

RESOLUTION NO. R-99- 2268

RESOLUTION APPROVING ZONING PETITION EAC96-040(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF BREFRANK, INC.
BY JEAN LINDSEY, AGENT
(WELLINGTON GREEN DRI (AKA WELLINGTON COMMONS DRI))
[LOCAL CONDITIONS]

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 EAC96-040(C) was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1999; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC96-040(C), the petition of Brefrank, Inc., by Jean Lindsey, agent, for a Development Order Amendment/Expedited Application Consideration(DOA/EAC) to modify Conditions E.3, G.1 and T. 1 of Resolution R-98-1788 (Local Conditions) 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 December 2, 1999, subject to the conditions of approval described in EXHIBIT C.2, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1999.

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

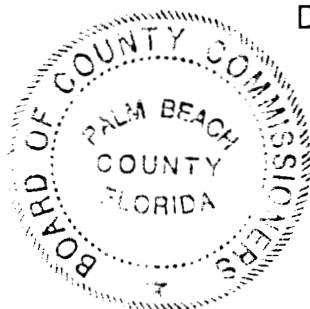


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13;

THENCE S87°44'43" E ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 2643.75 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 13;

THENCE CONTINUE S87°44'43" E A DISTANCE OF 684.73 FEET;

THENCE S02°15'17" W A DISTANCE OF 27.00 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N02° 15'17" E;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4443.66 FEET AND A CENTRAL ANGLE OF 09°33'35" FOR AN ARC DISTANCE OF 741.42 FEET TO THE POINT OF TANGENCY;

THENCE S78°11'08" E A DISTANCE OF 217.67 FEET TO A POINT CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTH;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 2687.05 FEET AND A CENTRAL ANGLE OF 10°14'28" FOR AN ARC DISTANCE OF 480.29 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE S86°25'05" E A DISTANCE OF 186.37 FEET;

THENCE N89°02'07" E A DISTANCE OF 70.31 FEET;

THENCE S00°22'03" E A DISTANCE OF 503.00 FEET;

THENCE S01°58'00" W ALONG A LINE PARALLEL WITH AND 252.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 13 A DISTANCE OF 1246.38 FEET;

THENCE S88°02'00" E A DISTANCE OF 11.66 FEET;

THENCE S01°53'53" W A DISTANCE OF 1312.60 FEET;

THENCE S01°53'57" W A DISTANCE OF 827.17 FEET;

THENCE N88°05'25" W ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SECTION 13 A DISTANCE OF 5044.51 FEET TO THE WEST LINE OF SAID SECTION 13;

THENCE N01°52'59" E A DISTANCE OF 1360.77 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 13;

THENCE N01°54'01" E A DISTANCE OF 2720.56 FEET TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING, AND BEING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 466.30 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

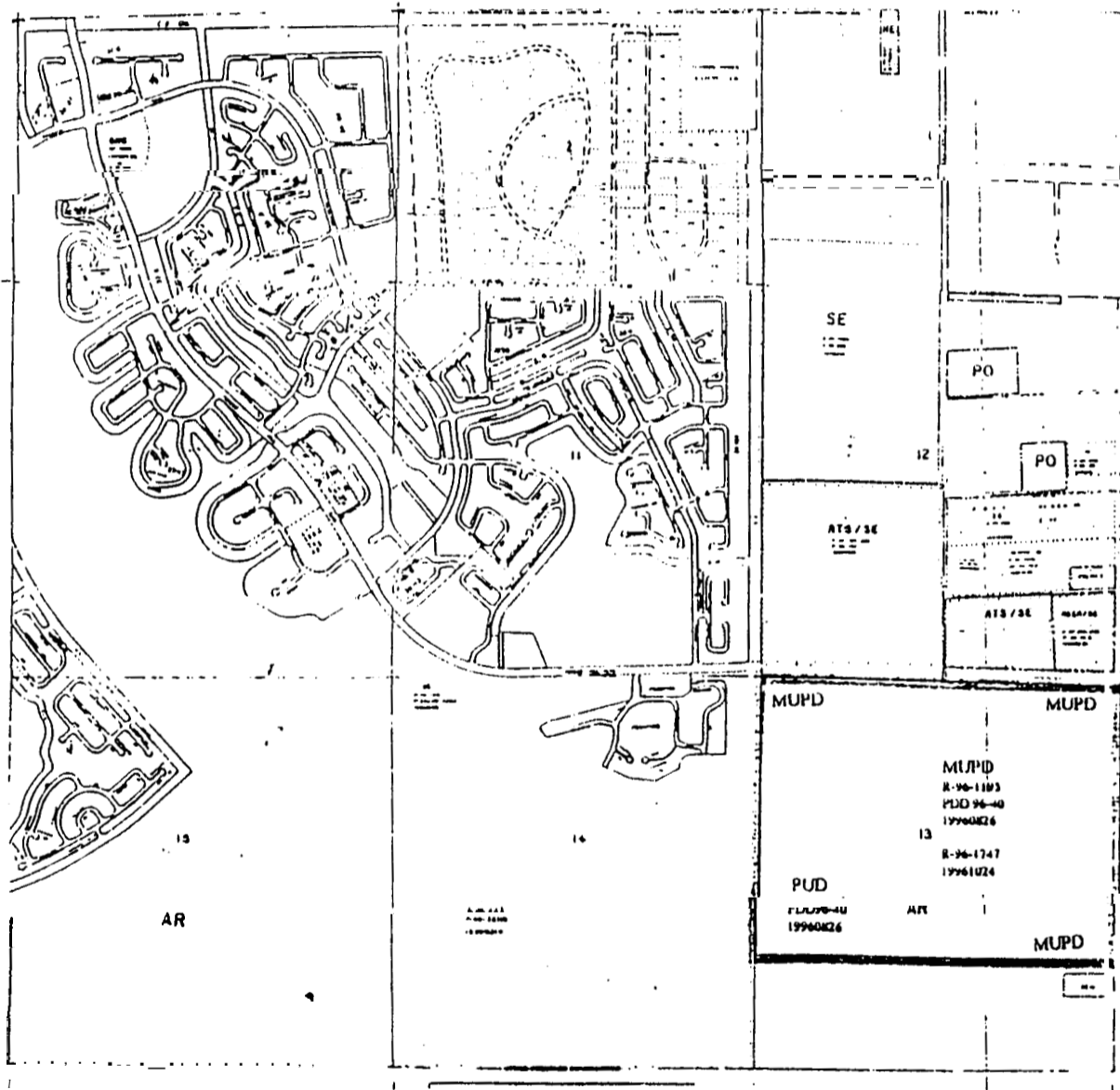


EXHIBIT C.2

CONDITIONS OF APPROVAL (LOCAL CONDITIONS)

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified. Conditions which are not MUPD or PUD specific shall apply to the entire site.

A. BUILDING AND SITE DESIGN

1. Condition A. 1 of Resolution R-98-1788, Petition DOA96-040(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1195, Petition PDD96-040, 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 Resolutions R-98-1788, Petition DOA96-040(A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.11 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Development of the site shall be limited to the uses, access, acreage, and site design approved by the Board of County Commissioners (master preliminary development plan dated September 1, 1998). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are allowed by the ULDC. (Previously Condition A.2 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: ZONING)
3. The subject property shall be limited to a maximum of seven (7) MUPDs and one (1) PUD. (Previously Condition A.3 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
4. Prior to recordation of the first plat, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, project identification and signs in MUPDs A.G. The covenant shall be recorded in a form and manner acceptable to the County Attorney.

The covenant shall require the use of prevalent Mediterranean and/or Italian Renaissance architecture, including, but not limited to, such primary architectural elements as pastel colored stucco, masonry, stone, brick, classical features (columns, arches, medallions, bull's eye windows, wrought iron, decorative tile, etc.), earth tone colored tile roof accents, and towers. Natural and sky lighting shall be encouraged.

Architectural consistency shall be provided around all sides of all structures. (Previously Condition A.4 of Resolution R-98-1788, Petition DOA96-040(A)) (PLAT: ENG/ZONING - Co Att)

5. The maximum gross acreage and minimum/maximum gross square feet of floor area for MUPDs A-F shall be limited as follows:

MUPD	ACREAGE ±	MINIMUM SF	MAXIMUM SF
A	8.67	79,000	120,000
B	29.78	87,000	163,000
C	23.92	87,000	163,000
D	22.13	80,000	148,000
E	10.26	41,000	75,000
F	35.74*	98,000	182,000
Total			675,000

* Includes 2.0 acre civic parcel. (Previously Condition A.5 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

6. Total combined gross floor area for MUPDs A-F shall not exceed 675,000 square feet. This figure includes the 125 room hotel allowed by Condition 1.1. If a 120,000 square foot movie theater is constructed, however, the combined gross floor area for MUPDs A-F will be 643,000 square feet. (Previously Condition A.6 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
7. A combined minimum of 45,000 gross square feet of office use shall be provided in MUPDs A-F. **Uses** considered **office** shall be devoted exclusively to business, medical or professional services. **Offices** accessory to other principal uses shall not satisfy this requirement. (Previously Condition A.7 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
8. The maximum gross acreage, maximum gross leasable area, and maximum square feet of gross floor area for MUPD **G** (regional mall) shall be limited as follows: (Previously Condition A.8 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

MUPD	ACREAGE ±	LEASABLE SF	GROSS SF
G	110.96	1,445,000	1,776,000

9. All areas or receptacles for the storage and disposal of trash, **garbage**, recyclable material or vegetation, such as dumpsters and trash compactors, shall be screened from view and confined to the areas designated on the certified site plan. (Previously Condition A.9 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC / ONGOING: ZONING / CODE ENF)

10. All roof mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (Previously Condition A.10 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG)
11. All other air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (Previously Condition A.11 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Zoning)
12. Exterior materials and building surfaces visible to the public shall be high quality materials and finishes, which exclude smooth faced concrete block, tilt-up concrete panels or prefabricated steel panels with architectural features. Exposed neon light tubes on the exterior of buildings shall be prohibited. (Previously Condition A.12 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: BLDG - Zoning)
13. Buildings in MUPDs A-F shall not exceed thirty-five **(35)** feet in height, including mechanical equipment, measured from finished grade to the highest point, excluding unoccupied architectural features. The petitioner may seek relief from this height requirement or to exclude air conditioning and mechanical equipment from this height requirement, as provided in Ord. **97-21** of the Village of Wellington, from the Village of Wellington once the project is within the jurisdiction of Wellington. (Previously Condition A.13 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: BLDG/ZONING)
14. All uses authorized under the property's respective zoning classifications shall be permitted except that within MUPDs A-D, no Big Box Warehouse Retail, "free standing" fast food restaurants, auto sales or convenience stores with or without gas sales shall be permitted. For purposes of this development order a Big Box Warehouse Retail shall be defined as a single user, single story building greater than **75,100** square feet in total floor area. Please note that non-freestanding fast food restaurants are permitted within MUPD B. (Previously Condition A.14 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: ZONING)
15. There shall be no uninterrupted length of any facade in excess of one hundred **(100)** feet in any building located in MUPDs A-D. Facades greater than one hundred **(100)** feet in length must incorporate recesses and projections along the length of the facade to create horizontal relief in the facade. Such features as, but not limited to, windows, awnings, and arcades must be incorporated along the facade length facing any public street or entrance drive connecting to any public street to create a pedestrian scale and a clear and identifiable entrance. (Previously Condition A.15 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: BLDG/ZONING)

16. In MUPDs A-D roofs must have at least **two (2)** of the following features: parapets concealing flat roofs and equipment, overhanging eaves, sloped roofs, and/or three or more roof surfaces. Alternative architectural features may be permitted that meet or exceed the intent of this local condition as determined by the Village of Wellington Architectural Review Board. (Previously Condition A.16 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: BLDG/ZONING)
17. In MUPDs A-D all customer entrances shall be highly visible **with** features such as but not limited to canopies, porticos, arches or arcades. (Previously Condition A.17 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC/BLDG PERMIT: ZONING/BLDG)

B. CONVENIENCE STORE WITH GAS SALES/AUTO SERVICE STATION/CAR WASH & AUTO DETAILING

1. A maximum of one convenience store with gas sales, auto service station, car wash & auto detailing facility, or combination, limited to a maximum of **5,000** square feet of gross floor area, shall be permitted in MUPD **F** only. The square footage of the Convenience Store will be limited as per the ULDC. The remaining square footage will be utilized for a car wash and/or other appropriate ancillary uses. (Previously Condition B.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
2. Automated car wash facilities shall utilize a **100%** water recycling system. (Previously Condition B.2 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: BLDG)
3. Outdoor repair shall not be permitted. Vehicle/trailer rental shall not be permitted. (Previously Condition B.3 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: CODE ENF)
4. Outdoor storage or display of disassembled vehicles, parts, inventory, or merchandise shall not be permitted. (Previously Condition B.4 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: CODE ENF)
5. 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. Air and water for minor vehicle maintenance shall be provided to the public at no charge. (Previously Condition B.5 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC / ONGOING: ZONING / CODE ENF)

C. CROSS ACCESS

1. At the time of recordation of the boundary plat for MUPD **F**, or when required by the County Engineer, whichever event shall first occur, the petitioner shall record in the public record their portion of a **cross** access easement to the property to the south in a manner and form approved by the County Attorney and in a location approved by the County Engineer. The location of the easement shall be indicated on the boundary plat for MUPD **F**, site plan for MUPD **F** and PDP prior to recordation. This requirement shall become null and void if the land directly south of the cross access point becomes Industrial land **use** in

a Comprehensive Plan or development on the land directly south of the cross access point generates more traffic than the cross access intersection can accommodate, as determined by the County Engineer. This requirement may be deleted by the Board of County Commissioners subject to an amendment to the Development Order in accordance with the ULDC and Florida Statutes. (Previously Condition C.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING - Civil Att / Eng)

2. The property owner to the south shall be required to reimburse this petitioner for a share of the cost of construction of the private road providing access to the property to the south within one year of completion of the cross access. The share of the cost of construction shall be determined by the County Engineer. (Previously Condition C.2 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: ENG)

D. DAY CARE

1. A maximum of three (3) general day care centers shall be permitted, limited to a combined total of **40,000** gross square feet of floor area and 600 children. The day care centers shall be permitted in MUPDs A, B, C, D or F only. (Previously Condition D.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING / HEALTH)

E. ENGINEERING

1. Many of the following Engineering conditions and Regional Transportation conditions in the DRI DO indicate that certain roadway improvements will be required when the project is to be issued building permits for certain amounts of retail space. The project consists of retail uses as well as residential, office and hotel uses. The roadway improvements are required when the project will generate certain amounts of external traffic. For monitoring purposes, the external traffic has been converted to square feet of gross leasable area of retail space. Additionally, the mall contains building area which is not included in the gross leasable floor area.

The developer, therefore, shall submit a trip generation analysis prior to requesting site plan approval for any other use than retail, showing an equivalent amount of gross leasable retail space based on external traffic. The trip generation analysis shall be based on the Phase 1 and Phase 2 trip generation rates utilized in the DRI traffic analysis, Tables 21-C-5 and 21-C-6 of the ADA, dated 12/4/95. The trip generation analysis shall be approved by the County Engineer prior to site plan certification by the DRC. (Previously Condition E.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ENG)

2. A public facilities agreement, dated August 26, 1996, and amended April 15, 1997, has been entered into by Palm Beach County and the developer. When the conditions conflict between the development order and the public facilities agreement, the more restrictive condition shall control. (Previously Condition E.2 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: ENG)

3. Condition E.3 of Resolution R-98-1788, Petition DOA96-040(A) which currently states:

No building permits shall be issued until contracts have been let for the following roadway improvements:

- a. Four lane of **SR 7** from Okeechobee Boulevard to Boynton Beach Boulevard.
- b. Southern Boulevard (**SR80**) and Big Blue Trace
 1. East Approach - 2nd left turn lane; and
 2. South Approach - right turn lane, separate left turn lane and receiving lanes.

Is hereby amended to read:

- a. No building permits shall be issued until contracts have been let for the following roadway improvements unless the County, upon the effective date of the 99-2 Comprehensive Plan Amendments, declares the following roadways or segments thereof to be constrained facilities and the traffic anticipated to be generated by the project is accommodated within the level of service standards authorized in the CRAILS designation whichever shall first occur:
 1. Four lane of SR 7 from Okeechobee Boulevard to Boynton Beach Boulevard.
 2. Southern Boulevard (SR 80) and Big Blue Trace
 1. East Approach - 2nd left turn lane; and
 2. South Approach - right turn lane, separate left turn lane and receiving lanes. (BLDG PERMIT: MONITORING - Eng)
 - b. No building permits shall be issued until a contribution to FDOT in an amount not to exceed \$100,000 is provided for the improvement of SR 7 from Lake Worth Road to Boynton Beach Boulevard. The developer shall receive impact fee credit for \$100,000 of this contribution. (BLDG PERMIT: MONITORING - Eng)
4. Surety shall be provided to Palm Beach County prior to February **24, 1997**, sufficient to construct the following roadway improvements:
- a. Southern Boulevard (**SR80**) and Big Blue Trace
 1. East Approach - 2nd left turn lane. (Previously Condition II.4 of Resolution R-98-1788, Petition DOA96-040(A)) (DATE: MONITORING - Eng)
5. No building permits shall be issued for more than 2,025,000 square feet GLA of retail or after December **31, 2004**, whichever occurs first, until contracts have been let for the following roadway improvement:

- a. Six lane of Southern Boulevard (SR 80) from SR 7 to Sansbury's Way. (Previously Condition E.5 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT/DATE: MONITORING - Eng)
6. No building permits shall be issued for more than 1,740,000 square feet GLA of retail or after December 31, 2004, whichever shall first occur, until contracts have been let for the following roadway improvement:
- a. Six lane of Southern Boulevard (SR 80) from Big Blue Trace to Forest Hill Boulevard. (Previously Condition E.6 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT/DATE: MONITORING - Eng)
7. The project shall be phased according to the following schedule until the contract for the construction of Southern Boulevard (SR 80) from Royal Palm Beach Boulevard to **SR 7** has been let:
- a) up to October 31, 2001, no building permits for more than 1,820,000 square feet GLA of retail shall be issued.
 - b) after October 31, 2001, no building permits for more than 1,640,000 square feet GLA of retail shall be issued.
 - c) if building permits for more than 1,640,000 square feet GLA of retail are issued prior to October 31, 2001 then no further building permits shall be issued after October 31, 2001.
 - d) no building permits shall be issued after December 31, 2000 until surety for the construction of Southern Boulevard (**SR 80**) from Royal Palm Beach Boulevard to SR 7 has been posted.
 - e) no building permits shall be issued after December 31, 2004. (Previously Condition E.7 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - Eng)
8. No building permits shall be issued for more than 1,195,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
- a. Southern Boulevard (**SR 80**) and Forest Hill Boulevard
 - 1. South Approach - Second left turn lane, and Second and third thru lanes;
 - 2. North Approach - Second left turn lane, Second and third thru lanes, and Right turn lane; and
 - 3. West Approach - Second left turn lane. (Previously Condition E.8 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - Eng)
9. No building permits shall be issued for more than 1,800,000 square feet GLA of retail until contracts have been let for the following roadway improvement:

- a. Four lane Lantana Road from Lyons Road to Hagen Ranch. (Previously Condition E.9 of Resolution R-98-1788, Petition DOA 96-040(A)) (BLDG PERMIT: MONITORING - Eng)
10. No building permits shall be issued for more than 1,890,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
- a. Southern Boulevard (SR **80**) and Jog Road
 - 1. All Approaches - Second left turn lanes. (Previously Condition E.10 of Resolution R-98-1788, Petition DOP 96-040(A)) (BLDG PERMIT: MONITORING - Eng)
11. Surety shall be provided to Palm Beach County prior to December 31, **2000**, for the following roadway improvement:
- a. Southern Boulevard (SR **80**) and Jog Road
 - 1. All Approaches - Second left turn lanes. (Previously Condition E.11 of Resolution R-98-1788, Petition DOA 36-040(A)) (DATE: MONITORING - Eng)
12. No building permits shall be issued for more than 1,905,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
- a. Extend 2 lane Lake Worth Road from South Shore Boulevard to the existing pavement west of SR **7**, or an acceptable alternative roadway adopted by the Palm Beach County Board of County Commissioners. (Previously Condition E.12 of Resolution R-98-1738, Petition DOA 96-040(A)) (BLDG PERMIT: MONITORING - Eng)
13. No building permits shall be issued after January **1, 2008**, until contracts have been let for the following roadway improvements:
- a. Forest Hill Boulevard and Wellington Trace (South)
 - 1. North and South Approaches - Third through lanes matching six lane cross section on Forest Hill **Boulevard** at South Shore Boulevard.
 - b. Forest Hill Boulevard and Wellington Trace (North)
 - 1. West Approach - Second left turn Lane. (Previously Condition E.13 of Resolution R-98-1788, Petition DOA 96-040(A)) (DATE: MONITORING - Eng)
14. Surety shall be provided to Palm Beach County prior to January 1, **2008**, for the following roadway improvements:
- a. Forest Hill Boulevard and Wellington Trace (South)
 - 1. North and South Approaches - Third through lanes matching six lane cross section on Forest Hill **Boulevard** at south Shore Boulevard.

- b. Forest Hill Boulevard and Wellington Trace (North)
 - 1. West Approach - Second left turn lane. (Previously Condition E.14 of Resolution R-98-1788, Petition DOA96-040(A)) (DATE: MONITORING - Eng)

- 15. No building permits shall be issued for more than 1,930,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
 - a. Six lane **SR 7** from **SR 80** to Forest Hill Boulevard. (Previously Condition E.15 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - Eng)

- 16. No building permits shall be issued for more than 1,840,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
 - a. Six lane **SR 7** from Forest Hill Boulevard to Lake Worth Road. (Previously Condition E.16 of Resolution R-98-1788, Petition DOP96-040(A)) (BLDG PERMIT: MONITORING - Eng)

- 17. **No** building permits shall be issued for more than 2,095,000 square feet GLA of retail or after December 31, 2004, whichever shall first occur, until contracts have been let for the following roadway improvement:
 - a. Eight lane Okeechobee Boulevard from Swallow Boulevard to **SR 7**. (Previously Condition E.17 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT / DATE: MONITORING - Eng)

- 18. Surety shall be provided to Palm Beach County by December 31, 2000, sufficient to construct the following roadway improvement:
 - a. Eight lane Okeechobee Boulevard from Swallow Boulevard to **SR 7**. (Previously Condition E.18 of Resolution R-98-1788, Petition DOA96-040(A)) (DATE: MONITORING - Eng)

- 19.A. LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "High Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during

the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system, shall be installed at the property owner's expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to issuance of a Certificate of Occupancy. (CO: MONITORING-Eng)
- c. If the County does not assume maintenance responsibility, the property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

19 B. LANDSCAPE WITHIN MEDIAN OF FOREST HILL BOULEVARD

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Forest Hill Boulevard right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "High 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 to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)
- b. All required median landscaping, including an irrigation system, shall be installed at the property owner's expense. All landscape material shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. Perpetual maintenance includes,

but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to issuance of a Certificate of Occupancy. (CO: MONITORING-Eng)

- c. If the County does not assume maintenance responsibility, property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING-Eng)
20. Surety, for the purposes contained herein, shall be based on 110% of the certified cost estimate provided by the developers engineer, and approved by the County Engineer. (Previously Condition E.20 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING - ENG)
21. Notwithstanding conditions requiring surety for traffic improvements, the County shall issue building permits and certificates of occupancy, as applicable, for 100% of the interior tenant space within the building GLA for which permits have previously been issued, whenever certificates of occupancy for interior tenant space have already been issued for at least 80% of the building GLA for which permits have previously been issued. (Previously Condition E.21 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: ENG)

F. ENTERTAINMENT, OUTDOOR

1. A maximum of 18 gross acres of private outdoor entertainment area, including water bodies and all required parking if part of the outdoor entertainment use, shall receive site plan approval by the Development Review Committee. (Previously Condition F.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
2. Motorized carts, motorized rides, boats or other similar outdoor entertainment uses requiring riding motorized equipment or vehicles shall be prohibited. (Previously Condition F.2 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: CODE ENF)

G. ERM

1. Condition G.1 of Resolution R-98-1788, Petition DOA96-040(A) which currently states:

Prior to December 31, 1999, the petitioner shall implement a wetland mitigation plan for the wetland preserve areas which will address supplementing the wetland preserve areas, as needed, with suitably sized wetland species to:

- a. eliminate any open areas resulting from the removal of Melaleuca, Brazilian Pepper, or other undesirable, invasive species; or
- b. ensure compliance with the percent cover and/or canopy closure requirements of the Master Wetland Preservation and Deep Water Habitat Plan required under Regional Development Order Condition 31B.

This condition shall not apply to the 1.1 acre upland hand fern preserve area.

Is hereby amended to read:

Prior to December 31, 2000, the petitioner shall implement a wetland mitigation plan for the wetland preserve areas which will address supplementing the wetland preserve areas, as needed, with suitably sized wetland species; to:

- a. eliminate any open areas resulting from the removal of Melaleuca, Brazilian Pepper, or other undesirable, invasive species; or
- b. ensure compliance with the percent cover and/or canopy closure requirements of the Master Wetland Preservation and Deep Water Habitat Plan required under Regional Development Order Condition 31B.

This condition shall not apply to the 1.1 acre upland hand fern preserve area.
(DATE: MONITORING - ERM)

H. HEALTH

1. Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works is used by project tenants or owners generating such effluent. (Previously Condition H.1 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: HEALTH)

I. HOTEL

1. A maximum of one (1) 125 room hotel shall be permitted. The hotel may be permitted in MUPDA, B, C, or F only. Ancillary uses may include, but not be limited to, a restaurant, cocktail lounge, meeting rooms, or conference center open to the public. Total floor area of the ancillary uses shall not exceed fifteen (15) percent of the gross floor area of the hotel. (Previously Condition 1.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
2. The hotel and ancillary uses shall be constructed in one MUPD only. (Previously Condition 1.2 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

J. LANDSCAPING - STANDARD

1. All trees required to be planted on the subject property by condition I; of approval, except as required by Condition G.1 and within the upland preserve areas, shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and,

- c. Canopy diameter: Seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (Previously Condition J.1 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on the subject property by conditions of approval, except as required by Condition G.1 and within the **upland** preserve area, shall meet the following minimum standards at time of installation:
 - a. Height: Ten (10) feet grey wood or clear trunk, whichever is greater;
 - b. Clustered palms: Staggered heights ten (10) to twelve (12) feet; and,
 - c. Pruning: Minimum six (6) fronds. (Previously Condition J.2 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)
 3. All landscape requirements contained herein may be altered by the Development Review Committee upon approval of an **Alternative Landscape Betterment Plan (ALBP)** except as follows: the ALBP shall maintain the tree and palm standards above (Conditions J.1 and J.2), the interior landscaping requirements below (Conditions K.1 thru K.6), the minimum width of the north and east perimeter buffers (Condition L.1), the minimum number of trees, palms and shrubs required in the north and east perimeter buffers (Condition L.1), all required berms, and all supplemental material required in preserve areas. (Previously Condition J.3 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

K. LANDSCAPING - INTERIOR

1. A minimum of one (1) interior landscape island shall be provided for every twelve (12) parking spaces in MUPDs A-F and the **Residential PUD**. The maximum spacing between landscape islands shall not exceed one hundred-twenty (120) linear feet. (Previously Condition K.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
2. Unless a variance is obtained by the Board of Adjustment, a minimum of one (1) interior grade level planting area (i.e. diamond), with a minimum planting area of twenty (20) square feet and one tree/palm and appropriate ground cover, shall alternate with one interior **landscape** island for every twelve (12) parking spaces in MUPD G. The maximum spacing between **diamonds/landscape** islands shall not exceed one hundred twenty (120) linear feet. Interior landscape islands may be used in place of required diamonds. This requirement shall not **apply** to rows of abutting parking separated by a landscaped divider median. (Previously Condition K.2 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

3. **All** rows of parking shall end with a landscape island. (Previously Condition K.3 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: ZONING)
4. Landscaped divider medians, with at grade bicycle and pedestrian paths as appropriate, shall be provided in the center of all driveways (over thirty **(30)** feet in width providing ingress or egress to each MUPD on the PUD. The minimum length of this median shall be twenty five **(25)** feet. The minimum width of this median shall be six **(6)** feet. A minimum width of five **(5)** feet of landscaped area shall be provided. One tree or palm and appropriate ground cover shall be planted for each twenty **(20)** linear feet of the divider median. (Previously Condition K.4 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)
5. Landscape planter areas shall be provided along the front and side facades of all structures. The minimum width of required landscape planter areas shall be five **(5)** feet. The combined length of the required landscape planter areas shall be no less than **40%** of the total length of the applicable side of the structure. **All** required landscape planter areas shall be planted with a minimum of one **(1)** tree or palm every **20** feet on center and appropriate ground cover. (Previously Condition K.5 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)
6. **All** required buffers internal to the project shall be supplemented with one **(1)** palm or pine tree for each thirty **(30)** linear feet of the buffer. (Previously Condition K.6 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)

L. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ALONG FOREST HILL BOULEVARD AND SR7/US441)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. a minimum twenty five **(25)** foot wide landscape buffer strip;
 - b. an undulating berm having an average height of three **(3)** feet;
 - c. one **(1)** canopy tree for each twenty **(20)** linear feet of frontage, planted a maximum of sixty **(60)** feet on center;
 - d. one **(1)** palm or pine tree for each twenty **(20)** linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree; and
 - e. One **(1)** twenty four **(24)** inch high shrub, or equivalent ground cover approved by the Planning, Zoning and Building Department, for each four **(4)** linear feet, to be planted on top of the required berm and maintained at a minimum height of thirty six **(36)** inches. (Previously Condition L.1 of Resolution R-98-1738, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)

2. **A landscaped buffer along the north and east property lines shall not be required adjacent to preserve areas designated on the PDP. (Previously Condition L.2 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)**

M. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of frontage. **A group of three or more palm or pine trees may supersede the requirement for a canopy tree; and**
 - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (Previously Condition M.1 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Zoning)

N. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. (Previously Condition N.1 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT/ONGOING: BLDG / CODE ENF - Zoning)**
2. **All outdoor lighting fixtures in MUPDs A-F and the Residential PUDs shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (Previously Condition N.2 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Zoning)**
3. **All outdoor lighting fixtures in MUPD G shall not exceed fifty (50) feet in height, measured from finished grade to highest point. (Previously Condition N.3 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Zoning)**

O. MASS TRANSIT

1. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the bus stop to the use(s) it is intended to serve, and bicycle rack. (Previously Condition 0.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING - School Board / Eng / Planning)

2. Printed and electronic advertising for the regional mall, where practical shall contain information that mass transit service to the site is available. (Previously Condition 0.2 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: PALM TRAN)

P. OUT PARCELS

1. The maximum number of freestanding buildings under 10,000 square feet of gross floor area in MUPDs **A-F** shall be limited to four **(4)** each. Structures in the 2.0 acre civic parcel in MUPD **F** shall not be considered freestanding buildings. (Previously Condition P.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
2. **No** freestanding buildings under 10,000 square feet of gross floor area shall be permitted in MUPD **G**. (Previously Condition P.2 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

Q. PARKING/STORAGE

1. **All** delivery and/or loading areas built to accommodate semi trucks, tractor trailers, moving vans, etc., or consisting of two or more loading spaces, shall be screened from view by a twelve (12) foot high wing wall, or eight **(8)** foot wing wall if the loading area is depressed, 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 principle structure. (Previously Condition Q.1 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: BLDG - Zoning)
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except in designated loading and delivery **areas**. (Previously Condition Q.2 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: CODE ENF)
3. Prior to certification of each site plan in MUPDs A-F by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas where appropriate. (Previously Condition Q.3 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
4. Open storage of any material, refuse, equipment, inventory, merchandise or debris shall not be permitted. (Previously Condition Q.4 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: CODE ENF)
5. **A** shared parking study shall not be used to reduced the required parking for restaurants in MUPDs A thru F. (Previously Condition Q.5 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

R. PLANNING

1. The underlying land uses for the LS/MU designation for the subject property shall be as follows: (Previously Condition R.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: PLANNING)

PROPOSED LAND USES AND INTENSITIES		
LAND USE	MINIMUM ACREAGE	MAXIMUM ACREAGE
Commercial High (CH)	185	250
Residential High (HR8)	10	50
Residential Medium (MR5) (CLF use only)	35	60
Wetland/Buffer	28	N/A
Active Park	10	N/A
Lakes/Drainage Control	132	N/A

S. PUD

1. The PUD shall be limited to a maximum of 225 gross acres. (Previously Condition S.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
2. The CLF shall be limited to a maximum of 300 beds, 390 residents, and 300,000 square feet of gross floor area. (Previously Condition S.2 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
3. The CLF beds shall not be converted to multifamily or other housing types in accordance with the ULDC. (Previously Condition S.3 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
4. The multifamily portion of the PUD shall be limited to a maximum of 400 units. The multifamily units may be converted to other housing types; in accordance with the ULDC upon submittal of a Notice of Proposed Change (NOPC) and approval by the Board of County Commissioners. (Previously Condition S.4 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
5. Street lights internal to the PUD shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (Previously Condition S.5 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Eng)
6. Street trees internal to the PUD shall be planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (Previously Condition S.6 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: LANDSCAPE - Eng)

7. A clearly delineated and distinct continuous bike path or bike lane, which may be constructed as part of the vehicular use area internal to the PUD, shall provide bike access to all mass transit stops, school bus pick up locations, and MUPDG. (Previously Condition S.7 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)
8. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (Previously Condition S.8 of Resolution R-98-1788, Petition DOA96-040(A)) (PLAT: ENG - Zoning)
9. All property included in the legal description of the PUD shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (Previously Condition S.9 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDGPERMIT/PLAT: MONITORING/ENG - CoAtt)

T. PREM

1. Condition T.1 of Resolution R-98-1788, Petition DOA96-040(A) which currently states:

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by December 1, 1999 for a net 2.0 acre Fire Rescue civic site, in a location and form acceptable to the Facilities, Development & Operations Department (FDO) and County Attorney's office. The petitioner shall plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance:

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the MUPD, as it would apply to the civic site. If the County ever sells the site for a nonpublic use, the subsequent owner will be subject to the covenants and conditions of the applicable MUPD. The County will agree that the civic site will be subject to reasonable design controls to ensure compatibility of design and function of the facility within the overall development. However, any design changes beyond standard Fire Rescue Facility design shall be at the sole cost of the property owner.

- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and County Attorney's Office after receiving Board approval.
- c. Civic site to be free and clear of all trash and debris at the time of acceptance of warranty deed.
- d. Developer shall provide all detention required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water detention basins;
 - 2) An easement across Developer's property from the proposed civic site to the detention basins, if required; and
 - 3) Drainage conveyance system connection shall be provided to the property line by the property owner.
- e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
- f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
- g. Developer to provide water and sewer stubbed out to the property line.
- h. Should the County decide to sell or transfer the proposed civic site for a nonpublic use, it will first offer the property to the developer at current market price before placing it on the general market. Should the County receive an acceptable bona-fide offer for the purchase of the property for a nonpublic use, the developer shall have a right of first refusal to match said offer.
- i. Should the County decide not to use the proposed civic site as a Fire-Rescue station, the following alternative public uses shall be prohibited: incinerator, landfill, hazardous waste disposal, hazardous material storage, recycling center, transfer station or any other noxious refuse related use.

Is hereby amended to read:

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by August 26, 2000 or upon recordation of the first plat, whichever first should occur, for a net 2.0 acre Fire Rescue civic site, in a location and form acceptable to the Facilities, Development & Operations Department (FDO) and County Attorney's office. The petitioners shall plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance:

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's

approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County shall have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the MUPD, as it would apply to the civic site. If the County ever sells the site for a nonpublic use, the subsequent owner will be subject to the covenants and conditions of the applicable MUPD. The County will agree that the civic site will be subject to reasonable design controls to ensure compatibility of design and function of the facility within the overall development. However, any design changes beyond standard Fire Rescue Facility design shall be at the sole cost of the property owner.

- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and County Attorney's Office after receiving Board approval.
- c. Civic site to be free and clear of all trash and debris at the time of acceptance of warranty deed.
- d. Developer shall provide all detention required for any future development of the proposed civic site by the County. Developers shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water detention basins;
 - 2) An easement across Developer's property from the proposed civic site to the detention basins, if required; and
 - 3) Drainage conveyance system connections shall be provided to the property line by the property owner.
- e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
- f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
- g. Developer to provide water and sewer stubbed out to the property line.
- h. Should the County decide to sell or transfer the proposed civic site for a nonpublic use, it will first offer the property to the developer at current market price before placing it on the general market. Should the County receive an acceptable bona-fide offer for the purchase of the property for a nonpublic use, the developer shall have a right of first refusal to match said offer.
- i. Should the County decide not to use the proposed civic site as a Fire-Rescue station, the following alternative public uses shall be prohibited: incinerator, landfill, hazardous waste disposal, hazardous material storage, recycling center, transfer station or any other noxious refuse related use. (DATE/PLAT: MONITORING - PREM/ENG)

2. The property owner shall provide the County with a certified survey of the proposed civic site by September 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 - a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. Rule 61G17-6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include the location of any proposed water detention area that will border the civic site. Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (Previously Condition T.2 of Resolution R-98-1788, Petition DOA96-040(A)) (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by September 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. The assessment will include but not be limited to the following:
 - a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
 - b. Review of local, state, and federal regulatory agencies' enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL);
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA); and
 - 3) Hazardous Waste Data Management System List (HWDMS).
- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d. The results of an on-site survey to describe site conditions and to identify potential areas of contamination.

- e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (Previously Condition T.3 of Resolution R-98-1788, Petition DOA96-040(A)) (DATE: MONITORING - PREM)
4. Prior to September 1, 1999, the petitioner may request to exchange the required on-site dedication of land for cash of equal value or **off-site** land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above shall also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (Previously Condition T.4 of Resolution R-98-1788, Petition DOA96-040(A)) (DATE: MONITORING - PREM)
5. The developer shall install appropriate safety signalization and turn lanes on all interior circulating access drives in a location and manner acceptable to Palm Beach County Fire Rescue when requested by Palm Beach County Fire Rescue. (Previously Condition T.5 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: PREM/ FIRE)

U. REQUESTED USES

1. The maximum number, location and maximum gross square feet of floor area for each requested use shall be limited as follows:

REQUESTED USE	MAX NO.	MUPD LOCATION	MAX SF BY MUPD *	MAX COMBINED SF **
Building supplies, retail	5	F	150,000 in F	150,000
Convenience store with gas sales / auto service station / car wash & auto detailing	1	F	5,000 in F	5,000
Day care, general ***	3	A,B,C,D,F	30,000 in A; 15,000 in B,C,D; 25,000 in F	40,000
Entertainment, indoor	8	A,B,C,F	30,000 in A,B; 60,000 in C; 150,000 in F	150,000
Entertainment, outdoor ****	4	A,F	10,000 in A; 50,000 in F;	50,000
Financial institution *****	10	ALL	10,000 in A,E; 30,000 in B,C; 20,000 in D,F	100,000
Hotel	1	A,B,C,F	125 rooms in A,B,C,F	125 rooms

Restaurant, fast food	5	B,F	6,000 in B; 14,000 in F	14,000
Theater, indoor *	2	C,F	40,000 in C; 120,000 in F	120,000

Maximum gross square feet of floor area per requested use permitted in each MUPD.

** Maximum combined gross square feet of floor area of use permitted (total).

*** Combined enrollment limited to a maximum of 600 children total.

**** 18 acres (gross) maximum.

***** Limitation applies to financial institutions over 10,000 square feet or with more than 3 drive up teller windows only. (Previously Condition V.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING)

2. Requested uses may be co-located on a single and/or combined out parcel if an acceptable traffic equivalency analysis and transfer of square footage is approved by the County Engineer and the DRC. (Previously Condition V.2 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: ZONING/ENG)

V. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales/rental offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (Previously Condition W.1 of Resolution R-98-1788, Petition DOP96-040(A)) (ONGOING: SCHOOL BOARD)

W. SIGNS

1. One free standing primary site identification sign at the intersection of Forest Hill Boulevard and SR7/US441 shall be permitted as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty five (25) feet;
 - b. Maximum sign width - nine (9) feet;
 - c. Maximum sign face area per side - 75 square feet;
 - d. Maximum number of signs - one (1);
 - e. Style - monument style or decorative tower only; and
 - f. Advertising - primary project identification only. (Previously Condition X.1 of Resolution R-98-1788, Petition DOA96-040(A)) (DRC: BLDG - Zoning)
2. Median entry freestanding signs on SR7/US441 shall be limited as follows:
 - a. Maximum sign height, measured from finish grade to highest point - 8' H x 10' W;
 - b. Maximum sign face area per side - 45 sq. ft.;
 - c. Maximum number of signs - two (2);

- d. Style - monument style only; and
 - e. Advertising - regional mall name only. (Previously Condition X.2 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Zoning)
3. Freestanding point of purchase signs fronting **SR7/US441** shall be limited as follows:
- a. Maximum sign height, measured from finish grade to highest point - **10' H x 8' W**;
 - b. Maximum sign face area per side - **60 sq. ft.**;
 - c. Maximum number of signs - two (2);
 - d. Style - monument style only; and
 - e. Advertising - primary identification for adjacent MUPD and maximum of four (4) **tenants/users** only. (Previously Condition X.3 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG- Zoning)
4. Median entry freestanding signs on Forest Hill Boulevard shall be limited as follows:
- a. Maximum sign height, measured from finish grade to highest point - **8' H x 10' W**;
 - b. Maximum sign face area per side - **45 sq. ft.**;
 - c. Maximum number of signs - two (**2**);
 - d. Style - monument style only; and
 - e. Advertising - regional mall name only. (Previously Condition X.4 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Zoning)
5. Freestanding point of purchase signs fronting Forest Hill Boulevard shall be limited as follows:
- a. Maximum sign height, measured from finish grade to **highest** point - **10' H x 8' W**;
 - b. Maximum sign face area per side - **60 sq. ft.**;
 - c. Maximum number of signs - four (4);
 - d. Style - monument style only; and
 - e. Advertising - primary identification for adjacent MUPD and maximum of four (4) **tenants/users** only. (Previously Condition X.5 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG- Zoning)
6. MUPD **C** or **F** shall be permitted one additional freestanding point of purchase sign only fronting either Forest Hill Boulevard or **SR7/US441**, limited as follows:
- a. Maximum sign height, measured from finish grade to **highest** point - **15' H x 10' W**;
 - b. Maximum sign face area per side - **120 sq. ft.**;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and
 - e. Advertising - theater use only. (Previously Condition X.6 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Zoning)
7. PUD entrance wall signs shall be limited as follows:
- a. Maximum sign height, measured from finished grade to **highest** point - six (**6**) feet;

- b. Maximum sign length - **40** feet;
 - c. Maximum sign face area - **40** square feet
 - d. Maximum number of signs - one **(1)** per entry; and
 - e. Style - monument style only. (Previously Condition X.7 of Resolution R-98-1788, Petition DOA96-040(A)) (CO: BLDG - Zoning)
8. Temporary balloon signs shall not be permitted. (Previously Condition X.8 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: ZONING)
 9. Electronic message signs shall not be permitted. (Previously Condition X.9 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT: BLDG - Zoning)
 10. Flags, other than Federal, State or local government emblems, shall not be permitted. Flag poles shall be limited to a maximum height of **thirty five (35)** feet, measured from finished grade to highest point. A maximum of three **(3)** flag poles shall be permitted in each planned development. (Previously Condition X.10 of Resolution R-98-1788, Petition DOA96-040(A)) (BLDG PERMIT/ONGOING: BLDG/CODE ENF)
 11. Outdoor display of equipment, inventory, merchandise or similar retail products shall not be permitted. (Previously Condition X.11 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: CODE ENF)

X. UNITY

1. Prior to recordation of the first plat, the petitioner shall record in the public record a unity of control for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition Y.1 of Resolution R-98-1788, Petition DOA96-040(A)) (PLAT: ENG - Zoning/Co Att)
2. Prior to recordation of the first plat, the petitioner shall record a covenant in the public record indicating that all structures, uses and parking areas within each MUPD and the PUD 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 County Attorney. (Previously Condition Y.2 of Resolution R-98-1788, Petition DOA96-040(A)) (PLAT: ENG - Zoning / Co Att)

Y. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any

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

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

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition Z.1 of Resolution R-98-1788, Petition DOA96-040(A)) (MONITORING)

2. The County acknowledges that the petitioner is executing an agreement with the Village of Wellington addressing certain contributions and commitments to be made by the petitioner. This agreement, or its individual components, are not to be considered as conditions of approval and are not enforceable by the County. (Previously Condition Z.2 of Resolution R-98-1788, Petition DOA96-040(A)) (Monitoring Not Required)
3. 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. (Previously Condition Z.3 of Resolution R-98-1788, Petition DOA96-040(A)) (ONGOING: MONITORING - Zoning)



**Department of Planning,
Zoning & Building**
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**Palm Beach County
Board of County
Commissioners**

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Tony Masilotti

County Administrator

Robert Weisman

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director
DATE: December 10, 1999
RE: Amended Conditions from the December 2, 1999
BCC Hearing

WCW by r/c

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on December 2, 1999.

The following petitions were amended:

Z/CA99-049	Celebration Church
EAC87-024(H)	Lantana Road PCD
EAC97-041(A)	Linton Medical Center
PDD89-019(D)	Valencia Grand Isles (Aka Polo Trace PRD)
Z/CA99-055	Atlantis Auto
Z/CA99-056	Hess #09076
PDD/DOA	Children's Home Society
79-182(B)	
PDD99-042	Strata Devco
EAC96-040(C)	Wellington Green DRI (AKA Wellington Commons DRI) - Local Conditions

EAC79-120(A) - Atlas Peat & Soil is an abandonment resolution.

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