

RESOLUTION NO. R-2011-0088

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2010-01991  
(CONTROL NO. 1980-00173)  
a Development Order Amendment  
APPLICATION OF Wal-Mart Stores East, LP  
BY Ruden, McClosky, AGENT  
(Walmart Plaza)

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

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/PDD/DOA-2010-01991 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2011; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/PDD/DOA-2010-01991, the petition of Wal-Mart Stores East, LP, by Ruden, McClosky, agent, for a Development Order Amendment to reconfigure the site plan and add square footage in the CG Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 27, 2011.

Filed with the Clerk of the Board of County Commissioners on February 1, 2011.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK





EXHIBIT A

LEGAL DESCRIPTION

**WALMART PLAZA**

**LEGAL DESCRIPTION**

(Entire Commercial Plaza for MUPD Rezoning)

WAL-MART PARCEL 'A'

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 00°11'39" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER SECTION 1, A DISTANCE, OF 357.81 FEET; THENCE SOUTH 89°48'21" WEST, A DISTANCE OF 80.71 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE SOUTH 89°48'21" WEST, A DISTANCE OF 300.29 FEET; THENCE NORTH 00°11'39" WEST, A DISTANCE OF 453.79 FEET; THENCE SOUTH 89°48'21" WEST, A DISTANCE OF 74.67 FEET; THENCE NORTH 00°11'39" WEST, A DISTANCE OF 159.00 FEET; THENCE SOUTH 89°48'21" WEST, A DISTANCE OF 208.00 FEET; THENCE NORTH 00°13'47" WEST, A DISTANCE OF 411.72 FEET; THENCE SOUTH 89°28'27" EAST, A DISTANCE OF 583.97 FEET; THENCE SOUTH 00°11'39" EAST, A DISTANCE OF 890.12 FEET; TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 00°38'23" AND A RADIUS OF 11379.09 FEET, A DISTANCE OF 127.05' FEET TO THE POINT OF BEGINNING AFORE DESCRIBED.

TOGETHER WITH;

DATORRE PARCEL 'B'

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 00°11'39" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 1, A DISTANCE OF 114.03 FEET; THENCE NORTH 88°50'22" WEST, A DISTANCE OF 428.27 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE NORTH 88°50'22" WEST, A DISTANCE OF 35.01 FEET; THENCE NORTH 00°13'47" WEST, A DISTANCE OF 185.68 FEET; THENCE NORTH 89°22'47" WEST, A DISTANCE OF 200.02 FEET; THENCE NORTH 00°13'47" WEST, A DISTANCE OF 657.09 FEET; THENCE NORTH 89°48'21" EAST, A DISTANCE OF 208.00 FEET; THENCE SOUTH 00°11'39" EAST, A DISTANCE OF 159.00 FEET; THENCE NORTH 89°48'21" EAST, A DISTANCE OF 74.67 FEET; THENCE SOUTH 00°11'39" EAST, A DISTANCE OF 453.79 FEET; THENCE SOUTH 89°48'21" WEST, A DISTANCE OF 47.29 FEET; THENCE SOUTH 00°13'47" EAST, A DISTANCE OF 233.65 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

SUNSHINE GASOLINE PARCEL 'C'

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 00°11'39" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 1, A DISTANCE OF 114.03 FEET; THENCE NORTH 88°50'22" WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 1, A DISTANCE OF 110.81 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R.D. 809); THENCE CONTINUE NORTH 88°50'22" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, A DISTANCE OF 160.30 FEET; THENCE NORTH 01°05'32" EAST , A DISTANCE OF 237.43 FEET; THENCE NORTH 89°48'21" EAST, A DISTANCE OF 184.99 FEET TO A POINT ON SAID PROPOSED WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R.D. 809); THENCE SOUTHERLY ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE BEING A CURVE CONCAVE TO THE WEST AND WHOSE CHORD BEARS SOUTH 00°59'30" WEST, AND HAVING A CENTRAL ANGLE OF 01°05'33" AND A RADIUS OF 11,379.06 FEET, AND A DISTANCE OF 216.97 FEET; THENCE SOUTH 46°20'57" WEST, A DISTANCE OF 35.24 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

TRAIÑO PARCEL 'D'

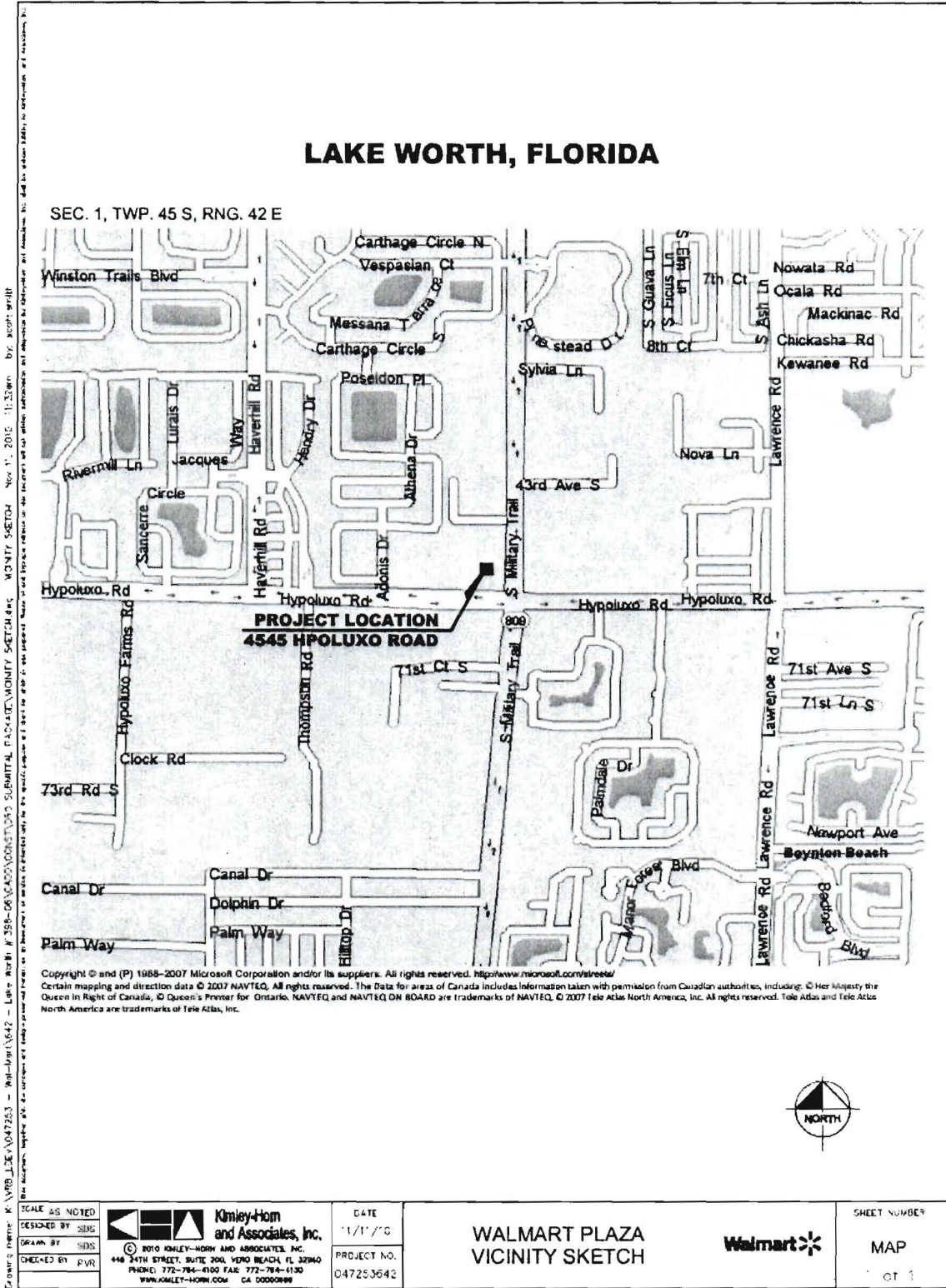
A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 00°11'39" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 1, A DISTANCE OF 114.03 FEET; THENCE NORTH 88°50'22" WEST, A DISTANCE OF 271.11 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE NORTH 88°50'22" WEST, A DISTANCE OF 157.16 FEET; THENCE NORTH 00°13'47" WEST, A DISTANCE OF 233.65 FEET; THENCE NORTH 89°48'21" EAST, A DISTANCE OF 162.59 FEET; THENCE SOUTH 01°05'32" WEST, A DISTANCE OF 237.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.95 ACRES MORE OR LESS



EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition A.1 of Resolution R-94-1681, Control 1980-173, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-89-1038, and R-90-1432, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-94-1681 (Control 1980-173) and Resolution R-2006-0022 (Control 1980-173), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC and generally consistent with the elevations prepared by Walmart and submitted on August 18, 2010. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. The exterior elevations of all buildings shall combine the gutters and downspouts into the architectural design of the building. Painting the gutters shall not constitute compliance. (DRO: ARCH REVIEW - Zoning)

3. Exterior storage areas shall be screened from view with a minimum eight (8) foot high concrete wall. The wall shall be integrated into the building design to make it compatible with the building. An opaque gate, equal in height and consistent in design shall be provided at the entry and exist of the outdoor storage area. (DRO: ARCH REVIEW - Zoning)

4. Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of both buildings. Prior to the CO of Building A, Building B shall be repainted to be consistent with the colors and style of Building A. (CO: ARCH REVIEW - Landscaping)

5. A minimum 10' wide unobstructed covered walkway, typical to the example depicted on the preliminary elevations dated November 15, 2010, shall be provided along 70% the southern elevation. (DRO: ARCH REVIEW - Zoning)

6. A minimum 5' wide unobstructed covered walkway, typical to the example depicted on the preliminary elevations dated November 15, 2010, shall be provided along 30% the eastern elevation. (DRO: ARCH REVIEW - Zoning) (DRO: ARCH REVIEW - Zoning)

7. The details for the gazebo and the covered walkway within the parking lot shall be revised to reflect the Character of the covered walkway example depicted on the preliminary elevations dated November 15, 2010. (DRO: ARCH REVIEW - Zoning)

8. Bollards shall be provided along the side from the primary entrance on the southern elevation to the garden center entrance on the eastern elevation. Bollards shall be spaced no more than 15' from one and another. (DRO: ARCH REVIEW - Zoning)



9.A pedestrian pathway typical to the requirements as noted in Article 5.C shall be provided across the vehicular use area between Parcel C and the pedestrian path system and between the mailboxes and Building B. (DRO: ARCH REVIEW - Zoning)

10.Decorative pavers, stamped concrete, or an acceptable alternative treatment shall accent a pedestrian access area adjacent to each pedestrian customer entrance of building A". The area adjacent to the primary entrance shall be the width of the travel lane and 131 feet long. The area adjacent to the garden center entrance shall be the width of the travel lane and 50 feet long. (DRO: ARCH REVIEW - Zoning)

11.A pedestrian path shall be provided at the south eastern corner of the Building A parking lot to link the internal pedestrian walkway system to the public sidewalk. (DRO: ARCH REVIEW - Zoning)

12.All mechanical and air conditioning equipment shall be mounted and screened with parapets or be contained within the enclosed loading and service area. (DRO: ARCH REV - Arch Rev) (Previous Condition B.1 of Resolution R-94-1681, Control No. 1980-173).

13.All existing air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (ONGOING: BLDG - Arch Rev) (Previous Condition B.2 of Resolution R-94-1681, Control No. 1980-173)

14.Condition B.5 of Resolution R-94-1681, Control No. 1980-173, which currently states:

The western rear facade(s) of the shopping center shall be given architectural treatment consistent with the front of the center. (DRO: ARCH REV - Arch Rev)

Is hereby deleted. REASON: No longer applicable. New Architectural Review 4 has been added to condition Building B.

#### ENGINEERING

1.In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a.No Building Permits for the site may be issued after December 31, 2015. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2.If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (ONGOING: ENGINEERING-Eng) (Previous Condition E.2 of Resolution R-94-1681, Control No. 1980-173)

3.Prior to October 1, 1988 or prior to Site Plan approval, whichever shall first occur, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for:  
a. Hypoluxo Road, 114 feet north of the existing southright-of-way line of Hypoluxo Road:  
and  
b. Military Trail, 80 feet from centerline:  
all free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE/DRO:MONITORING- Eng) (Previous Condition E.3 of Resolution R-94-1681, Control No. 1980-173) [Note: COMPLETED]



4.The property owner shall cause to be constructed concurrent with the four laning of Military Trail:

a. Left turn lane, and a right turn lane, south approach on Military Trail at the project's main entrance (adjacent to WalMart);

b. Right turn lane, north approach, at the project's main entrance.

(ONGOING: ENGINEERING-Eng) (Previous Condition E.4 of Resolution R-94-1681, Control No. 1980-173) [Note: COMPLETED]

5.The developer 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 \$249,308.00 (9,306 trips X \$26.79 per trip). These funds shall be paid prior to February 1, 1989 or prior to issuance of the first building permit whichever shall first occur. (Previous Condition E.5 of Resolution R-94-1681, Control No. 1980-173) [Note: COMPLETED]

6.In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

a. No building permits, except for the Wal-Mart building permit, shall be issued until construction has begun for Military Trail as a minimum 4 lane section adjacent to the site currently scheduled for the Fiscal Year 1988-1989. (Previous Condition E.6 of Resolution R-94-1681, Control No. 1980-173). [Note: COMPLETED]

7.Previous Condition E.9 of Resolution R-94-1681, Control No. 1980-173, which currently states:

Prior to issuance of a Building Permit in Parcel B, the property owner of Parcel B, shall convey a cross access easement to the property owner to the west subject to approval of the County Attorney. Location and width of this easement shall be approved by the County Engineer. (ENGINEERING)

Is hereby amended to read:

Prior to issuance of a Building Permit for the Wal Mart Addition in Parcel A, the property owner shall convey a cross access easement to the property owner(s) of Parcel B, subject to approval of the County Attorney. Location and width of this easement shall be shown on the final site plan and approved by the County Engineer. (BLDG PERMIT: ENGINEERING - Eng)

8.The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the Wal Mart Addition 80-173(C) to be paid at the time of issuance of the Building Permit presently is \$43,615.00 (793 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR). (Previous Condition E.10 of Resolution R-94-1681, Control No. 1980-173) [Note: COMPLETED]

9.Prior to the issuance of the first Certificate of Occupancy for the Wal Mart Addition in Parcel A, the Property Owner shall permit, fund, install and have operational the traffic signal at Military Trail and the main project entrance, at the existing full median opening. Signalization shall be a mast arm structure installation. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition. (CO: MONITORING-Eng)

10.The Property owner shall construct modifications to the three project entrances on Military Trail and the one project entrance on Hypoluxo Road as shown on an approved site plan or as required by the County Engineer.

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.



a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

#### HEALTH

1. Previous condition D.1 of Resolution R-94-1681; Control 1980-173 which reads:

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.

Is hereby amended to read:

Operators and owners of facilities generating Hazardous, toxic or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) , the Palm Beach County Health Department, and the agency responsible for sewage works is used. (ONGOING: CODE ENF-Health)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH-Health) (Previous condition D.2 of Resolution R-94-1681: Control 1980-173)

3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH-Health) (Previous condition D.3 of Resolution R-94-1681; control 1980-173)

#### LANDSCAPE - GENERAL

1. Condition F.1 of Resolution R-94-1681, Control No. 1980-173, which currently states:

All trees required to be planted on site by this approval or as a replacement for a previously required tree shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet.

Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (BUILDING-Zoning)

Is hereby amended to read:

All trees and replacement trees shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet, or
- b. The minimum height required for a Large Scale Commercial Development, whichever is greater.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: LANDSCAPE - Landscape)

2. All sabal palms on-site shall be preserved or relocated to required landscape areas. (VEG PERMIT: ERM - ERM) (Previous Condition F.2 of Resolution R-94-1681, Control No. 1980-173)

3. At a minimum, landscaping shall be installed as indicated on Exhibit No. 16, including the combination of landscaped divider medians and interior landscape islands. Trees may be spaced as provided by Section 500.35 of the Zoning Code. (BLDG PERMIT: LANDSCAPE - Landscape)(Previous Condition F.3 of Resolution R-94-1681, Control 1980-173). [Completed for original building permits.]

## LANDSCAPE - INTERIOR

4. Condition G.3 of Resolution R-94-1681, Control No. 1980-173, which currently states:

The following landscape requirements shall be installed along the west facade of the garden center:

- a. A minimum five (5) foot landscape planter along the entire west facade of the garden center;
- b. One (1) canopy tree planted every twenty (20) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location;
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

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

## LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE

5. Landscaping and buffering along the west property line adjacent to residential land use shall be upgraded to include:

- a. A minimum five (5) foot wide landscape buffer strip, except adjacent to the loading area where a minimum twenty (20) foot wide buffer is required; and,
- b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BLDG PERMIT: BLDG - Zoning) (Previous Condition G.1 of Resolution R-94-1681, Control No. 1980-173)

6. The following landscaping requirements shall be installed along the interior of the required wall:

- a. One (1) canopy tree planted every twenty (20) feet on center, except within the required twenty (20) foot landscape buffer adjacent to the loading area where a double row of trees shall be required;
- b. One (1) palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and,
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (BLDG PERMIT: BLDG - Zoning) (Previous Condition G.2 of Resolution R-94-1681, Control No. 1980-173)

## LIGHTING

1. Outdoor lighting used to illuminate the premises shall be shielded, low intensity and directed away from adjacent properties and streets. Lighting standards along the perimeter of the site shall not exceed twenty (20) feet in height. (BLDG PERMIT: BLDG - Bldg) (Previous Condition H.1 of Resolution R-94-1681, Control 1980-173).

## PALM TRAN

1. Prior to Certificate of Occupancy, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (CO:MONITORING -Palm Tran)

## PARKING

1. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas. (ONGOING: CODE ENF - Code Enf) (Previous Condition B.4 of Resolution R-94-1681, Control No. 1980-173)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (ONGOING: CODE ENF - Code Enf) (Previous Condition I.2 of Resolution R-94-1681, Control No. 1980-173)



3. Condition I.3 of Resolution R-94-1681, Control No. 1980-173, which currently states:

The parking area along the west shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (BUILDING)

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

4. Condition I.4 of Resolution R-94-1681, Control No. 1980-173, which currently states:

No parking of any vehicles shall be permitted along the rear of the facility except in parking spaces designated on the site plan. (CODE ENFORCEMENT)

Is hereby deleted. [REASON: Duplicate of Parking condition 1.]

#### SIGNS

1. All off-premises signs shall be removed prior to issuance of the first building permit. (BLDG PERMIT: BLDG - Bldg) (Previous Condition K.1 of Resolution R-94-1681, Control No. 1980-173. [Completed.]

#### SITE DESIGN

1. Condition 2 of Resolution R-2006-0022, Control No. 1980-173, which currently states:

No additional square feet shall be constructed on Parcel A (WalMart parcel) as shown on site plan Exhibit 35 for Petition 1980-173C.

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

2. Condition General A.5 of Resolution R-94-1681, Control 1980-173, which currently states:

Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall amend the site plan to indicate:

- a. Cross access easement to the commercial property to the west: and,
- b. Designate the parking area adjacent to the west property line as employee parking only.

Is hereby amended to read:

Prior to final approval the Development Review Officer (DRO), the Final Site Plan shall indicate a cross access easement to the commercial property to the west. (DRO: ZONING-Zoning)

3. Condition I.1 of Resolution R-94-1681, Control No. 1980-173), which currently states:

All delivery and/or loading areas shall be screened from view by a twelve (12) foot high wing wall, measured from finished grade to highest point, consistent with the color and character of the principle structure. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable. Reconfigured Walmart loading area must be roofed to comply with current ULDC requirements for a single tenant user over 50,000 square feet.]

#### SOLID WASTE AUTHORITY

1. All property owners and lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: SWA - SWA)

#### USE LIMITATIONS

1. Condition C.1 of Resolution R-94-1681, Control No. 1980-173), which currently states:

No stock loading or dumpster pick-up will be permitted between the hours of 8:00 p.m. and

8:00 a.m. (Previously Condition 8 of Resolution No. 89-1038, Petition No. 80-173(A))

Is hereby deleted. [REASON: This condition was erroneously carried forward to R-94-1681. The BCC approved Petition 80-173(B) to amend Condition 8 via R-90-1432 to limit the condition to "in the rear of the local stores located along the west property line" now indicated as Building B. The amended Condition 2 of R-90-1432, which was erroneously deleted in R-94-1681 as a duplicate of Condition C-1, is not recommended to be included because the portion of Building B adjacent to existing residential will be demolished.]

2. Condition B.3 of Resolution R-94-1681, Control No. 1980-173, which currently states:

No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center. (Previously Condition 9 of Resolution No. 89-1038, Petition No. 80-173(A)).

Is hereby deleted. [REASON: This condition was erroneously carried forward to R-94-1681. The BCC approved Petition 80-173(B) to amend Condition 9 via R-90-1432 to limit the condition to "in the rear of the local stores located along the west property line" now indicated as Building B and to specify the size and screening of the Walmart storage area and temporary trailer storage requirements.]

3. Condition C.3 of Resolution R-94-1681, Control No. 1980-173, which currently states:

No storage or placement of any stock materials, refuse equipment or accumulated debris shall be permitted in the rear of the local stores located along the west property line. Temporary storage of stock materials within the loading area for the WAL-MART Store shall be permitted in trailers only. Temporary storage of baled wood pallets and baled card board products shall be permitted only within the loading area for the WAL-MART Store. The outdoor storage area shall be completely screened from view from the rear and side yards by a six (6) foot tall masonry wall. A revised site plan shall be submitted which identifies the storage area. In no case shall this area exceed 1,000 square feet. (ONGOING: CODE ENF - Code Enf)

Is hereby amended to read:

No storage or placement of any stock materials, refuse equipment or accumulated debris shall be permitted in the rear of the local stores located along the west property line. (ONGOING: CODE ENF - Code Enf)

4. Condition C.4 of Resolution R-94-1681, Control No. 1980-173, which currently states:

No deliveries shall be permitted between 8:00 P.M. and 8:00 A.M. daily. (ONGOING: CODE ENF - Code Enf)

Is hereby deleted. [REASON: No longer applicable. The portion Building B adjacent to existing residential uses will be demolished and the Walmart loading area will be relocated away from existing residential, roofed, and a 50-foot incompatibility buffer provided.]

## COMPLIANCE

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

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

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); 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 Unified Land Development Code (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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)