

RESOLUTION NO. R-2022-1410

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2022-00507  
(CONTROL NO. 1995-00022)  
a Development Order Amendment  
APPLICATION OF MG WPB LLC  
BY Dunay, Miskel and Backman, LLP, AGENT  
(Arrigo MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, 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 ABN/DOA-2022-00507, submitted on behalf of MG WPB LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Development Order Abandonment of a Type 1 Resturant and a Hotel; and a Development Order Amendment to reconfigure the site plan, add square footage, modify/delete conditions of approval, and modify phasing was presented to the Board of County Commissioners at a public hearing conducted on November 28, 2022;

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 ABN/DOA-2022-00507, the Application of MG WPB LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Development Order Amendment to reconfigure the site plan, add square footage, modify/delete conditions of approval, and modify phasing on 44.18 acres, 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 November 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 28, 2022.

Filed with the Clerk of the Board of County Commissioners on December 2nd, 2022.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:  for J.J.  
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

ALL OF ARRIGO M.U.P.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGES 167 THROUGH 169 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

TOGETHER WITH:

THE NORTH 15 FEET OF THE 30 FOOT STRIP LYING SOUTH OF AND ADJACENT TO THE EAST ½ OF THE WEST ½ OF TRACT 1, BLOCK 4, THE PALM BEACH FARMS CO. PLAT NO.3, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 2, PAGES 45 TO 54.

AND

THAT PORTION OF THE NORTH 15 FEET OF THAT CERTAIN 30-FOOT-WIDE PLATTED ROADWAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF THE PLAT OF PALM BEACH PLAZA MUPD ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 87, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE EAST RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON SAID PLAT, AS SAID ROADWAY IS SHOWN LYING SOUTH OF TRACT 1 AND NORTH OF TRACT 5, BLOCK 4, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS

ALL OF ARRIGO M.U.P.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126, PAGES 167 THROUGH 169 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE NORTH 15 FEET OF THE 30-FOOT WIDE PLATTED ROADWAY, LYING SOUTH OF AND ADJACENT OF TRACT 1, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID ARRIGO M.U.P.D. PLAT; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID ARRIGO M.U.P.D. PLAT, THE FOLLOWING TEN (10) COURSES AND DISTANCES: THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, AS RECORDED IN OFFICIAL RECORDS BOOK 1732, PAGE 612 OF SAID PUBLIC RECORDS, S88°45'35"E, A DISTANCE OF 443.31 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-1 CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 2279, PAGE 1407 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES AND DISTANCES: S00°50'31"W, A DISTANCE OF 37.00 FEET; THENCE S88°45'35"E, A DISTANCE OF 442.41 FEET; THENCE N01°47'13"E, A DISTANCE OF 37.00 FEET; THENCE S88°45'35"E, A DISTANCE OF 443.66 FEET; THENCE S02°49'20"W, A DISTANCE OF 37.01 FEET; THENCE S88°41'31"E, A DISTANCE OF 199.30 FEET; THENCE S83°08'53"E, A DISTANCE OF 51.74 FEET; THENCE S88°41'31"E, A DISTANCE OF 67.78 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY LINE OF SPECIAL WARRANTY DEED TO FLORIDA DEPARTMENT OF TRANSPORTATION, AS RECORDED IN OFFICIAL RECORDS BOOK 14405, PAGE 1617 OF SAID PUBLIC RECORDS AND TO A POINT OF CURVE TO THE RIGHT, A RADIAL DISTANCE OF 100.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 129°20'41", A DISTANCE OF 225.75 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, AS RECORDED PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP NO. 406112-1 AND TO THE EAST BOUNDARY LINE OF SAID ARRIGO M.U.P.D. PLAT; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND EAST BOUNDARY LINE, S40°39'10"W, A DISTANCE OF 1,667.92 FEET TO THE SOUTHEAST CORNER OF SAID ARRIGO M.U.P.D. PLAT AND TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-

WAY LINE OF 30-FOOT WIDE STRIP ROAD OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID ARRIGO M.U.P.D. PLAT AND SAID NORTH RIGHT-OF-WAY LINE, S89°02'59"W, A DISTANCE OF 286.73 FEET TO THE SOUTHEAST CORNER OF THE EAST 1/2 OF THE WEST 1/2 OF TRACT 1, BLOCK 4 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE S00°57'01"E, A DISTANCE OF 15.00 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID 30-FOOT WIDE STRIP RIGHT-OF-WAY LINE; THENCE ALONG SAID CENTERLINE, S89°02'59"W, A DISTANCE OF 448.00 FEET TO A POINT OF INTERSECTION WITH THE NORTHWESTERLY PROLONGATION OF EAST RIGHT-OF-WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 19310, PAGE 1237 OF SAID PUBLIC RECORDS; THENCE ALONG SAID PROLONGATION LINE, N48°28'03"W, A DISTANCE OF 22.21 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF PALM BEACH PLAZA MUPD, AS RECORDED IN PLAT BOOK 87, PAGES 38 THROUGH 40 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH BOUNDARY LINE, N89°02'59"E, A DISTANCE OF 46.94 FEET TO THE SOUTHWEST CORNER OF SAID EAST 1/2 OF THE WEST 1/2 OF TRACT 1, BLOCK 4 AND TO A POINT OF INTERSECTION WITH THE WEST BOUNDARY LINE OF SAID ARRIGO M.U.P.D. PLAT; THENCE ALONG SAID WEST BOUNDARY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: N00°24'14"W, A DISTANCE OF 659.74 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE, AS RECORDED IN PLAT BOOK 5, PAGE 58 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH RIGHT-OF-WY LINE, N89°02'59"E, A DISTANCE OF 50.57 FEET; THENCE N00°57'01"W, A DISTANCE OF 30.00 FEET; THENCE N00°05'59"W, A DISTANCE OF 830.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,924,484 SQUARE FEET/44.1801 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

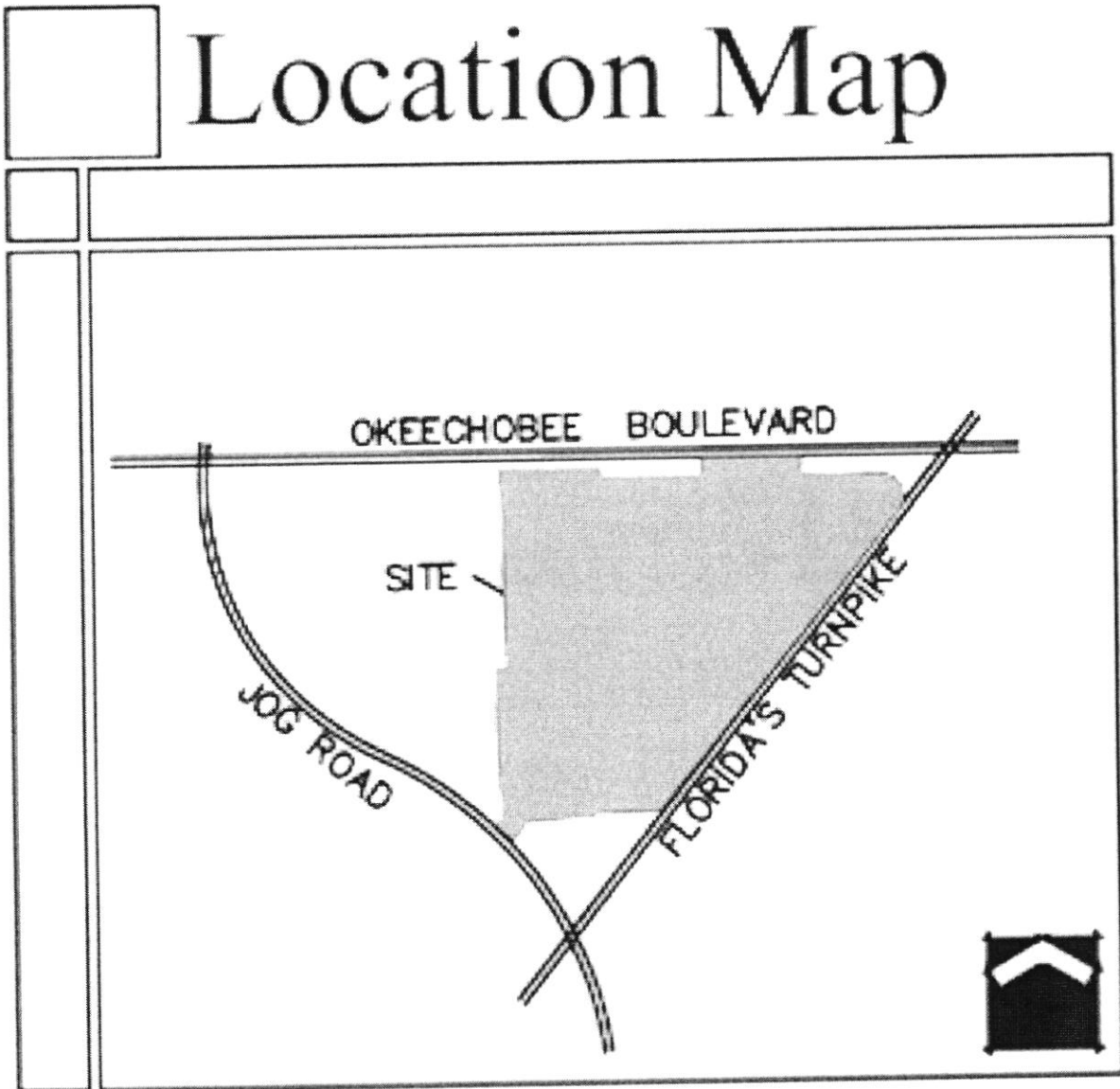


EXHIBIT C

CONDITIONS OF APPROVAL

**Development Order Amendment**

**ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-794, Control No.1995-00022, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2007-1614 and R-2007-1615 (Control No. 1995-022(B) have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

**Is hereby amended to read:**

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2007-1614, R-2007-1615 and 2011-0794 (Control No. 1995-022) have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-794, Control No.1995-00022, which currently states:

The approved Preliminary Site Plan is dated March 14, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

**Is hereby amended to read:**

The approved Preliminary Site Plan is dated August 22, 2022. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

3. Should the Applicant not utilize the approval of the Requested Uses, the Property Owner or Applicant shall abandon the approval pursuant to the regulations of Article 2 of the ULDC, as amended, and the Final Site Plan shall be modified accordingly. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2011-794, Control No.1995-00022)

4. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be revised to relabel the buildings as follows:

- a. Building G shall be relabeled as Building E
  - b. Building H shall be relabeled as Building I
  - c. Building E shall be relabeled as Building G
- (DRO: ZONING – Zoning)

**ARCHITECTURAL REVIEW**

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building C shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved

architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. Prior to Final Development Review Officer (DRO) approval, the Applicant shall submit architectural elevations for Buildings F for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all applicable Conditions of Approval, and all ULDC requirements. Modifications to the elevations may be allowed through the Building Permit process, consistent with the Visual Impact Analysis and requirements of Article 5.C. (DRO: ZONING - Zoning)

3. The Applicant shall submit architectural elevations for Building G for final architectural review and approval at the time of building permit. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all applicable Conditions of Approval, and all ULDC requirements. The elevations shall be consistent with the Visual Impact Analysis, the buildings within the MUPD, and requirements of Article 5.C. (BLDG PERMIT: ZONING - Zoning)

4. All roof or ground mounted air conditioning, mechanical equipment, electrical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. Previous Building and Site Design Condition 1. of Resolution R-2007-1615, Control No.1995-022. (BLDGPMT: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2011-794, Control No.1995-00022)

5. All future development shall be consistent with Article 5.C of the ULDC, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDGPMT: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2011-794, Control No.1995-00022)

6. Prior to the issuance of the first Certificate of Occupancy for this petition, all existing and any proposed freestanding lighting fixtures (excluding concrete poles), and railings along the vehicular driveway shall be painted bronze. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2011-794, Control No.1995-00022)

## **ENGINEERING**

1. The Property Owner shall modify the existing left turn lane east approach on Okeechobee Boulevard at the projects entrance road to either lengthen or reconstruct as a dual left turn lane with signalization as required by either the Florida Department of Transportation or by the County Engineer. If dual left turn lanes are constructed then 2 receiving lanes on the driveway shall be constructed.

a. This construction shall be concurrent with the paving and drainage improvements for Phase III of 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.

b. Permits required by Florida DOT for this construction shall be obtained prior to the issuance of the first Building Permit Phase III of the site. (BLDG PERMIT: MONITORING-Eng)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy in Phase III. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2011-794, Control No.1995-00022)

## **2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS**

a. Prior to issuance of a building permit, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent

median of Okeechobee Boulevard. This permit, to be completed by the Property Owner, shall name Palm Beach County as the Applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The Property Owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the Property Owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

b. All required median landscaping, including an irrigation system if required, shall be installed at the Property Owners expense. 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 a certificate of occupancy. (CO: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-794, Control No.1995-00022)

3. Prior to site plan approval by the Development Review Committee the developer shall:

a. Receive approval from the Land Development Division for a revised drainage study demonstrating that the project will be in accordance with South Florida Water Managements Districts C-51 Drainage Basin requirements.

b. Obtain conceptual approval from the Florida Department of Transportation for the proposed geometrics and location of the proposed access drive onto Okeechobee Boulevard. Any modifications to the 2.99 acre outparcel shall be accommodated for on the revised Site Plan. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2011-794, Control No.1995-00022)

4. The Property Owner shall fund a pro rata share of the cost of signalization if warranted by the County Engineer and the Florida Department of Transportation at the intersection of Okeechobee Boulevard and the projects entrance road. Signalization shall also include any required warning flashers on Okeechobee Boulevard in advance of the Florida Turnpike Overpass. Should signalization not be required after five years after the final Certificate of Occupancy then this Property Owner shall be relieved from this obligation. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2011-794, Control No.1995-00022)

5. Prior to the issuance of the next building permit, the contract shall be let for Okeechobee Boulevard (Benoist Farms Road to the Turnpike) to an eight-lane cross section, or a CRALLS designation is adopted for Okeechobee Boulevard (Benoist Farms Road to the Florida Turnpike), whichever shall first occur. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-794, Control No.1995-00022)

6. Previous ENGINEERING Condition 6 of Resolution R-2011-794, Control No.1995-00022, 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 additional new car dealership square footage may be issued



after December 31, 2013. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

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

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

7. Prior to issuance of a Building Permit on the unplatted portions of the site, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2011-794, Control No.1995-00022)

8. Deleted by Resolution R-2011-0794 (Previous ENGINEERING Condition 8 of Resolution R-2011-794, Control No.1995-00022)

9. Deleted by Resolution R-2011-0794 (Previous ENGINEERING Condition 9 of Resolution R-2011-794, Control No.1995-00022)

10. Prior to Final Site Plan approval by the Development Review Committee, the Property Owner shall complete purchase of the existing Palm Beach County Property required for the construction of the access onto Jog Road. (DRO:ENGINEERING - Eng) (Previous Engineering Condition E.10 of Resolution R-2007-1615, Control No.1995-022) [Note: COMPLETED] (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2011-794, Control No.1995-00022)

11. Previous ENGINEERING Condition 11 of Resolution R-2011-794, Control No.1995-00022, which currently states:

The Property Owner shall construct:

- i) a second south approach left turn lane on the eastern project entrance road at Okeechobee Blvd, to provide for 2 left turn lanes and a shared through/right lane at this intersection; and
- ii) a right turn lane west approach on Okeechobee Boulevard at the western project entrance.

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

a. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPM: MONITORING - Engineering)

b. Construction of the improvements in part i above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 2. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

c. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPM: MONITORING - Engineering)

d. Construction of the improvements in part ii above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 3. (CO: MONITORING - Engineering)

**Is hereby amended to read:**

The Property Owner shall construct:

- i) a second south approach left turn lane on the eastern project entrance road at Okeechobee Blvd, to provide for 2 left turn lanes and a shared through/right lane at this intersection, or as approved by the FDOT/County Engineer; and
- ii) a right turn lane west approach on Okeechobee Boulevard at the western project entrance. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - a. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 3. (BLDG PERMIT: MONITORING-Eng)
  - b. Construction of the improvements in part i above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 3. (CO: MONITORING - Engineering)
  - c. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 2. (BLDG PERMIT: MONITORING-Eng)
  - d. Construction of the improvements in part ii above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 2. (CO: MONITORING - Engineering)

12. Prior to final site plan approval by the DRO, the Property Owner shall have the existing 30-foot road right of way on the western portion of the site, north of Building E, abandoned in accordance with the Abandonment Ordinance or shall remove the right of way from the project limits. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2011-794, Control No.1995-00022)

13. Prior to final site plan approval by the DRO, the Property Owner shall modify, abandon and, if necessary, relocate the existing blanket utility easement in conflict with existing and proposed building locations or provide releases for proposed work within the easement area as approved by the County Engineer and Building Division. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2011-794, Control No.1995-00022)

14. Previous ENGINEERING Condition 14 of Resolution R-2011-794, Control No.1995-00022, which currently states:

In order to comply with the Okeechobee Blvd. CRALLS point system established by the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

- a. Prior to issuance of a building permit for construction within phase 2 of the project, the Property Owner shall make a pre-payment to the Impact Fee Coordinator of an additional mitigation fee in the amount of 76% of the road impact fees associated with construction of phases 1 and 2 (currently \$99,400, or as may be adjusted by amendments to Article 13 prior to time of payment). (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)
- b. Prior to final approval of the Site Plan by the DRO, the Property Owner shall identify a secure bicycle parking facility within the phase 2 development area with a minimum of 30 bicycle spaces within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. (DRO: ENGINEERING - Engineering)
- c. The Property Owner shall obtain all necessary permits to construct:
  - i) a second west approach left turn lane on Okeechobee Blvd. at Vista Parkway, to provide for dual left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach, and
  - ii) a third west approach left turn lane on Okeechobee Blvd. at Jog Road, to provide for triple left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach.

All permits for this construction shall be obtained prior to the issuance of the first building permit within phase 2. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

d. The Property Owner shall construct:

i) a second west approach left turn lane on Okeechobee Blvd. at Vista Parkway, to provide for dual left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach, and

ii) a third west approach left turn lane on Okeechobee Blvd. at Jog Road, to provide for triple left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach.

Construction shall be completed prior to the issuance of the first Certificate of Occupancy within phase 2. 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. All costs incurred to construct these improvements shall be creditable against road impact fees due for the project. (CO: MONITORING - Engineering)

**Is hereby deleted.** [REASON: No longer required]

15. Previous ENGINEERING Condition 15 of Resolution R-2011-794, Control No. 1995-00022, which currently states:

In order to comply with the Okeechobee Blvd. CRALLS point system established by the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. Prior to issuance of a building permit for construction within phase 3 of the project, the Property Owner shall make a pre-payment to the Impact Fee Coordinator of an additional mitigation fee in the amount of 90% of the road impact fees associated with construction of phase 3 (currently \$427,400, or as may be adjusted by amendments to Article 13 prior to time of payment). (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

b. Prior to final approval of the Site Plan by the DRO, the Property Owner shall identify a secure bicycle parking facility within the phase 3 development area with a minimum of 75 additional bicycle spaces within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. (DRO: ENGINEERING - Engineering)

c. The Property Owner shall obtain all necessary permits to construct a third north approach left turn lane on Vista Parkway at Okeechobee Blvd., to provide for two (2) exclusive left turn lanes, one (1) shared left/through lane and an exclusive right turn lane on this approach. All permits for this construction shall be obtained prior to the issuance of the first building permit within phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

d. The Property Owner shall construct a third north approach left turn lane on Vista Parkway at Okeechobee Blvd., to provide for two (2) exclusive left turn lanes, one (1) shared left/through lane and an exclusive right turn lane on this approach. Construction shall be completed prior to the issuance of the first Certificate of Occupancy within phase 3. 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. All costs incurred to construct these improvements shall be creditable against road impact fees due for the project. (CO: MONITORING - Engineering)

e. Prior to issuance of a Certificate of Occupancy for development within phase 3, the Property Owner shall record mutual cross-access easements with the property to the west and construct vehicular connectivity within these easements. (CO: MONITORING - Engineering)

**Is hereby deleted.** [REASON: No longer required]

16. Prior to the issuance of the first building permit, the Property Owner shall replat the

property in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

17. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall modify the Site Plan to include bearings and distances to the lot lines they are creating through the exemption of Article 11.A.6.b. (DRO: ENGINEERING - Engineering)

18. 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, 2025, or as amended. 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)

### **ENVIRONMENTAL**

1. Prior to Final Site Plan approval by the Development Review Officer, the Property Owner shall demonstrate that all vehicle parking and storage complies with the requirements of Article 14.B. "Wellfield Protection." (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. The Applicant shall meet with Wellfield Staff to discuss site development prior to final site plan approval. The site plan shall be in compliance with Article 14.B. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2005-603, Control No.1995-00022)

### **HEALTH**

1. Prior to the issuance of a building permit, the Property Owner shall meet with, review with, and submit to the Palm Beach County Health Department, a comprehensive Hazardous material plan. (BLDGPM: MONITORING - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. The Property Owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 2 of Resolution R-2011-794, Control No.1995-00022)

### **LANDSCAPE - GENERAL**

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be modified to indicate preservation and relocation of native trees as indicated in the Tree Preservation Plan:

a. Documentation shall be submitted to the Landscape Section for review and approval; and,

b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-794, Control No.1995-00022)

### **LANDSCAPE - INTERIOR**

1. Prior to Final Development Review Officer (DRO) approval, the Applicant shall modify the Site Plan to expand the landscape island proposed under the existing Billboard.

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate two (2) focal points for Phase I (Buildings, A, B, and C) not associated with a tenant or use. The focal points shall be in the form of a plaza, fountain, arcade, or any other site element or similar pedestrian oriented public area that is acceptable to the Zoning Division. The design and location of this element shall be subject to review and approval by the Architectural Review Section. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2011-794, Control No.1995-00022)

### **LANDSCAPE - PERIMETER**

1. In addition to Code requirements, landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
- b. one (1) canopy tree for each twenty (20) linear feet of frontage; and, c. one (1) palm for each thirty (30) linear feet of property. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2011-794, Control No.1995-00022)

### **2. LANDSCAPING ALONG THE WEST 600 FEET OF THE NORTH PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD)**

In addition to Code requirements, landscaping along the west 600 feet of the north property line shall meet the landscape conditions above for the north property line. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2011-794, Control No.1995-00022)

3. Landscaping and buffering along the 350 feet of the west property line adjacent to Parcel H shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
- c. Existing native trees as identified in the tree preservation plan shall be relocated or incorporated into landscape buffer. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2011-794, Control No.1995-00022)

### **PLANNED DEVELOPMENT**

1. Prior to certification of the preliminary development plan by the Development Review Committee, the Property Owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the Property Owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2011-794, Control No.1995-00022)

## PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, submit a recorded cross access easement agreement, for the location depicted on the site plans. (DRO: PLANNING - Planning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)
3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall pave all vehicular and pedestrian access points to the property line with a break in any landscape buffer, specifically the vehicular and pedestrian connection to the west, as shown on the Final Site Plan as approved by the Development Review Officer (CO: MONITORING - Planning)

## SIGNS

1. Ground Mounted Freestanding signs fronting on Okeechobee Boulevard, shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;
  - b. Maximum sign face area per side - 150 square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only; and,
  - e. If the sign is replaced, the new sign must meet Sign Condition 2 below. (BLDG/PMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2011-794, Control No.1995-00022)
2. Previous SIGNS Condition 2 of Resolution R-2011-794, Control No.1995-00022, which currently states:

Ground Mounted Freestanding signs fronting on Okeechobee Boulevard, shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 150 square feet;
- c. Maximum number of signs one (1) or may increase to two (2) signs if the 25 foot high ground mounted freestanding sign is replaced; and,
- e. Style - monument style only. (CO: BLDG - Zoning)

### Is hereby amended to read:

Ground Mounted Freestanding signs fronting on Okeechobee Boulevard, shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 200 square feet;
- c. Maximum number of signs three (3); and,
- e. Style - monument style only.
- f. If the sign, referenced in Sign Condition 1 is replaced, that sign is included in the maximum number of signs described above under c. (BLDG/PMT/CO: BUILDING DIVISION - Zoning)

3. Ground Mounted Freestanding sign fronting on the Florida Turnpike shall be limited as follows:

- a. Ground Mounted Freestanding sign:
  - 1) Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
  - 2) Maximum sign face area per side - 150 square feet;
  - 3) Maximum number of signs - one (1); and
  - 4) Style - monument style only.(BLDG/PMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 4 of Resolution R-2011-794, Control No.1995-00022)

4. Should the development subdivide in accordance with Article 11 and create outparcels fronting on Okeechobee Boulevard, an outparcel sign would be allowed pursuant to Art 8, as amended, and included in the Master Sign Plan.(DRO/BLDG PERMIT: ZONING-Zoning)

#### **SITE DESIGN**

1. Prior to Final Development Review Officer (DRO) approval, the Applicant may modify the Phasing of the Repair and Maintenance Buildings (30,000 sq.ft. and 2,200 sq.ft.) with consent from the Property Owner. (DRO: ZONING - Zoning)

2. Prior to Final Development Review Officer (DRO) approval, the Applicant shall modify the Site Plan to include a driveway to the east of the 1.49-acre lake/water management tract on the site plan. (DRO: ZONING - Zoning)

3. Prior to Final Development Review Officer (DRO) approval, the Applicant shall modify the Site Plan and associated documents to correctly reference Building F as Warehouse with office and retail flex space. (DRO: ZONING- Zoning).

#### **USE LIMITATIONS**

1. Delivery and garbage pick up for Building G (General Retail use) shall be prohibited between the hours of 7:30 a.m. and 9:00 p.m. (ONGOING: CODE ENF - Zoning)

2. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2011-794, Control No.1995-00022)

3. Vehicles shall be parked only in the areas designated on the certified site plan for customer, employee, service, display and inventory/storage spaces and shall maintain minimum backup distance and maneuverability. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2011-794, Control No.1995-00022)

4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. Except that special event signage shall be permitted with a special permit pursuant to signage regulations in Section 7.14 of the ULDC. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2011-794, Control No.1995-00022)

5. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2011-794, Control No.1995-00022)

6. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (BLDG/PMT: BUILDING DIVISION - Health Department) (Previous USE LIMITATIONS Condition 7 of Resolution R-2011-794, Control No.1995-00022)

7. Vehicles shall not be tested off-site on the Vista Center property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 9 of Resolution R-2011-794, Control No.1995-00022)

8. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 10 of Resolution R-2011-794, Control No.1995-00022)

9. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading, dispatch and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 11 of Resolution R-2011-794, Control No.1995-00022)

## **UTILITIES**

1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) (Previous UTILITIES Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. Prior to final site plan approval by the Development Review Officer (DRO), the PBCWUD shall review and approve the proposed access and maintenance for the existing lift station and other County owned utility facilities. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) (Previous UTILITIES Condition 2 of Resolution R-2011-794, Control No.1995-00022)

## **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

## **DISCLOSURE**

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