

RESOLUTION NO, **R-98-** 1805

RESOLUTION APPROVING **ZONING** PETITION PDD98-44  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION **OF** OKEECHOBEE PARCELS, LTD,  
BY KIERAN J. KILDAY, AGENT  
(PALM BEACH PLAZA MUPD)

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 petitions relating to zoning; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article **5** (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance **92-20**), have been satisfied; and

WHEREAS, Zoning Petition PDD98-44 was presented to the Board of County Commissioners at a public hearing conducted on October **22**, 1998; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance **92-20**; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, **BE IT RESOLVED** BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD/R98-44, the petition of Okeechobee Parcels, LTD, by Kieran J. Kilday, agent, for an Official Zoning Map Amendment (PDD) Rezoning from General Commercial (CG) to Multiple Use Planned Development (MUPD) with two Fast food restaurants and Convenience store with gas sales (requested uses) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT 8, attached hereto and made a part hereof, was approved on October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
<b>Mary McCarty</b>	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

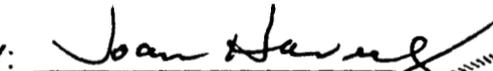
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

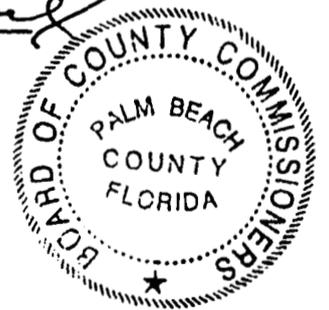
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

OKEECHOBEE PARCELS, LTD.

LEGAL DESCRIPTION

THE EAST **140 FEET** OF TRACT **25**, ALL OF TRACT **26**, BLOCK **1**, THE PALM BEACH FARMS COMPANY PLAT NO. **9**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT **BOOK 5**, PAGE **58**, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

AND

THE WEST HALF (W1/2) OF TRACT **27**, BLOCK **1**, THE PALM BEACH FARMS COMPANY PLAT NO. **9**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT **BOOK 5**, PAGE **58**, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE NORTH **38 FEET** OF TRACT **27**, AS CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT BY THAT DEED RECORDED ~~IN~~ DEED **BOOK 67**, PAGE **453**, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THE WEST QUARTER (W1/4) OF TRACT **1**, BLOCK **4**, THE PALM BEACH FARMS COMPANY PLAT NO. **3**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT **BOOK 2**, PAGE **45**, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY OF RECORD LESS THE NORTH **31.66'** OF TRACT **26** PER CHANCERY CASE NO. **407** LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS WHICH WERE TAKEN FOR JOG ROAD:

PARCEL NO. **24**

A PARCEL OF LAND LYING IN TRACT **1**, BLOCK **4**, OF PALM BEACH FARMS COMPANY PLAT NO. **3**, AS RECORDED IN PLAT **BOOK 2** PAGES **45** THROUGH **54** OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND **2 INCH** BY **2 INCH** CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF SAID TRACT **1**, THENCE NORTH **89° 03' 03"** EAST, ALONG THE SOUTH LINE OF SAID TRACT **1**, A DISTANCE OF **99.07 FEET**, TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, THENCE CONTINUE NORTH **89° 03' 03"** EAST, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF **258.63 FEET**, TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID JOG ROAD, THENCE NORTH **48° 27' 59"** WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF **20.37 FEET**; THENCE NORTH **61° 13' 45"** WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF **110.78 FEET**; THENCE NORTH **56° 30' 37"** WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF **298.85 FEET**, TO ITS INTERSECTION WITH THE WEST LINE OF SAID TRACT **1**, THENCE SOUTH **00° 56' 57"** EAST DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG SAID WEST LINE, A DISTANCE OF; **169.75 FEET**, TO ITS INTERSECTION WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, THENCE CONTINUE SOUTH **00° 56' 57"** EAST, ALONG SAID WEST LINE, A DISTANCE OF **67.93 FEET**, TO THE POINT OF BEGINNING.

AND

**EXHIBIT A**

**LEGAL DESCRIPTION**

PARCEL NO. 26

A PARCEL OF LAND LYING IN TRACTS 25 AND 26, BLOCK 1, OF PALM BEACH FARMS COMPANY PLAT NO. 9, AS RECORDED IN PLAT BOOK 5, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND PALM BEACH COUNTY BRASS DISK AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, IN SAID PALM BEACH COUNTY, THENCE SOUTH  $88^{\circ} 45' 24''$  EAST, ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 126.03 FEET, TO ITS INTERSECTION WITH THE CENTERLINE OF JOG ROAD, THENCE SOUTH  $00^{\circ} 56' 48''$  EAST, ALONG THE SAID CENTERLINE, A DISTANCE OF 105.04 FEET, TO ITS INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1994 PAGE 1618, OF THE SAID PUBLIC RECORDS, SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING THENCE SOUTH  $88^{\circ} 45' 24''$  EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 76.06 FEET, TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD, SAID INTERSECTION ALSO LYING ON THE WEST LINE OF SAID TRACT 26, THENCE SOUTH  $00^{\circ} 56' 48''$  EAST, DEPARTING SAID NORTH LINE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WEST TRACT LINE, A DISTANCE OF 406.01 FEET, TO THE BEGINNING OF A TANGENT CURVE, SAID CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 838.00 FEET AND A CHORD BEARING OF SOUTH  $10^{\circ} 20' 31''$  EAST, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, DEPARTING SAID WEST TRACT LINE AND CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 274.83 FEET, THROUGH A CENTRAL ANGLE OF  $18^{\circ} 47' 26''$ , TO ITS INTERSECTION WITH THE EAST LINE OF A 45 FEET WIDE UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORD BOOK 438, PAGE 331, OF SAID PUBLIC RECORDS, SAID INTERSECTION ALSO BEING A POINT ON THE PREVIOUSLY DESCRIBED CURVE, THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 11.70 FEET, THROUGH A CENTRAL ANGLE OF  $00^{\circ} 48' 00''$ , TO ITS INTERSECTION WITH THE NORTH LINE OF LANDS CONVEYED IN OFFICIAL RECORD BOOK 3777 PAGE 1934, OF THE SAID PUBLIC RECORDS, SAID INTERSECTION ALSO BEING A POINT ON THE PREVIOUSLY DESCRIBED CURVE, THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 146.85 FEET, THROUGH A CENTRAL ANGLE OF  $10^{\circ} 02' 25''$ , TO ITS INTERSECTION WITH EAST LINE OF SAID LANDS CONVEYED IN OFFICIAL RECORD BOOK 3777, PAGE 1934, THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 19.30 FEET, THROUGH A CENTRAL ANGLE OF  $01^{\circ} 19' 09''$ , TO ITS INTERSECTION WITH THE SOUTH LINE OF LANDS CONVEYED IN OFFICIAL RECORD BOOK 3777 PAGE 1961 OF THE SAID PUBLIC RECORDS, THENCE SOUTH  $89^{\circ} 03' 03''$  WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 151.01 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID JOG ROAD, SAID INTERSECTION ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 1024.92 FEET AND A CHORD BEARING OF NORTH  $17^{\circ} 42' 23''$  WEST, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 377.69 FEET THROUGH A CENTRAL ANGLE OF  $21^{\circ} 06' 51''$ ,

**EXHIBIT A**

**LEGAL DESCRIPTION**

TO ITS INTERSECTION WITH THE WEST LINE OF SAID LANDS CONVEYED IN OFFICIAL RECORD BOOK **3777**, PAGE **1961**, THENCE NORTH **00° 56' 52"** WEST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG SAID WEST LINE, A DISTANCE OF **482.74** FEET, THENCE SOUTH **88° 45' 24"** EAST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND SAID WEST LINE, A DISTANCE OF **64.05** FEET, TO THE POINT OF BEGINNING,  
AND

PARCEL NO. **26A**

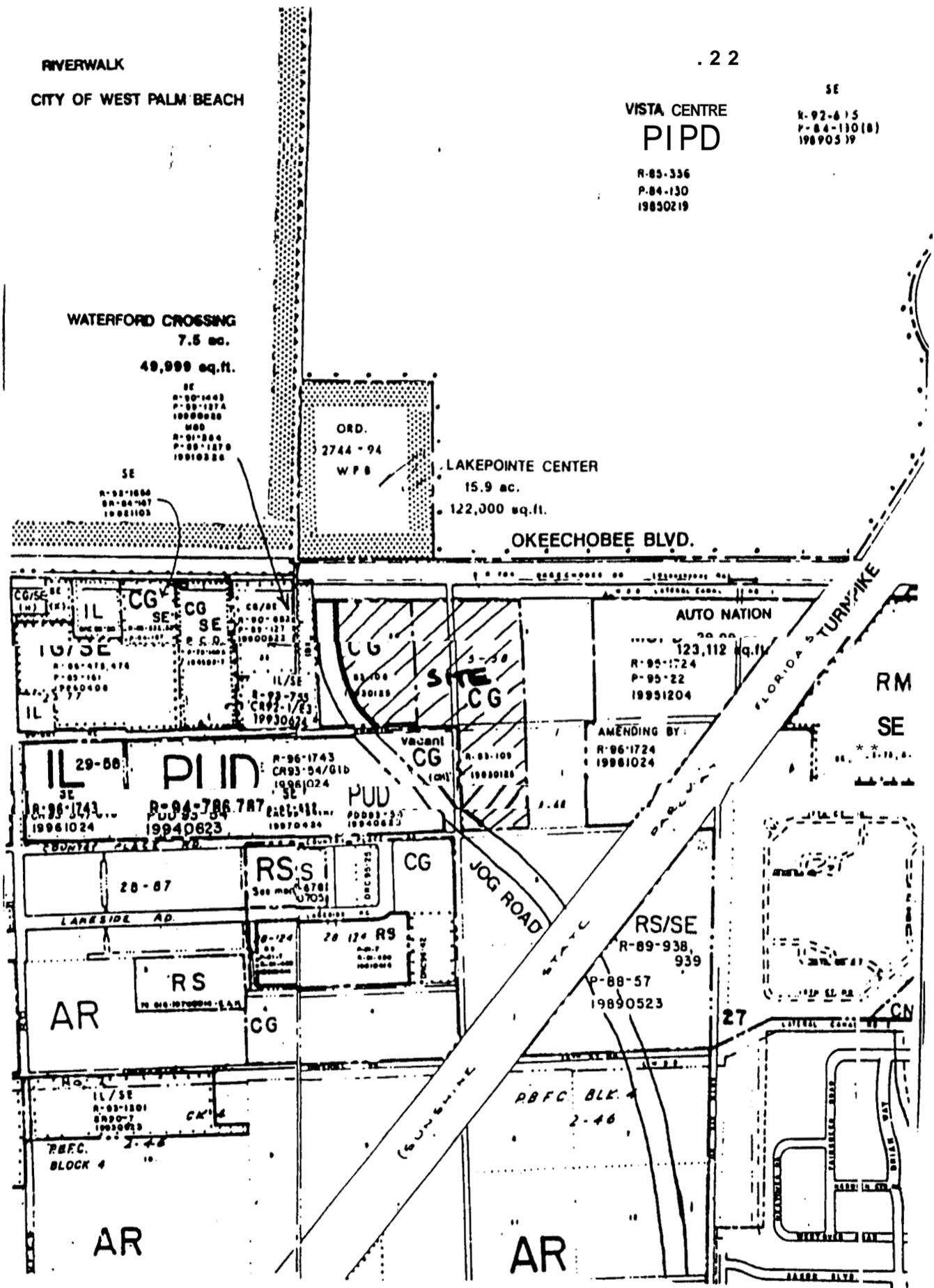
A PARCEL OF LAND LYING IN TRACTS **25** AND **26**, BLOCK **1**, OF PALM BEACH FARMS COMPANY PLAT NO. **9**, AS RECORDED IN PLAT **BOOK 5** PAGE **58**, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND PALM BEACH COUNTY BRASS DISK AT THE NORTHWEST CORNER OF SECTION **27**, TOWNSHIP **43** SOUTH, RANGE **42** EAST, IN SAID PALM BEACH COUNTY, THENCE SOUTH **88° 45' 24"** EAST, ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF **126.03** FEET, TO ITS INTERSECTION WITH THE CENTERLINE OF **JOG** ROAD, THENCE SOUTH **00° 56' 48"** EAST, ALONG THE SAID CENTERLINE, A DISTANCE OF **105.04** FEET, TO ITS INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK **1994** PAGE **1618**, OF THE SAID PUBLIC RECORDS, THENCE NORTH **88° 45' 24"** WEST, ALONG SAID SOUTH LINE, A DISTANCE OF **64.05** FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF **JOG** ROAD, THENCE SOUTH **00° 56' 52"** EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF **482.74** FEET TO THE

POINT OF BEGINNING AND TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY WITH A RADIUS OF **1024.92** FEET AND A CHORD BEARING OF SOUTH **17° 42' 23"** EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF **377.69** FEET, THROUGH A CENTRAL ANGLE OF **21° 06' 51"** TO THE NORTH LINE OF A 30.00 FOOT WIDE PLATTED ROAD RIGHT-OF-WAY ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. **9**, RECORDED IN PLAT **BOOK 5**, PAGE **58**, OF SAID PUBLIC RECORDS AND TO THE SOUTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK **3777**, PAGE **1948**, OF SAID PUBLIC RECORDS; THENCE SOUTH **89° 03' 03"** WEST ALONG SAID SOUTH LINE, A DISTANCE OF **108.29** FEET TO THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK **3777**, PAGE **1948**; THENCE NORTH **00° 56' 52"** WEST A DISTANCE OF **359.61** FEET TO THE POINT OF BEGINNING.

CONTAINING **26.386** ACRES MORE OR LESS  
RIGHT-OF-WAY TO BE ABANDONED = **0.867** ACRES  
TOTAL AREA = **27.253** ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 6, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

#### B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be roof mounted and screened from view with a parapet wall or other acceptable materials on all sides in a manner consistent with the color, character and architectural style of the principal structure. Screening shall be in accordance with Section 6.6.C. Compatibility Standards of the ULDC. (CO: BUILDING-Zoning)
2. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure and shall be confined to areas designated on the site plan. (CO: BUILDING-Zoning)

#### C. CONVENIENCE STORE AND GAS SALES

1. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)

#### D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A 25% upland set-aside preserve shall be depicted on the Site plan and approved by Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)
2. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

#### E. ENGINEERING

1. The Property owner shall construct :
  - a. Right turn lane west approach on Okeechobee Boulevard at the projects main entrance.
  - b. Prior to January 1, 1998 or prior to site plan approval, whichever shall first occur, the property owner shall obtain a safe sight easement from the property owner to the south. If a safe sight easement is not able to be obtained, then the site plan shall be amended to reflect the elimination of left turns out and right turns out at the projects middle entrance with the construction of a directional median opening to be constructed by this property owner. (DATE/DRC APPROVAL: MONITORING-ENG)

- (1) 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.
  - (2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (3LDG PERMIT: Monitoring-Eng)
  - (3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
2. Prior to the issuance of any building permits the Developer shall plant the subject property in accordance with provisions of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
  3. LANDSCAPE WITHIN MEDIAN OF JOG ROAD RIGHT OF WAY
    - 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(s) of Jog Road right of way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
    - c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng.)

4. LANDSCAPE WITHIN MEDIAN OF OKEECHOBEE BOULEVARD RIGHT OF WAY

- 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 Right-of-Ways. 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 hold-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 assigns 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 evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG. PERMIT: MONITORING - Eng)

F. FAST FOOD RESTAURANTS

1. Total air conditioned seating capacity for the 3100 square foot fast food restaurant shall be a maximum of ninety-two (92) seats. (DRC/BLDG PERMIT: ZONING/BLDG)
2. Total air conditioned seating capacity for the 1800 square foot fast food restaurant shall be a maximum of eighty (80) seats. (DRC/BLDG PERMIT: ZONING/BLDG)
3. Each fast food restaurant shall be limited to only two (2) drive through lanes. (DRC: ZONING)

## G. LANDSCAPING - INTERIOR

1. Landscaped divider medians with at grade bicycle and pedestrian **cuts** shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five **(25)** feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)
2. **Foundation** plantings or grade level planters shall be provided along the front, side facades of all structures to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building **facade** and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
3. Foundation plantings or grade level planters shall be provided along the front, side and rear facades of the large scale retail buildings located on the south portion of the subject site and shall consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
4. A five foot buffer with one canopy tree **every 40** linear feet shall be provided along the north and east perimeter of the 2.5 acre lake management tract. (DRC / CO: ZONING / LANDSCAPE)

## H. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 12:00 a.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage **landscape/accent** type lights used to emphasize plant material. (ONGOING: CODE ENF)

I. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO)]. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)
3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)
4. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

J. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD AND JOG ROAD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip;
  - b. a minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
  - c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
  - d. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,
  - e. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches planted on the top of the berm. (CO: LANDSCAPE)

K. MUPD

1. Total gross floor area shall be limited to a maximum of 2,206,200 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)

2. To ensure consistency with the site plan dated October 6, 1998 presented to the Board of County Commissioners, no more than **twenty-five (25)** percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered except as provided for in part a. of this condition
  - a. Prior to final site plan approval by DRC the applicant may **relocate** the two main retail buildings to allow the **111,126** structure to be **moved** adjacent to Jog Road. (DRC: ZONING - Eng )
  - b. The main retail structures shall maintain a minimum 100foot **setback** from the west property line adjacent to Jog Road. (DRC: **ZONING - Eng** )
3. All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (**exhibit** dated October 6, 1998). (DRC: ZONING)
4. 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, roof lines, muted **colors**, **fenestration**, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable **to** the County Attorney. The covenant shall not be removed, altered, changed or amended without **written** approval from the Zoning Director. (DRC: ZONING - Co Att)
5. 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. (DRC: ZONING - Co Att)
6. The MUPD shall be limited to a maximum of three outparcels. (DRC: **Zoning - Bldg Permit**)
7. The maximum height for all structures, including **all** air conditioning **and** mechanical equipment, measured from finished grade to highest point, **shall** not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)

**L. SIGNS**

1. Freestanding point of purchase 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)**; and
  - d. Style - monument style only. (CO: BLDG)

2. Freestanding point of purchase signs for the 2 outparcels fronting on Okeechobee Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 80 square feet;
  - c. Maximum number of signs - two (2); and
  - d. Style - monument style only. (CO: BUILDING-Zoning)
3. Freestanding point of purchase signs fronting on Jog Road 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 - 100 square feet;
  - c. Maximum number of signs - two (2); and
  - d. Style - monument style only. (CO: BLDG)
4. Freestanding point of purchase signs for the one outparcel fronting on Jog Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 80 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BUILDING-Zoning)

**M. COMPLIANCE**

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as, part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (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; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

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

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



**Department of Planning,  
Zoning & Building**

100 Australian Avenue  
West Palm Beach, FL 33406  
561-233-5000  
<http://www.co.palm-beach.fl.us>



**Palm Beach County  
Board of County  
Commissioners**

- Burt Aaronson, Chairman
- Maudie Ford Lee, Vice Chair
- Karen T. Marcus
- Carol A. Roberts
- Warren H. Newell
- Mary McCarty
- Ken L. Foster

**County Administrator**

Robert Weisman, P.E.

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

**TO:** Willa Oswalt, Minutes Clerk

**FROM:** L. Martin Hodgkins, Zoning Director *LMH*

**DATE:** October 30, 1998 *by ac*

**RE:** Amended Conditions from the October 22, 1998 BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on October 22, 1998.

The following petitions were amended:

EAC95-106(B)	The Grove Market
PDD98-44	Palm Beach Plaza MUPD
PDD98-23	Pratt & Orange MUPD
Z/COZ98-4 1	Pratt & Orange <b>PO</b>
PDD/DOA93-21(A)	Village Center aka <b>Floral Acres</b>
DOA81-109(F)	Atlantic Square
DOA89-63(B)	Sherbrooke Center

The following petition will be brought back for adoption at the December 3, 1998 BCC Hearing:

CA78-231(A)	Wash Depot VII
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