

RESOLUTION NO. R-96- 813

RESOLUTION APPROVING ZONING PETITION DOA80-103(H)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FOUR FLORIDA SHOPPING CENTER
BY KEITH PELAN, AGENT
SANDALFOOT PLAZA

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA80-103(H) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA80-103(H), the petition of Four Florida Shopping Center, by Keith Pelan, agent, for a Development Order Amendment(DOA) to add square footage (+13,000) and allow a fast food restaurant (requested use) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 23,1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Newell and, upon being put to a vote, the vote was as follows:

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Absent
Maude Ford Lee	--	Absent
Karen T. Marcus	--	
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Allen*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

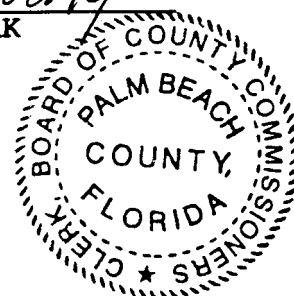


EXHIBIT A

LEGAL DESCRIPTION

Sandalfoot Plaza **Shopping** Center

Land Description

LOTS 2, 7, AND 8, SANDALFOOT PLAZA, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 48, PAGE 185, SAID LANDS SITUATE, LYING AND BEING IN PLAM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 7 TAKEN BY PALM BEACH COUNTY, FLORIDA, BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6611, PAGE 977. OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL DESCRIBED AS FOLLOWS:

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, LYING IN SECTION 31, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, STATE OF FLORIDA, BEISG A PORTION OF TRACT 7 OF THE PLAT OF SANDALFOOT PLAZA, RECORDED IN PLAT BOOK 48, PAGE 187, PUBLIC RECORDS OF SAID COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE PURPOSE OF THIS DESCRIPTION THE RIGHT-OF-WAY CENTERLINE OF SW 19TH STREET, ALSO KNOWN AS MARINA BOULEVARD, AS SHOWN IN THE PLAT OF SANDALFOOT COVE, SECTION ONE, RECORDED IN PLAT BOOK 28, PAGE 225, OF THE PUBLIC RECORDS OF SAID COUNTY, IS ASSUMED TO BEAR NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, AND ALL BEARINGS RECITED HEREON ARE RELATIVE THERETO.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 01 DEGREES, 49 MINUTES, 40 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION, A DISTANCE ~~OF~~ 1,334.71 FEET TO THE WESTERLY PROLONGATION OF THE RIGHT-OF-WAY CENTERLINE OF SW 19TH STREET (MARINA BOULEVARD); THENCE NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST ALONG SAID WESTERLY PROLONGATION AND ALONG SAID CENTERLINE, A DISTANCE ~~OF~~ 446.34 FEET TO A POINT 562.91 FEET WEST OF, AS MEASURED ALONG SAID RIGHT-OF-WAY CENTERLINE, THE INTERSECTION WITH THE RIGHT-OF-WAY CENTERLINE OF SW 66TH AVENUE (EDGEWOOD PARKWAY) AS SAID AVENUE IS SHOWN IN SAID PLAT OF SANDALFOOT COVE SECTION ONE; THENCE NORTH 00 DEGREES, 54 MINUTES, 44 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF SW 19TH STREET AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 264.42 FEET, THENCE NORTH 85 DEGREES, 53 MINUTES, 10 SECONDS WEST. DEPARTING FROM SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 102.67 FEET; THENCE SOUTH 89 DEGREES, 05 MINUTES, 05 SECONDS WEST, A DISTANCE OF 71.50 FEET TO THE BEGINNISG OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 16.00 FEET AND A CENTRAL ANGLE OF 75 DEGREES, 31 MINUTES, 21 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 21.09 FEET TO A NOH-TANGENT LINE; THENCE SOUTH 89 DEGREES, 05 MINUTES, 05 SECONDS WEST ALONG SAID NON-TANGENT LINE, A DISTANCE OF 66.00 FEET; THENCE SOUTH 00 DEGREES, 54 MINUTES, 55 SECONDS EAST, A DISTANCE OF 6.54 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY. HAVING A RADIUS OF 16.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES, 39 MINUTES, 30 SECONDS; THESCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTASCE OF 18.05 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A COMPUTED NET AREA OF 19.172 ACRES (835.139 SQUARE FEET), MORE OR LESS.

THE PROPOSED FAST FOOD RESTAURANT IS TO BE SITUATED ON X PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS:

A PORTION OF LOT 2, SANDALFOOT PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, PAGES 186 AND 187 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2:

THENCE ALONG THE EAST LINE ~~OF~~ SAID LOT 2 THE FOLLOWING THREE (3) COURSES AND DISTANCES: SOUTH 00 DEGREES, 54 MINUTES, 55 SECONDS EAST, 100.00 FEET; NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, 20.00 FEET; SOUTH 00 DEGREES, 54 MINUTES, 55 SECONDS EAST, 31.18 FEET; THENCE SOUTH 89 DEGREES, 39 MINUTES, 28 SECONDS WEST, 241.08 FEET TO THE WEST LINE OF SAID LOT 2; THENCE NORTH 00 DEGREES, 31 MINUTES, 22 SECONDS WEST ALONG SAID WEST LINE OF LOT 2, A DISTANCE OF 129.17 FEET TO THE NORTHWEST CORNER ~~OF~~ SAID LOT 2; THENCE NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 220.19 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 29,369 SQUARE FEET, MORE OR LESS.

PALM BEACH COUNTY PROPERTY CONTROL NUMBER: 00-42-47-30-34-000-0020

80-103H

DEC 20 1995

EXHIBIT B
VICINITY SKETCH

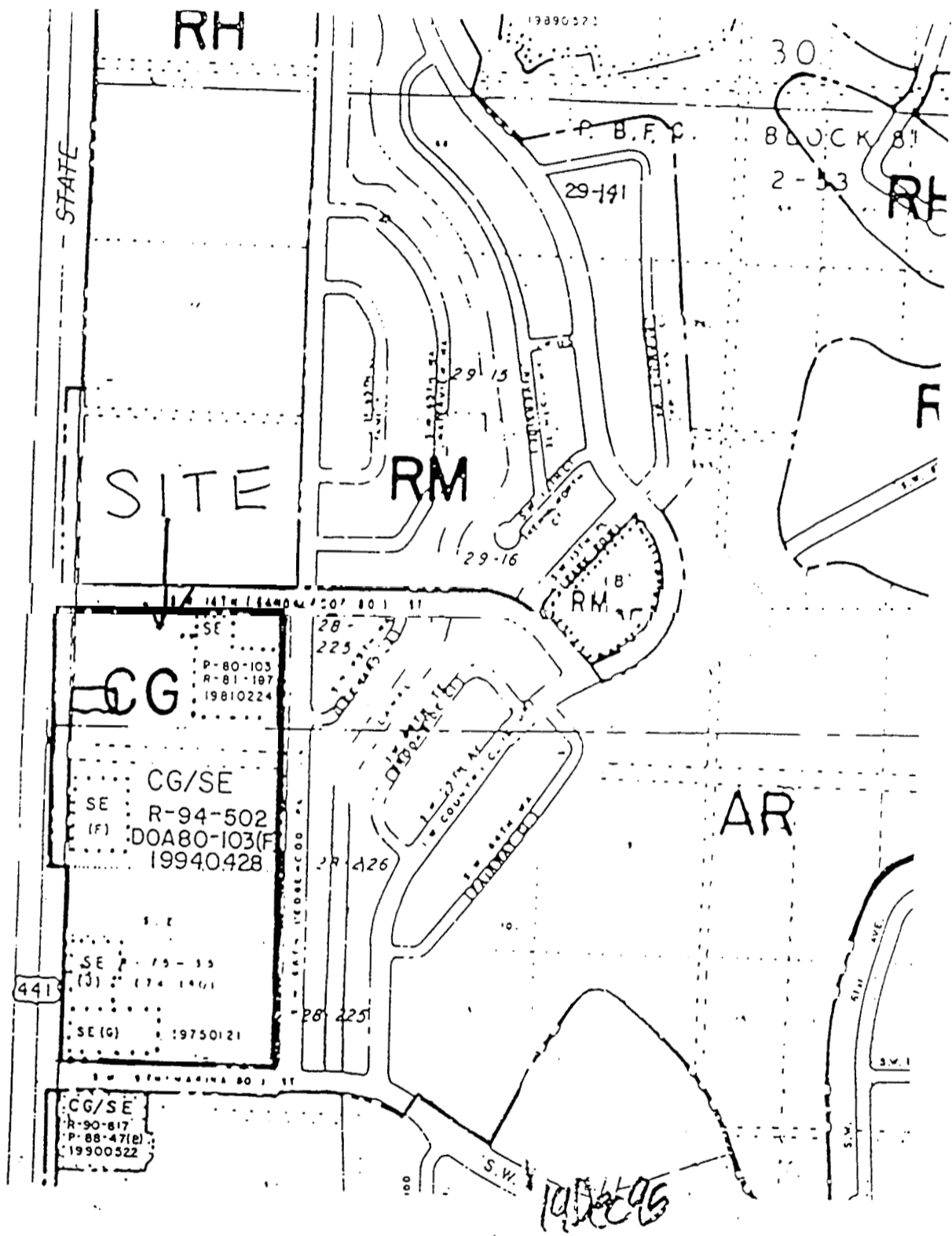


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions (shown in **BOLD**) have been consolidated as indicated below.

A. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-35 (Petition 74-180), R-80-853 (Petition 80-103), R-87-225 (Petition 80-103(A)), R-88-1212 (Petition 80-103(B)), R-89-333 (Petition 80-103(C)), R-89-910 (Petition 80-103(D)), R-89-1444 (Petition 80-103(E) and R-94-0502 (Petition 80-103(F)), 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. **Petitioner shall comply with all previous conditions of approval unless expressly modified herein.** Previously Condition No. A1. of Resolution R-94-502, Petition 80-103(F). (MONITORING)
3. **Prior to site plan certification, the petitioner shall record a Unity of Title agreement covering the entire site.** Previously Condition No. A6. of Resolution R-94-502, Petition 80-103(F). (COUNTY ATTORNEY)
4. **Simultaneously with submittal to the Site Plan Review Committee, the petitioner shall submit, in duplicate, an executed cross access agreement with the overall shopping center.** Previously Condition No. A7. of Resolution R-94-502, Petition 80-103(F). (COUNTY ATTORNEY/ENGINEERING)
5. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated March 30, 1996). 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. SITE DESIGN

1. **To ensure vehicles do not enter the outdoor play area, the petitioner shall, prior to certification of a final site plan by the DRC, amend the site plan to indicate a solid concrete wall or bollards, with a minimum height of three (3) feet, between the outdoor play area and the adjacent access isle. The wall and/or bollards shall be installed prior to the issuance of the Certificate of Occupancy (C.O.) for the day care center.** Previously Condition No. B1 of Resolution R-94-502, Petition 80-103(F)(ZONING/BUILDING)
2. **The day care facility shall be limited to 175 students.** Previously Condition No. B2 of Resolution R-94-502, Petition 80-103(F)(ZONING)
3. **Prior to site plan certification, the site plan shall be amended to indicate the following:**
 - a. **square foot coverage of the canopy in the site data tabular.**

- b. A total interior landscape requirement in the site data tabular based on the number of parking spaces and the specialized vehicular use area. Previously Condition No. B3. of Resolution R-94-502, Petition 80-103(F). (ZONING)
- 4. Prior to site plan certification, the site plan shall be amended to reflect the (1) loading space. Previously Condition No. B4. of Resolution R-94-502, Petition 80-103(F). (ZONING)
- 5. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Clearly define five (5) car stacking distance which does not interfere with traffic utilizing the site.
 - b. Access dimensions to be labeled.
 - c. Identify and label area between parking adjacent to structure and eastern property line. Previously Condition No. B5. of Resolution R-94-502, Petition 80-103(F). (ZONING)
- 6. No outside storage of disassembled vehicles or parts thereof shall be permitted on site. Previously Condition No. B6. of Resolution R-94-502, Petition 80-103(F). (CODE ENFORCEMENT)
- 7. No off-premise signs shall be permitted on the site. Previously Condition No. B7. of Resolution R-94-502, Petition 80-103(F). (CODE ENFORCEMENT)
- 8. Trees planted in perimeter landscape strips shall be a minimum of ten (10) to twelve (12) feet upon planting. Previously Condition No. B8. of Resolution R-94-502, Petition 80-103(F). (ZONING)
- 9. Maximum height of free standing signs on the site shall be twenty-five (25) feet. Previously Condition No. B9. of Resolution R-94-502, Petition 80-103(F). (BUILDING/ZONING)
- 10. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. A clearly defined five (5) car stacking distance with by pass lane which does not conflict or interfere with other traffic utilizing the site;
 - b. Clearly labeled access dimensions;
 - c. Required perimeter landscape strips;
 - d. Required transfer of interior landscaping from specialized vehicular use areas to the perimeter of the site; and
 - e. A clear back up distance for all parking stalls. Previously Condition No. B10. of Resolution R-94-502, Petition 80-103(F). (ZONING)
- 11. The petitioner shall relocate all parking stalls which conflict with:
 - a. Traffic entering the site at the northeast corner; and

- b. Traffic exiting to the one-way drive in a easterly direction. Previously Condition No. B11, of Resolution R-94-502, Petition 80-103(F). (ENGINEERING/ZONING)
12. The petitioner shall relocate the dumpster to an alternative location that allows for the realignment of the west to east one-way drive around the stacking area. Previously Condition No. 813. of Resolution R-94-502, Petition 80-103(F). (ZONING)
13. No retail sales shall be allowed on site, except ancillary to the proposed auto service uses. Previously Condition No. B14, of Resolution R-94-502, Petition 80-103(F). (ZONING) [NOTE: Auto service station only]
14. Prior to certification, the site plan shall be amended to indicate the following:
- a. A twenty (20) foot wide by seventy (70) foot long landscape area north of the 2,100 square foot car wash. A paved access area for loading and periodic maintenance is allowed;
 - b. Seven (7) foot wide sidewalk along the eastern facade as indicated on Exhibit 141;
 - c. Thirty (30) foot dimension between the westernmost parking spaces and the five (5) foot wide sidewalk;
 - d. Location of vacuum stations associated with the car wash;
 - e. Directional signage and pavement striping for all stacking areas;
 - f. Required handicap spaces adjacent to the seven (7) foot wide sidewalk;
 - g. Pavement markings identifying the six (6) easternmost parking spaces as "car wash only" detail areas for drying, polishing, waxing, etc.; and,
 - h. Thirty-four (34) foot dimension between the car wash and easternmost parking spaces;
 - i. Pedestrian access to the parcel to the south by providing a minimum four (4) foot sidewalk through the landscape strips connecting the front of the building; and,
 - j. All perimeter landscape strips shall be upgraded with mahogany trees twelve (12) feet in height spaced twenty (20) feet on center with a hedge thirty-six (36) inches in height and spaced twenty-four (24) inches on center. Also trees in terminal parking islands shall be upgraded to a minimum of twelve (12) feet in height at the time of installation. All landscaping shall be maintained in a viable healthy condition. Previously Condition No. B16 of Resolution R-94-502, Petition 80-103(F). (ZONING)
15. Concurrent with Site Plan submittal, the petitioner shall submit a current, legible overall master site plan for the Sandalfoot Planned Commercial Development. Revised tabular data for all building square footage, required parking and landscaping shall be keyed to the respective

C. **ENVIRONMENTAL**

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to Site Plan certification. Previously Condition No. C1 of Resolution R-94-502, Petition 80-103(F) (ERM)
2. Petitioner shall comply with the design requirements of the proposed wellfield protection ordinance applicable to wellfield protection **Zone Two**. Previously Condition No. C2. of Resolution R-94-502, Petition 80-103(F). (ERM)
3. Petitioner shall have a water recycling system for the **carwash** facility. Previously Condition No. C3. of Resolution R-94-502, Petition 80-103(F). (ERM)
4. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. Previously Condition No. C4. of Resolution R-94-502, Petition 80-103(F). (ERM)
5. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. Previously Condition No. C8. of Resolution R-94-502, Petition 80-103(F).(ERM/SWA)
6. There is a potential for restricted materials to be stored onsite including petroleum products and solvents. An Affidavit of Notification must be executed and the petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the wellfield. It is recommended that double walled tanks and piping be included as part of those measures. Previously Condition No. C9. of Resolution R-94-502, Petition 80-103(F). (ERM)

D. **HEALTH**

1. Since sewer service is available to the property, septic tank shall not be approved for use on said property. Previously Condition No. D1. of Resolution R-94-502, Petition 80-103(F). (HEALTH)
2. Since water service is available to the property, a well shall not be approved for use on said property. Previously Condition No. D2. of Resolution R-94-502, Petition 80-103(F) (HEALTH)

E. **ENGINEERING**

1. 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 at the time of the Building Permit presently is \$57,750 (1050 trips X \$55.00 per trip) Previously Condition No. D1 of Resolution R-94-502, Petition 80-103(F) (IMPACT FEE COORDINATOR).

2. 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 \$27,031.00 (1,009 trips x \$26.79 per trip). Previously Condition No. E2. of Resolution R-94-502, Petition 80-103(F). (IMPACT FEE COORDINATOR).
3. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$6,758.00 shall be credited toward the increased Fair Share Fee. Previously Condition No. E3. of Resolution R-94-502, Petition 80-103(F). (IMPACT FEE COORDINATOR).
4. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$6,758.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$33,789.00 to be paid prior to the issuance of the first building permit or prior to certification of the Master Plan, or prior to October 1, 1987 whichever shall first occur. Previously Condition No. E4. of Resolution R-94-502, Petition 80-103(F). (IMPACT FEE COORDINATOR).
5. 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 \$12,163.00 (454 trips x \$26.79 per trip). Previously Condition No. E5. of Resolution R-94-502, Petition 80-103(F). (IMPACT FEE COORDINATOR).
6. 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 the proposed 6,420 square feet addition presently is \$7,903.00 (295 trips x \$26.79 per trip). Previously Condition No. E6. of Resolution R-94-502, Petition 80-103(F). (IMPACT FEE COORDINATOR).
7. The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$13,342.00 (498 trips x \$26.79 per trip). Previously Condition No. E7. of Resolution R-94-502, Petition 80-103(F). (IMPACT FEE COORDINATOR).
8. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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 Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition No. E8. of Resolution R-94-502, Petition 80-103(F). (ENGINEERING)

9. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. Previously Condition No. E12 of Resolution R-94-502, Petition 80-103(F). (ENGINEERING)
10. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for 8.1. 19th Street, 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. Previously Condition No. E16, of Resolution R-94-502, Petition 80-103(F). (ENGINEERING)
11. The petitioner shall convey to the Lake Worth Drainage District an easement 20 feet in width, lying east of and parallel and/or concentric with the existing east top of bank for the required right-of-way for Equalizing Canal No. 1, by Quit Claim Deed or an Easement Deed in the form provided by the District within ninety (90) days of the approval of the Resolution approving this project. Previously Condition No. E18, of Resolution R-94-502, Petition 80-103(F). (ENGINEERING)
12. 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, Zoning Petition 80-103(H), to be paid at the time of issuance of the Building Permit presently is:
 - a. \$28,490.00 for the proposed fast food restaurant (1,036 additional trips x \$27.50 per trip)
 - b. \$11,275.00 for the proposed 10,400 square feet of additional retail (205 additional trips x \$55.00 per trip). (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)
13. LANDSCAPE WITHIN MEDIAN
 - 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 all adjacent median(s) of all abutting rights-of-way of SR7 for the entire frontage of the shopping center along SR7. When permitted by Palm Beach County Department of Engineering and Public Works, 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. 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: BLDG - Eng)

- B. All required median landscaping including: an irrigation system, if required, shall be installed at the property owners expense. All 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 on or before the issuance of a Certificate of Occupancy. (CO: BLDG - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: BLDG - Eng)

F. MONITORING

1. Condition No. F1. of Resolution R-94-502, Petition 80-103(F) which 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 state:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- 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.

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)