIEW COMMITTEE--11-30-2000

Staff Recommendation: Remand to November 20, 2000, Development Review Committee.

3.C. ZONING PETITIONS

3.C.8. RESOLUTION R-2000-1942

RESOLUTION FOR PETITION Z2000-067 (PARADISE POINT ESTATES) OF ROBERT GOMEZ, BY DON HEARING, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM RS-SINGLE-FAMILY RESIDENTIAL TO RTS-RESIDENTIAL TRANSITIONAL SUBURBAN FOR THE 4.23-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF DONALD ROSS ROAD AND PARADISE POINT ROAD. (P.O.P. 746045) APPROVED WITH VOLUNTARY COMMITMENTS 11-30-2000

CONSENT AGENDA - CONTINUED

3.C.8. PETITION 2000-067 RESOLUTION R-2000-1942 - CONTINUED

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

A. 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 voluntary commitments for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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

There are no conditions B, C or D. The letter "E" is reserved for any Engineering Department conditions.

CONSENT AGENDA - CONTINUED

3.C.8. PETITION 2000-067 RESOLUTION R-2000-1942 - CONTINUED

E. ENGINEERING

1. Prior to the 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)

3.C.9.

PETITION 98-89

PETITION DOA98-89(A) (CHS PROPERTIES MUPD) OF CHS PROPERTIES, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO DELETE LAND AREA (11.96 ACRES) AND MODIFY/DELETE CONDITIONS OF APPROVAL OF RESOLUTION R-99-1147 CONCERNING THE REMAINING 39.51 ACRES LOCATED AT THE SOUTHEAST CORNER OF SOUTHERN BOULEVARD AND CONGRESS AVENUE. (P.O.P. 746044 AND 775214 [11-30-2000 AND 1-04-2001]) APPROVED ON FIRST HEARING, WITH CONDITIONS AS AMENDED, AND APPROVED CONVENTION OF SECOND PUBLIC HEARING ON JANUARY 4, 2001--11-30-2000

Staff Recommendation: Approval on first hearing, with conditions, and approval of convention of second public hearing on January 4, 2001. The following conditions apply:

A. ALL PETITIONS

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

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

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-1147 (Petition 98-089), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-99-1147, Petition PDD98-089 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development and regulating plans are dated March 22, 1999 and conceptual site plan is dated March 22, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated August 24, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings located in the MUPD. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.1 of Resolution R-99-1147, Petition PDD98-089)
2. The exterior elevations of all buildings shall include the following:
 - a. Varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet;
 - b. Varied building materials and textures;
 - c. Varied building colors by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
 - d. Combination architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
 - e. Integrated design of gutters and downspouts into the architectural design of the building; and,
 - f. All building entries shall be easily identifiable and integrated into the building's architecture. (BLDG PERMIT: ZONING/BLDG) (Previously Condition B.2 of Resolution R-99-1147, Petition PDD98-089)
3. All exterior base colors are limited to earthtones, pastels, or neutrals (whites and grays). No primary colors shall be used as a base color. (BLDG PERMIT: ZONING/BLDG) (Previously Condition B.3 of Resolution R-99-1147, Petition PDD98-089)

C. CONVENIENCE STORE W/GAS SALES

1. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF) (Previously Condition C.1 of Resolution R-99-1147, Petition PDD98-089)

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

2. The convenience store building and accessory gas station canopy shall be limited to a maximum of twenty-five (25) feet in height, including air conditioning and mechanical equipment and satellite dishes, measured from finished grade to the highest point. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy or attached lighting fixtures. (BLDG PERMIT/CO: BLDG/ZONING/BLDG - Zoning) (Previously Condition C.2 of Resolution R-99-1147, Petition PDD98-089)
3. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF) (Previously Condition C.3 of Resolution R-99-1147, Petition PDD98-089)

D. BUILDING AND SITE DESIGN

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

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

Is hereby amended to read:

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

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

E. ENGINEERING

1. Prior to September 1, 1999 this property owner shall fund the following intersections improvements at the intersection of Congress Avenue and the newly aligned Gun Club Road:
 - a. left turn lane, east approach
 - b. right turn lane, east approach (DATE: MONITORING - Eng) (Previously Condition E.1 of Resolution R-99-1147, Petition PDD98-089)
2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for:

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

- a) Ranch House Road 80 feet north of the existing south right of way line from Congress Avenue to the existing day care. (COMPLETE)
- b) Farmdale Road a total of 50 feet right of way.
- c) East Grace Drive as an 80/50 foot right of way as shown of the site plan dated 1/28/99 prepared by Kilday and Associates.

This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.2 of Resolution R-99-1147, Petition PDD98-089)

- 3. Prior to the issuance of a Building Permit, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Ranch House Road along the property frontage. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways 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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.3 of Resolution R-99-1147, Petition PDD98-089)
- 4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 2125 trips per day shall not be issued until a contract has been let for the construction of Australian Avenue as a 6 lane facility from Congress Avenue to Southern Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.4.a of Resolution R-99-1147, Petition PDD98-089) [COMPLETE]

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

- b) Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (DRC: ENG) (Previously Condition E.4.b of Resolution R-99-1147, Petition PDD98-089) [COMPLETE]

5. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Australian Avenue Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.5.A of Resolution R-99-1147, Petition PDD98-089)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. If Certificates of Occupancy are requested prior to the final construction of the Australian Avenue Flyover then appropriate surety shall be posted for the landscape planting acceptable to the County Engineer. Landscape plantings shall then be completed within 90 notice to the property owner that the construction of the Australian Avenue flyover is completed. (CO: MONITORING - Eng) (Previously Condition E.5.B of Resolution R-99-1147, Petition PDD98-089)

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.5.C of Resolution R-99-1147, Petition PDD98-089)
 - 6. The property owner shall participate in a Road Closure Public Hearing for any/all internal roads within or adjacent to the site. The site plan shall be modified to reflect Board of County Commissioners approved road closures affecting this site no later than October 1, 1999. Road closure improvements required by the Board of County Commissioners including but not limited to cul-de-sac, barricades, or guard rails, for Farmdale Road and/or Homewood Road adjacent to the site shall be funded by the petitioner. (DATE: ENG) (Previously Condition E.6 of Resolution R-99-1147, Petition PDD98-089)
 - 7. Any road closure improvements if approved by the Board of County Commissioners shall be completed prior to January 1, 2000 or prior to the issuance of the first building permit whichever shall first occur. (BLDG PERMIT/DATE: ENG) (Previously Condition E.7 of Resolution R-99-1147, Petition PDD98-089)
 - 8. During the construction phase of the project, there shall be no construction traffic permitted onto Ohio Road. (ONGOING: CODE ENF) (Previously Condition E.8 of Resolution R-99-1147, Petition PDD98-089)
 - 9. After the construction has been completed, there shall be no access onto Ohio Road from the site. (ONGOING: CODE ENF) (Previously Condition E.9 of Resolution R-99-1147, Petition PDD98-089)
- F. DEPARTMENT OF AIRPORTS
- 1. All construction on the site shall be pursuant to Article 18 (Airport Zoning Regulations) of the ULDC. (DRC/BLDG PERMIT: ZONING/BLDG - DOA) (Previously Condition F.1 of Resolution R-99-1147, Petition PDD98-089)
 - 2. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall provide a aviation easement covering the entire property which is satisfactory to the Department of Airports and the County Attorney. (DRC: ZONING - DOA/Co Atty) (Previously Condition F.2 of Resolution R-99-1147, Petition PDD98-089)
- G. ENVIRONMENTAL RESOURCES MANAGEMENT
- 1. Condition G.1 of Resolution R-99-1147, Petition PDD98-089 which currently states:
 - A tree survey of existing native specimen sized trees for Pods B, C, and D shall be completed and submitted to ERM prior to DRC site plan submittal.
- Is hereby amended to read:

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

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

H. LANDSCAPING - STANDARD

1. All canopy trees required to be planted within the right-of-way buffers by this approval shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition H.1 of Resolution R-99-1147, Petition PDD98-089)
2. All palms required to be planted by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: Twelve (12) feet clear trunk;
 - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition H.2 of Resolution R-99-1147, Petition PDD98-089)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previously Condition H.3 of Resolution R-99-1147, Petition PDD98-089)
4. The property owner shall maintain all landscaping within the MUPD in accordance with the Board of County Commissioners' conditions of approval and the ULDC. (ONGOING: CODE ENF) (Previously Condition H.4 of Resolution R-99-1147, Petition PDD98-089)

I. LANDSCAPING - INTERIOR

1. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING) (Previously Condition I.1 of Resolution R-99-1147, Petition PDD98-089)

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

2. Foundation planting or grade level planters shall be provided along all facades of all structures and 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 facade of the structure. Bay door lengths may be excluded from the total length calculation of the facades, and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE) (Previously Condition I.2 of Resolution R-99-1147, Petition PDD98-089)

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

1. Landscaping and buffering along the north/west property line (Congress Avenue and Australian Avenue frontages) up to the south side of the MUPD entrance onto Australian Avenue and along the 244' portion of the south property line (Ranch House Road frontage west of the daycare) shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet, measured from top of curb;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters. and,
 - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE) (Previously Condition J.1 of Resolution R-99-1147, Petition PDD98-089)
2. Condition J.2 of Resolution R-99-1147, Petition PDD98-089 which currently states:

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

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

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

- b. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of fifty (50) feet between clusters. and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

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

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

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

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

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

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

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

Is hereby amended to read:

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

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

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters. and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previously Condition J.4 of Resolution R-99-1147, Petition PDD98-089)

K. LANDSCAPING ALONG ALL OTHER PERIMETER PROPERTY LINES

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

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

L. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Building Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition L.1 of Resolution R-99-1147, Petition PDD98-089)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition L.2 of Resolution R-99-1147, Petition PDD98-089)
3. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding the lighting for the convenience store with gas sales and security lighting only. (ONGOING: CODE ENF) (Previously Condition L.3 of Resolution R-99-1147, Petition PDD98-089)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF) (Previously Condition L.4 of Resolution R-99-1147, Petition PDD98-089)
5. Lighting for the gas station canopy shall be flush mounted or recessed. (BLDG PERMIT: BLDG - Zoning) (Previously Condition L.5 of Resolution R-99-1147, Petition PDD98-089)
6. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition L.1 above. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition L.6 of Resolution R-99-1147, Petition PDD98-089)

M. MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previously Condition M.1.A of Resolution R-99-1147, Petition PDD98-089)
- B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: BLDG - Eng) (Previously Condition M.1.B of Resolution R-99-1147, Petition PDD98-089)

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

N. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previously Condition N.1 of Resolution R-99-1147, Petition PDD98-089)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previously Condition N.2 of Resolution R-99-1147, Petition PDD98-089)

O. PARKING

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

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

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

P. SIGNS

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

Freestanding sign on Australian Avenue shall be limited as follows:

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

Is hereby amended to read:

Freestanding sign on Australian Avenue shall be limited as follows:

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

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

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

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

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

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

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

Q. USE LIMITATION

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

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

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

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

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

Is hereby amended to read:

- 1. Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated ~~March 22, 1999~~ August 24, 2000:
 - a. Pod A, Phase 1 - Convenience store with gas sales (3,400 sq. ft. w/ 8 fueling positions maximum);
 - b. Pod B, Phase 2 - Professional office use (21,850 sq. ft. maximum) and other general land uses pursuant to Table 6.8-2, Section 6.4.D of the ULDC subject to approval by the Traffic Division;
 - c. Pod C, Phase 3 - Warehouse use (142,897 sq. ft. maximum);
 - d. The general location of all retention and detention areas shall remain as indicated. Minor reconfiguration may be permitted to comply with applicable Palm Beach County and SFWMD permits; and,
 - e. A maximum 1,000 sq. ft. increase above the 168,147 sq. ft. total gross floor area shall be permitted subject to approval by the Traffic Division. (DRC: ZONING)
- 2. Hours of operation for all uses, including deliveries and stocking activities, shall be limited from 6:00 a.m. to 11:00 p.m. daily. The convenience store with gas sales use shall be excluded from this limitation. (ONGOING: CODE ENF - Zoning) (Previously Condition Q.2 of Resolution R-99-1147, Petition PDD98-089)
- 3. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the final site plan approved by the Development Review Committee. (ONGOING: CODE ENF) (Previously Condition Q.3 of Resolution R-99-1147, Petition PDD98-089)
- 4. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previously Condition Q.4 of Resolution R-99-1147, Petition PDD98-089)

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

5. The following uses shall be prohibited within the MUPD:
 - a. Broadcasting studio
 - b. Retail sales, mobile temporary or transient
 - c. Grain milling or processing
 - d. Amusements, temporary or special event
 - e. Air curtain incinerator
 - f. Chipping and mulching
 - g. Composting facility
 - h. Recycling facilities (i.e. recycling center, recycling collection station, recycling drop-off bin, and recycling plant. (ONGOING: ZONING/CODE ENF) (Previously Condition Q.5 of Resolution R-99-1147, Petition PDD98-089)

R. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previously Condition R.1 of Resolution R-99-1147, Petition PDD98-089)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition R.2 of Resolution R-99-1147, Petition PDD98-08

Principal Planner Flinchum said that Engineering staff wanted to change a condition and bring the resolution back on January 4, 2001, in order to reflect what was resolved with Trump Golf Course. Engineering Assistant Choban explained that the property owner wished to fund the median landscaping and add it into the Trump Golf Course.

(CLERK'S NOTE: Following the meeting, Minutes Department received an amended Condition E.5.a from Mr. Choban.)

- Earlier Condition E.5.a:

~~Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Australian Avenue Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.5.A of Resolution R-99-1147, Petition PDD98-089)~~

CONSENT AGENDA - CONTINUED

3.C.9. PETITION 98-89(A) - CONTINUED

- Replacement Condition E.5.a:

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

3.C.10.

PETITION 2000-056

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

Staff Recommendation: Approval on first hearing, with voluntary commitments, and approval of convention of second public hearing on January 4, 2001. The following voluntary commitments apply:

There are no Voluntary Commitments from the Engineering Department.

A. ALL PETITIONS

1. Development of the site is limited to the use as approved by the Board of County Commissioners. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. SIGN

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

CONSENT AGENDA - CONTINUED

3.C.10. PETITION 2000-056 - CONTINUED

C. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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

CONSENT AGENDA - CONTINUED

3.C.11.

RESOLUTION R-2000-1943

RESOLUTION FOR PETITION CA2000-050 (HANDS ON LEARNING CENTER) OF MICHAEL CHRISTIAN, BY ROBERT E. BASEHART, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW A PRIVATE SCHOOL ON THE 2.77-ACRE PROPERTY LOCATED APPROXIMATELY 500 FEET WEST OF GRAPEVIEW BOULEVARD ON THE NORTH SIDE OF NORTHLAKE BOULEVARD. (P.O.P. 746045 AND 746046) ADOPTED WITH CONDITIONS AS AMENDED 11-30-2000

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 October 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. (ONGOING: ZONING)
2. Prior to final DRC approval, the petitioner shall revise the data on the site plan to revise the maximum number of children to eighty-five (85). (DRC: ZONING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final site plan certification by the Development Review Committee (DRC), (Per Policy 1.3-i of the Future Land Use Element) the petitioner shall submit to the Planning Division and the Zoning Division architectural elevations depicting a design compatible with the rural character of the area. Development shall be consistent with the approved architectural elevations and shall include the following:
 - a. Porch with railings on the 60% (minimum) of the north, south and east facades;
 - b. Exterior building finishes of finished wood or cement based fiberglass wood textured products with a wood appearance, vertical board and batten, or split face masonry block on 80% of the south, east and west facades;
 - c. Dimensional shingles for the roof. (DRC: PLANNING: BLDG PERMIT - Zoning)
3. The proposed building shall be designed and constructed to be consistent with the facade elevations by Weyant Engineering, Civil & Structural Engineers dated October 26, 2000. In addition, the following shall be required:
 - a. Additional railings shall be provided along the north and east facades in accordance to Condition B.2. (DRC: PLANNING: BLDG PERMIT - Zoning)

CONSENT AGENDA - CONTINUED

3.C.11. PETITION 2000-050 RESOLUTION R-2000-1943 - CONTINUED

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 4,872 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)
2. 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)
3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes 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. (CO: BLDG - Zoning)

D. SCHOOL

1. The school facility shall be limited to a maximum capacity of 85 children. (ONGOING: HEALTH)
2. Hours of operation for the facility shall be limited from 6:30 a.m. to 6:00 p.m. Monday to Saturday. (ONGOING: CODE ENF- Zoning)
3. The outdoor play area shall not be used for activities after 6:00 p.m. or before 8:00 a.m. Monday to Saturday. (ONGOING: CODE ENF- Zoning)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Northlake Boulevard 70 feet from centerline plus a separate 50 feet of parkway easement adjacent to the additional Northlake Boulevard Right of Way. This additional right of way and landscape easement shall be conveyed prior to the issuance of the first Building Permit or prior to June 1, 2001 whichever shall first occur. Right of way conveyances 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/PLANNING -Eng)
2. Prior to the 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)
3. The Property owner shall construct at the projects entrance and Northlake Boulevard a Left turn lane west approach.

CONSENT AGENDA - CONTINUED

3.C.11. PETITION 2000-050 RESOLUTION R-2000-1943 - CONTINUED

- 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)

F. HEALTH

- 1. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Department, in accordance with Rule 64E-13FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)
- 2. Application and engineering plans to construct a non-transient non-community water supply system in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
- 3. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-1 must be submitted to the Palm Beach County Health Department prior to the final site plan approval. (DRC: HEALTH)
- 4. No food service or processing will be allowed on this site when an OSTDS is required. (ONGOING: HEALTH/CODE ENF)

G. LANDSCAPING - STANDARD

- 1. Fifty percent (50%) of the canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: six (6) 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 3.0 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

CONSENT AGENDA - CONTINUED

3.C.11. PETITION 2000-050 RESOLUTION R-2000-1943 - CONTINUED

- H. LANDSCAPING AND BUFFERING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)
1. Landscaping and buffering along the north property line:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. Reductions of the width of the buffer may be permitted pursuant to the ULDC;
 - b. one (1) native canopy tree planted every twenty (20) feet on center;
 - c. one (1) pine for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
 - d. a minimum of one native shrub for every fifty (50) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
 - e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)
- I. LANDSCAPING AND BUFFERING ALONG THE EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)
1. Landscaping and buffering along the east and west property lines:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reductions shall be permitted;
 - b. one (1) native canopy tree planted every twenty (20) feet on center;
 - c. one (1) pine for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
 - d. a minimum of one native shrub for every fifty (50) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
 - e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)
- J. LANDSCAPING AND BUFFERING ALONG THE SOUTH PROPERTY LINE (NORTH LAKE BOULEVARD FRONTAGE)
1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifty (50) foot wide landscape buffer strip. This buffer strip shall be dedicated to the Palm Beach County as a Parkway Easement in accordance to Engineering Condition E.1;
 - b. the north twenty (20) foot wide of the Parkway Easement shall be landscaped to the following:
 - c. one (1) native canopy tree planted every thirty (30) feet on center;
 - d. one (1) additional pine tree for each fifty (50) linear feet of frontage;

CONSENT AGENDA - CONTINUED

3.C.11. PETITION 2000-050 RESOLUTION R-2000-1943 - CONTINUED

- e. a minimum of one native shrub for every fifty (50) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation;
- f. all pines and shrubs shall be planted in a naturalistic pattern; and,
- g. the installation of the above landscape requirements shall be completed at the issuance of the Certificate of Occupancy for the daycare building. (CO: LANDSCAPE/PLANNING - Zoning)

K. 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)

L. ALTERNATIVE LANDSCAPE PLAN

- 1. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the north twenty (20) feet of the south property line and/or any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

M. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point and shall be setback a minimum of fifty (50) feet from all residential property line. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 8:00 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)

N. SIGNS

- 1. Freestanding point of purchase signs fronting on Northlake Boulevard shall be limited as follows:

CONSENT AGENDA - CONTINUED

3.C.11. PETITION 2000-050 RESOLUTION R-2000-1943 - CONTINUED

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - sixty (60) square feet;
 - c. Maximum number of signs - one (1) for the entire site; and
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
 3. Wall signs shall be limited to the south facade of the building and shall be limited to eighteen (18) inches in height. (CO: BLDG)

O. USE LIMITATION

1. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
2. No overnight parking of vehicles (except for school buses, a maximum of two school buses) shall be permitted on the site. (ONGOING: CODE ENF - Zoning)

P. 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.C.11. PETITION 2000-050 RESOLUTION R-2000-1943 - 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)

Commissioner Masilotti objected to Condition H.1 which allowed reductions of the minimum 15-foot-wide landscape buffer strip between the subject site and residential units adjacent to the north property line. Wider vegetation buffers were allowed in the sector plan of which this area is part, he said.

Robert E. Basehart, agent, told Commissioner Masilotti that the petitioner would ask for no further reductions.

Zoning Director Whiteford said the condition would be modified as follows:

- Revised Condition H.1:

Landscaping and buffering along the north property line:

- a. *a minimum fifteen (15) foot wide landscape buffer strip. ~~Reductions of the width of the buffer may be permitted pursuant to the ULDC;~~*

(Rest of condition unchanged)

Senior Planner Maryann Kwok informed Commissioner Masilotti that no letters of objections had been received from area residents.

3.C.12.

RESOLUTION R-2000-1944

RESOLUTION FOR PETITION DOA84-152(H) (BOCA SYNAGOGUE) OF BOCA SYNAGOGUE, INC., BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD SQUARE FOOTAGE AND MODIFY/DELETE CONDITIONS OF APPROVAL OF RESOLUTION R-95-115 FOR THE 4.65-ACRE PROPERTY LOCATED APPROXIMATELY 1,200 FEET SOUTH OF PALMETTO PARK ROAD ON THE INTERIOR WEST SIDE OF MONTOYA CIRCLE. (P.O.P. 746045 AND 746046) ADOPTED WITH CONDITIONS AS AMENDED 11-30-2000

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

CONSENT AGENDA - CONTINUED

3.C.12. PETITION 84-152(H) RESOLUTION R-2000-1944 - CONTINUED

A. ALL PETITIONS

1. Condition A.1 of Resolution R95-115, Petition 84-152(E)) which currently states:

The Petitioner shall comply with all previous conditions of approval for Petition Nos. 84-152(A-D) as amended.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-95-115 (Petition 84-152(E)) have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All conditions of approval contained in Resolution R-87-1111, Petition 84-152(A); Resolution R-88-1539, Petition 84-152(B); Resolution R-95-1321.3, Petition 84-152(G); however, shall remain in full force and effect. (MONITORING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area for the private school/youth center shall be limited to a maximum of 15,762 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)
2. The maximum height for the including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All ground or roof mounted air conditioning, mechanical equipment and satellite dishes for the private school/youth and senior center 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)
4. Prior to the issuance of the building permit of the second story of the private school/youth center, the petitioner shall submit architectural elevations of the school/youth center (including proposed second story and existing building) to the Public Hearing Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
5. All fenestrations and openings on the northeastern facade of the proposed second story of the school/youth center shall be provided with glass blocks or obscure materials. (DRC: BLDG PERMIT - Zoning)

CONSENT AGENDA - CONTINUED

3.C.12. PETITION 84-152(H) RESOLUTION R-2000-1944 - CONTINUED

C. 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 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet . Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site 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)
3. The northern and eastern perimeter of the parking tract shall be landscaped as follows:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE)

D. PERIMETER LANDSCAPING

1. All landscaping to be planted along the south property line and on Montoya Circle directly in front of the proposed grassed parking area, shall meet the following minimum standards at time of installation;
 - a. Trees: fourteen (14) feet height planted thirty (30) feet on center.
 - b. Hedge: thirty (30) inch height planted two (2) feet on center. Hedge material to provide continuous perimeter screening except for proposed vehicular and pedestrian access points.

CONSENT AGENDA - CONTINUED

3.C.12. PETITION 84-152(H) RESOLUTION R-2000-1944 - CONTINUED

(BUILDING-Zoning) (Previous Condition F.1 of Resolution R95-115, Petition 84-152(E)).

2. The petitioner is required to replace any dead, damaged or missing plant materials on the subject property prior to March 1, 2001. (DATE:LANDSCAPE- Zoning)

E. ENGINEERING

1. The Property owner shall construct a left turn north approach on Montoya Circle at the project's south entrance road.
 - A) This construction shall be concurrent with the paving and drainage improvements for the private school addition. 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)

F. GRASSED PARKING AREA

-
1. Approval is limited to the 83 parking spaces arranged in accordance with the site plan presented to the Board of County Commissioners. (DRC: ZONING) (Previous Condition G.1 of Resolution R95-115, Petition 84-152(E))
 2. No outdoor activities shall be permitted on the grassed parking area. (ONGOING: CODE ENF)

G. LIGHTING IN GRASSED PARKING AREA

1. Lighting shall be limited to only those evenings as approved under Condition A.2. (CODE ENFORCEMENT)(Previous Condition H.1 of Resolution R95-115, Petition 84-152(E)).
2. Proposed lighting shall be of low intensity, shielded and directed away from adjacent properties and Montoya Circle. (CO/ONGOING: BLDG/CODE ENF - Zoning)(Previous Condition H.2 of Resolution R95-115, Petition 84-152(E)).
3. Lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade. (CO: BLDG - Zoning) (Previous Condition H.3 of Resolution R95-115, Petition 84-152(E)).
4. Lighting shall be extinguished no later than 10:00 p.m. (ONGOING: CODE ENF)(Previous Condition H.4 of Resolution R95-115, Petition 84-152(E)).

CONSENT AGENDA - CONTINUED

3.C.12. PETITION 84-152(H) RESOLUTION R-2000-1944 - CONTINUED

H. USE LIMITATIONS

1. Use of the proposed grassed parking area shall be limited from sundown Fridays to sundown Saturdays and Orthodox Jewish holidays only. Vehicular access to this portion of the property shall otherwise be closed off and all parking to utilize the existing paved parking spaces. (CODE ENFORCEMENT) (Previous Condition A.2 of Resolution R95-115, Petition 84-152(E))
2. Outdoor speakers or public address systems (except for school bells) shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
3. No overnight parking of vehicles (except for school buses) shall be permitted on the site. (ONGOING: CODE ENF - Zoning)

I. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, 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) (Previous Condition I.1 of Resolution R95-115, Petition 84-152(E)).

2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

CONSENT AGENDA - CONTINUED

3.C.12. PETITION 84-152(H) RESOLUTION R-2000-1944 - CONTINUED

Principal Planner Flinchum directed the board's attention to the following condition modifications on the Amendments to the Agenda sheet:

- Revised Condition B.2:

The maximum height for the private school/youth center including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

- Deleted Condition E.1:

~~*The Property owner shall construct a left turn north approach on Montoya Circle at the project's south entrance road.*~~

~~*A) This construction shall be concurrent with the paving and drainage improvements for the private school addition. 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)*~~

- Revised Condition G.1:

Lighting shall be limited to only those evenings as approved under Condition A.2H.1. (CODE ENFORCEMENT)(Previous Condition H.1 of Resolution R95-115, Petition 84-152(E)).

3.C.13.

RESOLUTION R-2000-1945

RESOLUTION FOR PETITION DOA74-126(D) (GUN CLUB CENTER) OF AMPROP DEVELOPMENT CORPORATION, BY KILDAY & ASSOCIATES, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD AN ACCESS POINT, ADD BUILDING SQUARE FOOTAGE, RECONFIGURE THE MASTER PLAN, AND CONSOLIDATE AND MODIFY CONDITIONS OF APPROVAL IN RESOLUTIONS R-74-768, R-86-573, R-87-497, AND R-89-717 FOR 5.91 ACRES OF THE 18.50-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF GUN CLUB ROAD AND MILITARY TRAIL. (P.O.P. 746045 AND 746046) (AMENDS R-74-768, R-86-573, R-87-497, AND R-89-717) ADOPTED WITH CONDITIONS AS AMENDED 11-30-2000

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

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-74-768, Petition 74-126; R-86-573, Petition 74-126(A); R-87-497, Petition 74-126(B) and R-89-717, Petition 74-126(C) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary development Plan and site plan for Phase I are dated October 2, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. Condition 1 of Resolution R-87-0497, petition 74-126(B)) which currently states:

The developer shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby deleted. [REASON: superceded by Condition A.1]
4. Prior to site plan certification, the site plan shall be amended to show the following:
 - a. the required number of handicap parking spaces.
 - b. the required landscaping for the entire center, including the required number of trees. (DRC: LANDSCAPE - Zoning) (Previously Condition 2 of Resolution R-87-0497, Petition 74-126(B))
5. Prior to site plan certification, the developer shall record cross-access agreements between Phases I, I and III, subject to approval by the County Attorney's office. (DRC: COUNTY ATTY - Zoning)(Previously Condition 3 of Resolution R-87-0497, Petition 74-126(B))
6. Condition 1 of Resolution R-89-0717, Petition 74-126(C) which currently states:

Prior to certification, the site plan shall be amended to indicate the following:

 - a. The location of the required number of the loading spaces;
 - b. An eradication program for all prohibited plant species on site, with the exception of the Australian pines, which shall be controlled in Condition No. 4 below; and
 - c. Handicapped parking spaces located in the parking area immediately to the south of the drop-off area for the day care center.

Is hereby deleted. [REASON: Code requirements]
7. Condition No. 7 for Resolution R-86-0573, Petition 74-126(A) which currently states:

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Is hereby deleted. [REASON: Code requirements]

8. Condition No. 8 for Resolution R-86-0573, Petition 74-126(A) which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Is hereby deleted. [REASON: Code requirements]

9. Condition No. 15 for Resolution R-86-0573, Petition 74-126(A) which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. [REASON: DRC review requirements]

10. The development of Phase 3 shall be subject to the Board of County Commissioners' approval. (DRC: ZONING)

B. ARCHITECTURAL CONTROL (PHASE I)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for the drugstore to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
3. Prior to the issuance of Building permit for each retail building, 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)

C. BUILDING AND SITE DESIGN (PHASE I)

1. Total gross floor area shall be limited to a maximum of 39,280 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)
2. 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 grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All ground or roof 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)

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

4. Condition No. 1 for Resolution R-86-0573, Petition 74-126(A) which currently states:

Prior to site plan certification, the site plan shall be revised to reflect the following:

- a) A two-way access dimension of twenty-five (25) feet or greater.
- b) No parking stalls within the twenty (20) foot backup distance.
- c) The required number of parking spaces outside the building or variance relief shall be obtained from the Board of Adjustment.

Is hereby deleted. [REASON: revised site plan and uses]

D. DAYCARE (PHASE II)

1. The required six (6) foot high fence around the outdoor activity area for the day care center shall be either constructed to provide a solid visual screen, or receive supplemented planting consisting of a four (4) foot high continuous hedge, planted thirty (30) inches on center. (DRC: LANDSCAPE-Zoning) (Previously Condition 2 of Resolution R-89-0717, petition 74-126(C))
2. The vehicular circulation aisle directly to the south of the drop-off area for the day care center shall be restricted to one-way traffic circulation from east to west. (DRC: LANDSCAPE-Zoning) (Previously Condition 3 of Resolution R-89-0717, petition 74-126(C))

E. ENGINEERING

1. Developer shall construct Gun Club Road as a four-(4) laned paved facility from Military Trail (S.R. 809) to the development's main entrance; (Previously Condition No. 1 for Resolution R-74-0768, Petition 74-126) COMPLETED

2. Condition No. 2 of Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall construct at the development's entrance and Military Trail (S.R. 809) a right turn lane north approach; left turn lane south approach and right and left turn lanes west approach;

Is hereby deleted. [REASON: Florida DOT has reconstructed the adjacent median along Military Trail.]

3. Condition No. 3 for Resolution R-74-0768, Petition 74-126 which currently states:

Median cut at development's entrance and Military Trail (S.R. 809) to facilitate left turn movement into the development shall be temporary;

Is hereby deleted. [REASON: Florida DOT has reconstructed the adjacent median along Military Trail.]

4. Condition No. 4 for Resolution R-74-0768, Petition 74-126 which currently states:

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

Developer shall up-grade the left turn lane south approach, if warranted, and up-grade the signal at Military Trail (S.R. 809) and Gun Club Road and construct a right turn lane north approach, an additional left turn lane and right turn lane west approach and right turn lane east approach;

Is hereby amended to read:

The Property owner shall construct a right turn lane north approach on Military Trail at Gun Club 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, utility relocations not including the existing signal pole mast arm which shall be relocated if necessary by Palm Beach County.
- b) Permits required by Palm Beach County and the Florida Department of Transportation 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. Condition No. 5 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall construct a right turn lane east approach at Gun Club Road and development's east entrance;

Is hereby deleted. [REASON: Turn lane conditions of approval are being amended for the site.]

6. Condition No. 6 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall provide signalization when warranted at Gun Club Road and the development's main entrance and construct two (2) left and one (1) right turn lane north approach, right turn lane east approach and left turn lane west approach; (ONGOING: ENG) (Note: left turn lane complete)

Is hereby deleted. [REASON: no longer required]

7. Condition No. 7 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall provide signalization, if warranted, at Gun Club Road and development's west entrance and construct a left turn lane west approach and left and right turn lanes north approach; (ONGOING: ENG)

Is hereby deleted. [REASON: no longer required]

8. Condition No. 10 for Resolution R-86-0573, Petition 74-126(A) which currently states:

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. This drainage system shall be maintained in an acceptable condition per the County Engineers approval.

Is hereby deleted. [REASON: Code requirement.]

9. Condition No. 11 for Resolution R-86-0573, Petition 74-126(A) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$5,787.00 (216 trips X \$26.79 per trip).

Is hereby deleted. [REASON: Code requirement.]

10. Condition No. 12 for Resolution R-86-0573, Petition 74-126(A) which currently states:

The property owner shall not be permitted access onto Military Trail.

Is hereby deleted. [REASON: This access currently exists for the site.]

11. The property owner shall plat the subject parcel (entire Gun Club Shopping Center Site) prior to certification of the Site Plan per the requirements of the Subdivision and Platting Regulations Ordinance 73-4 as amended. (Previously Condition No. 13 for Resolution R-86-0573, Petition 74-126(A))
COMPLETED

12. Condition No. 14 for Resolution R-86-0573, Petition 74-126(A) which currently states:

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

Is hereby deleted. [REASON: Code requirement.]

13. Condition No. 7 for Resolution R-89-0717, Petition 74-126(C) which currently states:

The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. REASON: Code requirement.]

14. Prior to the issuance of any Building permit for any portion of the Gun Club center the property owner (s) shall record a plat/replat which includes Phase I, Phase II and Phase III subject to approval by the County Engineer, which may be platted/replatted in phases. (Previous Condition 8 of Resolution R-89-0717, petition 74-126(C)) COMPLETED
15. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of:
 - a) right turn lane on Gun Club Road at the project's main entrance road 600 feet west of Military Trail.
 - b) right turn lane on Military Trail at the project's entrance road. Dedication shall be limited to that portion of additional right of way owned by this petitioner.

Right-of-way identified in condition a) above shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. All 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. This 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)

16. The property owner for Phase 1 shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, 65 feet from centerline on or before July 1, 2001 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
17. The Property owner shall fund the construction of a right turn lane north approach on Military Trail at the projects entrance road. Funding for this construction shall be based upon a certified cost estimate provided by the Developers Engineer. Funding shall be completed prior to the issuance of a certificate of occupancy for the drive thru drugstore. These funds shall then be administered by Palm Beach County for the Construction of the Right Turn Lane when the adjacent out parcel is developed. (CO: MONITORING-Eng)
18. The Property owner shall construct a right turn lane east approach on Gun Club Road at the projects entrance road located 600 feet west of Military Trail.

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

- 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)
19. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- The use of the 14520 square foot commercial building shall be limited to a drugstore or equivalent traffic as determined by the County Engineer. (ONGOING)
20. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF MILITARY TRAIL
- 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 provide landscape cutouts within the concrete median of Military Trail Right-of-Way contiguous to the frontage. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
 - b. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing 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. The 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

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

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, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)

- c. If the County does not assume maintenance responsibility, then appropriate property owner 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. ERM

1. Condition 4 of Resolution R-89-0717, Petition 74-126(C) which currently states:

The Australian pine hedge shall be continuously maintained at a maximum height of twelve (12) feet.

Is hereby deleted. [REASON: this condition does not meet current code requirements, Australian pines are prohibited species]

2. Condition No. 9 for Resolution R-74-0768, Petition 74-126 which currently states:

Developer shall leave as many of the existing pine trees as possible on the site.

Is hereby deleted. [REASON: will be handled at the vegetation permit]

3. The developer shall preserve existing vegetation wherever possible and incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previous Condition No. 2 for Resolution R-86-0573, Petition 74-126(A))

G. HEALTH

1. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previous Condition No. 5 for Resolution R-86-0573, Petition 74-126(A))
2. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with chapter 17-30, FAFC. (Previous Condition No. 6 for Resolution R-86-0573, Petition 74-126(A))
3. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil. (Previously Condition No. 9 for Resolution R-86-0573, Petition 74-126(A))
4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previous Condition 5 of Resolution R-89-0717, petition 74-126(C))

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previous Condition 6 of Resolution R-89-0717, petition 74-126(C))

H. LANDSCAPING - STANDARD (PHASE 1)

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 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet . Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site 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)
3. 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)
4. Developer shall provide a wall and screening along the west and north property lines. (Previous Condition No. 8 for Resolution R-74-0768, Petition 74-126) (PHASE 2)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO GUN CLUB ROAD, PHASE I)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

- 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. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ADJACENT TO MILITARY TRAIL, PHASE I)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - 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. (CO: LANDSCAPE)

K. LANDSCAPING - INTERIOR (PHASE I)

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. A minimum of one (1) landscape island shall be provided for every eleven (11) parking spaces in area adjacent to the northwestern building. (DRC: ZONING)
2. 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;
 - 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; and,
 - d. the required foundation planting may be reconfigured on-site so long the area is equivalent to the total required area referenced in K.2.a and K.2.b. (DRC / CO: ZONING / LANDSCAPE)
3. Landscaping within the Military Trail access easement of Phase 1 shall be installed at the property owners expense. All existing and proposed landscaping shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of plant material

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

during periods of drought in order to maintain healthy plant material. A declaration of maintenance covenants shall be recorded prior to the issuance of the first building permit. (~~CO~~ BLDG.PERMIT: MONITORING-LANDSCAPE)

L. LIGHTING

1. Condition No. 4 for Resolution R-86-0573, Petition 4-126(A) which currently states:

Security lighting shall be directed away from nearby residences.

Is hereby amended to read:

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 twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. 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)
4. All outdoor lighting for Phase 1 shall be extinguished no later than, one half (½) hour after the closing of each individual use, excluding security light only. (ONGOING: CODE ENF)

M. 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)
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). 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: MONITORING - Eng)

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

N. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification of Phase 1. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner of Phase 1 shall record a covenant in the public record indicating that all structures, uses and parking areas within Phase 1 are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

O. SIGNS

1. No off-premise signs shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (Previous Condition 9 of Resolution R-89-717, Petition 74-126(C)).
2. Proposed freestanding point of purchase signs fronting on Military Trail (Phase 1) shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Maximum number of signs - one (1) for Military Trail and
 - d. Style - monument style only. (CO: BLDG)
3. Proposed freestanding point of purchase signs Gun Club Road's project entrance (Phase 1) shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8);
 - b. Maximum sign face area per side - eighty (80) square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (CO: BLDG)
4. Proposed freestanding point of purchase signs fronting on Gun Club Road (Phase 1) shall be limited as follows:

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (CO: BLDG)
5. No relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
 6. Wall signs for Phase 1 shall be limited to the south and east facades for the drugstore and the westernmost retail building and the north and east facade for the northernmost building and shall be limited to eighteen (18) inches high letters. (CO: BLDG)
 7. All signs with changeable copies shall be limited to two (2) lines and shall be limited to twelve (12) inches high letters. (CO: BLDG)

P. USE LIMITATIONS

1. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure. (Previous Condition No. 3 for Resolution R-86-0573, Petition 74-126(A))
2. Hours of operation for all uses in Phase 1 shall be limited to 6:00 a.m. to 11:00 p.m. except for drugstore. (ONGOING: CODE ENF)

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)
2. Condition 10 of Resolution R-89-717, petition 74-126(C)) which currently states:

Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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:

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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

Principal Planner Flinchum informed the board of condition modifications on the Amendments to the Agenda sheet. The revisions had been made prior to the meeting and are as follows:

- Added Condition A.10:

The development of Phase 3 shall be subject to the Board of County Commissioners' approval. (DRC: ZONING)

CONSENT AGENDA - CONTINUED

3.C.13. PETITION 74-126(D) RESOLUTION R-2000-1945 - CONTINUED

- Revised Condition K.3:

Landscaping within the Military Trail access easement of Phase 1 shall be installed at the property owners expense. All existing and proposed landscaping shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of plant material during periods of drought in order to maintain healthy plant material. A declaration of maintenance covenants shall be recorded prior to the issuance of the first building permit. (~~€~~ BLDG.PERMIT: MONITORING-LANDSCAPE)

3.C.14.

RESOLUTION R-2000-1946

RESOLUTION FOR PETITION DOA85-89(A) (LAKE CRYSTAL SCHOOL) OF LAKEVIEW INVESTMENT PARTNERSHIP, BY JOSEPH VERDONE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO REDESIGNATE LAND USE FROM RESIDENTIAL TO CIVIC, ALLOW AN ELEMENTARY OR SECONDARY SCHOOL AS A REQUESTED USE, AND ADD AN ACCESS POINT FOR THE 19.33-ACRE PROPERTY LOCATED APPROXIMATELY 1,200 FEET SOUTH OF OKEECHOBEE BOULEVARD ON THE WEST SIDE OF BENOIST FARMS ROAD. (P.O.P. 746045 AND 746046) ADOPTED WITH CONDITIONS 11-30-2000

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. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The proposed site plan is dated September 27, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC and permitted as a Minor Deviation subject to Development Review Committee approval. (ONGOING/DRC: ZONING)
2. Development of this 19.33 acre site with a maximum of 308 designated multi-family units may be permitted if the property is not purchased by the School Board. (DRC: ZONING)

B. LANDSCAPING - STANDARDS

1. Fifty (50) percent 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;
 - 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,

CONSENT AGENDA - CONTINUED

3.C.14. PETITION 85-89(A) RESOLUTION R-2000-1946 - CONTINUED

- 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 booted native 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)
3. 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)

C. LANDSCAPING ALONG EAST PROPERTY LINE (BENOIST FARMS ROAD)

1. Landscaping and buffering along the east frontage shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center,
 - d. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
 - 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. Fifty (50) percent of shrub or hedge material shall be installed on the plateau of the berm,
 - f. proposed six (6) feet high fencing shall be black vinyl colored coated,
 - g. all landscaping and berming to be installed on the exterior side of the required fence (CO: LANDSCAPE)

D. LANDSCAPING AND BUFFERING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, south and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;

CONSENT AGENDA - CONTINUED

3.C.14. PETITION 85-89(A) RESOLUTION R-2000-1946 - CONTINUED

- b. one (1) canopy tree for each thirty (30) linear feet of property line with a maximum spacing of forty (40) feet on center,
- c. one (1) palm or pine tree for each thirty (30) linear feet of 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.
- e. proposed six (6) feet high fencing shall be black vinyl colored coated,
- f. all landscaping to be installed on the exterior side of the required fence
(CO: LANDSCAPE)

E. ENGINEERING

- 1. The Property owner shall construct a Right turn lane north approach on Benoist Farms Road at the parent drop off 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)
- 2. Prior to master plan approval the Golden Lakes PUD Preliminary Development Plan shall be amended to show deletion of the approved 308 multi family dwelling units. (MASTER PLAN APPROVAL-ENG)
- 3. Prior to June 1, 2001 the Developer shall replat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (DATE: MONITORING-Eng)
- D. Prior to May 1, 2001 the Developer shall abandon the existing water management tract currently identified on the existing plat of the site. (DATE: MONITORING-Eng)
- 5. The Property owner shall modify the existing pavement markings on Benoist Farms Road at the Visitor/Staff entrance to provide for a Left turn lane south approach.
 - A) The revisions to the pavement markings shall be concurrent with the paving and drainage improvements for the site.

CONSENT AGENDA - CONTINUED

3.C.14. PETITION 85-89(A) RESOLUTION R-2000-1946 - CONTINUED

- 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)

F. LIGHTING

- 1. No outdoor lighting shall be provided for the recreational areas. (ONGOING: CODE ENF)

G. PARKING

- 1. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to designate staff and teacher parking spaces. (DRC: ZONING)

H. 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.C.14. PETITION 85-89(A) RESOLUTION R-2000-1946 - 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)

3.D. STATUS REPORTS

3.D.15. RESOLUTION R-2000-1947

RESOLUTION FOR STATUS REPORT SR85-115 FOR RESOLUTIONS R-86-111 AND R-86-112 FOR PETITION 85-115 (HAVERHILL ROAD CONDO) OF JOHN E. CORBALLY, JAMES FURMAN, AND DAVID M. MURDOCH, PETITIONERS (COMMUNITIES FINANCE COMPANY, PROPERTY OWNER), TO AMEND THE CONDITIONS OF APPROVAL (NUMBER OF DWELLING UNITS AND UNIFIED LAND DEVELOPMENT CODE REQUIREMENTS) IN RESOLUTION R-86-112 AND APPROVE A TIME EXTENSION UNTIL JULY 14, 2002, TO COMMENCE DEVELOPMENT. THE 33.35-ACRE PROPERTY IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY 0.3 MILE SOUTH OF DYER BOULEVARD (68TH ROAD NORTH) AND IS ZONED RM-MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) WITH A SPECIAL EXCEPTION FOR A PLANNED RESIDENTIAL DEVELOPMENT. (AMENDS R-86-112) ADOPTED WITH CONDITIONS AND APPROVED THE TIME EXTENSION--11-30-2000

Staff Recommendation: Amendment of conditions and adoption of a resolution affirming that action, with conditions as follows, and approval of a time extension until July 14, 2002:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
- B. Condition number 12 of Resolution R-86-112 which currently states:

Based on the Traffic Performance Standards, the Developer shall contribute \$38,693.00 toward Palm Beach County's existing Roadway Improvement Program this \$38,693.00 to be paid prior to issuance of the first building permit.

Is hereby deleted.

(Reason: Impact fees are Code requirement)

3. Prior to the issuance of a building permit, a site plan shall be certified which:
 - a. Limits the number of dwelling units to six (6) per acre, and

CONSENT AGENDA - CONTINUED

3.D.15. PETITION 85-115 RESOLUTION R-2000-1947 - CONTINUED

- b. Meets the current requirements of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Zoning)

3.D.16.

PETITION 94-80

STATUS REPORT SR94-80.2 FOR RESOLUTIONS R-2000-1224 AND R-95-274 FOR PETITION 94-80 (ROYAL PALM PRESBYTERIAN CHURCH) OF ROYAL PALM PRESBYTERIAN CHURCH, PETITIONER AND PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL MARCH 23, 2002, FOR THE ABOVE TWO RESOLUTIONS. THE 4.65-ACRE PROPERTY IS LOCATED ON THE SOUTH SIDE OF HYPOLUXO ROAD APPROXIMATELY 0.1 MILE EAST OF JOG ROAD AND IS ZONED RT-RESIDENTIAL TRANSITIONAL WITH A CLASS A CONDITIONAL USE ALLOWING A CHURCH OR PLACE OF WORSHIP. APPROVED 11-30-2000

Staff Recommendation: Approval of a time extension until March 23, 2002.

3.D.17.

RESOLUTION R-2000-1948

RESOLUTION FOR STATUS REPORT SR76-164B FOR RESOLUTION R-97-1290 FOR PETITION 76-164(B) (DISCOUNT AUTO PARTS) OF KENNETH H. EHLERS, P.E., PETITIONER (DISCOUNT AUTO PARTS, INC., PROPERTY OWNER), TO REVOKE RESOLUTION R-97-1290 WHICH APPROVED A DEVELOPMENT ORDER AMENDMENT (DOA) THAT ADDED BUILDING SQUARE FOOTAGE (1,344 S.F.) FOR GENERAL REPAIR AND MAINTENANCE USE (QUICK LUBE FACILITY). THE 1.06-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF MILITARY TRAIL AND BOATMAN STREET AND IS ZONED CG-GENERAL COMMERCIAL WITH THE DOA AS STATED. (REVOKES R-97-1290) ADOPTED 11-30-2000

Staff Recommendation: Revocation of R-97-1290 and adoption of a resolution affirming that action.

3.D.18.

PETITION 80-103

STATUS REPORT SR80-103H.2 FOR RESOLUTION R-96-813 FOR PETITION 80-103(H) (SANDALFOOT PLAZA) OF FOUR FLORIDA SHOPPING CENTER, PETITIONER (SOUTHPORT MORTGAGE, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL JUNE 24, 2001. THE 1.32-ACRE PROPERTY IS LOCATED ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441) APPROXIMATELY 0.10 MILE SOUTH OF SANDALFOOT BOULEVARD (SOUTHWEST 14TH STREET) AND IS ZONED CG-GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT TO ADD SQUARE FOOTAGE (13,000 S.F.) AND ALLOW A FAST FOOD RESTAURANT AS A REQUESTED USE WITHIN A PLANNED COMMERCIAL DEVELOPMENT. APPROVED 11-30-2000

Staff Recommendation: Approval of a time extension until June 24, 2001.

3.D.19.

PETITION 89-38

STATUS REPORT SR89-38.6 FOR RESOLUTION R-89-1648 FOR PETITION 89-38 (NEW CHRISTIAN LIFE CHURCH) OF NEW CHRISTIAN LIFE CHURCH, INC., PETITIONER AND PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL SEPTEMBER 12, 2002. THE 2.2-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LAWRENCE ROAD AND OLD BOYNTON ROAD AND IS ZONED RS-SINGLE-FAMILY RESIDENTIAL WITH A SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES. APPROVED 11-30-2000

CONSENT AGENDA - CONTINUED

3.D.19. PETITION 89-38 - CONTINUED

Staff Recommendation: Approval of a time extension until September 12, 2002.

3.D.20. See page 4.

3.D.21. PETITION 93-30

STATUS REPORT SR93-30.3 FOR RESOLUTION R-93-1200 FOR PETITION 93-30 (HIGGINS SUBDIVISION) OF JIM HIGGINS AND ELSIE HIGGINS, PETITIONERS (LORI PODRAY, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL SEPTEMBER 23, 2002. THE 4.7-ACRE PROPERTY IS LOCATED ON THE SOUTH SIDE OF MELALEUCA LANE APPROXIMATELY 0.8 MILE EAST OF JOG ROAD AND IS ZONED RT-RESIDENTIAL TRANSITIONAL. APPROVED 11-30-2000

Staff Recommendation: Approval of a time extension until September 23, 2002.

3.D.22. PETITION 94-65

STATUS REPORT SR94-65A.3 FOR RESOLUTION R-99-530 FOR PETITION 94-65(A) (GUN CLUB EXXON) OF ESOIL CORPORATION, PETITIONER (ELWILL ASSOCIATES, INC., PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL JULY 6, 2002. THE 1.43-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GUN CLUB ROAD AND MILITARY TRAIL AND IS ZONED CG-GENERAL COMMERCIAL WITH A CLASS A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH GASOLINE SALES (FOUR PUMPS). APPROVED 11-30-2000

Staff Recommendation: Approval of a time extension until July 6, 2002.

3.D.23. See pages 4 and 5.

3.D.24. RESOLUTION R-2000-1949

RESOLUTION FOR STATUS REPORT SR95-64.2 FOR RESOLUTIONS R-94-1480 AND R-96-1967 FOR PETITION 95-64(B) (CORAL LAKES APARTMENTS) OF CORNERSTONE GROUP AND OF J. D. EASTRICH PROPERTIES 1, L.P., PETITIONERS (CORAL LAKES APARTMENTS, INC., PROPERTY OWNER), TO ADOPT A RESOLUTION TO AMEND CONDITIONS OF APPROVAL (TRAFFIC PERFORMANCE STANDARDS) AND APPROVE A TIME EXTENSION UNTIL JULY 6, 2001, TO COMMENCE DEVELOPMENT. THE 17.85-ACRE PROPERTY IS LOCATED ON THE WEST SIDE OF CONGRESS AVENUE APPROXIMATELY 350 FEET NORTH OF 6TH AVENUE SOUTH AND IS ZONED PUD-PLANNED UNIT DEVELOPMENT. (AMENDS R-96-1967) APPROVED AND ADOPTED, WITH CONDITIONS, AS STATED -- 11-30-2000

Staff Recommendation: Approval and adoption as stated above, with conditions as follows:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Prior to the issuance of a building permit, the contract shall be let for the 6-lane widening of Congress Avenue (Lake Worth Road to Melaleuca Lane). (BLDG PERMIT:MONITORING-Eng)

CONSENT AGENDA - CONTINUED

3.D.25.

PETITION 82-40

STATUS REPORT CR82-40B.E22B FOR RESOLUTION R-99-1223 FOR PETITION 82-40(B) (MELROSE PUD) OF MELROSE PARK JOINT VENTURE AND MELROSE PALM BEACH LTD., PETITIONERS AND PROPERTY OWNERS, TO APPROVE A TIME EXTENSION UNTIL DECEMBER 1, 2000, FOR CONDITION E.22.B. THE 612.24-ACRE PROPERTY IS LOCATED EAST OF STATE ROAD 7 (U.S. 441) AND WEST OF THE FLORIDA TURNPIKE APPROXIMATELY ONE MILE SOUTH OF HYPOLUXO ROAD AND IS ZONED RT/SA-RESIDENTIAL TRANSITIONAL/SPECIAL EXCEPTION, NKA PUD-PLANNED UNIT DEVELOPMENT, WITH A SPECIAL EXCEPTION TO ALLOW A DEVELOPMENT ORDER AMENDMENT TO ADD UNITS, REDESIGNATE HOUSING CLASSIFICATIONS, AND RECONFIGURE THE PRELIMINARY DEVELOPMENT PLAN. APPROVED TIME EXTENSION TO JANUARY 1, 2001--11-30-2000

Staff Recommendation: Approval of a time extension until December 1, 2000, for Condition E.22.b.

At the time of consent agenda approval, Robert A. Bentz, agent, said the time extension for the Melrose PUD would expire December 1, 2000, and asked that it be revised to January 1, 2001. Staff had no objection to the change, he added.

Staff indicated their agreement.

3.E. ABANDONMENT RESOLUTION

3.E.26.

RESOLUTION R-2000-1950

RESOLUTION FOR PETITION ABN86-130 OF DONALD S. PEARCE AND JEANETTE PEARCE, BY PAUL PARKER, AGENT, TO ABANDON THE SPECIAL EXCEPTION GRANTED BY RESOLUTION R-87-446 TO ALLOW ADULT CONGREGATE LIVING FACILITIES ON LOT 68, HYPOLUXO RIDGE, ADDITION 2, SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF MENTONE ROAD AND WASHINGTON AVENUE IN AN RM-MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) DISTRICT. (REVOKES R-87-446) ADOPTED 11-30-2000

Staff Recommendation: Abandonment of the special exception granted by R-87-446 and adoption of a resolution affirming that action.

3.F. TDR CONTRACT, ESCROW AGREEMENT, AND DEED

3.F.27.

a.

DOCUMENT R-2000-1951

CONTRACT FOR PETITION PDD/DOA/TDR97-84(B) (STONYBROOK PLANNED UNIT DEVELOPMENT [PUD], AKA SIESTA KEY PUD) WITH STONYBROOK APARTMENTS AT BOYNTON BEACH LLC FOR THE SALE AND PURCHASE OF 28 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A UNIT PURCHASE PRICE OF \$9,833 FOR A TOTAL PURCHASE PRICE OF \$275,324. THE 33.56-ACRE PROPERTY IS LOCATED APPROXIMATELY 370 FEET WEST OF JOG ROAD ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD. (SEE R-2000-1583) APPROVED 11-30-2000

Staff Recommendation: Approval of the sale and purchase contract.

CONSENT AGENDA - CONTINUED

3.F.27. PETITION 97-84(B) - CONTINUED

b. DOCUMENT R-2000-1952

ESCROW AGREEMENT FOR PETITION PDD/DOA/TDR97-84(B) (STONYBROOK PLANNED UNIT DEVELOPMENT [PUD], AKA SIESTA KEY PUD) WITH STONYBROOK APARTMENTS AT BOYNTON BEACH LLC, PETITIONER, AND FIRST UNION BANK, ESCROW AGENT, FOR THE SALE AND PURCHASE OF 28 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A UNIT PURCHASE PRICE OF \$9,833 FOR A TOTAL PURCHASE PRICE OF \$275,324. THE 33.56-ACRE PROPERTY IS LOCATED APPROXIMATELY 370 FEET WEST OF JOG ROAD ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD. (SEE R-2000-1583) APPROVED 11-30-2000

Staff Recommendation: Approval of the escrow agreement.

3.F.28. DOCUMENT R-2000-1953

QUITCLAIM DEED FOR PETITION PDD/DOA/TDR97-84(B) (STONYBROOK PLANNED UNIT DEVELOPMENT [PUD], AKA SIESTA KEY PUD) CONVEYING 28 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS TO STONYBROOK APARTMENTS AT BOYNTON BEACH LLC. THE 33.56-ACRE PROPERTY IS LOCATED APPROXIMATELY 370 FEET WEST OF JOG ROAD ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD. (SEE R-2000-1583) APPROVED 11-30-2000

Staff Recommendation: Approval of the quitclaim deed.

3.F.29.

a. DOCUMENT R-2000-1954

CONTRACT FOR PETITION DOA/TDR95-116(D) (TOWNE PARK PLANNED UNIT DEVELOPMENT) WITH LEVITT-ANSCA TOWNE PARK PARTNERSHIP, BELLAGGIO BY LEVITT HOMES, INC., AND BELLAGGIO BY ANSCA, INC., FOR THE SALE AND PURCHASE OF 17 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A UNIT PURCHASE PRICE OF \$9,883 FOR A TOTAL PURCHASE PRICE OF \$168,011. THE 553.86-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LANTANA ROAD AND STATE ROAD 7 (U.S. 441). (SEE R-2000-1717) APPROVED 11-30-2000

Staff Recommendation: Approval of the sale and purchase contract.

b. DOCUMENT R-2000-1955

ESCROW AGREEMENT FOR PETITION DOA/TDR95-116(D) (TOWNE PARK PLANNED UNIT DEVELOPMENT) WITH LEVITT-ANSCA TOWNE PARK PARTNERSHIP, BELLAGGIO BY LEVITT HOMES, INC., AND BELLAGGIO BY ANSCA, INC., PETITIONERS, AND COMERICA BANK, INC., ESCROW AGENT, FOR THE SALE AND PURCHASE OF 17 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A UNIT PURCHASE PRICE OF \$9,883 FOR A TOTAL PURCHASE PRICE OF \$168,011. THE 553.86-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LANTANA ROAD AND STATE ROAD 7 (U.S. 441). (SEE R-2000-1717) APPROVED 11-30-2000

Staff Recommendation: Approval of the escrow agreement.

CONSENT AGENDA - CONTINUED

3.F.30.

DOCUMENT R-2000-1956

QUITCLAIM DEED FOR PETITION DOA/TDR95-116(D) (TOWNE PARK PLANNED UNIT DEVELOPMENT) CONVEYING 17 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS TO LEVITT-ANSCA TOWNE PARK PARTNERSHIP, BELLAGGIO BY LEVITT HOMES, INC., AND BELLAGGIO BY ANSCA, INC. THE 553.86-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LANTANA ROAD AND STATE ROAD 7 (U.S. 441). (SEE R-2000-1717) APPROVED 11-30-2000

Staff Recommendation: Approval of the quitclaim deed.

3.F.31.

a.

DOCUMENT R-2000-1957

CONTRACT FOR PETITION DOA/TDR80-153(H) (ABERDEEN PLANNED UNIT DEVELOPMENT) WITH PALM BEACH COUNTY WATER UTILITIES DEPARTMENT FOR THE SALE AND PURCHASE OF 67 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A UNIT PURCHASE PRICE OF \$9,883 (\$5,000 PER UNIT TO BE PAID IN CASH WITH THE BALANCE OF PAYMENT TO BE IN THE FORM OF IN-KIND DEVELOPMENT OF THE GREEN CAY WETLANDS PROJECT BY THE DEPARTMENT, AS DESCRIBED IN EXHIBIT B) FOR A TOTAL PURCHASE PRICE OF \$335,000. THE 1,406.25-ACRE PROPERTY IS LOCATED APPROXIMATELY ONE MILE NORTH OF BOYNTON BEACH BOULEVARD ON THE WEST SIDE OF JOG ROAD. (SEE R-2000-1574) APPROVED 11-30-2000

Staff Recommendation: Approval of the sale and purchase agreement.

b.

DOCUMENT R-2000-1958

ESCROW AGREEMENT FOR PETITION DOA/TDR80-153(H) (ABERDEEN PLANNED UNIT DEVELOPMENT) WITH PALM BEACH COUNTY WATER UTILITIES DEPARTMENT, PETITIONER, AND PALM BEACH COUNTY FINANCE DEPARTMENT, ESCROW AGENT, FOR THE SALE AND PURCHASE OF 67 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A UNIT PURCHASE PRICE OF \$9,883 (\$5,000 PER UNIT TO BE PAID IN CASH WITH THE BALANCE OF PAYMENT TO BE IN THE FORM OF IN-KIND DEVELOPMENT OF THE GREEN CAY WETLANDS PROJECT BY THE WATER UTILITIES DEPARTMENT, AS DESCRIBED IN EXHIBIT B) FOR A TOTAL PURCHASE PRICE OF \$335,000. THE 1,406.25-ACRE PROPERTY IS LOCATED APPROXIMATELY ONE MILE NORTH OF BOYNTON BEACH BOULEVARD ON THE WEST SIDE OF JOG ROAD. (SEE R-2000-1574) APPROVED 11-30-2000

Staff Recommendation: Approval of the escrow agreement.

3.F.32.

DOCUMENT R-2000-1959

QUITCLAIM DEED FOR PETITION DOA/TDR80-153(H) (ABERDEEN PLANNED UNIT DEVELOPMENT) CONVEYING 67 TRANSFER OF DEVELOPMENT RIGHTS (TDR) TO PALM BEACH COUNTY WATER UTILITIES DEPARTMENT. THE 1,406.25-ACRE PROPERTY IS LOCATED APPROXIMATELY ONE MILE NORTH OF BOYNTON BEACH BOULEVARD ON THE WEST SIDE OF JOG ROAD. (SEE R-2000-1574) APPROVED 11-30-2000

Staff Recommendation: Approval of the quitclaim deed.

(CLERK'S NOTE: **Items 3.C.9., 3.C.11., 3.C.12., and 3.D.13.** were discussed and amended earlier. See pages 7-25, 27-33, 33-38, and 38-53, respectively.)

CONSENT AGENDA - CONTINUED

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

(CLERK'S NOTE: The motion for **Item 3.D.25.** was amended at this time. The discussion was included in the minutes together with the item; see page 60.)

AMENDED MOTION to revise the time extension for Item 3.D.25. to January 1, 2001. The maker and seconder agreed.

PUBLIC COMMENT: None

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

4. REGULAR AGENDA

4.A. RESOLUTION AMENDING QUASI-JUDICIAL PROCEDURES

4.A.32.1. RESOLUTION R-2000-1960

RESOLUTION AMENDING PROCEDURES FOR CONDUCT OF QUASI-JUDICIAL HEARINGS BY INCLUDING A PROVISION CONCERNING DECISIONS BY THE BOARD OF COUNTY COMMISSIONERS. (AMENDS R-95-842) ADOPTED 11-30-2000

Staff Recommendation: Adoption of the resolution.

Assistant County Attorney Alterman explained why the resolution had been brought forward. At a previous meeting, there was a two-two tie vote on an agenda item as well as on the postponement of an agenda item. Her recommendation, she said, was to amend the county's procedures for quasi-judicial proceedings to provide that when there is a tie vote on an item, it is automatically postponed to the next hearing. Such a procedure would give the opportunity for an applicant to get a final decision of the board rather than "no decision." That was done at the board's regular meetings, she added.

Commissioner McCarty said she had no problem making such a change but pointed out that the procedure was not part of regular meeting policy. In current board policy, a tie vote results in a failed motion, she said.

Commissioner Aaronson said the board might wish to consider revising the tie vote procedure in regular board meetings to be in conformance with this new procedure in quasi-judicial hearings.

MOTION to adopt the resolution. Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 6-0. Commissioner Roberts absent.

4.B. ITEMS PULLED FROM CONSENT AGENDA - None

4.C. TIME CERTAIN - 11:00 A.M.

4.C.33. See pages 74-75.

REGULAR AGENDA - CONTINUED

4.D. PREVIOUSLY POSTPONED ZONING PETITION

4.D.34.

PETITION 99-30

PETITION CA99-30(A) (PALM BEACH COUNTRY ESTATES PRE-SCHOOL) OF PALM BEACH COUNTRY ESTATES HOMES, INC., BY STEVEN MICKLEY, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW GENERAL DAYCARE ON THE 2.25-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF 64TH DRIVE NORTH AND DONALD ROSS ROAD. (P.O.P. 665705 AND 665706 [6-29-2000]) POSTPONED TO JANUARY 25, 2001--11-30-2000

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

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 19, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Prior to final site plan certification by the Development Review Committee (DRC), (Per Policy 1.3-i of the Future Land Use Element) the petitioner shall submit to the Planning Division and the Zoning Division architectural elevations depicting a design compatible with the rural character of the area. Development shall be consistent with the approved architectural elevations and shall include the following:
 - a. Porch on the 60% of the front (west) facade;
 - b. Exterior building finishes of finished wood or cement based fiberglass wood textured products with a wood appearance, vertical board and batten, or split face masonry block on 80% of the south and west facade;
 - c. Dimensional shingles for the roof. (DRC: PLANNING: BLDG PERMIT - Zoning)
2. The proposed day care structure shall be designed and constructed to be consistent with the facade elevations by Steve Mickley and Associates dated September 19, 2000. (BLDG PERMIT: BLDG - Zoning)
3. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on the south and west facades sides of the building. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system (i.e. spires, belfries, etc.). All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

2. Prior to final Development Review Committee certification, in order to further Policy 1.3-i of the Future Land Use Element, the site plan shall be revised to indicate a wood chip walking path which connects this site with the existing church north of the site. (DRC: PLANNING - Zoning)

D. DAY CARE

1. The day care center shall be limited to a maximum (licensed capacity) of 175 children (at any one time). (ONGOING: HEALTH)
2. Hours of operation for the daycare facility shall be limited from 6:30 a.m. to 6:00 p.m. Monday to Saturday. (ONGOING: CODE ENF- Zoning)
3. The outdoor play area shall not be used for activities before 8:00 a.m. Monday to Saturday. (ONGOING: CODE ENF- Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Donald Ross Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. The property owner shall to convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a 25 foot corner clip at the intersection of Donald Ross Road and 64th Avenue 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. (BLDG PERMIT: MONITORING-Eng)
3. LANDSCAPE WITHIN THE MEDIAN OF DONALD ROSS ROAD RIGHT OF WAY
 - 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 Donald Ross Road Right-of-Way. This permit, to be completed by the property owner, 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.

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

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'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)

- 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)

4. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF DONALD ROSS 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 provide cutouts within the concrete median of Donald Ross Road Right-of-Way. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer.

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

All new landscape material shall be consistent with any 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 if required, the cost of Cutting out the concrete median and the Landscape material shall be funded at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)
5. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code prior to the issuance of a building permit. (BLDG PERMIT: MONITORING-Eng)

F. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the north property line. (DRC / ONGOING: ZONING / CODE ENF)

G. HEALTH

1. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG.)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL AND PLACE OF WORSHIP)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum fifteen (15) feet wide landscape buffer strip;
 - b. A two (2) foot continuous berm; and,

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

- c. A six (6) foot high wood or vinyl coated chain link fence placed on top of the berm. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) canopy tree planted every twenty-five (25) feet on center. A group of three (3) or more pine trees may supersede the requirement for a maximum fifty (50%) percent of the required canopy trees in that location;
 - b. One (1) additional pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and,
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)
3. Along the interior side of the required fence, 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)

I. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINE (DONALD ROSS ROAD FRONTAGE, 64TH ROAD AND ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the south, east and west 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 for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet between clusters. A group of three (3) or more pine trees may supersede the requirement for a canopy tree in that location. A maximum fifty (50) percent of the required canopy trees within the buffer may be replaced by pine tree clusters;
 - d. One (1) palm for each twenty-five (25) linear feet of 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. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

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 outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade, as defined by the ULDC, to highest point, and shall be setback fifty (50) feet from the north and east property lines adjacent to existing residential. (CO: BLDG - Zoning)
3. 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)

K. SIGN

1. Freestanding point of purchase sign fronting on Donald Ross Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. Maximum sign face area per side - 40 square feet;
 - c. Maximum number of signs - one (1) for the entire site;
 - d. Style - monument style only; and,
 - e. Location - southwest portion of the property. (CO: BLDG)
2. Wall sign shall be limited to the south facade of the building. (CO: BLDG)

L. 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

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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

Principal Planner Flinchum and Alan J. Ciklin, agent, made their presentations, after which the following persons addressed the board on behalf of the petitioner: Steven Mickley, site planner; Bert Smith, traffic engineer; and Larry Zabek, market analyst.

PUBLIC COMMENT:

Gary Fields, agent for Palm Beach Country Estates and for Eastpointe, a retirement community, said the 2,000 homeowners of the two communities opposed the proposed daycare facility. He discussed "Why a special 'exception' should not be used to allow a major Day Care facility on a homesite in a rural residential community," a book distributed to the board, and detailed the following arguments:

- The proposed use was incompatible with the nature, character, and uses of the rural residential and equestrian area.
- The proposed use would have a negative environmental impact, including on environmentally sensitive land and on the survival of nesting sandhill cranes, a threatened species.
- The proposed use would create an extremely dangerous traffic situation.

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

The following persons spoke in support of the petition: David Gregg; Andrew Havouras; and Tom Ryan. Another supporter chose not to speak. Reasons for support included:

- A preschool is a positive addition to any neighborhood.
- There have been no traffic accidents at this location even with the advent of the Montessori school.
- Developer Guy Divosta would bring the same excellence and quality care to this project as to his other projects.
- Children can go to school in their community instead of traveling outside the area to do so.
- The proposed use would have no negative impact on the rural nature of the area.
- Sandhill cranes cross the road (unidentified) but not Donald Ross Road, which is much too busy.

The following persons spoke in opposition to the petition: Murray Abramowitz; Beverly Bean; Bill Bolds; Jeff Copper; Murray Lipkin, president of Eastbourne Homeowners Association; Robert Schneider; and Essie Smith. A number of persons submitted cards but elected not to speak. Reasons for opposition included:

- The proposed use was incompatible with existing uses and character of surrounding land, such as the retirement community directly opposite the petition's site; with the diminishing rural tier; and with the continued existence of environmentally sensitive land and sandhill cranes.
- The proposed use would aggravate an existing dangerous traffic situation.
- Traffic accidents have happened in the near area.
- The safety of children would be seriously jeopardized by the current and future traffic impact.
- Traffic problems would be exacerbated with the future alignment of Jog Road.
- The visual impact of the facility was that of a strip design.
- The Board of County Commissioners denied a Class A Conditional Use for a 99-child daycare center on the northwest corner of this same intersection in 1996.

Agent Ciklin objected to the previously discussed book and to its preparer not being identified. Commissioner Newell gave him a copy of the book.

MOTION to receive and file the book. Motion by Commissioner Masilotti, seconded by Commissioner Marcus, and carried 6-0. Commissioner Roberts absent.

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

Environmental Analyst Robert Kraus of the Environmental Resources Management Department told Commissioner Newell that the property had been cleared illegally, i.e., without permit or exemption, and, in consequence, staff had issued a notice of violation on the site.

Land Development Director Ken Rogers said that staff was satisfied as to the safety of the project.

Commissioner Marcus recalled that when the board changed Palm Beach Country Estates from rural to exurban, Michael Danchuk, resident, asked specifically if the change would allow a daycare center; he was told it would not. On page 234 of the staff report, however, a daycare center is allowed in the exurban tier. Ms. Marcus expressed disappointment that a different representation had been made to Mr. Danchuk and to the community. She said she had always supported daycare centers and believed very strongly that the needs of this community were being met by the existing daycare center. Commissioner Marcus said she would make a motion to deny the petition based on compatibility issues.

MOTION to DENY the request of Petition CA99-30(A) for a Class A Conditional Use to allow a general daycare. Motion by Commissioner Marcus and seconded by Commissioner Aaronson.

Commissioner Masilotti further discussed the issue raised by Commissioner Marcus and noted parallels with Item 3.C.11. (Hands On Learning Center) discussed earlier today. Planning Director Frank M. Duke said that the same policy existed in both the rural and the exurban tiers of allowing a daycare center. He read from the existing policy: "Where feasible considering the existing development pattern, the County shall promote the development of central community places by clustering and co-locating" these types of uses. This policy in and of itself does not mandate approval of any of these uses, he said; the board still had the discretion to make that decision.

Commissioner Aaronson emphasized the importance of daycare centers. He said he was very concerned about the traffic exiting the Florida Turnpike onto Donald Ross Road and questioned the advisability of siting such a center in this location. As was well known, he said, the common response to a 45 mile per hour speed limit was to go 50 or 55 miles per hour. He said he saw no safety measures being taken, such as right-turn lanes and traffic signalization.

Commissioner McCarty cited recent instances of illegal land clearing by persons familiar with county rules and proposed investigation of possible remedies, including, if legally possible, not considering conditional uses for properties that have been illegally cleared. As for the concern about traffic on Donald Ross Road, she pointed out there was also an access on 64th Drive North. Therefore, she had no problem about traffic. Ms. McCarty said she would support the petition. She said the illegal clearing of land could not be used as a basis for denial, but she proposed the maximum penalty for what she characterized as inexcusable.

The board began making their disclosures on ex parte communication at this time.

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

Commissioner Aaronson objected that persons buying homes in the area had been led to believe by the real estate brochure that the home in the illustration would be a home in actuality. Zoning Director Whiteford explained that the brochure was produced by a local realtor, not the developer, and questioned whether a realtor can fairly represent the ultimate outcome of any piece of land. Commissioner Aaronson said he had a problem with both representation and traffic and would consequently not support the item.

Commissioner Masilotti said that he supported the daycare center and favored traffic signalization at the intersection. He asked why staff had not provided it in response to his request of the previous month. Land Development Director Rogers responded that after making additional studies, staff did not recommend that the intersection be signalized. Commissioner Masilotti raised the possibility of installing a signal despite staff's recommendation. Mr. Rogers said that was in the board's discretion.

Mr. Rogers said that intersection signalization does not inherently increase safety; it neither reduces the number of accidents nor the potential for accidents. Commissioner Newell added that signalization does reduce the potential for serious injuries. Commissioner Aaronson pointed out there are more fatalities at signalized intersections than where there is no signalization.

UPON CALL FOR A VOTE, the motion FAILED 3-3. Commissioners Greene, McCarty, and Masilotti opposed. Commissioner Roberts absent.

MOTION to adopt a resolution approving the request of Petition CA99-30(A) for a Class A Conditional Use to allow a general daycare and ask that Item K under Article 5 of the development review procedures be imposed. Motion by Commissioner McCarty.

Commissioner McCarty explained that Article 5, Item K concerned suspension of development review proceedings until Code Enforcement actions are completed.

Assistant County Attorney Alterman asked if the reference also included any violation that came before any board, not only the Code Enforcement Board. Commissioner McCarty answered that it did.

Environmental Analyst Kraus added that county procedure was not to certify any site plan of any project that was under a code enforcement issue. Commissioner Newell clarified that without site plan certification, a petitioner could not pull any building permit to proceed. Agent Ciklin interjected that the petitioner had never got a code violation, that Mr. Divosta had been under the impression that if he was going to build a model home there, he did not need a permit and was exempt from regulations for single-family homes.

Commissioner Marcus said the previous motion resulted in a 3-3 tie vote; hence, the petition would automatically be postponed to the following month. Commissioner Newell said that while it was a tie vote, there was still an opportunity for a substitute motion. Assistant County Attorney Alterman said that the intent of the rules (Resolution R-2000-1960) was that a petition would be postponed only if there was a tie vote that could not be broken in any other way.

REGULAR AGENDA - CONTINUED

4.D.34. PETITION 99-30 - CONTINUED

MOTION FAILED FOR LACK OF SECOND.

MOTION to POSTPONE Petition CA99-30(A) to January 25, 2001. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

(CLERK'S NOTE: Commissioner McCarty left the meeting.)

Commissioner Masilotti emphasized that regardless of whether this petition was approved or not, the intersection needed to be made safer and requested that staff make a study that would show that a right-turn lane is needed on 64th Drive North and to bring that study back in January.

Commissioner Newell said that without some mechanism to improve safety, he had major concerns about the petition.

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

Commissioner Aaronson said he was concerned that a traffic signal at the intersection would lead to backed-up traffic during the rush hour and that drivers would be running the red light all day long.

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Greene, McCarty, and Roberts absent.

RECESS

At 11:49 a.m., the Chair declared a recess.

RECONVENE

At 11:57 a.m., the Board reconvened with Commissioners Aaronson, Greene, Marcus, Masilotti, and Newell present.

TIME CERTAIN 11:00 A.M.

4.C.33.

PETITION 95-83

PETITION DOA95-83(C) (LANE BOATHOUSE - APPEAL) OF CARLYLE JUPITER ISLAND CONDOMINIUM ASSOCIATION, INC. (APPELLANT), BY DANIEL ROSENBAUM, AGENT; LANE BOATHOUSE LC/WILBUR LANE AND EVA LANE (OWNERS), BY JOHN GARY, AGENT; AND MASON SIMPSON (ORIGINAL PETITIONER), BY PHILIPPE JECK, AGENT, FOR AN APPEAL OF A ZONING COMMISSION RESOLUTION APPROVING A DEVELOPMENT ORDER AMENDMENT (DOA) TO MODIFY THE CONDITIONS OF APPROVAL OF ZONING COMMISSION RESOLUTION ZR-2000-8 FOR THE 0.22-ACRE PROPERTY LOCATED APPROXIMATELY 0.25 MILE SOUTH OF THE MARTIN COUNTY LINE ON THE EAST AND WEST SIDES OF AIA (STATE ROAD 707). (P.O.P. 681382 [6-29-2000]) POSTPONED TO JANUARY 8, 2001, AT 9:30 A.M.-- 11-30-2000

Staff Recommendation: Adoption of a resolution upholding or overturning the decision of the Zoning Commission's approval of a development order amendment to amend conditions of approval.

Commissioner Newell said he understood the item was to be postponed. He described the item as very critical and asked that the full board be present to consider it. Commissioner Marcus said she did not want the item scheduled for a regular zoning day because of the lengthy testimony involved.

TIME CERTAIN 11:00 A.M. - CONTINUED

4.C.33. PETITION 95-83 - CONTINUED

January 8 and January 22, 2001, were discussed as possible hearing dates. Commissioner Aaronson said to schedule the item on January 8 and that he would try to be present.

MOTION to POSTPONE Petition DOA95-83(C) to January 8, 2001, at 9:30 a.m. Motion by Commissioner Marcus and seconded by Commissioner Greene.

PUBLIC COMMENT: None

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

(CLERK'S NOTE: A number of petitions and letters concerning the previous item were distributed but not accepted for receipt and file: 21 petitions opposed, 7 letters opposed, 1 petition in favor, and 1 letter expressing no preference.)

4.E. ZONING PETITION

4.E.35. See pages 4 and 5.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR

5.A.36.

PERMISSION TO ADVERTISE PROPOSED UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2000-2A. APPROVED ADVERTISING FOR FIRST PUBLIC HEARING ON DECEMBER 19, 2000, AT 9:30 A.M. -- 11-30-2000

Staff Recommendation: Approval of advertisement of Round 2000-2A for the first public hearing on December 19, 2000, at 9:30 a.m.

For the affected ULDC sections and descriptions of the following amendments, see the backup:

I. Proposed Scrivener's Amendments

A. Consistency Revisions

- A.1 Elderly
- A.2 Convenience stores
- A.3 Zoning Districts
- A.4 Overlay Districts
- A.5 Permitted Uses
- A.6 AGR [Agricultural Reserve] District
- A.7 Conditional Uses
- A.8 Adult Entertainment Landscape Buffers
- A.9 Shipping containers
- A.10 Day Camp
- A.11 Specialty Restaurant
- A.12 PDD [Planned Development District] Scriveners
- A.13 PUD [Planned Unit Development] Scriveners
- A.14 TND [Traditional Neighborhood Development] Scriveners
- A.15 MXPDP [Mixed Use Planned Development] Scriveners
- A.16 MUPD [Multiple Use Planned Development] Scriveners
- A.17 PIPD [Planned Industrial Park Development] Scriveners
- A.18 MHPD [Mobile Home Park Planned Development] Scriveners
- A.19 RVPD [Recreational Vehicle Park Planned Development] Scriveners
- A.20 SWPD [Solid Waste Disposal Planned Development] Scriveners

ZONING DIRECTOR COMMENTS - CONTINUED

5.A.36. - CONTINUED

- A.21 Planned Development District parking reductions
- A.22 Odors
- A.23 Signage
- A.24 Certified Survey Requirements
- A.25 Townhouse Supplementary Use Regulations Scriveners

II. Proposed General Text Amendments

B. New Uses and Updated Regulations

- B.1 Finished Grade Definition
- B.2 Aviculture/Hobby Breeders
- B.3 Congregate Living Facilities
- B.4 Community Residential Home and Community Transitional Residence
- B.5 Financial Institutions
- B.6 Grocery Stores
- B.7 Veterinary Clinic
- B.8 Commercial Kennel
- B.9 Private Kennel
- B.10 Lounge, cocktail
- B.11 Pawnshop
- B.12 Retail sales, mobile or temporary
- B.13 Public/Private schools
- B.14 Self Service Storage
- B.15 Slaughterhouses
- B.16 Utility, minor
- B.17 Special Permit Renewals
- B.18 Locational Criteria
- B.19 Recycling Collection Stations
- B.20 Communication Tower, commercial
- B.21 Tables 6.4-1/6.8-2 Zoning Districts
- B.22 Accessory radio tower
- B.23 Freestanding kiosks

C. Rural Standards

- C.1 Setbacks for non-conforming lots in AR [Agricultural Residential]
- C.2 AP [Agricultural Production] Zoning District
- C.3 RR [Rural Residential] 2.5 and RR 5/AR [Agricultural Residential] and RE [Residential Estate]
- C.4 AR [Agricultural Residential] districts
- C.5 Special Events
- C.6 Property Development Regulations Table
- C.7 Rural Design Elements

D. Quality Design

- D.1 Open Space
- D.2 Bike Racks
- D.3 Housing Classification Chart
- D.4 Property Development Regulations
- D.5 Supplementary Regulations
- D.6 Signage
- D.7 Security Cameras in Shopping Centers

E. Infill and redevelopment

- E.1 Lake Worth Road Commercial Corridor Overlay District

F. Planned Development Districts

- F.1 Street Trees in Planned Developments
- F.2 PDD [Planned Development District] Parking Requirements
- F.3 AGR [Agricultural Reserve] Buffers
- F.4 MUPD Parking Requirements

G. Parking and Landscaping Standards

- G.1 Parking Standards
- G.2 Parking (drop-off) stall dimensions
- G.3 Safe Sight Distances in Parking Lots
- G.4 Landscape Changes

ZONING DIRECTOR COMMENTS - CONTINUED

5.A.36. - CONTINUED

H.	<u>Land Development Standards</u>
H.1	Access
H.2	DRC [Development Review Committee] Site Plan Review
H.3	Ancillary Structures
H.4	Drainage Standards
H.5	Landscape Curbing Requirements
H.6	Lake Maintenance Easements
I.	<u>Functions and Processes</u>
I.1	Citizens Task Force
I.2	Appeals
I.3	Flood Hazard Areas
I.4	Board of Adjustment
I.5	Compliance with Time Limitations and Conditions of Approval
I.6	Expedited Application Consideration
J.	<u>Agricultural Industry</u>
J.1	Nursery Regulations
J.2	Equestrian Regulations
K.	<u>Miscellaneous</u>
K.1	TDR [Transfer of Development Rights] Reference
K.2	Indiantown Road Overlay District
K.3	Concurrency 90 Day Negotiation
K.4	Airport Maps
III.	Additional Proposed Amendments
L.	<u>Emerging Concepts</u>
L.1	Bed and Breakfast Party Events

Zoning Director Whiteford briefly described the amendment round and said the proposed first hearing date was December 19, 2000. He added that there was a privately initiated request to amend the Bed and Breakfast portion (III.L.1 above) of the ULDC and that staff recommended that the amendment not be initiated.

MOTION to approve the advertisement of ULDC Amendment Round 2000-2A for first public hearing on December 19, 2000, as recommended by staff. Motion by Commissioner Masilotti, seconded by Commissioner Marcus, and carried 5-0. Commissioners McCarty and Roberts absent.

5.A.37.

ONE-STOP DEVELOPMENT PERMITTING WEBSITE PREVIEW AND RELEASE. DISCUSSED 11-30-2000

Senior Planner Aimee Craig Carlson updated the board on the one-stop development permitting website:

- At the request of the board and the Business Development Board, Planning, Zoning and Building (PZB) staff had applied for and received a state grant to complete the website.
- The website builds upon PZB's one-stop permitting center and the existing PZB website, contains every development-related application, and is operational.
- Staff received very good feedback from the development community, which participated in website development.

ZONING DIRECTOR COMMENTS - CONTINUED

5.A.37. - CONTINUED

- PZB and the Business Development Board are preparing to issue a joint press release, copies of which will be sent to the commissioners.
- Staff is prepared to make a presentation if the board would like.

No backup provided.

UNSCHEDULED ITEM

5.A.37.1.

ADMINISTRATIVE INQUIRY CONCERNING THE SEMINOLE IMPROVEMENT DISTRICT WATER TREATMENT PLANT (CALLERY-JUDGE WATER AND WASTEWATER TREATMENT PLANT) ON ITS AND THE CALLERY-JUDGE GROVE PROPERTIES. THE FACILITY IS LOCATED APPROXIMATELY 325 FEET NORTH OF SYCAMORE DRIVE AND 270 FEET EAST OF CHEETHAM HILL BOULEVARD. DISCUSSED 11-30-2000

Zoning Director Whiteford informed the board that a zoning administrative inquiry would be added to the Comprehensive Plan hearing of December 6, 2000, concerning the Callery-Judge water treatment plant approved by the board in 1996 (Petition 95-107). This is in response to a proposal made to staff to approve a minor utility that would, in essence, expand plant capacity. Zoning records indicate there possibly was a cap put on the plant's allowable gallons per day. The question that would be put forward to the commissioners was whether the representation made to them was intended to be a cap.

Mr. Whiteford added that a couple of uses in the area want to use the expansion, one of which is a school. If the school does not hook up to this plant, it would delay its opening.

No backup provided.

5.B. PLANNING DIRECTOR

5.B.38.

UPDATE ON THE SECTOR PLAN. DISCUSSED WITH DIRECTION 11-30-2000

Senior Planner Denise Crompton Malone reported to the board on recent events concerning the sector plan:

- The first of three community workshops was held on November 18, 2000. It was attended by 50 to 70 community members and generated a great deal of positive feedback.

WilsonMiller, the consultants, presented several items: (1) their community profile findings; (2) a facilitative discussion about what is rural; (3) the preliminary trend plan; and (4) some building alternatives that would be incorporated in the community design alternatives.

Continuing feedback will be obtained from the website and from a comment form filled out by meeting attendees and non-attendees.

PLANNING DIRECTOR COMMENTS - CONTINUED

5.B.38. - CONTINUED

- A peer review session was held November 16-17, 2000, and received positive feedback as well. Peer review members are excited about the project and eager to continue to be involved in it.
- A technical data meeting will be held on December 11, 2000, to which several persons have been invited to share their technical data.
- Over the next couple of months the consultants will be developing the community design alternatives.
- Stage 1 of the sector plan is approximately one month behind schedule. Staff is now in stage 2 and believes they will be able to stay on track with this stage's ending date of June 1, 2001.

One reason for being behind schedule is the consultants', rather than staff's, receipt of numerous and repetitive requests for public records as well as the very active involvement of some large landowners. Staff has discussed the issue with the landowners and the consultants and believe it has been resolved.

Commissioner Marcus said she was very concerned about the big landowners hiring their own consultants and interacting directly with the county's consultants who were hired to work for the entire county. Staff needed to put WilsonMiller on notice that the sector plan is a public project and to deal with everyone at arm's length; they also needed to monitor that this was being done. Additionally, it was inappropriate that the consultants billed the county for providing copies to them.

Commissioner Masilotti said the large landowners had called staff to make private appointments and that he had told Planning Director Duke and Planning, Zoning and Building Executive Director Dominic Sims that this was inappropriate. He had also told Ms. Malone that staff should not go to private homes to make presentations to three or four residents. If the large landowners want to have input, they should make it at open and public meetings at which residents were also present. Everyone needs equal representation and equal access on this matter, he stated.

Commissioner Aaronson agreed with Commissioner Masilotti and observed the situation was not like the Lake Worth Drainage District where the number of acres you own is how many votes you cast. Everyone has one vote in this, he said. Mr. Aaronson also expressed concern about being one month behind six months into the process, about further delay, and about the consultant eventually asking for a contract price increase because of that delay. Staff should meet with them and tell them they are only getting one price on this job, he said.

PLANNING DIRECTOR COMMENTS - CONTINUED

5.B.38. - CONTINUED

Mr. Duke said that both he and Ms. Malone had advised the consultants to: (1) send all information to staff, and not to the large landowners or their consultants, for equal-access distribution; and (2) hold contact meetings, including meetings on technical topics, in public forums which all members of the public can attend. Further, he had informed two of the three big landowners that they are the cause of the delay, explaining that individually they frequently make seven or eight requests for information a week and never come and pick the information up. He noted that the consultant was aware there would be no modifications in the contract price. The landowners expressed regret and acknowledged they would work to improve matters, he said.

Commissioner Aaronson suggested that Mr. Duke send a note to each commissioner identifying the large landowners who are causing the problems. Commissioner Marcus said it was the owners of the three orange groves.

Commissioner Masilotti remarked that he had telephoned the landowners with the request to limit their requests because staff could not get their work done.

Commissioner Marcus suggested that the Chair send a letter to the county's consultant clarifying the issue. Mr. Duke said he would be happy to draft the letter.

Commissioner Masilotti praised the website and complimented staff on their efforts in getting everyone the same information.

No backup provided.

6. COMMISSION COMMENTS - None

7. ADJOURNMENT

The Chair declared the meeting adjourned at 12:14 p.m.

ATTESTED:

APPROVED:

Clerk

Chair