

RESOLUTION NO. R-2015- 0241

RESOLUTION APPROVING ZONING APPLICATION ABN/EAC-2014-02324  
(CONTROL NO. 1984-00130)  
an Expedited Application Consideration  
APPLICATION OF W2PR LLC - Joel Wantman  
BY Land Design South, Inc., AGENT  
(Vista Center PIPD Parcel 23)

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;

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;

WHEREAS, Zoning Application ABN/EAC-2014-02324 was presented to the Board of County Commissioners at a public hearing conducted on February 26, 2015;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 an Expedited Application Consideration; and,

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 ABN/EAC-2014-02324, the petition of W2PR LLC - Joel Wantman, by Land Design South, Inc., Agent, for an Expedited Application Consideration to remove the daycare and modify/delete Conditions of Approval (Planned Unit Development), 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 February 26, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 26, 2015.

Filed with the Clerk of the Board of County Commissioners on February 26th, 2015

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

Affected Area

LEGAL DESCRIPTION PARCEL 23

ALL OF PARCEL 23, VISTA CENTER OF PALM BEACH PLAT 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68 AT PAGES 128-134 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Overall Area

The south 100.00 feet less the West 60.00 feet thereof, of the West 2 of Section 15, Township 43 South, Range 42 East, Palm Beach County, Florida, and all that part of Section 22, Township 43 South, Range 42 East, Palm Beach County, Florida, lying West of the Westerly right-of-way line of the Sunshine State Parkway (Florida Turnpike), excepting therefrom the South 170.00 feet thereof, also excepting therefrom the West 60.00 feet thereof and also excepting therefrom the following described parcel: Commencing at the intersection of the said North line of the South 170.00 feet of Section 22 with the East Line of the West 60.00 feet of Section 22, run thence North 3 degrees 27' 29" East, along the said East line of the West 60.00 feet of Section 22, a distance of 980.74 feet to a line parallel with and 1150.01 feet Northerly from, as measured at right angles to, the South line of said Section 22; thence South 88 degrees 45' 24" East along said parallel line, a distance of 749.35 feet; thence South 01 degree 14' 36" West, a distance of 980.01 feet to a point in the North line of the said South 170.00 feet of Section 22; thence North 88 degrees 45' 24" West along said North line of the South 170.00 feet of Section 22, a distance of 787.25 feet to the Point of Beginning; Containing 493.687 acres, more or less.



# VICINITY SKETCH

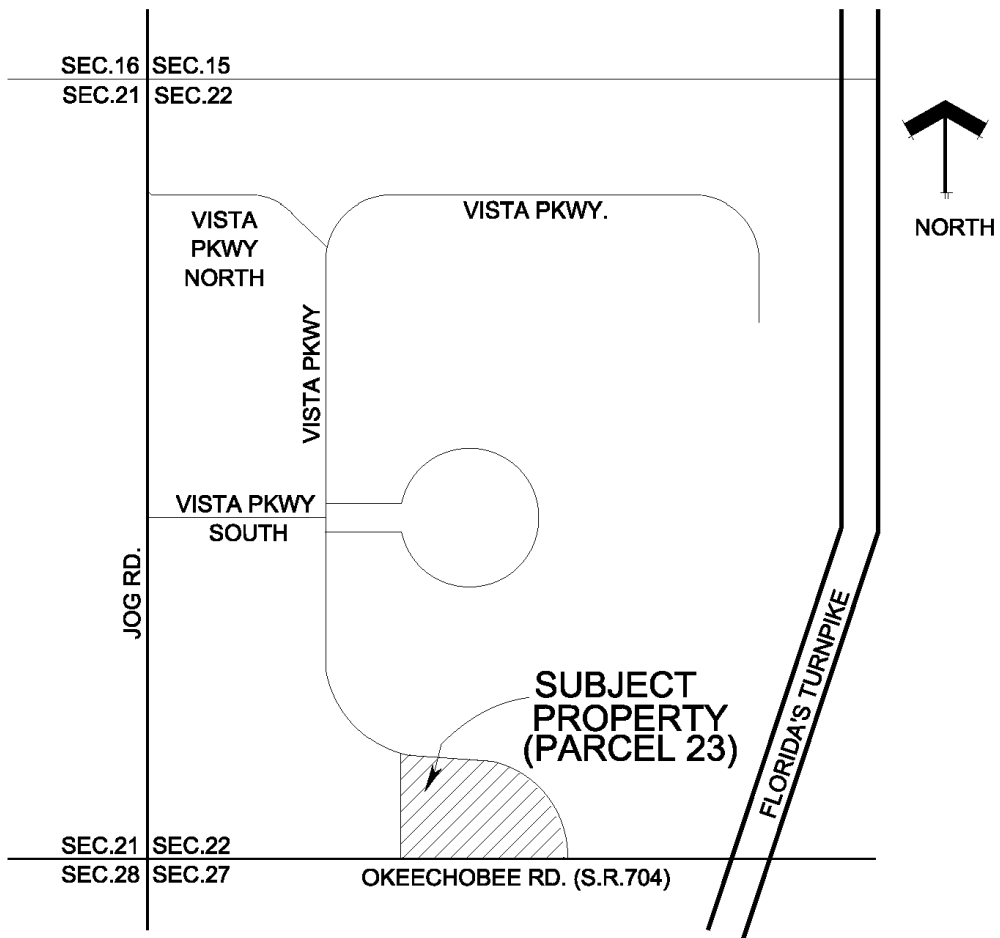


EXHIBIT C

CONDITIONS OF APPROVAL

**Expedited Application Consideration**

**ALL PETITIONS**

1. All conditions of approval contained in Resolution R-2003-1987.1, Petition 1984-130(J) are hereby revoked. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS condition 1 of Resolution R-2007-1874, Control No.1984-00130)

2. Previous ALL PETITIONS condition 2 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-0378 (Petition DOA2004-295) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.C of the ULDC and the Board of County Commissioners, unless expressly modified.

**Is hereby amended to read:**

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-1874 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.C of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. Previous ALL PETITIONS condition 3 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Master Plan for the overall Vista Center is dated September 12, 2007. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

**Is hereby amended to read:**

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Master Plan for the overall Vista Center is dated January 26, 2015. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

4. COMMENCEMENT OF DEVELOPMENT: In the event the developer fails to commence significant physical development within three (3) years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project. (DATE: MONITORING - Zoning) (Previous ALL PETITIONS condition 4 of Resolution R-2007-1874, Control No.1984-00130)

5. Previous ALL PETITIONS condition 5 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

Copies of this revised Development Order shall be transmitted immediately by Certified Mail to the State of Florida Department of Community Affairs, the Treasure Coast Regional Planning Council, and the Developer.

**Is hereby amended to read:**

Copies of this revised Development Order shall be transmitted immediately by Certified Mail to the State of Florida Department of Economic Opportunity, the Treasure Coast Regional Planning Council, and the Developer. (ONGOING: ZONING - Zoning)

6. Prior to March 30, 1995, the petitioner shall receive certification of a revised Preliminary Development Plan (PDP) by the Development Review Committee for the subject property. The PDP shall reflect compliance with all applicable code requirements, conditions of approval, the application for development approval (ADA), and the development order for the DRI. In addition, the PDP shall indicate tabular data for each parcel, in accordance with the ADA. (DATE/ONGOING: ZONING - Zoning) (Previous ALL PETITIONS condition 6 of Resolution R-2007-1874, Control No.1984-00130)

7. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0517.1 (Control 1984-130), will remain in full force and effect. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS condition 7 of Resolution R-2007-1874, Control No.1984-00130)

**ALL PETITIONS-ANNUAL REPORT**

8. Previous ANNUAL REPORT condition 1 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

The Annual Report required by Section 380.06(16), Florida Statutes shall be submitted on or before October 16th of each year. This Annual Report shall be submitted to Palm Beach County, the Treasure Coast Regional Planning Council, the State of Florida Department of Community Affairs, the State of Florida Department of Environmental Regulations, and the South Florida Water Management District. This Annual Report shall include the following items:

- a. Changes in the plan of development or phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the Development Order was issued;
- e. An assessment of the development's and the local government's compliance with Conditions of Approval contained in the DRI Development Order;
- f. Any known incremental DRI applications or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- g. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
- h. A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the developer pursuant to Paragraph 380.06(14)(d), Florida Statutes; and
- i. A list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation.

**Is hereby amended to read:**

The Annual Report required by Section 380.06(16), Florida Statutes shall be submitted on or before October 16th of each year. This Annual Report shall be submitted to Palm Beach County, the Treasure Coast Regional Planning Council, the State of Florida Department of Economic Opportunity, the State of Florida Department of Environmental Regulations, and the South Florida Water Management District. This Annual Report shall include the following items:

- a. Changes in the plan of development or phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the Development Order was issued;
- e. An assessment of the development's and the local government's compliance with Conditions of Approval contained in the DRI Development Order;
- f. Any known incremental DRI applications or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- g. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
- h. A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the developer pursuant to Paragraph 380.06(14)(d), Florida Statutes; and
- i. A list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation. (ONGOING: ZONING - Zoning)

#### **ARCHITECTURAL REVIEW-PARCELS 1 AND 5**

1. At time of submittal for final DRC approval of the site plan, the architectural elevations for all the buildings in Parcel 1 shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW (PARCELS 1 AND 5 ) condition 1 of Resolution R-2007-1874, Control No.1984-00130)

2. Any building containing residential units located in the northern 200 feet of Parcel 5 shall be designed so that any units on the third floor and above shall not have any clear glass window openings and balconies oriented to the north. (DRO/ONGOING: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW (PARCELS 1 AND 5 ) condition 2 of Resolution R-2007-1874, Control No.1984-00130)

#### **ENGINEERING**

1. New Condition of approval affecting Parcel 19 (DOA Application Number 2007-875) Prior to March 1 2008 the final site plan for Parcel 19 shall be revised restricting the southernmost (new) access to Parcel 19 onto Vista Parkway as ingress only. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 1 of Resolution R-2007-1874, Control No.1984-00130)

#### **2. TRANSPORTATION AND MAJOR ROAD IMPROVEMENTS PHASE I OF PROJECT**

The Developer shall not receive building permits for buildings (excluding temporary structures associated with construction and site related work) in Phase II of the project until the following has occurred:

a1. Two additional lanes to the existing segment of Okeechobee Boulevard from the west side of the intersection with Golden Lakes Boulevard east to the existing four-lane section of Okeechobee Boulevard east of the Florida Turnpike as identified in the construction plans which received technical approval from the Florida Department of Transportation in approximately May 1988 and as specified in the Tri-Party Agreement between the Developer, Palm Beach County, and the Florida Department of Transportation; and (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

a2. A new three-lane bridge over the Florida Turnpike on Okeechobee Boulevard. The construction in (a) (1) and (2) above shall be designed and constructed in contemplation of a future eight-lane section. The Developer shall provide construction plans for said road improvements to the Florida Department of Transportation (DOT) and to the South Florida Water Management District (SFWMD) for their review. Construction of (a) (1) and (2) improvements shall be completed within 18 months from the date of issuance of the construction permit by DOT. Furthermore, construction of buildings undertaken pursuant to any building permits issued (excluding those for temporary structures associated with construction, and site related work) under this provision shall be limited to footings and foundations until such time as construction has commenced on the improvements specified in (a) (1) and (2) above. The Developer shall award the contract(s) for construction of said improvements by July 15, 1988. (DATE: ENGINEERING - Engineering) [Note: COMPLETED]

c. A Contract (or Contracts) for the commencement of construction of an eight-lane section of roadway on Okeechobee Boulevard from the Florida Turnpike to Palm Beach Lakes Boulevard has been awarded. To expedite the construction, the developer shall provide all necessary funds toward the purchase of the right-of-way necessary to 6-lane Okeechobee Boulevard between Haverhill Road and the Florida Turnpike. This shall include all studies, appraisals, court costs, etc. This amount shall not be less than \$800,000. Palm Beach County shall contribute road acquisition. These impact fee funds shall be (\$196,000). Developer funds shall be made available when requested by Florida Department of Transportation. The developer shall also provide the right-of-way map and all associated documents required for the taking of this right-of-way. Florida Department of Transportation shall acquire this right-of-way. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 2 of Resolution R-2007-1874, Control No.1984-00130)

2. Previous ENGINEERING condition 2 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

#### PHASE II OF PROJECT

IIa. The developer shall not receive building permits for buildings (excluding temporary structures associated with construction and site related work) for Phase II of the project until the following have occurred:

A Contract (or Contracts) for the commencement of construction of an eight-lane section of roadway on Okeechobee Boulevard from the Florida Turnpike to Palm Beach Lakes Boulevard has been awarded. To expedite this construction, the developer shall provide all necessary funds toward the purchase of the right-of-way necessary to 6-lane Okeechobee Boulevard between Haverhill Road and the Florida Turnpike. This shall include all studies, appraisals, court costs, etc. This amount shall not be less than \$800,000. Palm Beach County shall contribute road impact fees to the Florida Department of Transportation toward this right-of-way acquisition. These impact fee funds shall be (\$196,000). Developer funds shall be made available when requested by Florida Department of Transportation. The developer shall also provide the right-of-way map and all associated documents required for the taking of this right-of-way. Florida Department of Transportation shall acquire this right-of-way.

IIb. The property owner shall make available to Palm Beach County the amount of \$648,482 which is the residual amount from the \$1,000,000 funding for road improvements. These funds shall be paid as follows:



- 1) \$324,241 shall be paid prior to August 1, 2001.
- 2) The remaining \$324,241 shall be paid prior to July 1, 2002 plus interest payment at the rate of 3% per year on the total unpaid balance of \$648,482 which shall be calculated from the date of May 12, 1993.

In addition the Property owner shall contribute an additional amount of \$200,000 funding for road improvements. These funds shall be paid prior to October 31, 2001.

IIc. Developer and the County shall make good faith efforts to achieve the agreements and improvements specified under subsections (c) and (d) above.

IIId. The County shall make application in 1984 to the Florida Department of Commerce for a grant of funds to help meet the costs of the road improvements required by this section. Developer shall assist and support the County applying for and obtaining said funds. If such a grant is received, it shall be applied to the cost of the right-of-way acquisition described under subsection (c) above, or to the improvements described under subsection (a) above. These monies shall be used prior to Palm Beach County impact funds being used.

IIe. Property owner shall convey a cross access easement with the property owner to the west prior to approval by the DRC for a Master Plan revision to Parcel 23, or prior to the issuance of a building permit for Parcel 23, whichever shall first occur.

IIIf. Prior to Master Plan/Site Plan approval for Parcel 23, an approved traffic impact analysis shall be submitted to the Engineering Department. This Traffic Impact Analysis shall include the projected traffic from the parcel to the west. Geometrics, including stacking distance, shall then be approved by the County Engineer and Florida Department of Transportation based upon the approved Traffic Impact Analysis.

IIg. In the event the parcel to the west is proposed for development, or is developed prior to Parcel 23, and provides access for the benefit of Parcel 23 along its east boundary to Okeechobee Boulevard at the median cut. Condition 9.g. and 9.h. above shall be considered satisfied. The petitioner shall align access points for Parcel 23 into the parcel to the west, based on the established cross access points on the plan for the parcel to the west. The petitioner shall eliminate the western most access point to Parcel 23 onto Okeechobee Boulevard from the Master Plan after the above occurs. When Parcel 23 is developed, paved access shall be provided from Parcel 23 to the parcel to the west and from the parcel to the west to Parcel 23 which shall include access to Vista Parkway as indicated on the approved or to be approved site plans for the respective parcels. Should the parcel develop as a single user (i.e., corporate office project with secured access) then this petitioner may be relieved of this obligation for a cross access easement.

IIh. The following strategies shall be implemented and shall be coordinated with the County Engineer and shall include but not be limited to:

1. facilitation of mass transit usage through
  - provision of bus stop signs
  - distribution of bus schedules
  - coordination with PALMTRAN and other mass transit services within the business in the park
2. encourage staggered work hours on the employers and their employees within the Park under the authority of protective covenants;
3. coordination with South Florida Commuter Services to facilitate a reduction in the number of vehicle trips by employees at Vista Center.

**Is hereby amended to read:**

**PHASE II OF PROJECT**

b. By the completion of construction in Phase 1 of the project (or of construction generating an equivalent number of vehicle trips per day), the Developer shall have completed the construction of a two-lane section of Jog Road running north along the west side of the project from Okeechobee Boulevard to the north property line of the project to Palm Beach County Thoroughfare Plan standards including the ultimate drainage for a multiple lane

road. Developer shall complete construction of the two-lane section of Jog Road within 15 months from the date of issuance of a construction permit for Jog Road Construction by the County. This construction shall commence by September 1990 and be completed in no case later than July 1991. (DATE: ENGINEERING - Engineering)

d. The property owner shall make available to Palm Beach County the amount of \$648,482 which is the residual amount from the \$1,000,000 funding for road improvements. These funds shall be paid as follows:

- 1) \$324,241 shall be paid prior to August 1, 2001.
- 2) The remaining \$324,241 shall be paid prior to July 1, 2002 plus interest payment at the rate of 3% per year on the total unpaid balance of \$648,482 which shall be calculated from the date of May 12, 1993.

In addition the Property owner shall contribute an additional \$200,000 funding for road improvements. These funds shall be paid prior to October 31, 2001.; (DATE: MONITORING - Engineering) [Note: COMPLETED]

e. Developer and the County shall make good faith efforts to achieve the agreements and improvements specified under subsections (c) and (d) above. (ONGOING: ENGINEERING - Engineering)

f. The County shall make application in 1984 to the Florida Department of Commerce for a grant of funds to help meet the costs of the road improvements required by this section. Developer shall assist and support the County applying for and obtaining said funds. If such a grant is received, it shall be applied to the cost of the right-of-way acquisition described under subsection (c) above, or to the improvements described under subsection (a) above. These monies shall be used prior to Palm Beach County impact funds being used. (ONGOING: IMPACT FEES OFFICE - Engineering) [Note: COMPLETED]

g. The following strategies shall be implemented and shall be coordinated with the County Engineer and shall include but not be limited to:

1. facilitation of mass transit usage through
  - provision of bus stop signs
  - distribution of bus schedules
  - coordination with PALMTRAN and other mass transit services within the business in the park

2. encourage staggered work hours on the employers and their employees within the Park under the authority of protective covenants;

3. coordination with South Florida Commuter Services to facilitate a reduction in the number of vehicle trips by employees at Vista Center. (ONGOING: PALM-TRAN - Engineering)

h. Property owner shall convey a cross access easement with the property owner to the west prior to approval by the DRC for a Master Plan revision to Parcel 23, or prior to the issuance of a building permit for Parcel 23, whichever shall first occur. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

i. Prior to Master Plan/Site Plan approval for Parcel 23, an approved traffic impact analysis shall be submitted to the Engineering Department. This Traffic Impact Analysis shall include the projected traffic from the parcel to the west. Geometrics, including stacking distance, shall then be approved by the County Engineer and Florida Department of Transportation based upon the approved Traffic Impact Analysis. (DRO/ONGOING: ENGINEERING - Engineering)

j. In the event the parcel to the west is proposed for development, or is developed prior to Parcel 23, and provides access for the benefit of Parcel 23 along its east boundary to Okeechobee Boulevard at the median cut, Conditions 2.h. and 2.i. above shall be considered satisfied. The petitioner shall align access points for Parcel 23 into the parcel to the west, based on the established cross access points on the plan for the parcel to the west. The petitioner shall eliminate the western most access point to Parcel 23 onto Okeechobee Boulevard from the Master Plan after the above occurs. When Parcel 23 is developed, paved access shall be provided from Parcel 23 to the parcel to the west and from the parcel to the west to Parcel 23 which shall include access to Vista Parkway as indicated on the approved or to be approved site plans for the respective parcels. Should

the parcel develop as a single user (i.e., corporate office project with secured access) then this petitioner may be relieved of this obligation for a cross access easement. [NOTE: Condition has been satisfied] (DRO/ONGOING: ENGINEERING - Engineering)

3. Previous ENGINEERING condition 3 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

#### TRANSPORTATION; SITE RELATED ROAD IMPROVEMENTS

The following site related road improvements shall be undertaken as specified below:

a. The Developer shall convey to Palm Beach County, within ninety (90) days of adoption of the PIPD Rezoning Resolution by the Board of County Commissioners, the ultimate right-of-way for:

1) Okeechobee Boulevard, 200 feet north of the north right-of-way line of the Lake Worth Drainage District L-1 Canal through the project's limits (approximately an additional eighty-two (82) feet. [COMPLETED]

2) Jog Road, sixty (60) feet through the project's limits. [COMPLETED]

3) The "Special Intersections" as shown on the Thoroughfare Right-of-Way Protection Map. [COMPLETED]

a) Sixty-four (64) feet from centerline for Jog Road.

b) The necessary right-of-way for the Okeechobee Overpass over the Florida Turnpike. (ONGOING: ENGINEERING - Engineering)

b. The Developer shall complete, within twelve (12) months of the approval date by the Board of County Commissioners, the engineering plans for a three-lane bridge on Okeechobee Boulevard over the Florida Turnpike. Surety is to be submitted to the County Engineer for the design cost within ninety (90) days from the date of special exception approval. (ONGOING: ENGINEERING - Engineering)

c. The developer shall ensure that access for the entire site onto Okeechobee Boulevard shall be limited to three street connections into the site from Okeechobee Boulevard. The requested eastern access shall be limited to right turn movement only.

d. The Developer shall construct the internal loop roadway as a four-lane median divided section.

e. The Developer shall construct, concurrent with the construction of the project's entrance road at its intersection with Okeechobee Boulevard:

1) Right turn lane, east approach; [COMPLETED]

2) Right turn lane, north approach; [COMPLETED]

3) Dual left turn lanes, north approach; [COMPLETED]

4) Dual left turn lanes, west approach; and[COMPLETED]

5) Signalization when warranted, as determined by the County Engineer.

f. The Developer shall construct, concurrent with the construction of Jog Road onto Okeechobee Boulevard:

1) Right turn lane, north approach;

2) Dual left turn lanes, north approach;

3) Dual left turn lanes, west approach;

4) Right turn lane, east approach; and

5) Signalization when warranted, as determined by the County Engineer.

g. The Developer shall construct, concurrent with the construction of Jog Road at the project's entrance road between Parcel 20 and 21:

1) Right turn lane, south approach;

2) Left turn lane, north approach; [COMPLETED]

3) Right turn lane, east approach; [COMPLETED]

4) Left turn lane, east approach; and[COMPLETED]

5) Signalization when warranted, as determined by the County Engineer.

**Is hereby amended to read:**

#### TRANSPORTATION; SITE RELATED ROAD IMPROVEMENTS

The following site related road improvements shall be undertaken as specified below:

a. The Developer shall convey to Palm Beach County, within ninety (90) days of adoption of the PIPD Rezoning Resolution by the Board of County Commissioners, the ultimate right-of-way for:

1) Okeechobee Boulevard, 200 feet north of the north right-of-way line of the Lake Worth Drainage District L-1 Canal through the project's limits (approximately an additional eighty-two (82) feet. [COMPLETED]

2) Jog Road, sixty (60) feet through the project's limits. [COMPLETED]

3) The "Special Intersections" as shown on the Thoroughfare Right-of-Way Protection Map. [COMPLETED]

a) Sixty-four (64) feet from centerline for Jog Road.

b) The necessary right-of-way for the Okeechobee Overpass over the Florida Turnpike. (DATE: ENGINEERING - Engineering) [Note: COMPLETED]

b. The Developer shall complete, within twelve (12) months of the approval date by the Board of County Commissioners, the engineering plans for a three-lane bridge on Okeechobee Boulevard over the Florida Turnpike. Surety is to be submitted to the County Engineer for the design cost within ninety (90) days from the date of special exception approval. (DATE: ENGINEERING - Engineering) [Note: COMPLETED]

c. The developer shall ensure that access for the entire site onto Okeechobee Boulevard shall be limited to three street connections into the site from Okeechobee Boulevard. The requested eastern access shall be limited to right turn movement only. (DRO/ONGOING: ENGINEERING - Engineering)

d. The Developer shall construct the internal loop roadway as a four-lane median divided section. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

e. The Developer shall construct, concurrent with the construction of the project's entrance road at its intersection with Okeechobee Boulevard:

1) Right turn lane, east approach; [COMPLETED]

2) Right turn lane, north approach; [COMPLETED]

3) Dual left turn lanes, north approach; [COMPLETED]

4) Dual left turn lanes, west approach; and

5) Signalization when warranted, as determined by the County Engineer.[COMPLETED] (ONGOING: ENGINEERING - Engineering)

f. The Developer shall construct, concurrent with the construction of Jog Road onto Okeechobee Boulevard:

1) Right turn lane, north approach;

2) Dual left turn lanes, north approach;

3) Dual left turn lanes, west approach;

4) Right turn lane, east approach; and

5) Signalization when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

g. The Developer shall construct, concurrent with the construction of Jog Road at the project's entrance road between Parcel 20 and 21:

1) Right turn lane, south approach; [COMPLETED]

2) Left turn lane, north approach; [COMPLETED]

3) Right turn lane, east approach; [COMPLETED]

4) Left turn lane, east approach; and[COMPLETED]

5) Signalization when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering)

4. PLATTING; POSTING OF BONDS AND SURETY: All areas of this development shall be platted and appropriate bonds, surety, or letters of credit shall be posted with the office of the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 4 of Resolution R-2007-1874, Control No.1984-00130)

5. FAIR SHARE ROAD IMPACT FEES: 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. Presently, the

Fair Share Fee for this project is:

PHASE I TOTAL

Hotel \$38,625.00  
Villas 9,850.00  
Office 28,825.00  
Light Industrial 26,113.00

PHASE II

Hotel \$57,813.00  
Villas 8,775.00  
Office 166,775.00  
Light Industrial 107,625.00  
Subtotal \$340,988.00

Cumulative Total of  
Phase I and Phase II \$444,401.00

Credit for the Impact Fees shall be applied toward the construction and expenditures of funds as outlined in Condition 3 (a), (c) and (d). Any credit shall be based upon a certified cost estimate by the developer's engineer and subject to approval by the County Engineer's Office. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 5 of Resolution R-2007-1874, Control No.1984-00130)

6. The Property owner shall construct the following at the entrance to Parcel 22 at Jog Road:

- a right turn lane south approach
- a left turn lane north approach on Jog Road at the Projects additional entrance to Vista Center.

This construction shall be concurrent with the construction of the additional access road onto Jog Road. Any and all costs associated with the construction shall be paid by the property owner. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 6 of Resolution R-2007-1874, Control No.1984-00130)

7. Previous ENGINEERING condition 7 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

a. Prior to January 15, 2002, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Jog Road Right-of-Ways. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner, or the Property Owner's Association if the requirements of paragraph C are complied with, shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn). (ONGOING: ENGINEERING - Engineering)

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners 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 the issuance of the next certificate of occupancy. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn). (ONGOING: ENGINEERING - Engineering)

c. The Property Owner's Association (POA) may enter into the Right-of-Way Landscape, Maintenance, Removal and Indemnification agreements, in substitution for the Property Owner, in the event the POA is validly formed, in operation and the Property Owners Association documents are amended to give the POA the power and obligation to perform the terms of said Maintenance and Indemnification Agreement and the POA documents encumber all property subject to this petition. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the obligation to install, irrigate and maintain the landscaping and indemnify the County and perform other obligations under the Maintenance and Indemnification Agreement shall be established or amended as required and shall be approved by the Palm Beach County Attorney's Office and recorded prior to January 15, 2001. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn).

**Is hereby amended to read:**

**LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS**

a. Prior to January 15, 2002, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Jog Road Right-of-Ways. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner, or the Property Owner's Association if the requirements of paragraph C are complied with, shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn). (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners 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 the issuance of the next certificate of occupancy. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn). (BLDGPM/CO/ONGOING: ENGINEERING - Engineering)

c. The Property Owner's Association (POA) may enter into the Right-of-Way Landscape, Maintenance, Removal and Indemnification agreements, in substitution for the Property Owner, in the event the POA is validly formed, in operation and the Property Owners Association documents are amended to give the POA the power and obligation to perform the terms of said Maintenance and Indemnification Agreement and the POA documents encumber all property subject to this petition. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the obligation to install, irrigate and maintain the landscaping and indemnify the County and perform other obligations under the Maintenance and Indemnification Agreement shall be established or amended as required and shall be approved by the Palm Beach County Attorney's Office and recorded prior to January 15, 2001. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn. (ONGOING: ENGINEERING - Engineering)

8. If required by the County Engineer as part of the road widening of Okeechobee Boulevard, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Okeechobee Boulevard at the Project's Entrance into Parcel 23. This right-of-way shall be twelve feet in width, 280 feet in length, with a taper length of 50 feet. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. This additional right of way shall be conveyed within thirty notice to the property owner that this additional right of way is required as part of the road widening for Okeechobee Boulevard. (ROAD CONSTRUCTION OKEECHOBEE BOULEVARD:THIRTY DAY NOTICE-Eng) (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 8 of Resolution R-2007-1874, Control No.1984-00130)

9. a. For water quality enhancement purposes, the developer shall design and construct the surface water management system to detain the runoff from a one-hour, three-year storm event. Further, the system shall incorporate filtering or skimming devices such as grease traps, baffles, and skimmers to remove pollutants from parking lots, roads, and other impervious surfaces. Special attention should be given in the final drainage design to assure that existing water tables will not be lowered off-site.

b. The developer shall design and construct the golf course storm water management system to retain the first one-half inch of runoff from a one-hour, three-year storm event.

c. As part of the annual report required under Section 380.06(16), Florida Statutes, the developer shall provide a list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation. A copy of this list shall be provided to the Department of Environmental Regulation and the agency delegated the authority for maintaining, updating, and verifying the master files for hazardous waste generators in Palm Beach County. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 9 of Resolution R-2007-1874, Control No.1984-00130)

10. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 10 of Resolution R-2007-1874, Control No.1984-00130)

11. The Developer shall construct concurrent with the paving and drainage improvements for parcels 4, 5, and 6 an alternate pedestrian pathway along the east and south side Vista Parkway as shown on the approved Alternate Pedestrian Circulation Plan. This pathway shall be shown on each of the final site plans for parcels 4, 5, and 6. This pathway shall be completed along each of the affected Pod's prior to the first certificate of occupancy for each Pod. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition

### **FIRE PROTECTION**

1. No building permits for buildings (excluding temporary structures associated with construction and site related work) within the project shall be issued unless and until plans for the provision of water for fire fighting purposes at a minimum rated capacity of 1,500 gpm at 20 psi residual pressure have been reviewed by the Military Park Fire Control Tax District #4 for code compliance. (Previous FIRE PROTECTION condition 1 of Resolution R-2007-1874, Control No.1984-00130)

### **LANDSCAPE - GENERAL**

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 1 of Resolution R-2007-1874, Control No.1984-00130)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 2 of Resolution R-2007-1874, Control No.1984-00130)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub;
- c. forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. this condition shall not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall or fence, and along internal access road of Parcel 1. (CO: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 3 of Resolution R-2007-1874, Control No.1984-00130)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO/ONGOING: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 4 of Resolution R-2007-1874, Control No.1984-00130)

5. Thirty (30) percent of the landscaped areas on-site, excluding the retention areas, the golf course greens and fairways, rights-of-way, building courtyard areas and planting boxes which abut buildings shall be comprised to preserve, enhance, or recreate native vegetation. The location of vegetation areas shall be such that the watering and fertilization of non-native areas do not inhibit the management of the native vegetation areas in a healthy state. Fifty (50) percent of the trees used in landscaping shall be native trees adapted to the soil conditions on-site. (ONGOING: LANDSCAPE - Environmental Resources Management) (Previous ZONING - LANDSCAPING condition 5 of Resolution R-2007-1874, Control No.1984-00130)

### **LANDSCAPE - INTERIOR-INTERIOR (PARCEL 1)**

6. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning) (Previous ZONING - LANDSCAPING condition 1 of Resolution R-2007-1874, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG WEST PROPERTY LINE (ADJACENT TO JOG ROAD)**

7. Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree planted every twenty (20) feet on center;
- d. one (1) palm or pine tree for each twenty-five (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. twenty-four (24) inch high shrub or hedge material installed on Fifty-percent (50%) of the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 1 of Resolution R-2007-1874, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE OF PARCEL 1 (ABUTTING HOTEL)**

8. Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) native canopy tree for each twenty (20) feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2007-1874, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG THE NORTHWEST PROPERTY LINE OF PARCEL 4 (FRONTAGE OF VISTA PARKWAY)**

9. Landscaping and buffering along the northwest property line of Parcel 4 shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No easement encroachment or width reduction may be permitted;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2007-1874, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE OF PARCEL 5**

## **(FRONTAGE OF VISTA PARKWAY)**

10. Landscaping and buffering along the north property line of Parcel 5 shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No easement encroachment or width reduction may be permitted;
- b. a minimum three (3) foot high continuous berm measured from top of curb;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters alternating on both sides of the wall;
- f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and to be planted on both sides of the wall;
- g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall; and
- h. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on the exterior side of the wall. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 1 of Resolution R-2007-1874, Control No.1984-00130)

## **LIGHTING**

1. Outdoor lighting used to illuminate the subject property and identification signs shall be the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets.

(ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING condition 1 of Resolution R-2007-1874, Control No.1984-00130)

2. All outdoor light poles shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING condition 2 of Resolution R-2007-1874, Control No.1984-00130)

3. Security lighting shall be provided for all stairwells and shall not be extinguished during evening hours. (BLDGPM: BUILDING DIVISION - Zoning) (Previous LIGHTING condition 3 of Resolution R-2007-1874, Control No.1984-00130)

## **PLANNED DEVELOPMENT-PARCEL 1**

1. Decorative street lights shall be provided similar to those required under Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BUILDING DIVISION - Engineering) (Previous PLANNED UNIT DEVELOPMENT (PARCEL 1) condition 5 of Resolution R-2007-1874, Control No.1984-00130)

2. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC, with exception to overhead power transmission lines located in the fifty (50) foot Florida Power and Light (FP&L) easement. (PLAT: ENGINEERING - Zoning) (Previous PLANNED UNIT DEVELOPMENT (PARCEL 1) condition 6 of Resolution R-2007-1874, Control No.1984-00130)

3. All guest parking spaces required for each building shall be designated within a minimum distance of one-hundred (100) feet, with parking stops clearly labeled as Guest Parking." (DRO: ZONING - Zoning) (Previous PLANNED UNIT DEVELOPMENT (PARCEL 1) condition 7 of Resolution R-2007-1874, Control No.1984-00130)

4. A minimum amount of recreation amenities shall be provided in the principal recreation



areas to be consistent with the master/site plan dated October 28, 2004. (DRO: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT (PARCEL 1) condition 8 of Resolution R-2007-1874, Control No.1984-00130)

**PLANNED DEVELOPMENT-PARCELS 4, 5 AND 6**

5. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Zoning) (Previous PLANNED UNIT DEVELOPMENT (PARCELS 4, 5 AND 6) condition 6 of Resolution R-2007-1874, Control No.1984-00130)

**PLANNED DEVELOPMENT**

6. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ENGINEERING - Zoning) (Previous PLANNED UNIT DEVELOPMENT (PARCELS 4, 5 AND 6) condition 7 of Resolution R-2007-1874, Control No.1984-00130)

**PLANNED DEVELOPMENT-PARCELS 4, 5 AND 6**

7. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall indicate a focal point at the terminus of each residential access street, cul-de-sac, or nonresidential access way within Parcels 4, 5 and 6. The focal point shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRO: ZONING - Zoning) (Previous PLANNED UNIT DEVELOPMENT (PARCELS 4, 5 AND 6) condition 8 of Resolution R-2007-1874, Control No.1984-00130)

**PLANNED DEVELOPMENT-PARCEL 4, 5, AND 6**

8. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each residential pod. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO: ZONING - Zoning) (Previous PLANNED UNIT DEVELOPMENT (PARCELS 4, 5 AND 6) condition 9 of Resolution R-2007-1874, Control No.1984-00130)

**PLANNED DEVELOPMENT-PARCELS 4, 5 AND 6**

9. The property owner/developer shall include in the homeowner documents, as well as written sales brochures, sales contracts, Master Plans and related Site Plans for Parcel 5, a disclosure statement identifying and notifying of the existence of industrial uses in this Planned Industrial Park Development. All of these documents/plans shall also indicate that Parcel 5 is directly across the Palm Beach County Vista Operations & Support Center, which consists of a twenty-four hour seven day week (24/7) lit fueling station; a future three-story records storage building, and a Road & Bridge facility. Additionally, all of the above documents/plans shall indicate that units within Building 1 have fenestrations/windows/balconies overlooking industrial uses that are located north of the Vista Parkway. The property owner/developer shall submit documentation of compliance with this condition to FD&O:

- a. Prior to the issuance of the Certificate of Occupancy (CO) of the first unit; and (CO: MONITORING- FD&O)
- b. On an annual basis beginning January 1, 2005 and shall continue until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Property Real Estate Management) (Previous

PLANNED UNIT DEVELOPMENT (PARCELS 4, 5 AND 6) condition 10 of Resolution R-2007-1874, Control No.1984-00130)

**PLANNED DEVELOPMENT-PARCEL 23, SUBPARCEL 5**

10. Previous PLANNED UNIT DEVELOPMENT (PARCEL 23, subparcel 5) condition 1 of Resolution R-2007-1874, Control No.1984-00130, which currently states:

Decorative paving treatment (stamped concrete or pavers) shall be provided at the southeast entrance to subparcel 5 at a minimum of 1,104 square feet as indicated on the site plan dated December 9, 2004.

**Is hereby deleted.** [REASON: This condition will be placed on Application DRO/W-2014-02326.]

**COMPLIANCE**

1. Should any section or provision of this Resolution or portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this resolution. (ONGOING: COUNTY ATTORNEY - Zoning) (Previous ZONING COMPLIANCE condition 1 of Resolution R-2007-1874, Control No.1984-00130)

2. Compliance with the Development Order shall be monitored through normal County permitting procedures, the procedures listed in specific Conditions of Approval, and review of the Annual Report. The local official responsible for assuring compliance with this Development Order is the Executive Director of the Plan Beach County, Zoning and Building Department. (ONGOING: MONITORING - Zoning) (Previous ZONING COMPLIANCE condition 2 of Resolution R-2007-1874, Control No.1984-00130)

3. 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: ZONING - Zoning)

4. 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; the 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 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 of Approval; 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: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.