

RESOLUTION NO. R-2003- 0940

RESOLUTION APPROVING ZONING PETITION DOA1992-023D
DEVELOPMENT ORDER AMENDMENT
PETITION OF BELVEDERE MILITARY CORP. AND PBC BCC
BY KIERAN J. KILDAY, AGENT
(BMC / WAL-MART)

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 **DOA1992-023D** was presented to the Board of County Commissioners at a **public** hearing conducted on June 26, 2003; 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 has considered the findings in the staff report and 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 DOA1992-023D, the petition of Belvedere Military Corp. and PBC BCC, by Kieran J. Kilday, agent, for a Development Order Amendment to delete land area 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 June 26, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof,

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 26, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of July, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

Tract "A", **BMC PLAT** (a multiple use planned development), 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 86, Page 162.

LESS and **EXCEPT** the following described parcel of land;

A parcel of land, being a portion of Tract "A", **BMC PLAT** (a multiple use planned development), 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 86, Page 162, said parcel being more particularly described as follows:

COMMENCE at the Southwest corner of the Southeast $\frac{1}{4}$ of Section 25, Township 43 South, Range 42 East; thence South $88^{\circ} 07' 58''$ East, along the South line of said Southeast $\frac{1}{4}$, (the South line of said Southeast $\frac{1}{4}$ is assumed to bear South $88^{\circ} 07' 58''$ East and all other bearings are relative thereto) a distance of 671.14 feet to a point of intersection with the West line of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 25; thence North $01^{\circ} 43' 30''$ East, along said West line, a distance of **\$4.94** feet to a point on a non-tangent curve, concave Northwesterly, having a radius of **901.93** feet, and a radial bearing at this point of North $07^{\circ} 27' 57''$ West, said point also being on the North right of way line of Belvedere Road and the South line of said Tract "A" as shown on said plat; thence Northeasterly, along the arc of said curve, the South line of said Tract "A" and the North right of way line of said Belvedere Road, through a central angle of $37^{\circ} 27' 03''$, a distance of 589.54 feet to a point of tangency; thence continue along said North right of way line and said South line of Tract "A", North $45^{\circ} 05' 00''$ East, a distance of **234.23** feet to the intersection with the West right of way line of Country Club Road as shown on said plat; thence North $01^{\circ} 53' 18''$ East, along said West right of way line and East line of said Tract "A", a distance of 31.76 feet to a point on the South line of an Additional Avigation Easement and Clearance Zone as recorded in Official Record Book 5496, Page 1293 as shown on said plat and the **POINT OF BEGINNING** of the following described parcel; thence continue along said West right of way line and East line of Tract "A" through the following two (2) courses; North $1^{\circ} 53' 18''$ East a distance of 312.75 feet; thence North $2^{\circ} 30' 37''$ West a distance of 121.66 feet to a point on a line 40.00 feet Southerly of and parallel with, as measured at right angles to, the North line of said Tract A; thence North $88^{\circ} 15' 17''$ West, along said parallel line, a distance of 415.26 feet to the beginning of a curve, concave to the East, having a radius of 40.00 feet and a central angle of $145^{\circ} 06' 38''$; thence Westerly, Southerly and Easterly, along the arc of said curve, a distance of 101.31 feet to a point of tangency; thence South $53^{\circ} 21' 55''$ East along a line 41.00 feet Northerly of and parallel with, as measured at right angles to, said South line of Additional Avigation Easement and Clearance Zone, a distance of 516.43 feet to a point; thence South $2^{\circ} 34' 17''$ West a distance of **49.49** feet to a point on said South line of Additional Avigation Easement and Clearance Zone; thence continue along said South line, South $53^{\circ} 21' 55''$ East a distance of **28.64** feet to said West right of way line of Country Club Road, the East line of said Tract "A" and the **POINT OF BEGINNING**.

Containing in all, 976,118 square feet, or 22.409 Acres, more or less

EXHIBIT B

VICINITY SKETCH

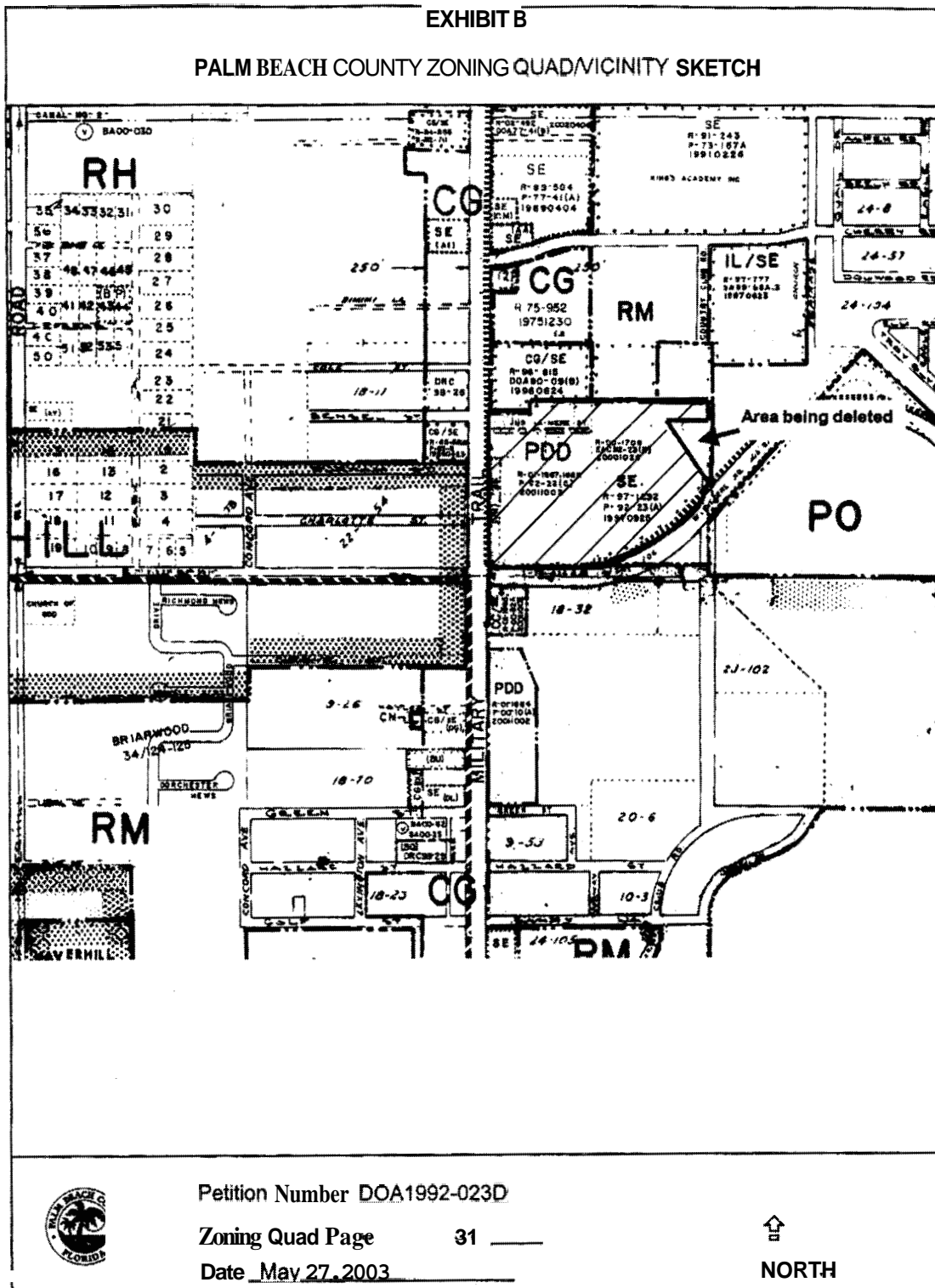


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A, ALL PETITIONS

1. Resolutions **R-94-1316** and **R-94-1317** are hereby revoked. **Resolution R-93-0509** is **hereby** reinstated. (ONGOING: CTY ATTY) NOTE: Per Settlement Agreement. (Previous Condition A.1 of Resolution R-2000-1708, Petition DOA92-023(B))

2. Condition A2 of Resolution R-2000-1708, Petition DOA92-023(B) which currently states:

All previous conditions of approval **applicable** to the subject property, as contained in Resolution **R-97-1292**, (Petition **SA92-023(A)**), have **been consolidated** as contained herein. The petitioner shall comply with **all** previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, **as** contained in Resolution **R-2000-1708**, (Petition **DOA92-023(B)**), 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)

3. Condition **6.3** of Resolution **R-2000-1708**, Petition DOA92-023(B) which currently states:

Development of the site is **limited to** the uses and site **design** approved by the Board of County Commissioners. The approved **master/site plan** is dated August 16, 2000. **All modifications** must be approved by the **Board** of County Commissioners unless the proposed changes **are** required to meet conditions of approval or are in accordance **with the** ULDC.

Is hereby amended to read:

Development of the site is limited to the **uses** and site design approved by the Board of County Commissioners. The approved **master/site plan** is dated May 2, 2003, **and** the **Alternative Landscape Plan** is dated June 19, 2003. **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. (DRC: ZONING – Zoning)

4. Condition A.4 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with **all** minimum property development regulations, land development requirements of Palm Beach County and **all** conditions of approval.

~~is~~ hereby deleted. [REASON: Code requirements.]

5. Condition A.5 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate **all** phases of development. Each phase shall comply with **all** minimum property development regulations and land development requirements of Palm Beach County and all conditions of approval. The petitioner may develop the phases without regard to numerical order.

~~is~~ hereby deleted. [REASON: Completed.]

6. A. Prior to issuance of the first building permit, the petitioner shall deposit **\$50,000.00** in an escrow account approved by the County Attorney to be drawn upon by the Town of Haverhill for use in **creating a streetscape** program along Belvedere Road and Haverhill Road, or other designated public **purpose determined** by the Town Council. (BLDG PRMT: MONITORING - Ct Atty)
- B. Any landscaping proposed within the **rights-of-way** of Palm Beach County shall be subject to approval by the **County** Engineer. (ONGOING: ENG - Eng)
- C. Concurrent with Condition **8.A.** above, the petitioner shall submit to the Town of **Haverhill** the proposed streetscape **plan** for both sides of Belvedere Road **between Military Trail and Haverhill Road**, and the **northernmost** corporate limits of the Town of **Haverhill**, which were prepared by **Kilday and Associates, Inc. (Drawing #92-20, dated 3/25/93)**. (BLDG PRMT: MONITORING - Ct Atty) (Previous Condition A.6 of Resolution R-2000-1708, Petition DOA92-023(B))

7. Condition **A.7** of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Building permits in accordance with Exhibit No. 27 of Petition **No. 92-23** shall not **be** issued. (BLDG PERMIT: BLDG/ZONING-Zoning)

~~is~~ hereby deleted. [REASON: Not Applicable, Exh. **27** superceded by the new plan.]

B. AIRPORTS

1. Prior to site plan certification, the petitioner shall amend the site **plan** to be in full compliance with **FAA** Advisory Circular **150/5300-13**, Section 212 Runway **Protection Zone (RPZ)** issued September 29, 1989, **FAA** Regulation, Part 77, and **submit** documentation to the Department of Airports, Zoning Division and County Attorney which **competently** and substantially demonstrates that the proposed facility does not violate **FAA** Advisory Circular or any Airport Zoning **regulations** that are in effect at that time. (**DRC:DOA - DOA**) (Previous Condition 8.1 of Resolution R-2000-1708, Petition DOA92-23(B))
2. Prior to site plan certification, the petitioner shall amend the site plan to remove any structure or **building** within the aviation easement as

described in the easement deed recorded in **OR Book 1664, PG 1709** of the Official Records of **Palm Beach County**. Use of the portion of the subject site encumbered by the aviation easement shall be limited to parking, access, or such other uses as may be acceptable to the Division of Airports and the **Federal Aviation Administration**. (DRC: DOA - DQA) (Previous Condition C.7 of Resolution R-2000-1708, Petition DOA92-23(B))

C. ARCHITECTURAL REVIEW

1. Condition Y.2 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the petitioner shall submit conceptual elevations with all materials and colors specified, **including** but not limited to, roof, trim, **awnings**, **watts**, **signs**, fences and **screening** of mechanical **equipment**, utility structures and trash receptacles.

Is hereby amended to read:

At time of submittal for final Development Review Committee (DRC) approval of the master plan, the architectural elevations for all buildings shall be submitted simultaneously with the master plan for final architectural review and approval. The elevations and the master plan shall be designed to be consistent with Section 6.6.E and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (DRC: ZONING - Zoning)

2. Condition C.2 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Similar architectural character and treatment which is **compatible** and **harmonious** shall be provided on **all** sides of all **structures** and **buildings**.

Is hereby deleted. [REASON: Code requirement.]

3. All air **conditioning** and **mechanical** equipment shall be screened from view on all sides by a **visually** opaque barrier consistent with the architecture, color and character of the principle structure or **equivalent** landscape material acceptable to the Zoning Division. (BLDG PERMIT: ZONING - Zoning) (Previous Condition C.3 of Resolution R-2000-1708, Petition DOA92-023(B))

D. BUILDING AND SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall be in compliance with FAA **Regulation Part 77** and the **ULDC**, (BLDG PRMT ZONING/DOA - Zoning/DOA) (Previous Condition C.1 of Resolution R-2000-1708, Petition DOA92-023(B))

2. Condition C.4 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the site plan shall be amended to reflect the location of shopping cart storage and retrieval areas within all parking areas adjacent to the shopping center,

Is hereby deleted. [REASON: Completed.]

3. Condition 6.5 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the site plans shall be amended to indicate drop-off areas in the adjacent parking area. Each drop-off area shall be a minimum of twelve (12) feet in width by twenty (20) feet in length.

Is hereby deleted. [REASON: Not applicable].

4. Condition C.6 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the petitioner shall provide, in a manner and form acceptable to the County Attorney and the Zoning Director, sufficient evidence that the right-of-way for Grow Street has been abandoned or incorporated into the projects design.

Is hereby deleted. [REASON: Completed].

5. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to delete or relocate the twenty (20) foot wide unrecorded drainage easement lying along the south property line adjacent to Belvedere Road, to allow for sufficient planting area in the required right-of-way landscape buffer. (DRC: ZONING - Zoning)

E. ENGINEERING

1. Condition E.1 of Resolution R-2000-1708, Petition DOA92-023(B)) 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 Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ONGOING: ENG - Eng)

Is hereby deleted. [Reason: Code requirement.]

2. Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments on Military Trail required for the expanded intersection at Belvedere Road. Said easements shall be no less than twenty (20) feet in width. The expanded intersection right-of-way referenced herein is exclusive of the intersection right-of-way currently proposed to be purchased as part of County Road Project 9312. (RATE: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2000-1708, Petition DOA92-023(B))
3. Prior to the issuance of building permits for the big-box or in-line store, the property owner shall submit road construction plans to Palm Beach County Engineering for construction of Country Club Road as a three

lane section. The property owner shall convey to Palm Beach County adequate road drainage **easement(s)** through the project's internal surface water management system to provide legal positive outfall for **all** runoffs from those segments of Country Club Road, along the property frontage and for a **maximum** four hundred (400) feet distance north of the project's **north** property line. Said drainage easements shall be no less than twenty (20) feet in width. The drainage system within the project shall have sufficient **retention/detention** capacity to meet stormwater discharge and **treatment requirements** of the applicable County Water Control District and South Florida Water Management for the **combined** runoff from the project and 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 easements, a minimum of **twenty-four** (24) inches closed piping system and appropriate **wingwall** or other structures. Elevation and location of **all construction** shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County which at its **discretion** may use **this** fill material. BLDG PERMIT: ENG – Eng) (**Previous Condition E.4 of Resolution R-2000-1708, Petition DOA92-023(B)**)

4. **Within** ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs **first**, the property owner shall convey to **Palm Beach County Land Development** Division by road **right-of-way** warranty deed for **Belvedere** Road, sufficient **right-of-way** along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded **intersection**, exclusive of the **right-of-way** currently being required as **part** of **Palm Beach County Road Project 9312**, on an **alignment** approved by the County Engineer. **This right-of-way conveyance** shall be free of all **encumbrances** and encroachments. **Property owner** shall provide **Palm Beach County** with sufficient **documentation** acceptable to the **Right-of-Way Acquisition** Section to ensure that the property is free of all encumbrances and encroachments. (DATE: MONITORING – Eng) (**Previous Condition E.5 of Resolution R-2000-1708, Petition DOA92-023(B)**)

5. A. **Within** ninety (90) days of approval of the: Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road **right-of-way** warranty deed for **Military** Trail sufficient **right-of-way along the frontage** owned by the petitioner to provide for a one hundred ten (110) foot expanded **intersection alignment**, exclusive of the **right-of-way** currently being required as part of **Palm Beach County Road Project 9312**, approved by the County Engineer. This **r-o-w** conveyance shall be free of all **encumbrances** and encroachments; **providing** the property owner shall be **permitted** to leave the existing **Bar-B-Q Ben's sign** until such time as the **contract for** construction of the expanded intersection is let, at which time property owner shall move the sign to the east of the **right-of-way**, subject to appropriate removal and **hold harmless** agreements with Palm Beach County, Property owner shall provide **Palm Beach County** with sufficient **documentation** acceptable to the **Right-of-Way Acquisition** Section to ensure the property is free of all encumbrances and encroachments. (DATE: MONITORING – Eng)

- B. Prior to site plan certification, the County agrees to convey to the petitioner any right-of-way for **Military** Trail adjacent to the subject site not required for the expanded intersection. The cost (without privilege fee) of abandoning this **right-of-way** shall be borne by the Developer. (DRC: ENG – Engj (Previous Condition E.6 of Resolution R-2000-1708, Petition DOA92-023(B))
6. Prior to the issuance of **building** permits for the **big** box or in line store, the property owner **shall** convey to Palm Beach County Land Development Division by road **right-of-way** warranty deed for the construction of a right turn lane on Belvedere Road, at the **project's** main entrance road. **This** right turn lane conveyance shall be a **minimum** of three hundred twenty (320) **feet** in storage length and twelve (12) feet in width and a taper length of fifty (50) feet. This right-of-way dedication shall be in excess of the dedication required in Condition E.5. This **right-of-way** conveyance shall be free of **all** encumbrances and encroachments. 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 PRMT: MONITORING – Eng) (Previous Condition E.7 of Resolution R-2000-1708, Petition DOA92-023(B))
 7. Condition E.8 of Resolution R-2000-1708, Petition DOA92-023(B)) which currently states:

Within **sixty** (60) days from the time the petitioner obtains title to the Phase 2 property as shown on the site plan, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Country Club Road, forty (40) feet from centerline. The **right-of-way** conveyance shall be **free** of all encumbrances and encroachments. 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**. (ONGOING: ENG – Eng)

Is hereby amended to read:

Prior to the issuance of the next building permit, the property owner shall:

- A. Obtain from the Palm Beach County Airports Department, as approved by the Board of County Commissioners, release of property measuring **40** feet from centerline of Country Club Road to **be used** as road right of way and a 10 foot temporary roadway construction easement. **This** release is for that portion of property being deleted from **the** original 1992-023(C) Zoning Petition. (BLDG PERMIT: MONITORING – Eng)
 - B. Convey by road right-of-way warranty deed for Country Club Road, forty (40) feet from centerline for the remaining portion of property not deleted from the original 1992-023(C) Zoning Petition and a temporary roadway construction easement. The road right-of-way conveyance shall **be** free of all encumbrances and encroachments. **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)
8. At such time that a permit is issued for the big box or in-line store construction, the property owners shall **simultaneously** obtain permits to connect its project to Country Club **Road**, the property owner shall construct Country Club Road as a three (3) lane section from Belvedere

Road to the project's north access. Construction of Country Club Road shall be completed prior to the issuance of Certificates of Occupancy for the above uses. (ONGOING: ENG - Eng) {Previous Condition E.9 of Resolution R-2000-1708, Petition DOA92-023(B)}

9. A. At the project's main entrance onto Belvedere Road, the property owner shall construct a **left** turn lane, west approach, and a right turn lane, east approach, onto Belvedere Road. Permits required by **Palm Beach** County for this construction shall be obtained **prior** to issuance of the first **building** permit for the big **box or** in-line store construction. (BLDG PRMT: MONITORING - Eng)
- B. Construction of the above requirement shall be completed prior to issuance of the certificate of occupancy (CO) for the big box **or** in-line store construction. (CO: MONITORING - Eng)
- C. Simultaneous with the construction of E. **above**, the property owner shall reconstruct the median at Belvedere Road and the project's main **entrance** to provide for a **directional** median opening. The **directional** median opening shall **be constructed to** permit only left turns into the project and shall be so constructed as to prohibit left turns out of the project for eastbound movements onto **Belvedere** Road. (CO: MONITORING - Eng) (Previous Condition E.10 of Resolution R-2000-1708, Petition DOA92-023(B))

10. Condition E.11 of Resolution R-2000-1708, Petition DOA92-023(B) 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 Four Hundred and **Ninety-five Thousand Dollars (\$507,595.00)** (9,229 trips X \$55.00 per trip) and is paid at the time of the **applicable building** permit. Credits for in-kind contributions shall be provided in accordance with the Fair Share **Contribution** for Road Improvements Ordinance. (BLDG PRMT: **IMPACT FEE COORD** - Eng)

Is hereby deleted. **Reason:** Code requirement.

11. in order to comply with the **mandatory** traffic performance standards, the Developer shall be restricted to a total trip generation of 9,229 new net **external** trips per day. (ONGOING: ENG - Eng) (Previous Condition E.12 of Resolution R-2000-1708, Petition DOA92-023(B))
12. The Developer shall fund the **installation** of **signalization** if warranted as determined by the County Engineer, at the intersection of Country Club Road and Belvedere Road. **Should signalization** not be warranted 12 months after the final Certificate of Occupancy for this property is issued, the owner shall be **relieved** from this condition. (ONGOING: ENG - Eng) (Previous Condition E.13 of Resolution R-2000-1708, Petition DOA92-023(B))
13. Prior to site plan certification, the site **plan (including** the portion within the Town of **Golfview**) shall **be** revised to **reflect** only one (1) **entrance/exit** onto Country Club Road; **one** main entrance and **two** right turn in and right turn out entrances on Belvedere Road. The **entrances/exits** are subject to the approval of ~~the~~ County Engineer. (DRC: **ENG - ENG**) (Previous Condition E.14 of Resolution R-2000-1708, Petition DOA92-023(B))

14. Prior to issuance of the first **building** permit, the petitioner shall contribute **\$100,000** toward intersection improvements to the intersection of **Military** Trail and Belvedere Road. This **contribution shall** not be creditable against the project's fair share road impact fee. (BLDG PRMT: MONITORING – Eng) (Previous Condition **E.17** of Resolution R-2000-1708, Petition DOA92-023(B))
15. Prior to site **plan** certification, the petitioner shall **resolve** the survey considerations involving the west right-of-way of Country Club Road and the hiatus between the Wilson Parcel and Plat Book 32 Page 145. (DRC: ENG – Eng) (Previous Condition **E.18** of Resolution R-2000-1708, Petition DOA92-23(B))
16. Prior to Site **Plan** Certification, the petitioner shall apply to the Palm Beach County Engineering and **Public** Works Department for a permit to landscape all adjacent medians **i.e.**, Belvedere Road and **Military** Trail). When permitted by Palm Beach County **Department** of Engineering and Public Works, landscaping shall consist of a minimum of one **(1)** fourteen (14) foot **tall** native tree for each **thirty (30)** linear feet of the **adjacent** median to be planted and appropriate ground cover. Trees may be planted singularly or in clusters. **All** landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and **Public** Works Department. All landscape material shall be selected from the following list:

<u>Trees:</u>	<u>Ground cover:</u>
Laurel Oak	Wedillia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to **xeriscape principles and** shall conform with the following:

- A) All **plants** shall be container grown or field collected and transplanted from the project site.
- B) All **plantings** shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, **including** watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association **and/or** Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. **Declaration** of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. **Maintenance** shall be in accordance with the issued permits. (BLDG PERMIT: MONITORING – Eng) (Previous Condition **P.1** of Resolution R-2000-1708, Petition DOA92-023(B))

17. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (TPS: ENG – Eng)

18. Prior to building permit, a restrictive covenant for the property shall be recorded to reflect a site distance restriction for the east entrance onto Belvedere Road in accordance with FDOT requirements. The site distance restriction shall be shown on the final site plan submitted to the DRC. (BLDG PRMT: ENG – Eng)

F. CONCURRENCY

1. Condition F.1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case # 92-04-27-001-C) to reflect any reduction in square footage. (DRC: ZONING – Zoning)

~~Is~~ hereby deleted. [Reason: Concurrency chart is shown on the site plan/code requirement.]

G. CONVENIENCE STORE WITH GAS SALES

- 1 There shall be no repair or maintenance of vehicles on site. (ONGOING: CODE ENF – Zoning) (Previous Condition D.1 of Resolution R-2000-1708, Petition DOA92-023(B))

- 2 No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF-Zoning) (Previous Condition D.2 of Resolution R-2000-1708, Petition DOA92-023(B))

3. Condition D.3 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (DRC: ZONING – Zoning)

~~Is~~ hereby deleted. [REASON: Code requirement.]

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

- a. A maximum height of twenty-five (25) feet. If a pitched roof is used, the roof shall have a minimum slope of 5:12. No flat roof shall be permitted;
- b. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
- c. Lighting for the gas station canopy shall be flush mounted or recessed; and,
- d. canopy signage shall be limited to a maximum of one (1) wall sign per right-of-way frontage with a maximum height of twenty-four (24) inches, (BLDG PRMT/CO: BLDG – Zoning)

H. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within seventy five (75) feet of the east, south and west ultimate right-of-way lines; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ONGOING:

CODE ENF – Zoning) (Previous Condition G.1 of Resolution R-2000-1708, Petition DOA92-023(B))

2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation. Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (CO: LANDSCAPE – Zoning) (Previous Condition G.2 of Resolution R-2000-1708, Petition DOA92-023(B))
3. Condition G.3 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate all dumpster and compactor locations. (DRC: ZONING – Zoning)

Is hereby deleted. [Reason: Completed.]

I. ERM

1. Secondary containment for stored regulated substances, including but not limited to fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (ONGOING: ERN – ERN) (Previous Condition H.1 of Resolution R-2000-1708, Petition DOA92-023(B))
2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (BLDG PRMT: ERM – ERM) (Previous Condition H.2 of Resolution R-2000-1708, Petition DOA92-023(B))
3. The petitioner shall preserve or relocate on site the existing native sabal palms and incorporate them into the project design. (DRC: ERM – ERM) (Previous Condition X.1 of Resolution R-2000-1708, Petition DOA92-023(B))
4. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:
 - a. All sabal palms to be relocated or preserved shall be identified in the field, tagged and numbered,
 - b. The sabal palms shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division. (VRP: ERM – ERM) (Previous Condition X.2 of Resolution R-2000-1708, Petition DOA92-023(B))

J. HEALTH

1. Generation and disposal of hazardous effluents 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 effluents. (ONGOING: HEALTH – Health) (Previous Condition 1.1 of Resolution R-2000-1708, Petition DOA92-023(B))

2. Water service and sewer service are available to the property. **Therefore**, no potable well and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval. (ONGOING: HEALTH – Health) (Previous Condition 12 of Resolution R-2000-1708, Petition DOA92-023(B))
3. The owner occupant, or tenant of the **facility** shall participate in **an** oil recycling program which ensures proper re-use or **disposal** of the waste **oil**. (ONGOING: HEALTH – Health) (Previous Condition 13 of Resolution R-2000-1708, Petition DOA92-023(B))
4. **Any** toxic or hazardous waste that may be generated at this site shall **be** handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF – Health)

K. TOWN OF GOLFVIEW INTER-LOCAL AGREEMENT

1. Condition J.1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the petitioner shall obtain the **appropriate** approvals from the Town of **Golfview** which ensure the parking requirements of Palm Beach County are met. Any approval the petitioner receives from Golfview must be in compliance with the **Countywide Traffic** Performance Standards. The Town of Golfview approval shall **be in conformance** with the County approved **site plan**. In **addition**, the **petitioner** shall secure a fully executed inter-local **agreement** by and between the Town of Golfview and Palm Beach County which, at a **minimum**, incorporates the **following**:

- a. **The Town** of Golfview and Palm Beach County shall agree to make no alterations to the final approved site plan which would violate the other **jurisdictions Comprehensive** Plan, Land Development Regulations or conditions of development approval;
- b. The Town of **Golfview** and Palm Beach County shall join in the approval of a plat, if required, in a manner and form which meets State, County and **Town requirements**;
- c. The Town of Golfview and Palm Beach County shall, as appropriate, consider the **abandonment** of publicly **dedicated rights-of-way** within the subject **property**;
- d. The Town of Golfview shall approve a site plan consistent with the County's requirements at the **intersection** of **Military** Trail and Belvedere Road (Special Intersection Treatment) for a one hundred ten foot (**110'**) urban intersection; and,
- e. Prior to any change in the site plan, the receiving **jurisdiction shall** require the developer to notify and receive **confirmation** from the other **jurisdiction** that its comprehensive plan, land **development** regulations or conditions of development approval **will** not be violated. If no response is received **within 30** days from the date of notification, the receiving **jurisdiction** may take final action.

~~Is~~ hereby deleted. [REASON: no longer applicable.]

L. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of **Environmental Regulations** and/or the South Florida Water **Management** District. **The cost for connection shall be borne by the property owner, (ONGOING: UTILITIES – Zoning) (Previous Condition K.1 of Resolution R-2000-1708, Petition DOA92-023(B))**

M. LANDSCAPING – STANDARD

1. Condition L.1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements, **all** landscape and vegetation preservation conditions of approval. (DRC: ZONING-Zoning)

~~Is~~ hereby deleted. [REASON: DRC requirement.]

2. Condition L.2 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

A **minimum** twenty (20) foot wide landscape buffer strip shall be provided along the entire south, east and west perimeters of the subject property.

~~Is~~ hereby deleted, [REASON: Replaced by new condition N.1.]

3. Condition L.3 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

All required trees to be planted on site shall meet the **following** minimum standards at **installation**:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 35 inches measured 45 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 35 feet in length. (CO: LANDSCAPE-Zoning)

~~Is~~ hereby amended to read:

Fifty-percent (50%) of trees to be planted in the perimeter 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; and,
- d. Credit may **be** given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

4. Condition L.4 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Landscaping in the RPZ required by the conditions of approval or ULDC may be altered subject to approval of an Alternative Landscape Betterment Plan by the Department of Airports and DRC.

Is hereby deleted. [REASON: Superseded by new condition/current request deletes land area encumbered by RPZ.]

5. All palms required to be planted on the property 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)
6. All new shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. This condition does not apply to the five (5) foot wide compatibility buffer or where a single row of shrubbery/hedge is required. (CO: LANDSCAPE – Zoning)
7. All new trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
8. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein or allowed as part of an approved Alternative Landscape Plan. (CO: LANDSCAPE – Zoning)
9. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE – Zoning)

N. LANDSCAPING – INTERIOR

1. One landscape island, a **minimum** of six (6) feet wide, shall be provide for every ten (10) parking spaces. The maximum spacing **between** landscape islands **shafi** not exceed one hundred (100) linear **feet**. Previous condition M.1 of Resolution R-2000-1708, Petition DOA92-023(B) (DRC: ZONING – Zoning)
2. Condition M.3 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate typical landscape islands and planting details, subject to approval by the Zoning Division.

Is hereby deleted. [REASON: Code requirement.]
3. Landscaping along all interior vehicular use drives shall **include** native canopy trees planted a minimum of twenty-five (25) feet on center. (CO: LANDSCAPE – Zoning) (Previous Condition M.4 of Resolution R-2000-1708, Petition DOA92-023(B))

4. Condition M.5 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Landscape islands shall be provided along the front and side facades of all new buildings. The **minimum** width of the required **landscape** islands shall be five (5) feet. The combined length of the required **landscape** islands shall be no less than 40% of the total length of the applicable side of the structure. **All** required landscape islands shall be planted with a **minimum** of one (1) tree or palm every 20 feet on center and appropriate ground cover.

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along all the facades of the Wal-Mart store to consist of the following:

- a. The **minimum** width of the required landscape areas along the northeast, northwest and southeast facades of the retail anchor shall be eight (**8**) feet;
 - b. The length of the required landscaped areas for the retail anchor shall be no less than fifty (50) percent of the total length of the southwest and northeast facades; and the length of the required landscaped areas shall be no less than forty (**40**) percent of the total length of the northwest and southeast facades; and,
 - c. Landscape areas shall be planted with a **minimum** equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE – Zoning)
5. 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 and 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 native canopy tree or native palm tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: LANDSCAPE – Zoning) (Previous Condition **M.6** of Resolution R-2000-1708, Petition DOA92-023(B))
6. Landscaping for terminal islands in the parking area shall consist of the following:
- a. One (1) canopy tree for each island; and,
 - b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)
7. Landscaping for the main **divider** median in the parking area shall consist of the following:
- a. One (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
 - b. One (1) palm for each thirty-five (35) linear feet of the median; and,
 - c. A continuous hedge between all trees within the median where applicable, Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

8. Landscaped diamonds shall be provided between every row of abutting parking for the retail anchor. The minimum **size**, location and planting for these diamonds shall be consistent with the Alternative Landscape Plan dated June 19,2003. (DRC: ZONING – Zoning)
 9. Special planting treatment shall be provided on both sides of all the access points on Belvedere Road and Military Trail. Planting shall consist of the following:
 - a. A minimum of three (3) Royal Palms, or other specimen palms subject to approval by the Zoning Division;
 - b. A minimum of three (3) flowering trees along the access drive; and
 - c. Shrub or hedge materials. (CO: LANDSCAPE – Zoning)
 11. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to realign the access-way located to the east of the drugstore, to allow for the extension of the landscape divider median adjacent to the drugstore drive-thru, as follows:
 - a. The planting area for this median shall have a minimum width of five (5) feet;
 - b. The divider median shall be consistent with the Alternative Landscape Plan dated June 19, 2003;
 - c. The divider median shall be planted with one canopy, palm or flowering tree for each twenty-five (25) linear feet; and,
 - d. A continuous hedge shall be provided between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (DRC: LANDSCAPE – Zoning)
- O. Condition N. 1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING R-O-W)

1. Landscaping within the required buffer along Country Club Road, Belvedere Road and Military Trail shall be upgraded to include:
 - a. One (1) native canopy tree planted every twenty (20) feet on center;
 - b. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.

Is hereby amended to read:

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGE OF BELVEDERE ROAD AND MILITARY TRAIL)

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. One (1) native canopy tree for each thirty (30) feet of the property line;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of the property line;

- e. 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;
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

P. LANDSCAPING ALONG EAST PROPERTY LINE (FRONTAGE OF COUNTRY CLUB ROAD)

- 1. Landscaping and buffering along the east property line abutting Country Club Road shall be upgraded to include:
 - a. A minimum fifteen (15) foot right-of-way buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. 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;
 - d. One (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
 - e. One (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)
 - f. One (1) canopy tree planted for each thirty (30) linear feet of the property line,;
 - g. One (1) cluster of palms or pines;
 - h. Exceptions may be permitted to address DOA and/or FAA requirements. (CO: LANDSCAPE – Zoning)

Q. Condition 0.1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

LANDSCAPING ALONG NORTH PROPERTY LINE (REAR OF CENTER)

- 1. **Landscaping and buffering along the north property line shall be installed in accordance with an Alternative Landscape Betterment Plan approved by the WCRA and DRC.**

is hereby amended to read:

ALTERNATIVE LANDSCAPE PLAN

- 1. Prior to final Development Review Committee (DRG), WCRA and DOA approval of the master/site plan, an Alternative Landscape Plan (ALP) shall be submitted for review and approval, to be consistent with the ALP dated June 19, 2003, submitted by Kimley Horn and Associates, Inc. The ALP shall include all areas encumbered by the Additional Avigation and Clearance Zone indicated on the survey dated March 5, 2003, and the safe sight line required for Belvedere Road. (DRC: WCRA/DOA/LANDSCAPE – Zoning)

R. LIGHTING

- 1. **All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets, All outdoor lighting shall comply with the requirements of the WCRA Overlay District, aviation easement, the Palm Beach County Department of Airports, the Federal Aviation Administration design guidelines, standards, advisory circulars or other requirements deemed necessary by the Director of Airports.**

(BLDG PRMT: ZONING - DQA) (Previous Condition Q.1 of Resolution R-2000-1708, Petition DOA92-023(B))

2. 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)
3. Prior to final Development Review Committee (DRC) approval, the master/site plans and ALP shall be revised to located all proposed light poles in a landscape diamond, terminal island or median island. (DRC: ARCH REV/LANDSCAPE - Zoning)

PLANNING

1. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall be amended to include the future location of sidewalks along Country Club Road since the site is within two (2) miles of a school. (DRC: PLANNING - Planning) (Previous Condition C.8 of Resolution R-2000-1708, Petition DOA92-023(B))

MASS TRANSIT

1. Condition R.4 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Prior to site plan certification, the petitioner shall amend the site 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 Palm Tran and/or the County Engineer. (DRC: ZONING - Zoning)

Is hereby amended to read:

Prior to final approval of the Master/Site plans, the petitioner shall amend the Master/Site Plan to indicate mass transit circulation, bus access and/or bus stops on or adjacent to the subject property. (DRC: PALM TRAN - Palm Tran)

2. Condition R.5 of Resolution R-2000-1708, Petition DOA92-23(B) which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran, the County Engineer and Department of Airports prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng/Airports)

Is hereby amended to read:

The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass

Transit infrastructure in a manner acceptable to Palm Tran. (DRC: **PALM TRAN – Palm Tran**)

3. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. (BLDG PRMT: MONITORING – Eng)

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 – Palm Tran) {Previous Condition R.6 of Resolution R-2000-1708, Petition DOA92-023(B)}

5. Condition R.7 of Resolution R-2000-1708, Petition DOA92-23(B), which currently states:

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

Is hereby deleted. [REASON: Superseded by new condition.]

U. RECYCLE SOLID WASTE

1. As part of any site plan **application** for any portion of the project, the developer shall submit a **solid** waste stream **reduction/recycling** plan to be approved by the **Solid** Waste Authority of Palm Beach County. (ONGOING: SWA – SWA) {Previous Condition S.1 of Resolution R-2000-1708, Petition DOA92-023(B)}

V. SIGNS

1. Condition U.1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

All new or replaced freestanding point of purchase signs shall be limited as follows:

- a. **Maximum** sign height, measured from finished **grade** to highest **point** - Belvedere Road: fifteen (15) feet, **Military Trail**: twenty (20) feet;
- b. **Maximum** sign face area per side - Belvedere Road: 150 square feet, **Military Trail**: 200 square feet;
- c. **Maximum** number of signs - one (1) each on **Military Trail** and Belvedere Road; and
- d. **Style** - monument style **only**.
- e. Out parcel **identification signs** shall be limited to one (1) monument sign no larger than twenty (20) square feet in face area per side and five (5) feet in **height**, except the convenience store with gas sales.
- f. **Convenience** store with gas sales - out parcel identification sign shall be limited to one (1) monument sign no larger than sixty (60) square feet in face area per side and **eight** (8) feet in height.
- g. **Maximum** number of out parcel identification signs - **one** for each out parcel.

Is hereby amended to read:

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: **twenty** (20) feet for principal sign; and, six (6) feet for the drugstore and convenience store with **gas** sales;
 - b. Maximum sign face area per side: two hundred (200) square feet for principal sign; and, thirty-six (36) square feet for the drugstore and convenience store with gas sales;
 - c. Maximum number of signs: three (3);
 - d. Style: monument **style** only; and,
 - e. Location: principal sign - within fifty (50) feet of the north access point; and the drugstore and convenience store with gas sales out parcels;
 - f. Signs shall be limited to identification of tenants only. Exceptions may be made for the convenience store with gas sales to ensure compliance with state requirements. (CO: BLDG - Zoning)
2. Freestanding point of purchase signs fronting on Belvedere Road shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point: fifteen (15) feet;
 - b. Maximum sign face area **per** side: **one** hundred fifty (150) square feet;
 - c. Maximum number of **signs**: one (1);
 - d. Style: monument **style** only;
 - e. Location: within fifty (50) feet of the eastern most access point; and,
 - f. Sign shall be limited to identification of tenants only, (CQ: BLDG - Zoning)
3. No freestanding point of purchase signage shall be permitted on Country Club Road. (CO: BLDG - Zoning)
4. Wall signs for the Wal-Mart store shall be limited to the southwest (front) facade of the building and individual lettering size **shall** be limited to **sixty** (60) inches high. Wall signs shall **be** limited to identification of tenants only, (CO: BLDG - Zoning)
5. Wall signs for all other uses (excluding the gas station canopy) shall be limited to any two facades of the building and individual lettering size shall be limited to **twenty-four** (24) inches high. Wall signs shall be limited to **only** identification of tenants only, (CO: BLDG - Zoning)
6. Condition U.2 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:
- Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval.** (DRC: ZONING-Zoning)
- Is hereby deleted. [REASON: Code requirement.]
7. Condition Y.3 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:
- No advertising flags, foreign flags, pennants, banners, streamers, balloons, flashing signs, electronic message boards, etc., shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code,** (ONGOING: CODE ENF-Zoning)

Is hereby deleted. [REASON: Code requirement.]

8. **Signage**, subject to approval by the County Engineer, shall be installed at **all** points of egress from the loading areas that require all service and **delivery** vehicles to turn right only onto Country Club Road. (CO: MONITORING – Eng) (Previous Condition Y.4 of Resolution R-2000-1708, Petition DOA92-023(B))
9. A **minimum** of two signs, subject to approval by the County Engineer, shall be installed **on** Cherry Road east of the Intersection of Country Club Road and Cherry Road restricting truck traffic east of this intersection. (CO: MONITORING – Eng) (Previous Condition Y.5 of Resolution R-2000-1708, Petition DOA92-023(B))

W. UNITY OF CONTROL

1. Prior to site plan certification, petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. This Unity of **Control** may be discharged with the approval of the Executive Director of **Planning, Zoning and Building** and the County Engineer. (DRC: CO ATTY) {Previous Condition V. 1 of Resolution R-2000-1708, Petition DOA92-023(B)}
2. There shall **be** no **modification** to the site plan approved in connection with the reinstated development order, nor any **building** permits issued **for** the site until the releases have been **disbursed** from escrow per the Settlement Agreement dated September 2, 1997. (BLDG PRMT: MONITORING – PREM) (Previous Condition V.2 of Resolution R-2000-1708, Petition DOA92-023(B))
3. **Prior** to certification of the **site** plan, the property owner shall record in the public record a covenant requiring **architectural** consistency between **all** buildings and signage. 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 – Go Atty**) (Previous Condition V.3 of Resolution R-2000-1708, Petition DOA92-023(B))

X. USE LIMITATIONS

1. Condition W.1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Total gross floor area shall be limited to a maximum of 244,588 square feet, Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever **is** less, provided parking **requirements** are met pursuant to the ULDC. (DRC: ZONING-Zoning)

~~Is~~ hereby deleted. [REASON: Replaced by Condition A.3.]
2. Outdoor storage or placement of any material, refuse or **equipment** shall be screened from view **in** accordance with the ULDC. (ONGOING: CODE ENF – Zoning) (Previous Condition W.3 of Resolution R-2000-1708, Petition DOA92-023(B))
3. Condition W.4 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

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.

Is hereby deleted. [REASON: Code requirement].

4. Condition R.1 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

A **maximum** of 1118 parking spaces shall be permitted. Additional spaces may be permitted In accordance with Condition W.1. (DRC: ZONING-Zoning)

is hereby deleted. [REASON: No longer applicable.]

5. Condition R.2 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

All delivery **and/or** loading areas shall be screened from view from **Military** Trail, Belvedere Road and Country Club Road by twelve (12) foot **high** wing walls consistent with the color and character of the attached structure or through the use of berms and landscape material to be **submitted** to and approved by the Zoning Division,

Is hereby amended to read:

All delivery and/or loading areas shall be screened from view from Military Trail, Belvedere Road, Country Club Road and principal parking areas with a combination of landscaping and walls. Where necessary, a screening wall up to twelve (12) feet in height may be used subject to approval by the Zoning Division. The exterior side of all walls shall be consistent with the color and character of the attached structure. (CO/DRC: ARCH REV/LANDSCAPE – Zoning)

6. Condition R.3 of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

Overnight storage or parking of delivery vehicles or trucks shall **not** be permitted on site except within areas designated on the certified site plan as loading areas. (ONGOING: CODE ENF)

Is hereby amended to read:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within designated loading areas indicated on the approved master/site plans. (ONGOING: CODE ENF – Zoning)

7. **No** outdoor speaker or public address systems which are **audible** off-site shall be permitted. (ONGOING: CODE ENF – Zoning) (Previous Condition C.8 of Resolution R-2000-1708, Petition DOA92-023(B))

Y. WESTGATE CRA CONDITIONS

1. Condition Y.I of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

this site lies within the **Westgate Community Re-development** Area and is subject to the provisions of Zoning Code **Section 627 (Westgate CRA Overlay District)**, in addition to other **applicable** zoning district, **special** exception and land development regulations.

Is hereby deleted. [REASON: Code requirement.]

2. Prior to site **plan** certification, the petitioner shall fund a **one time** clean-out of the existing section of the **L-2B** Canal between the **L-2** Canal and **Belvedere** Road. The total expenditure shall **not** exceed **\$8,500.00**. (DRC: ZONING – WCRA) (Previous Condition Y.6 of Resolution R-2000-1708, Petition DOA92-023(B))

Z. 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) (Previous Condition **Z.1** of Resolution R-2000-1708, Petition DOA92-023(B))
2. Condition **Z.2** of Resolution R-2000-1708, Petition DOA92-023(B), which currently states:

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

- a. The issuance of a **stopwork** 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.

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 58 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.

Is hereby amended to read:

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

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the **denial** or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from **any** developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

- b. The revocation of the Official Nap 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 the 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, (ONGOING: MONITORING - Zoning)