

RESOLUTION NO. R-2002-0504

RESOLUTION APPROVING ZONING PETITION PDD2001-053
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF BOOS DEVELOPMENT GROUP INC.
BY KILDAY AND ASSOCIATES, AGENT
(MILITARY MELALEUCA MUPD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2001-053 was presented to the Board of County Commissioners at a public hearing conducted on April 4, 2002; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land. and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD2001-053, the petition of Boos Development Group Inc. by Kilday and Associates, agent, for an Official Zoning Map Amendment from Agricultural Residential, General Commercial and Planned Commercial Development to Multiple Use Planned Development with 2 restaurants, fast food on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 4, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	- Aye
Carol A. Roberts, Vice Chair	- Aye
Karen T. Marcus	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Tony Masilotti	- Absent
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 4, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of May, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY
COUNTY ATTORNEY

BY:


DEPUTY CLERK

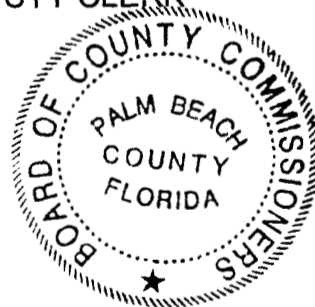


EXHIBIT A
LEGAL DESCRIPTION

THE WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS RIGHT-OF-WAY OF MELALEUCA LANE **AS** LAID OUT AND IN USE AND AS DESCRIBED IN ORDER OF TAKING RECORDED AUGUST 3, 1989, IN OFFICIAL RECORDS BOOK 6150, PAGE 1355, AND AS DESCRIBED IN ORDER OF TAKING RECORDED DECEMBER 18, 1998, IN OFFICIAL RECORDS BOOK 10802, PAGE 790 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

PARCEL I:

THE SOUTH 120.28 FEET OF THE NORTH 340.56 FEET OF THE EAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40.00 FEET THEREOF.

PARCEL II:

THE SOUTH 120.28 FEET OF THE NORTH 460.84 FEET OF THE EAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40.00 FEET THEREOF.

PARCEL III:

THE SOUTH 145.42 FEET OF THE NORTH 606.26 FEET OF THE EAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40 FEET THEREOF.

PARCEL IV:

THE SOUTH 150 FEET OF THE NORTH 756.26 FEET OF THE EAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE EAST 40.00 FEET THEREOF.

PARCEL V:

THE EAST 114 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 114 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40 FEET THEREOF, THE NORTH 756.26 FEET THEREOF, AND THE SOUTH 400 FEET THEREOF.

PARCEL VI:

THE SOUTH 400 FEET OF THE EAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40 FEET THEREOF.

EXHIBIT A

LEGAL DESCRIPTION

LESS THE FOLLOWING: ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL CONVEYED TO PALM BEACH COUNTY BY DEED RECORDED JANUARY 12, 1989, IN OFFICIAL RECORDS BOOK 5933, PAGE 1583, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 01 DEGREE 27 MINUTES 02 SECONDS EAST ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 1004.70 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 58 SECONDS WEST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS RECORDED IN DEED BOOK 886, PAGE 378, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 47.02 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 02 SECONDS EAST PARALLEL WITH AND 47.00 FEET WEST OF SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 120.32 FEET; THENCE SOUTH 86 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 47.02 FEET TO A POINT ON SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 01 DEGREE 27 MINUTES 02 SECONDS WEST ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 120.32 FEET TO THE POINT OF BEGINNING, CONTAINING 5655 SQUARE FEET MORE OR LESS,

AND LESS ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL CONVEYED TO PALM BEACH COUNTY BY DEED RECORDED JANUARY 12, 1989, IN OFFICIAL RECORDS BOOK 5933, PAGE 1518, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 1 DEGREE 27 MINUTES 02 SECONDS EAST ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 738.90 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 58 SECONDS WEST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS RECORDED IN DEED BOOK 887, PAGE 205 AND DEED BOOK 886, PAGE 90, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 34.93 FEET; THENCE NORTH 0 DEGREES 55 MINUTES 47 SECONDS WEST, A DISTANCE OF 26.42 FEET TO A POINT OF CURVATURE NON-TANGENT TO THE LAST DESCRIBED LINE, SAID CURVE BEING CONCAVE TO THE EAST, HAVING A RADIUS OF 2342.33 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 85 DEGREES 53 MINUTES 56 SECONDS WEST; THENCE NORTHEASTERLY 226.96 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF TANGENCY; THENCE NORTH 1 DEGREE 27 MINUTES 02 SECONDS EAST PARALLEL WITH AND 47.00 FEET WEST OF SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE 13.12 FEET; THENCE SOUTH 86 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 47.02 FEET TO A POINT ON THE EXSTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 1 DEGREE 27 MINUTES 02 SECONDS WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE OF MILITARY TRAIL A DISTANCE

OF EXHIBIT A

LEGAL DESCRIPTION

265.80 FEET TO THE POINT OF BEGINNING, CONTAINING 11,361 SQUARE FEET MORE OR LESS,

AND LESS, ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL CONVEYED TO PALM BEACH COUNTY BY DEED RECORDED JANUARY 12, 1989, IN OFFICIAL RECORDS BOOK 5933, PAGE 1524, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 1 DEGREE 27 MINUTES 02 SECONDS EAST ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 588.85 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 58 SECONDS WEST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS RECORDED IN DEED BOOK 886, PAGE 378, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 59 MINUTES 58 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 28.68 FEET; THENCE NORTH 0 DEGREES 55 MINUTES 47 SECONDS WEST, A DISTANCE OF 150.35 FEET; THENCE SOUTH 86 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 34.93 FEET TO A POINT ON SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 1 DEGREE 27 MINUTES 02 SECONDS WEST ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 150.05 FEET TO THE POINT OF BEGINNING, CONTAINING 4771 SQUARE FEET MORE OR LESS,

AND LESS, ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL CONVEYED TO PALM BEACH COUNTY BY DEED RECORDED JANUARY 12, 1989, IN OFFICIAL RECORDS BOOK 5933, PAGE 1543, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 1 DEGREE 27 MINUTES 02 SECONDS EAST ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 401.32 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 58 SECONDS WEST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS RECORDED IN DEED BOOK 886, PAGE 378, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 53 MINUTES 49 SECONDS WEST, A DISTANCE OF 27.01 FEET; THENCE NORTH 1 DEGREE 27 MINUTES 02 SECONDS EAST PARALLEL WITH AND 27.00 FEET WEST OF SAID WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 147.31 FEET; THENCE NORTH 0 DEGREES 55 MINUTES 47 SECONDS WEST, A DISTANCE OF 40.24 FEET; THENCE SOUTH 86 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 28.68 FEET TO A POINT ON SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 1 DEGREE 27 MINUTES 02 SECONDS WEST ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 187.53 FEET TO THE POINT OF BEGINNING, CONTAINING 5096 SQUARE FEET MORE OR LESS,

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AND LESS, ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL CONVEYED TO PALM BEACH COUNTY BY DEED RECORDED JANUARY 12, 1989, IN OFFICIAL RECORDS BOOK 5933, PAGE 1560, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 86 DEGREES 53 MINUTES 49 SECONDS WEST (DEED) (N 86 DEGREES 55 MINUTES 50 SECONDS W FIELD) ALONG THE SOUTH LINE OF SAID SECTION 25, A DISTANCE OF 40.02 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS RECORDED IN DEED BOOK 886, PAGE 378, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 53 MINUTES 49 SECONDS (DEED) (N 86 DEGREES 55 MINUTES 50 SECONDS W FIELD) WEST ALONG SAID SOUTH LINE OF SECTION 25, A DISTANCE OF 12.00 FEET; THENCE NORTH 01 DEGREE 47 MINUTES 03 SECONDS EAST, A DISTANCE OF 52.66 FEET; THENCE NORTH 88 DEGREES 12 MINUTES 57 SECONDS WEST, A DISTANCE OF 4.66 FEET; THENCE NORTH 0 DEGREES 20 MINUTES 16 SECONDS WEST, A DISTANCE OF 341.40 FEET; THENCE NORTH 1 DEGREE 27 MINUTES 02 SECONDS EAST, A DISTANCE OF 6.68 FEET; THENCE SOUTH 86 DEGREES 53 MINUTES 49 SECONDS EAST, A DISTANCE OF 27.01 FEET TO A POINT ON SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 1 DEGREE 27 MINUTES 02 SECONDS WEST ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 400.17 FEET TO THE POINT OF BEGINNING, CONTAINING 8191 SQUARE FEET MORE OR LESS,

AND LESS ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL DESCRIBED AND SHOWN IN DEED GRANTED TO PALM BEACH COUNTY, DATED JANUARY 27, 1994, RECORDED DECEMBER 22, 1994, IN OFFICIAL RECORDS BOOK 8555, PAGE 1500, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND ~~LESS~~ THE SOUTH 100.00 FEET OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 ~~OF~~ THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25 BEING THE BASIS OF BEARINGS FOR THIS DESCRIPTION); THENCE NORTH 86°55'50" WEST ALONG THE SOUTH LINE OF SAID SECTION 25 A DISTANCE OF 52.04 FEET TO THE POINT OF BEGINNING; SAID POINT BEING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF MILITARY TRAIL AS SHOWN ON PALM BEACH COUNTY ENGINEERING DEPARTMENT RIGHT OF WAY MAP No. 83-219, SHEET 8 OF 12 AND THE SOUTH LINE OF SAID SECTION 25; THENCE NORTH 86°55'50" WEST 280.91 FEET ALONG THE SOUTH LINE OF SAID SECTION 25 TO AN INTERSECTION WITH THE WEST LINE OF THE EAST ONE QUARTER ~~OF~~ THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 01°25'48" **EAST** ALONG SAID WEST LINE 100.04 FEET TO A LINE 100 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 25; THENCE NORTH 86°55'50" WEST ALONG SAID PARALLEL LINE 332.96 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST ONE HALF

OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 25; THENCE NORTH 01'24'35" EAST ALONG SAID WEST LINE 1183.74 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF MELALEUCA LANE AS RECORDED IN OFFICIAL RECORDS BOOK 10802, PAGE 790 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 86°01'46" EAST 279.95 FEET ALONG THE SAID SOUTH RIGHT OF WAY LINE; THENCE CONTINUING ALONG THE SAID SOUTH RIGHT OF WAY LINE SOUTH 87°01'55" EAST 53.59 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 25; THENCE SOUTH 01°25'48" WEST 156.34 FEET ALONG SAID WEST LINE; THENCE SOUTH 87°01'55" EAST 246.26 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID MILITARY TRAIL; THENCE SOUTH 05°07'43" WEST 179.69 FEET ALONG THE WEST RIGHT OF WAY OF MILITARY TRAIL AS SHOWN IN OFFICIAL RECORDS BOOK 8555, PAGE 1500 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TO A POINT ON A 2354.33 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE EAST WHOSE RADIUS POINT BEARS SOUTH 89°40'20" EAST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°00'00" AN ARC DISTANCE OF 123.27 FEET ALONG SAID WEST RIGHT OF WAY TO A POINT OF NON-TANGENCY; THENCE SOUTH 44°23'21" WEST 36.62 FEET ALONG SAID WEST RIGHT OF WAY; THENCE SOUTH 88°32'58" EAST 39.08 FEET ALONG SAID WEST RIGHT OF WAY TO A POINT ON A 2342.33 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE EAST WHOSE RADIUS POINT BEARS NORTH 86°38'56" EAST SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°45'00" AN ARC DISTANCE OF 30.66 FEET ALONG SAID WEST RIGHT OF WAY LINE TO A POINT OF NON-TANGENCY; THENCE SOUTH 00°55'47" EAST 217.01 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 01°27'02" WEST 154.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 00°20'16" EAST 341.40 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 88°12'57" EAST 4.66 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 01°47'03" WEST 52.66 FEET ALONG SAID RIGHT OF WAY LINE OF MILITARY TRAIL TO THE POINT OF BEGINNING, SAID LANDS SITUATE, LYING, AND BEING IN THE CITY OF LAKE WORTH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 684,238.952 SQUARE FEET (15.708 ACRES) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

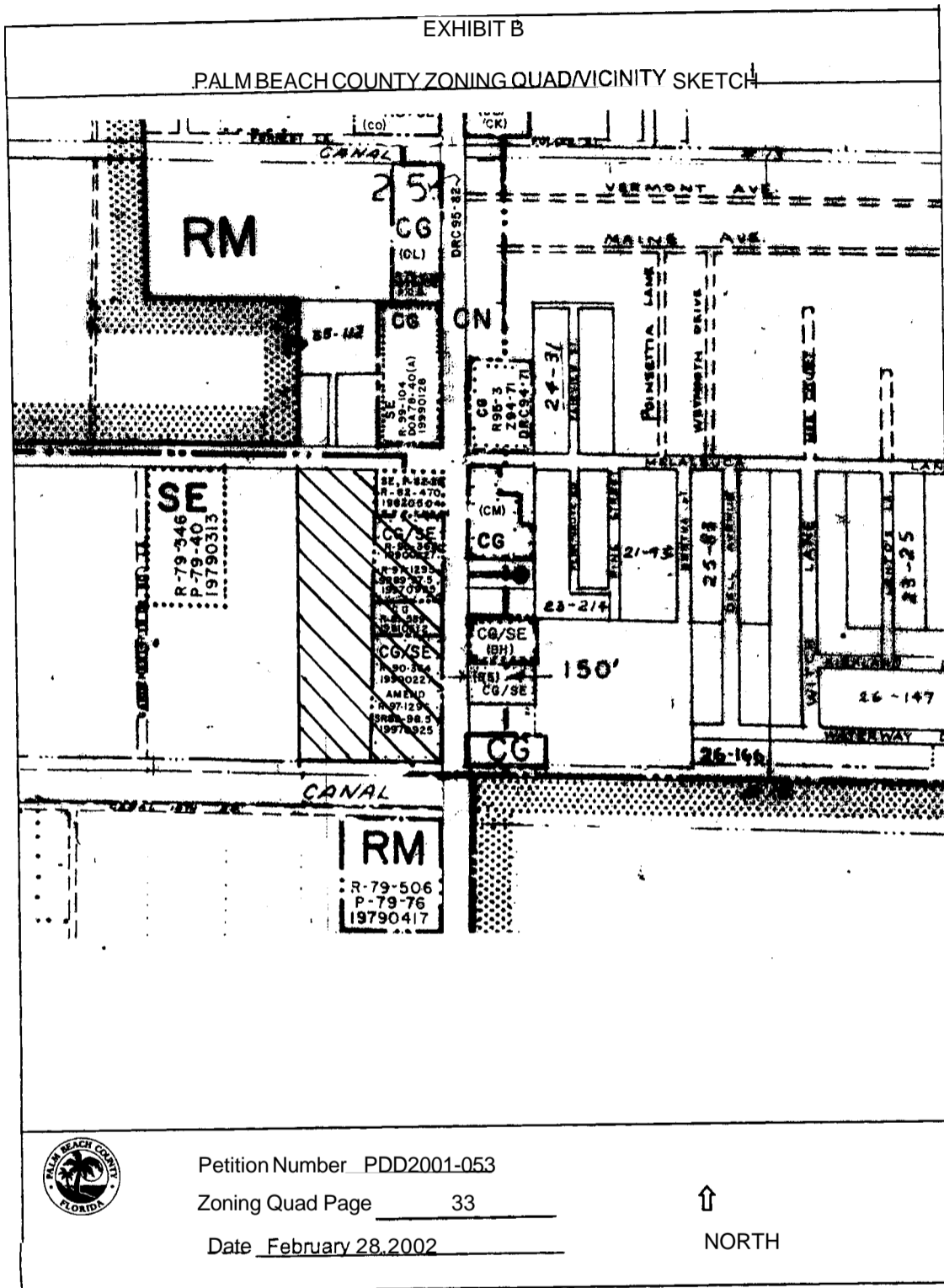


EXHIBIT C

CONDITIONS OF APPROVAL

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 master/site plan is dated December 6, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
2. Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to be consistent with the December 6, 2001 site plan. (DRC: CONCURRENCY – Zoning)

B. ARCHITECTURAL CONTROL

1. The proposed building for the 60,000 square foot retail building (grocery store, Phase 1) shall be designed and constructed to be generally consistent with the facade elevations by Fisher and Associates dated August 15, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG - Zoning)
2. At the time of submittal for final DRC certification of the master/site plan, revised exterior elevations for the 60,000 square foot retail building (grocery store, Phase 1) shall be reviewed by the Zoning Division to include the following:
 - a. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by a visually opaque barrier, consistent with the color, character and architectural style of the principal structure, or equivalent landscape material;
 - b. Similar architectural character and treatment shall be provided on all sides of the buildings. (Similar character and treatment may consist of, but is not limited to, decorative lighting, brick banding, louvers, trims, similar canopy treatment, columns, etc);
 - c. Design of gutters and downspouts shall be architecturally integrated into the architectural design of the building. Painting of the gutters and downspout shall not constitute architectural integration. (DRC: BLDG PERMIT - Zoning)
3. Prior to the issuance of the Building permit of the remaining buildings, architectural elevations shall be submitted to the Architectural Review Section, Zoning Division for review and approval. Elevations of all remaining buildings on the site shall be designed and constructed consistent with these approved elevations. Consistency shall mean having similar colors, roof design/pitch/ and treatment, materials, fenestration, and horizontal and vertical architectural details. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
4. Prior to final DRC certification of the site plan, pedestrian amenities shall be indicated for each 100,000 gross square feet of floor area or fraction thereof, and incorporated in the overall development to create a pedestrian friendly atmosphere. Examples include, but are not limited to: public art, clock tower, water feature/fountain, outdoor patio/courtyard, or outdoor furniture. (DRC: ZONING-Zoning)

5. Prior to the issuance of the Certificate of Occupancy for the 60,000 square foot retail building, a Focal Point/Pedestrian Amenities for Phase 1 shall be installed. Prior to the issuance of the Certificate of Occupancy for the 4,000 square foot restaurant, a Focal Point/Pedestrian Amenities for Phase 2 shall be installed. (CO: MONITORING - Zoning)
6. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet, except for the 60,000 square foot retail, grocery building which may not exceed thirty-nine (39) feet. All decorative, unoccupied architectural towers shall not exceed forty-eight (48) feet in height. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

C. LANDSCAPE STANDARD

1. Trees to be planted in the right-of-way buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (CO: LANDSCAPE - Zoning)
3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. All shrub materials shall be planted in overlapping masses consisting of either a minimum of two (2) or three (3) varying layers. Shrub materials shall be continuously maintained to achieve the following heights:
 - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - ii. thirty-six (36) to forty-eight (48) inches – medium shrub and/or
 - iii. forty-eight (48) to sixty (60) inches – large shrub. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE WEST 330 FEET OF THE NORTH PROPERTY LINE AND THE EAST PROPERTY LINE (FRONTAGES OF MELALEUCA LANE AND MILITARY TRAIL)

1. Landscaping and buffering along the west 330 feet of the north property line and the east property line 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) native canopy tree planted for each thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

- f. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
 - g. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)
2. Prior to final DRC certification, the proposed berm may be adjusted to minimize impact on existing tree locations subject to approval by the Landscape Review Section. (DRC: LANDSCAPE-Zoning)

E. ENGINEERING

1. 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 Military Trail at the project's north entrance and the project's south entrance. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
2. The Property owner shall construct:
- A. Restricted median opening (left in only) on Military Trail at the project's north entrance;
 - B. Right Turn Lane North Approach on Military Trail at the project's north entrance and the project's south entrance;
 - C. Raised non-mountable concrete curbing on both the north and south side of the median along the project's west entrance onto Melaleuca Lane. Limits for this non mountable curbing shall extend from a point 100 east of the project's entrance west to a point 260 feet west of the projects west entrance onto Melaleuca Lane;
 - D. Restricted median opening (left out only) on Melaleuca Lane at the projects west entrance onto Melaleuca Lane.
 - E. lengthen the existing left turn lane south approach on Military Trail at the project's north entrance to a minimum distance of 345 feet or as approved by the County Engineer;
 - F. lengthen the existing left turn lane north approach on Military Trail for the existing median opening south of the LWDD L 14 Canal to a minimum distance of 370 feet or as approved by the County Engineer;
 - 1) 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.
 - 2) 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)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
3. Prior to October 4, 2002 the Property owner shall fund the construction of a right turn lane east approach on Melaleuca Lane at Jog Road. (DATE: MONITORING-Eng)

A) Funding for this construction shall include any all costs associated with this construction and 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. Payment shall the satisfy requirements of Subsection 2(G)1, Article 15 of the ULDC. (TPS - Maximum 6 month time extension)(DATE: MONITORING-Eng)

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 69,600 square feet of general retail and 10,019 square feet of fast food restaurant shall not be issued until the contract is awarded for the construction of Lantana Road from Military Trail to Haverhill Road to a 6-lane divided cross section. (BLDG PERMIT: MONITORING-Eng)

The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING: Eng)

5. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

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

- Melaleuca Lane consisting of both concrete median cut outs and median landscaping
- Military Trail consisting of both concrete median cut outs and median landscaping

This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING- Eng)

F. LANDSCAPING ALONG THE EAST 275 FEET OF THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east 275 feet of the south property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No easement encroachment or reduction in width shall be permitted;
- b. a two (2) foot high continuous berm measured from the top of the curb;

- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - d. one (1) native canopy tree planted for each twenty (20) feet of the property line to be planted on alternating sides of the wall;
 - e. 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 to be planted on alternating sides of the wall.
(CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on both sides of the required wall:
- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - b. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.
(CQ: LANDSCAPE - Zoning)

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

1. Landscaping and buffering along the west property line shall be upgraded to include:
- a. a six (6) foot high black vinyl coated chain link fence along the entire west property line. Field adjustment of the fence may be permitted to avoid existing tree locations. A minimum two (2) foot high native hedge planted at two (2) feet on center ~~shall be planted and~~ on the interior side of the fence. Shrubs to be a minimum height of twenty-four (24) inches at installation. A minimum of thirty-three percent (33%) of this hedge shall consist of Saw Palmetto. The Saw Palmetto shrub shall be planted at thirty-six (36) inches on center, and shrub to be twenty-eight (28) inches at installation;
 - b. a minimum twenty (20) foot wide landscape buffer along the north 260 feet of the west property line and thirty (30) foot wide landscape buffer for the remaining 495 feet of the west property line to the designated preserve area;
 - c. if a berm is required for storm water management purposes, a two (2) to three (3) native high hedge shall be planted on the plateau of the berm to achieve a minimum overall height of four (4) feet at time of installation. Field adjustment of the berm may be permitted to accommodate existing trees;
 - d. one (1) native canopy tree for each twenty (20) linear feet of the north 755 feet of the west property line, and shall be arranged in between gaps of existing trees; and,
 - e. a retaining wall shall be installed along the western edge of the vehicular drive behind the Phase 1 retail building(s) in order to minimize grade change around existing tree locations. (CO: LANDSCAPE-Zoning)

H. 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-Zoning)
2. Special planting treatment shall be provided on both sides of each access point of Military Trail and Melaleuca Lane. Planting shall consist of the following:
 - a. Five (5) palms (Medjool or Royal or Coconut). Minimum height for Medjool palm shall have a minimum height of twelve (12) feet;
 - b. a minimum of three (3) flowering trees; and
 - c. shrub or hedge materials. (CO: LANDSCAPE)

I. LANDSCAPE ALTERNATIVE PLAN

1. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for the required perimeter landscape buffer along the west 608 feet of the south property line, and the south 429 feet of the west property line or any portion of the site where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)
2. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)
3. Site clearing shall be limited to Phase 1 until future tenant footprints are submitted for final DRC approval. (DRC: LANDSCAPE-Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG-Zoning)
3. All outdoor, freestanding lighting fixtures be setback thirty (30) feet from the west property line. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 11:00 p.m. and all outdoor lighting for the fast food restaurants shall be extinguished no later than 1:00 a.m., excluding security lighting only (ONGOING: CODE ENF-Zoning)
5. 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-Zoning)

K. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)

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 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)
3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

L. MUPD

1. To ensure consistency with the site plan dated December 6, 2001, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING-Zoning)
2. All requested uses shall remain in the location indicated on the site plan approved by the Board of County Commissioners (exhibit dated December 6, 2001). (DRC: ZONING-Zoning)
3. Prior to certification of the site 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, rooflines, 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-Zoning)
4. Prior to certification of the site 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-Zoning)

M. PARKING

1. Delivery and/or loading areas for the 60,000 square foot retail building shall be screened from view from the west property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure (CO: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to show a covered loading dock for the Retail "60,000 square foot Grocery store" building. A full pitched roof, a minimum of 25 feet in width and 50 feet in length, shall be provided over the loading dock. Design, color, pitch and material of the roof shall be consistent with the principal structure. (DRC:BLDG/ZONING-Zoning)
3. 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-Zoning)

4. Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate interior shopping cart storage. (DRC: ZONING-Zoning)

N. PLANNING

1. Prior to final Development Review Committee (DRC) certification, the petitioner/owner of the site shall provide documentation to the Planning Division indicating the preservation of the existing native pine flatwood community located on the southerly 3.02 acres of the property, as depicted on the certified site plan dated December 6, 2001. The notation on the site plan shall be revised to read "Preserve Area per Exhibit A of Ordinance 91-31" not "Ordinance 91-51". The petitioner/owner of the site shall not utilize, develop, encroach upon, or otherwise disturb such/ preservation area, except for the creation and/or enhancement of a landscape buffer. (DRCIONGOING: PLANNING-Planning)
2. Prior to final site plan approval by the Development Review Committee (DRC), the applicant shall record the previously executed Declaration of Restrictive Covenant and Unity of Control Agreements, as stipulated in Ordinance 91-31, subject to approval by the Planning Division and the County Attorney's Office. (DRC: PLANNINGICO ATTY-Planning)
3. Prior to final Development Review Certification, the notation on the site plan which currently states "access easement for future cross access" shall be revised to read "vehicular and pedestrian connection to adjacent commercial site". (DRC: PLANNING-Planning)
4. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the northeastern property line at the location shown on the final certified site plan that shall read "vehicular and pedestrian connection to adjacent commercial site". (CO: MONITORING/BLDG-Planning)

O. SIGNS

1. Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point for sign A shall be twelve (12) feet, and sign B shall be ten (10) feet;
 - b. maximum sign face area per side - sign A shall be one hundred and twenty (120) square feet, and sign B shall be one hundred (100) square feet;
 - c. maximum number of signs - two (2);
 - d. style - monument style only;
 - e. sign locations - Sign A within one hundred (100) feet of the north access drive and, Sign B within one hundred (100) feet of the south access drive. Distance is measured from the centerline of the access drive;
 - f. Signs shall be limited to identification of tenants only, and shall not be limited to an individual tenant. (CO: BLDG-Zoning)
2. Freestanding point of purchase sign on Melaleuca Lane shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point shall be eight (8) feet;
 - b. maximum sign face area per side - shall be eighty (80) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only;
 - e. sign location on Melaleuca Lane - within fifty (50) feet of access drives. Distance is measured from the centerline of the access drive

3. Wall signs shall be limited to the following:
 - a. Grocery/retail (60,000 square feet) – east façade and maximum lettering size of thirty-six (36) inches;
 - b. Retail (9,600 square feet) – east façade and maximum lettering size of twenty-four (**24**) inches;
 - c. Fast-food restaurants – east façade and maximum lettering size of twenty-four inches;
 - d. Wall signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)

P. USE LIMITATION

1. Total gross floor area shall be limited to a maximum of 80,600 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING- Zoning)
2. Hours of operation for retail uses shall be limited to 6:00 a.m. through 11:00 p.m. daily. Fast-food restaurants may remain open from 6:00 a.m. through 1:00 a.m. (ONGOING: CODE ENF - Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
4. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning)
5. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (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. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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