

RESOLUTION NO. R-98-2043

RESOLUTION APPROVING ZONING PETITION DOA76-007(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF BLUE GREEN ENTERPRISE INC.
BY KILDAY & ASSOCIATES AND SARA LOCKHART, AGENTS
(OKEECHOBEE BLVD 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA76-007(B) was presented to the Board of County Commissioners at a public hearing conducted on December 3, 1998; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.



8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 DOA76-007(B), the petition of Blue Green Enterprise Inc., by Kilday & Associates and Sara Lockhart, agent, for a Development Order Amendment (DOA) to redesign site plan, expand convenience store with gas sales, add dispatching office and indoor entertainment (skating rink) (requested uses) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 3, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 3, 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

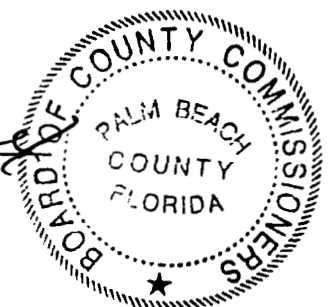


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL ~~OF~~ LAND LYING WITHIN PARCEL 4 ACCORDING TO THE ~~PLAT OF~~ ^{NOV 15 1998} GOLDEN LAKES OFFICE PARK AND GOLDEN LAKES PLAZA AS RECORDED IN PLAT BOOK **34**, PAGES 178 THROUGH 180, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID PARCEL 4; THENCE SOUTH 00'00'14" WEST ALONG THE EAST LINE OF SAID PARCEL **4**, A DISTANCE ~~OF~~ 395.61 FEET; THENCE SOUTH **88°15'51"** WEST, ALONG A SOUTHERLY LINE OF SAID PARCEL 4 AND ~~ITS~~ **ITS** EASTERLY EXTENSION, A DISTANCE OF 1681.1**8** FEET; THENCE NORTH ~~00'00'00"~~ **00'00'00"** EAST, 408.89 FEET; THENCE SOUTH 87°48'41" EAST ALONG THE NORTH LINE OF SAID PARCEL 4, A DISTANCE ~~OF~~ 1579.69 FEET; THENCE SOUTH 87'49'14" EAST ALONG THE NORTH LINE OF SAID PARCEL **4**, A DISTANCE OF 101.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.51**8** ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

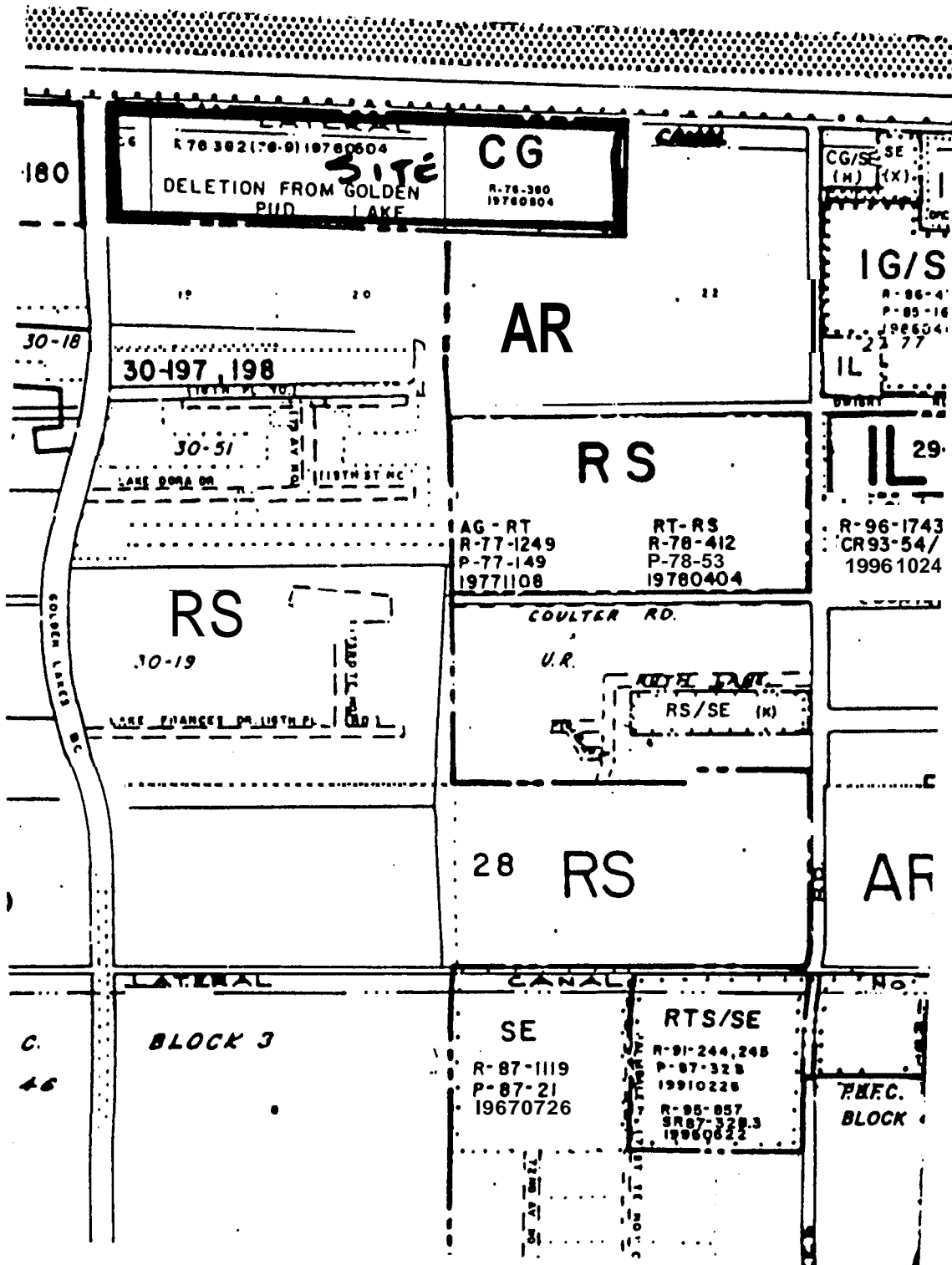


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-380 (Petition 76-007), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved **master/site** plan is dated September 24, 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. (DRC: ZONING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, building materials, fenestration and roof lines, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
2. The proposed Planet Ice building shall be designed and constructed to be consistent with the floor plans prepared by Raymond Berry dated October 27, 1998 and the facade elevations prepared by Raymond Berry dated November 18, 1998. The Hulett Environmental Services office building shall be designed and constructed to be consistent with the facade elevations prepared by Robert Bell dated November 18, 1998. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. **Developer shall provide a guardhouse at his expense, south of the Commercial Area, for Golden Lakes Village Condominium.** (Previously Condition 8 of R-76-380, Petition 76-007) (ONGOING: ENG) [NOTE: Has been completed]
2. **Developer shall delete the 6.51 acre area projecting southerly from the proposed CG-General Commercial Planned Commercial Development.** (Previously Condition 9 of R-76-380, Petition 76-007) (ONGOING: ENG) [NOTE: Has been completed]
3. Total gross floor area shall be limited to 115,015 square feet with maximum one thousand (1,000) square feet increase to any combination of office, retail and financial type uses if approved by the Traffic Division. (DRC: ZONING)
4. The minimum setback for all structures adjacent to the east property line shall be thirty-five (35) feet. (DRC: ZONING)

5. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. The accessory Gas station canopy shall be limited to a maximum of twenty-five (25) feet in height to include attached outdoor lighting fixtures with shielded lighting. (BLDG PERMIT: BLDG - Zoning)
6. Public entry/exits to the Indoor Entertainment building shall be limited to the one central door on the north facade as shown on the Floor Plan prepared by Raymond Berry dated October 27, 1998. This condition shall not be applied for required Emergency exits. (BLDG PERMIT: BLDG - Zoning)
7. All air conditioning/compressor equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)
8. The area of the site to be used for the dispatching office shall be enclosed by a six (6) foot high concrete wall and/or eight (8) foot high chain link fence with gates locked when the facility is closed. (BLDG PERMIT/ ONGO NG: BLDG/CODE ENF - Zoning)

D. DUMPSTERS

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within thirty (30) feet of any property line and shall be confined to the areas designated on the site plan. (DRC/ ONGOING: ZONING /CODE ENF)

E. ENGINEERING

1. Developer shall construct the following at Okeechobee Boulevard and the eastern most North entrance:
 - a. Left turn lane from the east approach, Stage 2 (Complete)
 - b. Right turn lane from the west approach, Stage 3
(Delete: duplicate condition)
 - c. Signalization of the intersection, Stage 4, or earlier as warranted.
(Delete: duplicate condition) (Previously Condition 1 of R-76-380, Petition 76-007) (ONGOING: ENG)
2. Developer shall construct the following at the intersection of Okeechobee Boulevard and Golden Lakes Boulevard:
 - a. Right turn lane from the west approach, Stage 2
(Delete: duplicate condition)
 - b. Signalization of the intersection, Stage 3, or earlier as warranted (Complete)
 - c. Additional left turn lane from the east approach, Stage 4. (Delete: duplicate condition) (Previously Condition 2 of R-76-380, Petition 76-007) (ONGOING: ENG)
3. Developer shall construct the following at Golden Lakes Boulevard and the Marginal Access Road:
 - a. Left turn lane from the north approach, Stage 3 (Complete)

- b. Through-right turn lane from the south approach, Stage 3 (Complete)
 - c. Additional right turn lane from the south approach, Stage 4 (Complete)
 - d. Right turn lane from the east approach, Stage 3 (Delete traffic impact study identifies this turn lane no longer required.)
 - e. Through-left turn lane from the east approach, Stage 3 (Delete: duplicate Condition)
 - f. Additional left turn lane from the east approach, Stage 4 (Delete: duplicate Condition)
 - g. Signalization of the intersection, Stage 3, or earlier as warranted. (Delete traffic impact study identifies this condition is no longer required.) (Previously Condition 3 of R-76-380, Petition 76-007) (ONGOING: ENG)
4. Prior to the issuance of any building permits the Developer shall convey to Palm Beach County, the additional right-of-way required for the ultimate right-of-way for Okeechobee Boulevard. (Previously Condition 4 of R-76-380, Petition 76-007) (ONGOING: ENG) (Complete)
 5. Prior to the issuance of any building permits the Developer shall convey the right-of-way for Benoist Farms Road. (Previously Condition 5 of R-76-380, Petition 76-007) (ONGOING: ENG) (Complete)
 6. Developer shall bond the construction of Benoist Farms Road, which shall be constructed by the Developer as a **two (2)** lane paved facility from Okeechobee Boulevard to Belvedere Road. Said construction to be concurrent with the construction of Stage 4. (Previously Condition 6 of R-76-380, Petition 76-007) (ONGOING: ENG) (Complete)
 7. Developer shall plat the development in accordance with the Subdivision and Platting Regulations. (Previously Condition 7 of R-76-380, Petition 76-007) (ONGOING: ENG) (Complete, however new condition!; will require the replatting of Parcel 4)
 8. Developer shall enter into a joint application with Golden Lakes Village Condominium to request the reversion of Golden Lakes Boulevard and Golden River Drive from eighty (**80**) foot publically dedicated collectors, as they effect the condominium area of Golden Lakes Village. (Previously Condition 11 of R-76-380, Petition 76-007) (ONGOING: ENG) [NOTE: completed]
 9. Developer will provide for all inner roads in the condominium area of Golden Lakes Village to become private. (Previously Condition 12 of R-76-380, Petition 76-007) (ONGOING: ENG) [NOTE: completed]
 10. Developer shall provide a control mechanism at the construction entrance at the south end of the project to insure that all construction vehicles will be instructed to use this entrance. A gate system shall be placed across the roadway when there is no construction activity. (Previously Condition 13 of R-76-380, Petition 76-007) (ONGOING: ENG) [NOTE: completed]

11. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard to Palm Beach County. 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 PERMIT: MONITORING-Eng)
12. The Property owner shall construct concurrent with paving and drainage improvements for Parcel C:
 - a. Right turn lane west approach on Okeechobee Boulevard at the entrance to Parcel "C".
 - b. Right turn lane west approach on Okeechobee Boulevard at its intersection with Golden Lakes Boulevard.
 - c. A left turn lane east approach, and a separate thorough/right turn lane east approach at Golden Lakes Boulevard and the Marginal Access Road:
 - 1) All construction shall be concurrent with the paving and drainage improvements for Parcel "C". 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 the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for Parcel "C". (ENGINEERING)
 - 3) Construction shall be completed prior to the issuance of the Certificate of Occupancy for Parcel "C". (CO: MONITORING-Eng)
13. Prior to the issuance of a Building Permit the developer shall replat Parcel 4 in accordance with provisions of the Unified Land Development Code. Replat. (BLDG PERMIT: MONITORING-Eng)
14. 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 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 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: ENG)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's 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 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)
15. Prior to the site plan approval by the Development Review Committee, the property owner shall amend the site plan to provide for a minimum code required access to the parcel south of Parcel C. This parcel is identified as "MR/5 AR Vacant" shown on the site plan dated 7/6/98. (DRC APPROVAL: ENG)
 16. The Property Owner shall fund the cost of signal installation if and when warranted as determined by the County Engineer and the Florida Department of Transportation at the project east entrance and Okeechobee Boulevard. (ONGOING: ENG).
 17. The Property Owner shall construct an additional left turn lane east approach on Okeechobee Boulevard at Golden Lakes Boulevard if and when warranted as determined by the County Engineer and the Florida Department of Transportation.
 - A. Any and all costs associated with the construction shall be funded by the property owner. These costs shall include, but are not limited to, utility relocations and signal modifications.
 - B. Permits required by the Florida Department of Transportation for this construction shall be obtained within 90 days notification by either the Florida DOT or the County Engineer. (ONGOING: ENG)
 - C. Construction shall be completed within 6 months after permit approval by the Florida Department of Transportation. (ONGOING: ENG)
 18. Property owner shall request a conceptual permit for a full median opening on Okeechobee Boulevard from the Florida DOT prior to site plan approval. (DRC APPROVAL: ENG)
 19. Construction by the property owner of the full median opening, if approved, shall be completed prior to the issuance of a CO for Planet Ice. (CO: MONITORING-Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

- I. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

G. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC (ONGOING: HEALTH/CODE ENF)

H. LANDSCAPING - STANDARD

1. Fifty (50%) percent of all canopy trees required to be planted on site by this approval, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, shall meet the following minimum standards at installation and shall not include the use of Sabal Palms in the Landscape Plan:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD FRONTAGE)

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 two to three foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb
 - c. Equivalent of one (1) canopy tree planted every twenty (20) feet of line near property line;
 - d. Equivalent of one (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of fifty (50) feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG SOUTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

1. Condition 10 of R-76-380, Petition 76-007 which currently states:

Developer shall provide a landscaped buffer area between the commercial development and Golden Lakes Village Condominium.

Is hereby amended to read:

Landscaping and buffering along the south property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip along the south property line (including a five (5) foot overlap within the 50' Platted Ingress/Egress Easement);
- b. Continuous two (2) foot high berm measured from top of curb with a six (6) foot high vinyl coated chain link fence;
- c. Equivalent of one (1) canopy tree planted every twenty (20) feet of linear property line;
- d. Equivalent of one (1) palm to be located on the exterior side of the fence for each twenty-five (25) linear feet of property line, with a maximum spacing of fifty (50) feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and
- e. Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches on the plateau of the berm. (CO: LANDSCAPE)

K. LANDSCAPING ALONG EAST PROPERTY LINE (ACROSS FROM R.V. Park)

1. Landscaping and buffering along the east property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. Continuous two foot high berm measured from top of curb;
- c. Equivalent of one (1) canopy tree planted every twenty (20) feet of linear property line;
- d. Equivalent of one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of fifty (50) feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and
- e. Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches on the plateau of the berm. (CO: LANDSCAPE)

L. LANDSCAPING - INTERIOR

1. Landscaped divider medians shall be installed as shown on the Preliminary Development Plan dated September 24, 1998. (DRC: ZONING)
2. 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) lineal feet of the divider median. (DRC: ZONING)

3. Foundation planters shall be provided along all facades (except dispatch loading area) 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 75% 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. Landscaping along the Hulett parking/dispatch area shall include the following:
 - a. The minimum width of the required landscape area shall be five (5) feet. (CO: LANDSCAPE - Zoning)
5. Landscaping along the east and south property line of the Hulett parking/dispatch area shall include:
 - a. A eight (8) foot high vinyl coated chain link fence. (CO: LANDSCAPE)
6. The following landscaping requirements shall be installed on the exterior perimeter of the Hulett parking/dispatch area:
 - a. a minimum ten (10) foot wide landscape strip along the north side of the 50' Platted Ingress/Egress Easement);
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE:

M. 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 twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting fixtures shall be set back a minimum of fifty feet from the east and south property lines. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after the hours of operation, excluding security lighting only. (ONGOING: CODE ENF)
5. 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)

N. MASS TRANSIT

1. A. 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)

B. 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 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)
2. 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)
3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

O. MUPD

1. Total gross floor area shall be limited to a maximum of 115,015 square feet with maximum one thousand (1,000) square feet increase to any combination of office, retail and financial type permitted uses if approved by the Traffic Division. All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated September 24, 1998). (DRC: ZONING)
2. 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 and roof 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)
3. 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)

4. All roofs shall be either mansard or pitched style with barrel tile, cement tile or stand seams on all four (4) sides. (BLDG PERMIT: BLDG - Zoning)

P. PARKING

1. 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)
2. Parking or loading shall not be permitted within forty (40) feet of the south and east property lines. (DRC / ONGOING: ZONING / CODE ENF)

Q. SIGNS

1. Freestanding point of purchase sign, Sign A, fronting on Okeechobee Blvd 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 sign, Sign B, fronting on Okeechobee Blvd 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 - one (1); and
 - d. Style - monument style only. (CO: BLDG)
3. Entry Wall Sign for POD I (office/retail commercial plaza) fronting on Okeechobee Blvd shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area - 60 square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - entry wall only. (CO: BLDG)
4. The existing freestanding point of purchase sign, fronting on Okeechobee Blvd, in front of the existing bank, shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty-two (22) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1). (CO: BLDG)
5. Wall signage for the proposed buildings and canopies shall be limited to the north facades facing Okeechobee Boulevard. (BLDG PERMIT: BLDG - Zoning)

R. USE LIMITATIONS

1. Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated September 24, 1998:

- a. Office - 41,265 sq. ft.;
 - b. Retail - 25,150 sq. ft.;
 - c. Convenience store with gas sales - 2,520 sq. ft. and 6 pumps (maximum/12 fueling stations) and accessory car wash 900 sq. ft.;
 - d. Dispatching office - 4,800 sq. ft.;
 - e. Indoor Entertainment - 38,700 sq. ft.; and
 - f. Financial Institution - 1,680 sq. ft. (existing).
 - g. Total gross floor area shall be limited to a maximum of 115,015 square feet with maximum one thousand (1,000) square feet increase to any combination of office, retail and financial type permitted uses if approved by the Traffic Division. (DRC: ZONING)
2. Indoor entertainment shall be limited to ice skating and accessory use; for concessions and retail sales as shown on the floor plan for Planet Ice prepared by Raymond Berry dated October 27, 1998. (ONGOING: CODE ENF/ZONING)
 3. The ice skating rinks may be open to the public from 8:00 a.m. to 10:00 p.m. Sunday thru Thursday and 8:00 a.m. to 12:00 a.m. Friday and Saturdays. (ONGOING: CODE ENF)
 4. The petitioner shall provide a uniformed security guard for the ice skating facility from dusk to thirty (30) minutes after closing, to ensure that after each skating session no loitering is permitted in the parking lot. (ONGOING: CODE ENF)
 5. Advertising for the Indoor Entertainment (Planet Ice) shall not promote advertising for concessions and retail sales within the facility. (ONGOING:)
 6. Retail business activity shall not be allowed on site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
 7. Hours of operation for the proposed uses shall be as follows: the office/retail hours of operation shall be limited from 6:00 a.m. to 10:00 p.m. daily. This condition shall not apply to the Convenience store with gas sales facility or the ice skating rink. (ONGOING: CODE ENF)
 8. The car wash facility shall utilize a 100% water recycling system. (BLDG PERMIT: BLDG)
 9. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
 10. There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF)
 11. 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)
 12. There will be no mixing of chemicals or pesticide products on-site. The products used will be mixed at the site being serviced. (ONGOING: CODE ENF)

S. 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)

Planning, Zoning and
Building Department
100 Australian Avenue
West Palm Beach, FL 33406
(561) 233.5000
www.co.palm-beach.fl.us



Palm Beach County
Board of County
Commissioners

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County Administrator

Robert Weisman

Planning Division 233.5300
Zoning Division 233.5200
Building Division 233.5100
Code Enforcement 233.5500
Contractor's Certification 233.5525

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

TO: Willa Oswalt, Minutes Clerk
FROM: Bill Whiteford, Acting Zoning Director 
DATE: December 7, 1998
RE: Amended Conditions from the December 3, 1998
BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on December 3, 1998.

The following petitions were amended:

DOA82-174(D)
DOA76-007(B)
PDD98-55
PDD97-112

West Boca Estates PUD
Okeechobee Blvd MUPD
Lester PUD
Saddlebrook Village PUD

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