

RESOLUTION NO. R-2018-1077

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA-2017-02207
(CONTROL NO. 1986-00150)
a Development Order Amendment
APPLICATION OF Lakeside Center II Edens LLC
BY Urban Design Kilday Studios, AGENT
(Lakeside Centre)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/ABN/DOA-2017-02207 was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2018;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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/ABN/DOA-2017-02207, the Application of Lakeside Center II Edens LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Site Plan; modify uses; and, to delete Conditions of Approval (Architectural Review and Site Design), on a parcel of land generally described as shown on the legal description 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 July 26, 2018, 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 Melissa McKinlay, Mayor	-	Aye
Commissioner Mack Bernard, Vice Mayor	-	Absent
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 26, 2018.

Filed with the Clerk of the Board of County Commissioners on August 1st, 2018.


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

A Tract of land lying in the Palm Beach county County, Florida, being portions of Tracts 67, 68, 69, 70, 71, 93, 94, 95 and 96 of Block 76 of the PALM BEACH FARMS CO. PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, and being more fully described as follows:

Commence at the point of intersection of the southerly right-of-way line of Boca Raton West Road (S.R. 808) and the westerly right-of-way line of the the Florida State Turnpike (said point being 40.00 feet from the centerline of S.R. 808); thence run due west with an assumed bearing, along said southerly line 60.00 feet to a point of intersection with the westerly right-of-way line of Shell Pit Road (also known as Boca Rio Road)(a 60 foot road right-of-way); thence S00°43'00"E, along said westerly line 235.00 feet; thence S90°00'00"W, 20.00 feet to the westerly right-of-way line of said Shell Pit Road (Boca Rio Road) and the Point Of Beginning; thence S00°43'00"E, along said westerly line, 840.09 feet; thence N90°00'00"W, 330.00 feet; thence N00°00'00"W, 100.00 feet; thence N90°00'00"W, 98.10 feet to the point of intersection with a curve concave to the southwest having a radius of 65.00 feet; thence from a tangent bearing N43°48'47"W, run northwesterly along said curve 26.74 feet through a central angle of 23°34'01"; thence due north 85.00 feet; thence S90°00'00"W, 185.00 feet to the beginning of a curve concave to the southeast, having a radius of 145.00 feet; thence run southwesterly along said curve 213.82 feet, through a central angle of 84°29'28" to a point of compound curvature of a curve concave to the northeast, having a radius of 20.00 feet; thence along said curve through a central angle of 95°30'32" a distance of 33.34 feet; thence N90°00'00"E, 59.42 feet; thence S00°00'00"E, 47.00 feet; thence S90°00'00"W, 2.29 feet to the beginning of a curve, concave to the northeast, having a radius of 200.00 feet; thence run northwesterly along said curve through a central angle of 90°00'00" a distance of 314.16 feet to the point of reverse curvature of a curve concave to the southwest, having a radius of 420.00 feet; thence along the arc of said curve through a central angle of 07°07'18" a distance of 52.20 feet; thence N82°52'42"E radial to the previous curve, 53.19 feet; thence N64°30'43"E, 95.00 feet; thence N25°29'17"W, 40.00 feet; thence N00°43'00"W, 106.72 feet; thence S89°17'00"W, 77.90 feet; thence N30°10'50"W, 22.04 feet; thence S59°49'10"W, 98.00 feet to the Point of intersection with a curve concave to the southwest, having a radius of 420.00 feet; thence from a tangent bearing of N30°10'50"W, run northwesterly along said curve through a central angle of 59°08'05" a distance of 433.48 feet; thence N00°00'00"E, 390.01 feet; thence N45°00'00"E, 35.36 feet to a point of intersection with the existing southerly right-of-way line of Boca Raton West Road, said point being 80.00 feet south of the existing centerline of said road; thence run along said right-of-way line, N90°00'00"E, 405.25 feet; thence S86°11'09"E, 165.37 feet; thence N90°00'00"E, 127.76 feet; thence N00°00'00"W, 11.00 feet; thence N90°00'00"E, 43.00 feet; thence S00°00'00"E, 0.18 feet to the point of curvature of a curve concave to the northwest having a radius of 205.06 feet; thence southwesterly along the arc of said curve through a central angle of 41°33'43" a distance of 148.75 feet to the point of reverse curvature of a curve concave to the southwest, having a radius of 115.00 feet; thence southwesterly along the arc of said curve, through a central angle of 42°16'40" a distance of 84.86 feet to the point of tangency of said curve; thence S00°43'00"E, a distance of 43.54 feet; thence N89°17'00"E, a distance of 186.52 feet; thence S00°43'00"E, a distance of 104.10 feet; thence N89°17'00"E, a distance of 175.00 feet; thence N00°43'00"W, a distance of 153.59 feet; thence N89°17'00"E, a distance of 80.02 feet; thence N00°43'00"W, a distance of 7.50 feet; thence N90°00'00"E, a distance of 180.00 feet to the Point Of Beginning.

Parcel 2:

A Tract of land lying in the Palm Beach County, Florida being portions of Tracts 67, 68 and 69 of Block 76 of the PALM BEACH FARMS CO. PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, and being more fully described as follows:

Commence at the point of intersection of the southerly right-of-way line of Boca Raton West Road (S.R. 808) and the westerly right-of-way line of the the Florida State Turnpike (said point being 40.00 feet from the centerline of S.R. 808); thence run due west with an assumed bearing, along said southerly line 60.00 feet to a point of intersection with the westerly right-of-way line of Shell Pit Road (also known as Boca Rio Road)(a 60 foot road right-of-way); thence S00°43'00"E, along said westerly line 235.00 feet; thence

S90°00'00"W, 200.00 feet to the Point Of Beginning; run thence N00°43'00"W, a distance of 184.00 feet to a point on the southerly right-of-way line of Boca Raton West Road, said point being 91.00 feet south of the existing centerline of said road; thence run along said right-of-way line, N88°05'30"W, a distance of 330.32 feet; thence N90°00'00"W, continuing along said south right-of-way line, 28.34 feet; thence leaving said right-of-way line run S00°00'00"E, a distance of 0.18 feet to the point of curvature of a curve concave to the northwest having a radius of 205.06 feet; thence southwesterly along the arc of said curve through a central angle of 41°33'43" a distance of 148.75 feet to the point of reverse curvature of a curve concave to the southwest, having a radius of 115.00 feet; thence southwesterly along the arc of said curve, through a central angle of 42°16'40" a distance of 84.86 feet to the point of tangency of said curve; thence S00°43'00"E, a distance of 43.54 feet; thence N89°17'00"E, a distance of 186.52 feet; thence S00°43'00"E, a distance of 104.10 feet; thence N89°17'00"E, a distance of 175.00 feet; thence N00°43'00"W, a distance of 153.59 feet; thence N89°17'00"E, a distance of 80.02 feet; thence N00°43'00"W, a distance of 7.50 feet to the Point Of Beginning.

Said lands lying in Palm Beach County, Florida and containing 993,163 square feet (22.7999 acres) more or less.

EXHIBIT B
VICINITY SKETCH

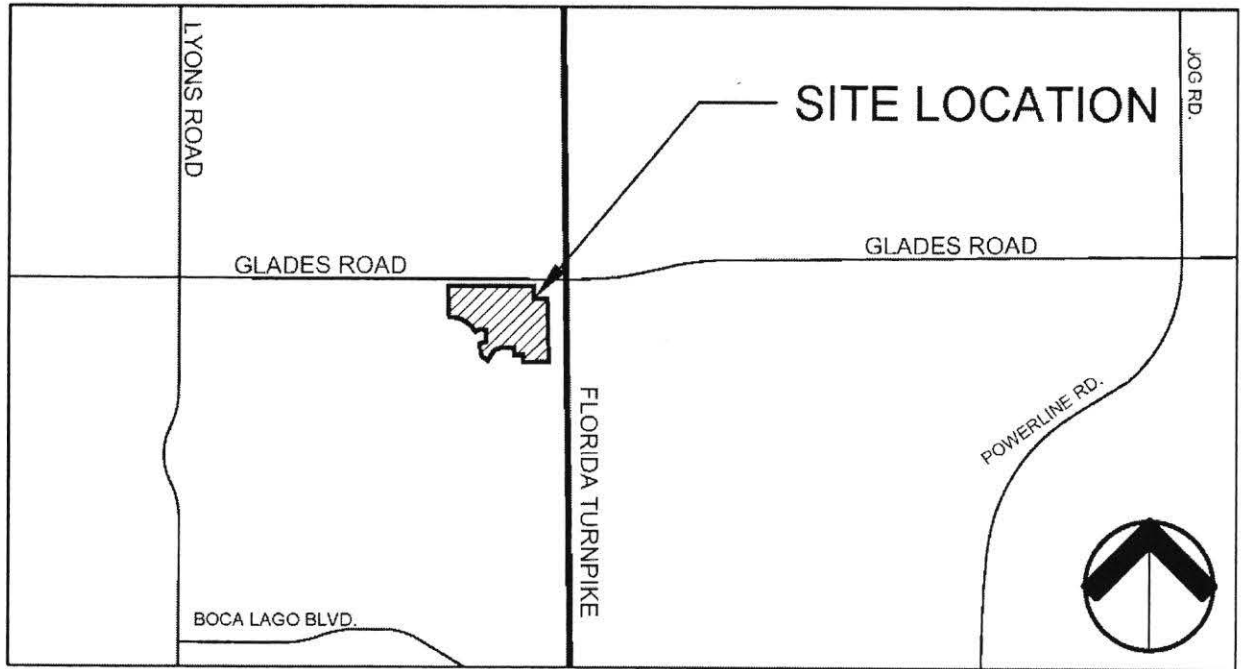


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2015-1353, Control No.1986-00150, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2002-1959, (Control No.1986- 150(A) and 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2015-1353, (Control No.1986- 150(A) and 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2015-1353, Control No.1986-00150, which currently states:

The approved Preliminary Site Plan is dated July 9, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated May 29, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2015-1353, Control No.1986-00150, which currently states:

The rear facade(s) of the shopping center shall be given architectural treatment compatible with the front of the center. The design will avoid an incompatible industrial appearance.

Is hereby amended to read:

The rear facade(s) of the shopping center (excluding Buildings B, J, and K) shall be given architectural treatment compatible with the front of the center. The design will avoid an incompatible industrial appearance. (ONGOING: ZONING - Zoning)

2. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the building B, J, and K, shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated January 22, 2018. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements.

(DRO/ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement for Boca Rio Road to Palm Beach County along the entire frontage of Boca Rio Shops. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2015-1353, Control No.1986-00150)

2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Boca Rio Road, 80 feet west of the existing east right of way line of Boca Rio Road. This additional right of way shall be conveyed on or before December 1, 2003 or prior to the issuance of the Building Permit for the site previously occupied by the Checkers Fast Food Restaurant, whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and 'Corner Clips'. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2015-1353, Control No.1986-00150)

3. The property owner shall construct an eight (8) foot bike path along Boca Rio Road as outlined in condition Nos. 11 and 12 above. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2015-1353, Control No.1986-00150)

4. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 85% of the storm water runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be reviewed by the Code Enforcement Board for enforcement. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2015-1353, Control No.1986-00150)

5. The property owner shall convey for the ultimate right-of-way for:

- a. Glades Road, 80 feet from centerline
- b. Boca Rio Road, 80 feet west of the existing east right of way line of Boca Rio Road
- c. the construction of a right turn lane, west approach on Glades Road at the project's main entrance road All within 90 days of the approval of the Resolution approving this project. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2015-1353, Control No.1986-00150)

6. Concurrent with onsite paving and drainage improvements, or concurrent with the widening of Glades Road under the Florida Turnpike, whichever shall first occur, the property owner shall construct:

- a. Boca Rio Road as a 5 lane undivided section from Glades Road to the project's middle entrance plus the appropriate tapers and any turn lanes. Plan for this section of road shall be submitted to the office of the County Engineer prior to the letting of the contract for the Glades Road underpass. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2015-1353, Control No.1986-00150)

7. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Boca Rio Road along the property

frontage along Boca Rio Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. Additionally, this property owner shall accommodate to the extent possible, based on a drainage study provided by the adjacent trailer park and approved by the county engineer, the ability of the adjacent trailer park to drain through this proposed project's drainage system. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2015-1353, Control No.1986-00150)

8. Deleted per Resolution R-2015-1353 (Previous ENGINEERING Condition 8 of Resolution R-2015-1353, Control No.1986-00150)

9. In order to comply with the mandatory traffic performance standards, the property owner shall be issued no building permits until:

a. Palmetto Park Road is open to traffic from SR 7 to Powerline Road (including the Turnpike overpass),

b. Twelve (12) months after the construction has begun for the Glades Road/Turnpike interchange Conditions No. 16 a) and 16 b) shall also be deed restricted prior to site plan certification. Once the roads are constructed in accordance with Conditions 16 a) and 16 b), a document evidencing satisfaction of the conditions may be executed by the Executive Director of the Palm Beach County Planning, Zoning and Building Department and may be recorded. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2015-1353, Control No.1986-00150)

10. The property owner shall install signalization if warranted as determined by the County Engineer at:

a. project's entrance and Boca Rio Road

b. project's entrance and Glades Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2015-1353, Control No.1986-00150)

11. If valet or other limited access parking is to be provided for the hotel, it shall be restricted to the parking spaces in excess of the minimum required by Section 7.2 of the PBC ULDC. (ONGOING: ZONING - Code Enforcement) (Previous ENGINEERING Condition 11 of Resolution R-2015-1353, Control No.1986-00150)

12. Prior to site plan certification, the developer shall revise the subject site plan to align the parking aisles in the southeast corner of the site in accordance with the County Engineer's approval to provide for a smooth traffic flow. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2015-1353, Control No.1986-00150)

13. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2015-1353, Control No.1986-00150)

14. Previous ENGINEERING Condition 14 of Resolution R-2015-1353, Control No.1986-00150, which currently states:

Prior to issuance of the first building permit, the Property Owner shall abandon all easements in conflict with existing and proposed buildings. (BLDGPM: MONITORING - Engineering)

Is hereby deleted. [REASON: Code requirement]

15. Previous ENGINEERING Condition 15 of Resolution R-2015-1353, Control No.1986-00150, which currently states:

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, 2019. 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 - Engineering)

Is hereby amended to read:

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 June 23, 2024. 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 - Engineering)

16. The Property Owner shall construct a right turn lane, west approach on Glades Road at the west access point. The right turn lane shall have a minimum of 280 foot storage length plus a 50 foot taper length, or as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Prior to the issuance of the first building permit, permits required for this construction shall be obtained. (BLDGPMT: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2015-1353, Control No.1986-00150)

17. Within ninety (90) days of notice from the County Engineer, the Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way along Boca Rio Road for the expanded intersection at Glades Road at no cost to Palm Beach County either voluntarily or through the eminent domain process. All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided. Right of way conveyance shall be along the entire frontage, as needed, and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering)

18. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

- a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)
- b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

ENVIRONMENTAL

1. All lakes on site shall, at all times, be maintained free of exotic species, including but not limited to cattails, primrose willow, and hyacinth, as listed in Section 7.6.F.4.i(1) (b) of the ULDC. (Previous Cond. A.4 of Resolution R-93-1371) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-1. (Previous Cond. D.1 of Resolution R-2002-1959) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

2. Water service is available to the property. Therefore, no well shall be permitted on this site to provide potable water. All existing onsite water supply systems must be abandoned in accordance with Palm Beach County Chapter ECR-1. [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2002-1959, Control No.1986-00150)

LANDSCAPE - GENERAL

1. Fifty-percent (50%) of all replacement 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; and,
- b. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2015-1353, Control No.1986-00150)

2. All new or replacement palms required to be planted on site by this approval shall meet the following minimum standards at installation: a. b. c. Palm heights: twelve (12) feet clear trunk; Clusters: staggered heights twelve (12) to eighteen (18) feet; and, Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2015-1353, Control No.1986-00150)

3. The petitioner shall supplement the existing landscape along the entire rear of the center in a manner and form acceptable to the Zoning Division. [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2015-1353, Control No.1986-00150)

4. At time of submittal for Final Approval by the Development Review Officer, the Property Owner shall submit Alternative Landscape Plans, and Tree Disposition Chart to the Landscape Section for review and approval. The Plan and supporting documents shall indicate where trees 20, 21, 22 are being relocated to. (DRO: ZONING - Zoning)

5. At time of submittal for Final Approval by the Development Review Officer, the Property Owner shall submit a Tree Disposition Chart to the Landscape Section for review and approval. The Plans shall indicate all positive numbers, and if a tree is being removed, then the plans will need to show the number of replacements trees that will be require. (DRO: ZONING - Zoning)

LANDSCAPE - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces in the parking area north of the 6,000 square foot retail facility (Building I). The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2015-1353, Control No.1986-00150)

LANDSCAPE - PERIMETER

1. Foundation planting or grade level planters along the front and side facades of the 6,000 square foot retail facility (Building I) shall be upgraded to include:
 - a. The minimum width of the required landscape areas along the side facades shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of the front and side facades of the structure;
 - c. One (1) canopy tree or cluster of palms for each twenty (20) linear feet of building facade; and
 - d. One (1) shrub for each two (2) linear feet of building facade and appropriate ground cover. Shrub to be planted at a minimum height of eighteen (18) inches at installation, and shall be maintained at a height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2015-1353, Control No.1986-00150)

LANDSCAPE – PERIMETER BOCA RIO FRONTAGE

1. Prior to Conveyance of Boca Rio Road Right of Way, the Applicant shall redesign the site to ensure compliance with minimum perimeter buffer requirements, or request Variance relief. (ONGOING: ZONING - Zoning)
2. No Buffer width reduction shall be permitted unless Variances relief is obtain. (ONGOING: ZONING - Zoning)

SIGNS

1. No exterior neon style signage shall be permitted on the site. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2015-1353, Control No.1986-00150)
2. Prior to site plan certification by the Development Review Committee, the petitioner shall submit a detailed master signage program demonstrating compliance to Section 7.14 (Signage) of ULDC. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 2 of Resolution R-2015-1353, Control No.1986-00150)
3. No new Freestanding Signs shall be permitted. Outparcel signs may be permitted in accordance with Unified Land Development Code Table 8.G.2.B. - Freestanding Outparcel Identification Signs. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 3 of Resolution R-2015-1353, Control No.1986-00150)

SITE DESIGN

1. Prior to site plan approval, petitioner shall record a Unity of Title Agreement covering the entire site. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2015-1353, Control No.1986-00150)
2. Previous SITE DESIGN Condition 3 of Resolution R-2015-1353, Control No.1986-00150, which currently states:

Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) The correct loading space requirement in the site data tabular.
- b) The elimination and relocation of the two (2) handicap parking stalls immediately west of the four (4) story hotel.
- c) The required number of handicap spaces.
- d) Relocation of the southeastern most parking stall out of the 25 foot landscape buffer and 20 foot required backup distance maneuvering area along the eastern property line.
- e) A 25 foot landscape buffer along the western property line on West Lake Boulevard.

Is hereby amended to read:

Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) The correct loading space requirement in the site data tabular.
- b) The elimination and relocation of the two (2) handicap parking stalls immediately west of the four (4) story hotel.
- c) The required number of handicap spaces.
- d) Relocation of the southeastern most parking stall out of the 25 foot landscape buffer and

20 foot required backup distance maneuvering area along the eastern property line. (ONGOING: ZONING - Zoning) [Note: COMPLETED]

3. Prior to the submittal for Final Approval by the Development Review Officer, the Applicant shall demonstrate that the building square footage for buildings A, C, D, E, F, G, and I, are consistent with Building Permit Records, or the square footages shall be revised to depict the square footages indicated for each building on the prior approved plan. (DRO: ZONING - Zoning)

4. Prior to the submittal for Final Approval by the Development Review Officer, the Applicant shall revise the Final Site Plan and Final Regulating Plan to depict pedestrian safety amenities, such as planting areas with Bollards or other similar safety features to separate outdoor dining areas from adjacent to drive aisles and parking spaces. (DRO/ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2015-1353, Control No.1986-00150)

2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2015-1353, Control No.1986-00150)

3. No parking of any vehicle shall be permitted along the rear of the shopping center except in designated spaces or unloading areas. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2015-1353, Control No.1986-00150)

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: ZONING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; 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.