BCC
January 5, 2017
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Application No.: ZV/ABN/PDD/R-2015-02353
Application Name: Cobblestone Plaza MUPD
Control No.: 2004-00034
Applicant: West Boynton Farms Inc
Owners: West Boynton Farms Inc
Agent: JMorton Planning & Landscape Architecture, Jennifer Morton
Telephone No.: (561) 371-9384
Project Manager: Yoan Machado, Site Planner II

TITLE: a Type II Variance REQUEST: to allow 24-hour operation within 250 ft. of a residential district. TITLE: a Development Order Abandonment REQUEST: to abandon a Class A Conditional Use and a Development Order Amendment approving the Commercial Communication Tower granted under prior Resolutions. TITLE: an Official Zoning Map Amendment to a Planned Development District REQUEST: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer. TITLE: a Requested Use REQUEST: to allow a Type I Restaurant with drive-through and a Convenience Store with Gas Sales.

APPLICATION SUMMARY: Proposed is a Legislative Abandonment, an Official Zoning Map Amendment, and Requested Uses for the Cobblestone Plaza. The 15.34-acre site was last approved on May 12, 2004 through the Administrative Process, by the Development Review Officer (DRO), as part of the West Boynton Farms Subdivision Plan. The Packing Plant and row crops have been in place since the 1950’s with Control No. 2004-00034, and a Commercial Communication Tower approved under Control No, 1996-00015. The property was a subject of a Land Use Amendment (Alderman Commercial/West Boynton Farms, Application LGA 2016-004) to change the Future Land Use (FLU) designation from the Agricultural Reserve (AGR) to the Commercial Low with an underlying CL/AGR. The amendment was approved by the Board of County Commissioners (BCC) on January 27, 2016 through Ordinance 2016-029. The proposed rezoning will bring the site's zoning consistent with the recently adopted FLU of the property.

The Preliminary Site Plan (PSP) indicates the subject property will be developed with a mix of commercial uses in a total of seven buildings. The proposed development includes a Financial Institution (3,500 square feet. (sq. ft.)), General Retail (83,805 sq. ft.), Laundry Service facility (3,180 sq. ft.) five Type I Restaurants, only one with drive-through totaling (12,215 sq. ft.), three Type II Restaurants (11,330 sq. ft.) and a Convenience Store with Gas Sales (8 pumps). A t otal of 480 parking spaces will be provided and the site will have three access points from West Boynton Beach Boulevard and one from Lyons Road.

SITE DATA:

| Location: | Northeast corner of Boynton Beach Boulevard and Lyons Road |
| Property Control Number(s): | 00-42-45-20-04-002-00010; 00-42-45-20-04-002-0020 |
| Existing Future Land Use Designation: | Agricultural Reserve (AGR) |
| Proposed Future Land Use Designation: | Commercial Low / Agricultural Reserve (CL/AGR) |
| Existing Zoning District: | Agricultural Reserve District (AGR) |
| Proposed Zoning District: | Multiple Use Planned Development (MUPD) |
| Total Acreage: | 15.34 acres |
| Affected Acreage: | 15.34 acres |
| Tier: | AG Reserve |
| Overlay District: | N/A |
| Neighborhood Plan: | West Boynton Community Plan |
| CCRT Area: | N/A |
| Municipalities within 1 Mile | N/A |
| Future Annexation Area | N/A |
| Existing units or square footage | 24,432 sq. ft. |
RECOMMENDATION: Staff recommends approval of the requests subject to 21 Conditions of Approval as indicated in Exhibit C-2, 16 Conditions of approval as indicated in Exhibit C-3, and 14 Conditions of Approval as indicated in Exhibit C-4.

ACTION BY THE ZONING COMMISSION (ZC): On December 2, 2016 ZC meeting, Staff and the Applicant made presentations, the Applicant accepted all of the Conditions of Approval with some minor modification to the wording on Site Design and Landscaping Conditions as previously discussed with Staff. The ZC approved the Variance request to allow 24 Hour Operation within 250 ft. of a residential district and made a recommendation for approval of the Abandonment, Official Zoning Map Amendment and Requested Uses subject to the conditions with a vote of 6-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 1 phone call from the public regarding this project, requesting information.

PROJECT HISTORY:

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<th>Application No.</th>
<th>Request</th>
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<tr>
<td>CA-1996-00015</td>
<td>Class A Conditional Land Use, to allow a commercial communication tower (100 foot)</td>
<td>R-1996-1192</td>
<td>08/22/1996</td>
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<td>1996-00015</td>
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<tr>
<td>DOA-1996-00015</td>
<td>Development Order Amendment to amend Conditions of Approval D.4 (Tower Height) of R-96-1192</td>
<td>R-1997-0152</td>
<td>01/30/1997</td>
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<td>1996-00015</td>
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<td>DOA-1996-00015</td>
<td>Development Order Amendment to delete land area (5 acres) form an existing tower site</td>
<td>R-2003-1984</td>
<td>12/04/2003</td>
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<td>1996-00015</td>
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<td>PDD-2003-00035</td>
<td>An Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) zoning district to the Agricultural Reserve Planned Unit Development District (AGR/PUD)</td>
<td>R-2003-1985</td>
<td>12/04/2003</td>
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<td>2003-00035</td>
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<tr>
<td>LGA-2016-00004</td>
<td>Large Scale Land Use Amendment from Agricultural Reserve (AGR) to Commercial Low (CL) with an underlying AGR.</td>
<td>Ordinance No. 2016-0029</td>
<td>04/27/2016</td>
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SURROUNDING LAND USES:

NORTH:
FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve Planned Unit Development (AGR-PUD)
Supporting: Residential (Countryside Meadows, Control No 2003-00035)

SOUTH:
FLU Designation: Commercial Low, with an underlying AGR (CL/AGR)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Commercial (Canyon Town Center MUPD, Control No 2004-00471)

EAST:
FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve District (AGR)
Supporting: Vacant/Agriculture (Ravelo AGR PUD, Control No 2005-00323)

WEST:
FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve District (AGR)
Supporting: Vacant/Agriculture (Highland Dunes PUD, Control No 2005-00394)
TYPE II VARIANCE SUMMARY: At the December 2, 2016 Zoning Commission (ZC) hearing, the following Variance was approved.

<table>
<thead>
<tr>
<th>ULDC Article</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
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<tr>
<td>(V1) - 3.D.3.A.2.a - Hours of Operation</td>
<td>Commercial uses located within 250 feet (ft.) of a residential district shall not commence business activities prior to 6:00 AM nor continue later than 11:00 PM.</td>
<td>To allow 24-hour operation of a commercial use located within 250 ft. to a residential district.</td>
<td>To allow 24-hour operation of a commercial use located within 250 ft. to a residential district (+ 7 hours)</td>
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Article 3.D.3.A.2.a - All Commercial, Public and Civic Uses - Hours of Operation - The Code limits the hours of operation for commercial uses within 250 ft. of a residential district to 6:00 AM to 11:00 PM. Commercial uses located greater than 250 ft. from a residential district may be exempt from this requirement, unless required by a BCC condition. The Applicant is requesting a Type II Variance to allow the Convenience Store with Gas Sales to operate for 24 hours/7 days a week. The proposed use is approximately 220 ft. from the nearest residential property line and approximately 280 ft. to the nearest wall of a residential structure (to the north).

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan - The proposed amendment is consistent with the Plan.
   - Consistency with the Comprehensive Plan: The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
   - Concurrent Land Use Amendments: The site is the subject of a Future Land Use Amendment (FLUA) known as Alderman LGA-2016-004, Ord. 2016-29. The request is to amend the land use from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR), with two conditions. The concurrent FLUA amendment was adopted by the BCC at a public hearing on April 27, 2016 with conditions in Ord. 2016-29 as follows:
     1. Development on the site under the Commercial Low future land use designation is limited to a maximum of 133,642 sq. ft. of Commercial generating uses or equivalent traffic generating uses.
     2. The proposed amendment is subject to the County initiated Commercial text amendments to the Comprehensive Plan adopted concurrently.
   - Relevant Comprehensive Plan Policies: The Agricultural Reserve(AGR) underwent a workshop process that resulted in a change to the commercial policies for the AGR which includes the introduction of the Agricultural Reserve Commercial and Mixed Use Developments (AGR MUPD) and Ag Reserve Design Elements. This text amendment known as, Agricultural Reserve Commercial Policies 16-B-C.2, was adopted via Ordinance 2016-028. The following is an outline of the subject request's consistency with the AGR commercial intensities and design elements.
     1. Intensity: The maximum Floor Area Ratio (FAR) of .20 is allowed for a project with a CL FLU designation in the Agricultural Reserve Tier (668,125 surveyed square ft. or 15.338 acres x .20 maximum FAR 133,625 square ft. maximum). The request for a total of 119,030 square ft. equates to a FAR of approximately 0.18 (119,030 / 668,125 surveyed square ft. or 15.338 acres = 0.178).
2. Intensity is further restricted for this site via Land Use Amendment condition which states; “Development on the site under the Commercial Low future land use designation is limited to a maximum of 133,642 square ft. of Commercial general or equivalent traffic generating uses.” The zoning request for 121,500 total square ft. is consistent with the Land Use condition.

3. Design Elements: New FLUE Policy 1.5.1-q and 1.5.1-r contain requirements that the design incorporates strong pedestrian interconnectivity, 5% minimum usable open space (required 0.77 acres, provided 1.47 acres), 20% landscaped pervious space (required 3.07 acres, provided 3.47 acres) and public amenities. The subject request provides each of these criteria through a strong pedestrian sidewalk system, several pedestrian gathering areas and many of the sidewalk systems are widened with extra landscaping provided.

Special Overlay District/Neighborhood Plan/Planning Study Area: The subject property is located within the boundaries of the West Boynton Area Community Plan. The request is not inconsistent with the neighborhood plan. The Applicant met with the neighborhood group January 8, 2016, April 1, 2016 and May 10, 2016. To date no letters of objection have been received from COBWRA.

2. Consistency with the Code - The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

The request to rezone the site from the AGR Zoning District to the MUPD Zoning District to allow for the proposed development; is consistent with the applicable rezoning provisions of the Code.

MUPD Property Development Regulations: The proposal meets the minimum lot dimensions, the requirement is for 200 ft. of frontage and 300 ft. of depth, and the parcel is 1319 ft. by 452 ft., the maximum building coverage and minimum setbacks have been met as required by Table 3.E.3.D, and as shown on the Preliminary Site Plan in Figure 4.

Freestanding Buildings: The development complies with a maximum of one freestanding building with continuous vehicular circulation on all four sides in the Commercial Low FLU designation, and as indicated in Table 3.E.3.B, Freestanding Buildings, the only exception is the Financial Institution which has a Site Design Condition to redesign the dive aisle in order to comply with this requirement. The remaining structures are adjacent to the landscape buffers, provide courtyards on at least one side that impedes vehicular circulation around the building.

Non-Vehicular Circulation: The MUPD is designed with a pedestrian and bicycle oriented circulation system throughout the development with continuous sidewalks connecting to main gathering areas. The sidewalks will be constructed of decorative pavement.

Landscape/Buffering: The Preliminary Site Plan depicts a 20 ft. Type III Alternative Landscape buffer along the north property line. The Applicant has requested an alternative buffer in order to eliminate the wall and provide a 6 foot hedge in its place because a wall is provided on the adjacent residential development, this is subject to the approval of the BCC. Staff agrees with the alternative as the construction of a wall on this property would create a landscape area between the walls that could pose maintenance issues in the future. To the south property line along Boynton Beach Boulevard, a 20 ft. Right-of-Way (ROW) buffer is provided. To the east property line a 20 ft. wide Type III Incompatibility landscape buffer with a 5 ft. high wall will be provided and to the west along Lyons Road a 20 ft. ROW buffer.

Parking / Loading: The Zoning Code allows a range of parking for an MUPD, 4 spaces per 1,000 square feet to 6 spaces per 1,000 square feet of building area. The proposed number of spaces is 480 and therefore the proposed development complies with the parking requirements of Article 6. There are two loading spaces required and six are provided, however, the Applicant is requesting Type I Waivers to reduce the loading dimensions of one of the six loading spaces from 15 ft. by 55 ft. to 12 ft by 18.5 ft. The Type I Waiver request will be approved by the Development Review Officer (DRO) at time of Final Approval by the DRO.
o **Architectural Review**: The Applicant has not provided architectural elevations for compliance with Article 5.C. Architectural Standards at this time and has requested in the Justification Statement that the review is to be completed at time of Final Approval by the DRO.

o **Signage**: The Preliminary Regulating Plan indicates the details for two freestanding signs with a maximum 150 sq. ft. of sign area and 12 ft. in height. A maximum of three signs are permitted per project frontage within the U/S Tier. The Applicant proposes two entrance signs per frontage, as shown in Figure 6 and stated in the Justification Statement that compliance with Article 8 for proposed wall signage which will be determined at time of permitting.

3. **Compatibility with Surrounding Uses** - The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.

As proposed and subject to the recommended Conditions of Approval, the proposed rezoning is compatible as defined in the ULDC and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. Any potential impacts have been addressed by increased setbacks, increased landscape and buffering, and will be subject to the Conditions of Approval.

4. **Effect on Natural Environment** – The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION**: The site was previously cleared for the existing agricultural facility.

**WELLFIELD PROTECTION ZONE**: The property is not located with a Wellfield Protection Zone.

**IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER**: All new installations of automatic irrigation systems shall be equipped with a water sensng device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

**ENVIRONMENTAL IMPACTS**: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements. The proposed rezoning to MUPD will not have adverse impacts on the natural environment. The property was previously developed and additional plant material will be installed in the proposed landscape buffers.

5. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed development will result in a logical, orderly and timely development pattern within the surrounding area. The parcel is located at the northeast corner of the intersection of Boynton Beach Boulevard and Lyons Road and located south of Country Side Meadows PUD also known as Cobblestone Creek. The proposed development would serve the residential development to the north and neighboring communities. The parcels to the south, also an MUPD, are supporting commercial uses as well.


The proposed rezoning complies with Article 2.F. of the ULDC, Concurrency (Adequate Public Facility Standards) and does not create any additional impact on public facilities.

**ENGINEERING COMMENTS:**

**TRAFFIC IMPACTS**
Property Owner has estimated the build-out of the project to be December 31, 2018. Existing traffic from the packing plant on this site is 303 trips per day, 50 trips in the PM peak hour. Additional traffic expected from the proposed modification of the site project is 7,281 trips per day, 593 trips in the PM peak hour, for grand total impact of 7,584 daily and 643 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

The following roadway improvements are required for compliance with the Traffic Performance Standards:

Modify the north approach of the intersection of Boynton Beach Blvd and Lyons Rd to consist of 3 left turn, 1 through, and 1 right turn lane. This would be accomplished through a combination of striping and new construction.

Other than the above, all of the driveways will have an exclusive right turn lane, except for the western most in-only driveway on Boynton Beach Blvd that will be located within the east approach right turn lane of the intersection of Boynton Beach Blvd and Lyons Rd.

**ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)**

Traffic volumes are in vehicles per hour

Segment: Boynton Beach Blvd from Lyons Rd to Acme Dairy Rd
- Existing count: Eastbound=1360, Westbound=1677
- Background growth: Eastbound=388, Westbound=477
- Project Trips: Eastbound=79, Westbound=238
- Total Traffic: Eastbound=1827, Westbound=2392
- Present laneage: 3 in each direction
- Assured laneage: 3 in each direction
- LOS “D” capacity: 2,680 per direction
- Projected level of service: LOS D or better

Segment: Lyons Rd from Boynton Beach Blvd to Hypoluxo Rd
- Existing count: Northbound=1032, Southbound=456
- Background growth: Northbound=388, Southbound=327
- Project Trips: Northbound=175, Southbound=77
- Total Traffic: Northbound=1595, Southbound=860
- Present laneage: 2 in each direction
- Assured laneage: 2 in each direction
- LOS “D” capacity: 1960 per direction
- Projected level of service: LOS D or better in each direction

The Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code.

The Property Owner shall dedicate additional right of way for right turn lanes on Lyons Road to Palm Beach County and on Boynton Beach Boulevard to FDOT.

The Property Owner shall construct right turn lanes on Lyons Road and Boynton Beach Boulevard.

The Property Owner shall provide drainage easements and on-site storage capacity for portions of Lyons Road and Boynton Beach Boulevard.

The Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures.

The Property Owner shall landscape and maintain the landscaping within the adjacent medians of Lyons Road and Boynton Beach Boulevard.

**Palm Beach County Health Department:** This project meets all Florida Department of Health requirements.
FIRE PROTECTION: The proposed request has been reviewed by the Fire Department and there are no issues at this time.

SCHOOL IMPACTS: Staff has reviewed the request and it is not subject to the requirements of School Concurrency.

PARKS AND RECREATION: This is a nonresidential project and, therefore Park and Recreation ULDC standards do not apply.

7. Changed Conditions or Circumstances – There are demonstrated changed conditions or circumstances that necessitate the amendment.

The proposed is a new development intending to serve the needs of the surrounding residential developments while keeping consistent with the commercial development to the south. The redevelopment of the corner will result in the addition of commercial uses and services for the surrounding residential communities as stated by the Applicant in their Justification Statement. These are demonstrated changed conditions or circumstances that necessitate the amendment.

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan – The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

The proposed development is consistent with the Comprehensive Plan. See additional comments in the Rezoning findings.

2. Consistency with the Code - The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.

The request to abandon the Commercial Communication Tower complies with all applicable standards and provisions of the Code and Staff is not opposed to the request to abandon this approval. As part of the proposed development, the tower will be removed.

As noted above, the Applicant is also requesting an Alternative Landscape Buffer.

Convenience Store with Gas Sales

Approval Criteria
Prior to approving a Conditional or Requested Use for Convenience Store with Gas Sales, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:
1. Adequate ingress and egress have been provided.

The Preliminary Site Plan indicates three access points along Boynton Beach Boulevard and one on Lyons Road; therefore adequate means of ingress and egress from adjacent Rights-of-Ways is being provided and from internal drives within the MUPD.

2. Adequate buffering and setbacks from residential areas have been provided.

The buffer and setback requirements have been met to screen the Convenience Store with Gas Sales from the adjacent residential development. The proposed building is approximately 220 ft. from the nearest residential property line and approximately 280 ft. to the nearest residential structure. The Site Plans depicts a 20 ft. landscape buffer along the north property line in addition to two median landscape island separate the proposed Convenience Store from the residences to the north. A Condition of Approval has been added to include a six foot hedge along the north buffer line.

3. Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided.

The proposed Convenience Store with Gas Sales has been designed to accommodate the necessary turning movements for all vehicles including the fuel delivery trucks. The plans show one stacking space behind each pumping station in accordance with the Code. The proposed use has provided sufficient vehicle stacking, circulation, access and area for turning movements that meet the intent of the Code. A minimum of 25 ft. drive isles are shown around the building with ingress from a right in only turn from Boynton Beach Boulevard and ingress/ egress from Lyons Road.

4. The number of fueling positions proposed is excessive.

The proposed number of fueling positions is intense for site with a Commercial Low designation. Convenience Store with Gas Sales that have 16 fueling positions is more commonly found in more dense and urban locations. Although currently the vicinity still has large agricultural areas, over the last few decades a growth in development has been observed and more residential homes have been constructed and approved but not built in the area. The Applicant has provided an exhibit with only one other Convenience Store with Gas Sales about two miles to the east of the site, while it may seem like an excessive number of pumps at this time, the proposed number of pumps may be appropriate and adequate to meet the demands of the surrounding communities and future developments.

5. There are an excessive number of similar stations in the vicinity.

The Applicant stated in the Justification Statement that there are no other Convenience Store with Gas Sales within a one-mile radius of the Property (See attached Justification Statement - Exhibit B) the closest gas service station is approximately two miles to the east. The proposed number of fueling positions is appropriate to meet the demand of the residents within the Agricultural Reserve west of Florida’s Turnpike.

- Floor Area: The Applicant is proposing both a Convenience Store and Type I Restaurant (no drive-through) in a single structure. They have identified on the floor plan that the Convenience Store will meet the maximum 5,000 sq. ft. limitation.

- Location Criteria: A maximum of two Convenience Stores with gas sales are allowed at an intersection, this will be their first and only one at this intersection. In addition to the intersection criteria, this development has a Commercial Low FLU, and this use must be located at a major intersection; Lyon’s and West Boynton Beach Boulevard meet this requirement.
o Parking: One half of the required parking is required to be directly adjacent to the building. The Applicant has provided all of its parking adjacent to the building.

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**Type I Restaurant**

- **Intersection Criteria:** The subject Type I Restaurant is located more than 1000 ft. from the intersection of Boynton Beach Boulevard and Lyons Road. This will be the second restaurant of this type with a drive through facility within the intersection not exceeding the maximum allowed by code.

- **Separation Criteria:** The subject Type I Restaurant meets the separation criteria since there is another Type I Restaurant approved but not built approximately 500 ft. from the proposed.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

As proposed and subject to the recommended Conditions of Approval, the proposed requested uses are generally consistent with the use and the character of land surrounding the neighboring residential properties as defined in the ULDC. Any potential impacts with the uses and character of the land surrounding and in the vicinity of the land proposed for development have been addressed by building setbacks, increased landscape and buffering, and will be subject to the Conditions of Approval.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed request does not visually impact the surrounding uses as the modifications will not impact the external appearance of the site. Additionally, any existing or proposed issues with regard to compatibility have been addressed through the required perimeter landscaping buffers.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

The proposed requested uses will not create any adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The Property is currently developed with a produce packing plant. The proposed development will have landscaping around the perimeter of the Property as well as within the site. See Rezoning Standard No.4 findings stated above for additional information.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed development will result in a logical, orderly and timely development pattern within the surrounding area. The parcel is located at the northeast corner of the intersection of Boynton Beach Boulevard and Lyons Road and located south of Country Side Meadows PUD. The proposed development would serve the residential development to the north and neighboring communities. The property to the south is also an MUPD which is an established commercial plaza known as Canyon Town Center.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Staff has determined that the proposed uses have met concurrency requirements, and will be developed in a logical and orderly pattern consistent with the existing of commercial and residential uses in the adjacent areas. See Rezoning Standard No. 6 findings stated above.
8. **Changed Conditions or Circumstances** – There are demonstrated changed conditions or circumstances that necessitate a modification.

The proposal is a new development intending to serve the needs of the surrounding residential developments while remaining consistent with the commercial development to the south. The development pattern in the area has been transitioning away from agricultural uses in the last decades. The proposed Convenience Store with Gas Sales would be the only one within a 1 mile radius of this intersection and along with the Type I Restaurant it would serve the increasing number of residents and development west of the Florida Turnpike.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need of change and the potential impacts generated by this change; therefore, Staff is recommending approval of the Rezoning and Requested Uses. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-2, C-3 and C-4.
CONDITIONS OF APPROVAL

Exhibit C-1
Type II Variance - Concurrent

ALL PETITIONS
1. The approved Preliminary Site and Regulating Plans are dated September 26, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

LANDSCAPE - INTERIOR
1. Special planting treatment shall be provided within the divider medians to all means of ingress and egress to the site. The following planting shall be installed on both sides of the access point and consist of the following:
   a. A minimum of one (1) specimen palm per planter; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
   b. A minimum of two (2) flowering trees; and,
   c. Appropriate shrub or hedge materials and ground cover.
   (BLDGPMT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER
2. In addition to the ULDC requirements, landscaping and buffering along the north property line shall include:
   a. One (1) palm and one (1) pine for each for each thirty (30) linear feet of the property line. Planting in groups of 3-5 with minimum twelve (12)-feet height clear trunk; and,
   b. A continuous six (6)-foot hedge, as an alternative to the required wall pursuant to a Type III Incompatibility buffer. (BLDGPMT/DRO: ZONING - Zoning)

VARIANCE

2. This Variance is approved for the Convenience Store with Gas Sales. Any change to the use shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: ZONING - Zoning)

3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)

4. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT: ZONING - Zoning)

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

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

   a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
d. Referral to Code Enforcement; and/or
e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: ZONING - Zoning)

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

Exhibit C-2
Non Residential Planned Development District

ALL PETITIONS
1. The approved Preliminary Site and Regulating Plans are dated September 26, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW
1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for Buildings 2 and 3 shall be submitted for review and approval by the Zoning Division the remaining Buildings may be reviewed at time of building permit. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

ENGINEERING
1. 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, 2018. 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)

2. The Property Owner shall:
   i. Reconstruct/modify the north approach of the intersection of Boynton Beach Blvd and Lyons Rd to have an ultimate lane configuration of 3 left turn, 1 through, and 1 right turn lane, as approved by the County Engineer. The right turn lane would need to be constructed.
   ii. Construct right turn lane east approach at the middle and east driveways on Boynton Beach Blvd, as approved by the FDOT.
   iii. Construct a continuous right turn lane south approach at the project entrance on Lyons Rd, beginning from the southern boundary of the project, as approved by the County Engineer.
   iv. Reconstruct the first median opening on Boynton Beach Blvd, east of the intersection of Boynton Beach Blvd and Lyons Rd to move the eastbound left turn median opening farther west, as shown on the site plan or as approved by the FDOT.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
   a. Permits required from Palm Beach County and FDOT, as appropriate, for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
   b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

4. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Acquisition Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road(s) This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to

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accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Boynton Beach Boulevard at both of the project's entrance roads. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

6. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road and Boynton Beach Boulevard along the property frontage; and a maximum of an additional 800 feet of each of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer.
Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

8. Landscape Within the Median of Lyons Road

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering)

9. Landscape Within the Median of Boynton Beach Boulevard

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Boynton Beach Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering)
Palm Beach County’s Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County’s current OTIS Master Plan and shall be based on the project’s front footage along Boynton Beach Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDPMT: MONITORING - Engineering)

LANDSCAPE - INTERIOR
1. Special planting treatment shall be provided, within the divider medians to all means of ingress and egress to the site. The following planting shall be installed on both sides of the access point and consist of the following:
   a. A minimum of one (1) specimen palm per planter; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
   b. A minimum of two (2) flowering trees; and,
   c. Appropriate shrub or hedge materials and ground cover. (BLDPMT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER
2. In addition to the ULDC requirements, the landscaping and buffering along the north property line shall include:
   a. One (1) palm and one (1) pine for each for each thirty (30) linear feet of the property line. Planting in groups of 3-5 with a minimum of overall height of twelve (12)-feet; and,
   b. A continuous six (6)-foot hedge, as an alternative to the required wall pursuant to a Type III Incompatibility buffer. (BLDPMT/DRO: ZONING - Zoning)
3. Special planting treatment shall be provided at the intersection of Boynton Beach Boulevard and Lyons Road. Planting shall consist of the following:
   a. A minimum of three (3) specimen palm; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
   b. A minimum of five (5) flowering trees; and,
   c. Appropriate shrub or hedge materials and ground cover. (BLDPMT/DRO: ZONING - Zoning)

PLANNING
1. Per LGA-2016-004, Ord. 2016-29, Development on the site under the Commercial Low future land use designation is limited to a maximum of 133,642 square feet of Commercial generating uses or equivalent traffic generating uses. (ONGOING: PLANNING - Planning)
2. Prior to Final Site Plan approval by the Development Review Officer (DRO), the property owner shall update the Site Plans and Open Space Plans to correct the tabular and graphic identifications for the 5% Useable Open Space. (DRO: PLANNING - Planning)

SITE DESIGN
1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to indicate the outdoor seating square footage for Buildings 1, 2 and 3. (DRO: ZONING - Zoning)
2. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to modify the parking area west of the Financial Institution (Building 7) to provide a right turn to the west drive aisle or any modification that is consistent with Article 3.E.3.B.2.a. (DRO: ZONING - Zoning)

COMPLIANCE
1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
   a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial
of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
d. Referral to Code Enforcement; and/or
e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

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

Exhibit C-3
Requested Use - Convenience Store with Gas Sales (Building 1)

ALL PETITIONS
1. The approved Preliminary Site and Regulating Plans are dated September 26, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW
1. At time of Building Permit, the Architectural Elevations for Building 1 Convenience Store and Type I Restaurant, 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. (BLDGPMT: ZONING - Zoning)

2. Gas station canopy shall be designed consistent with the following standards:
   a. a maximum height of twenty-five (25) feet measured from finished grade to highest point;
   b. a maximum slope of 5:12. No flat roof shall be permitted;
   c. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and,
   d. lighting for the gas station canopy shall be flush mounted or recessed. (ONGOING: ZONING - Zoning)

ENGINEERING
1. 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, 2018. 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)

2. The Property Owner shall:
   i. Reconstruct/modify the north approach of the intersection of Boynton Beach Blvd and Lyons Rd to have an ultimate lane configuration of 3 left turn, 1 through, and 1 right turn lane, as approved by the County Engineer. The right turn lane would need to be constructed.
   ii. Construct right turn lane east approach at the middle and east driveways on Boynton Beach Blvd, as approved by the FDOT.
   iii. Construct a continuous right turn lane south approach at the project entrance on Lyons Rd, beginning from the southern boundary of the project, as approved by the County Engineer.
   iv. Reconstruct the first median opening on Boynton Beach Blvd, east of the intersection of Boynton Beach Blvd and Lyons Rd to move the eastbound left turn median opening farther west, as shown on the site plan or as approved by the FDOT.

   This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
   a. Permits required from Palm Beach County and FDOT, as appropriate, for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
   b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)
4. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Acquisition Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road(s). This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMNT: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Boynton Beach Boulevard at both of the project's entrance roads. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMNT: MONITORING - Engineering)

6. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road and Boynton Beach Boulevard along the property frontage; and a maximum of an additional 800 feet of each of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined

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runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering) 

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering) 

8. Landscape Within the Median of Lyons Road

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering) 

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) 

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering) 

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering) 

9. Landscape Within the Median of Boynton Beach Boulevard

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Boynton Beach Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.
a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)
c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Boynton Beach Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT/CO: MONITORING - Engineering)

USE LIMITATIONS
1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO/ONGOING: ZONING - Zoning)

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

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
   a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
   b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
   c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
   d. Referral to Code Enforcement; and/or
   e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

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

Exhibit C-4
Requested Use - Type I Restaurant (Building 6)

ALL PETITIONS
1. The approved Preliminary Site and Preliminary Regulating Plans are dated September 26, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW
1. At time of Building Permit, the Architectural Elevations for Building 6 shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPMT: ZONING - Zoning)

ENGINEERING
1. 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, 2018. 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)
   b. Permits required from Palm Beach County and FDOT, as appropriate, for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
   c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

2. The Property Owner shall:
   i. Reconstruct/modify the north approach of the intersection of Boynton Beach Blvd and Lyons Rd to have an ultimate lane configuration of 3 left turn, 1 through, and 1 right turn lane, as approved by the County Engineer. The right turn lane would need to be constructed.
   ii. Construct right turn lane east approach at the middle and east driveways on Boynton Beach Blvd, as approved by the FDOT.
   iii. Construct a continuous right turn lane south approach at the project entrance on Lyons Rd, beginning from the southern boundary of the project, as approved by the County Engineer.
   iv. Reconstruct the first median opening on Boynton Beach Blvd, east of the intersection of Boynton Beach Blvd and Lyons Rd to move the eastbound left turn median opening farther west, as shown on the site plan or as approved by the FDOT.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
   a. Permits required from Palm Beach County and FDOT, as appropriate, for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
   b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

4. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Acquisition Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road(s) This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This
additional right of way shall be free of all encumbrances and encroachments and shall include Corner
Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm
Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to
ensure that the property is free of all encumbrances and encroachments, including a topographic
survey. The Property Owner must further warrant that the property being conveyed to Palm Beach
County meets all appropriate and applicable environmental agency requirements. In the event of a
determination of contamination which requires remediation or clean up on the property now owned by
the Property Owner, the Property Owner agrees to hold the County harmless and shall be
responsible for all costs of such clean up, including but not limited to, all applicable permit fees,
engineering or other expert witness fees including attorney's fees as well as the actual cost of the
clean up. The Property Owner shall not record the required right of way or related documents. After
final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall
record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida
Department of Transportation (FDOT), by deed, additional right of way for the construction of a right
turn lane on Boynton Beach Boulevard at both of the project's entrance roads. This right of way shall
be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of
50 feet or as approved by FDOT. Additional width may be required to accommodate paved
shoulders. The right of way shall continue across the project entrance and shall be free and clear of
all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient
documentation, including, at a minimum, sketch and legal description of the area to be conveyed,
copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement
from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed
and one of the following: title report, attorney's opinion of title, title commitment or title insurance
policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the
property being conveyed to FDOT meets all appropriate and applicable environmental agency
requirements. In the event of a determination of contamination which requires remediation or clean
up on the property now owned by the Property Owner, the Property Owner agrees to hold the County
and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to,
all applicable permit fees, engineering or other expert witness fees including attorney's fees as
well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be
consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include
where appropriate, as determined by the County Engineer, additional right of way for Expanded
Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way
directly with FDOT and shall provide evidence to Palm Beach County Land Development Division
once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

6. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach
County sufficient public road drainage easement(s) through the project's internal drainage system, as
required by and approved by the County Engineer, to provide legal positive outfall for runoff from
those segments of Lyons Road and Boynton Beach Boulevard along the property frontage; and a
maximum of an additional 800 feet of each of these adjacent roadway(s). The limits of this additional
800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less
than 20 feet in width. Portions of such system not included within roadways or waterways dedicated
for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement
from the point of origin, to the point of legal positive outfall. The drainage system within the project
shall have sufficient water quality, water quantity and, when necessary, compensating storage
capacity within this project's system as required by all permitting agencies, as well as conveyance
capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the
applicable Drainage District, and the South Florida Water Management District, for the combined
runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the
included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and
the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient
roadway drainage system design. If required and approved by the County Engineer, the Property
Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping
system and appropriate wingwall or other structures as required by and approved by the County
Engineer. Elevation and location of the entire drainage system shall be approved by the County
Engineer. Any and all excess fill material from excavation by Palm Beach County within said
easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

8. Landscape Within the Median of Lyons Road

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering)

9. Landscape Within the Median of Boynton Beach Boulevard

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Boynton Beach Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to
Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Boynton Beach Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT/CO: MONITORING - Engineering)

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

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

   a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
   b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
   c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
   d. Referral to Code Enforcement; and/or
   e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE
1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.
Figure 1 - Land Use Map
Figure 2 - Zoning Map
Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION

Application Name: Cobblestone AGR MUDP
Application Number: ABN/PDD/R-2015-2353
Control Number: 04-34
Atlas Page Number: 89
Date: 8/8/2016
Figure 4 - Preliminary Site Plan dated September 26, 2016
Figure 5 Preliminary Regulating Plan dated September 26, 2016
Figure 6 Preliminary Master Sign Plan dated July 14, 2016
Figure 7 - Country Side Meadows Final Master Plan dated March 24, 2004
DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO:  PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared [name and position of entity or individual], hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [ ] Managing Member [position—e.g., president, partner, trustee] of [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant’s address is: [address]

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual’s or entity’s interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 577, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant’s application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant’s knowledge and belief it is true, correct, and complete.

Disclosure of Beneficial Interest - Applicant form
Page 1 of 4
Revised 06/25/2011
Web Format 2011
FURTHER AFFIANT SAYETH NAUGHT.


Bradley Martin, Affiant

(Print Affiant Name)


The foregoing instrument was acknowledged before me this 16th day of November, 2015, by Brad Martin, who is personally known to me or [ ] who has produced as identification and who did take an oath.

Lauren McClellan, Notary Public

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: __________

Disclosure of Beneficial Interest - Applicant form
Page 2 of 4

Revised 08/25/2011
Web Format 2011
EXHIBIT “A”

PROPERTY

PARCEL 1: TRACT “B”, WEST BOYNTON FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGE 9, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE SOUTH 285.38 FEET OF THE WEST 234.91 FEET OF SAID TRACT B.

PARCEL 2: THE SOUTH 285.38 FEET OF THE WEST 234.91 FEET OF TRACT “B”, WEST BOYNTON FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGE 9, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ABOVE DESCRIBED PARCEL CONTAINS 15.338 ACRES, MORE OR LESS.

Deedure of Beneficial Interest - Applicant form
Page 3 of 4
Revised 05/25/2011
Web Format 2011
EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name          Address

Bobby Mortel  1001 Yamato Road, Suite 301, Boca Raton, FL 33431

50%

Michael Mortel 1001 Yamato Road, Suite 301, Boca Raton, FL 33431

50%

Disclosure of Beneficial Interest - Applicant form  Revised 06/25/2011
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DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared JAMES M. ALDERMAN , hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [X] Director / President [position - e.g., president, partner, trustee] of B & A'S GYPSY TOMATO [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: PO Box 740631...
Boynton Beach, Florida 33474

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual’s or entity’s interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

Disclosure of Beneficial Interest - Ownership form
Page 1 of 4
Revised 08/25/2011
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7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

JAMES M. ALDERMAN, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this ___ day of August ____, 20____, by JAMES M. ALDERMAN, an individual, known to me or [ ] who has produced [ ] as identification and who did take an oath.

JENNIFER L. STRICKLAND
Commission # EE 162766
Expires March 21, 2016
Bonded Thru Troy Fain
Disclosure of Beneficial Interest - Ownership form
Page 2 of 4
Revised 08/25/2011
Web Format 2011
SCHEDULE "A"

The South 400.87 feet of the West 504.91 feet of Tract 111, Block 50, THE PALM BEACH FARMS CO. PLAT NO. 2, as recorded in Plat Book 2, page 49, of the Public Records of Palm Beach County, Florida, less the South 30.00 feet thereof for State Road No. 804 Right of Way.

RECORDER'S MEMO: Liability or warranty, typographical or otherwise unsatisfactory in this document when read.

RECORD VERIFIED
Palm Beach County, FLA.
John B. Dunkle
Clerk Circuit Court
EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual’s or entity’s interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name | Address
--- | ---
50% interest to James M. Alderman, PO Box 740631, Boynton Beach, FL 33474
50% interest to Michael Scott Brown, PO Box 1616, Boynton Beach, Florida 33425

Disclosure of Beneficial Interest - Ownership form
Page 4 of 4
Revised 08/25/2011
Web Format 2011
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared James M. Alderman, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the president of West Boynton Farms, that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is:
   PO Box 740631
   Boynton Beach, Florida 33474

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

James M. Alderman, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this _____ day of August, 2015, by James M. Alderman, [X] who is personally known to me or [ ] who has produced ______________________ as identification and who did take an oath.

Notary Public

(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: ____________

Disclosure of Beneficial Interest - Ownership form
Page 2 of 4

Revised 08/25/2011
Web Format 2011
EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:


PARCEL 2:

## EXHIBIT "B"
### DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual’s or entity’s interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

### Name | Address
--- | ---
50% interest to James M. Alderman, PO Box 740631, Boynton Beach, FL 33474
50% interest to Michael Scott Brown, PO Box 1616, Boynton Beach, FL 33425