

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ABN/DOA-2021-01030
Application Name: Cherry Road Plaza MUPD
Control No./Name: 1977-00041 (Cherry Road Plaza)
Applicant: Cherry Road Storage LLC - Sanjay Patel
Owners: Aatc Realty LLC
 Badcocks Economy Furniture Store Inc & Associates
 Tip Top Car Wash Inc
Agent: Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Brenya Martinez, Site Planner II

TITLE: a Development Order Abandonment **REQUEST:** to abandon Requested Uses to allow Vehicle Sales and Rental and General Repair and Maintenance

TITLE: a Development Order Amendment **REQUEST:** to modify the Site Plan and uses; add square footage; and, modify and delete Conditions of Approvals

APPLICATION SUMMARY: Proposed are a Development Order Abandonment (ABN) and a Development Order Amendment (DOA) for the Cherry Road Plaza Multiple Use Planned Development (MUPD).

The ABN requests to abandon prior Resolutions which approved a Vehicle Sales and Rental and General Repair and Maintenance and a DOA to modify the site plan and uses; add square footage in order to construct two Limited Access Self Storage buildings (D and E, an administrative use approval); and, modify and delete Conditions of Approval.

The Preliminary Site Plan (PSP) indicates an existing 24,250 sq. ft. Vehicle Sales and Rental with General Repair (Building A); a 1,020 sq. ft. Car Wash (Building B) and an existing 18,000 sq. ft. General Retail Use (Building C). Two Limited Access Self Storage Buildings are proposed within Phase I of this Development Order, with a 3-Story 115,350 sq. ft. (Building D) and 47,000 sq. ft. 3-story Building on Phase II (Building E) for a total 162,350 sq. ft. with a total of 273 parking spaces proposed. Two access points from Military Trail and Cherry Road to the existing MUPD are to remain.

As part of the original request, the Applicant requested a Type 2 Variance to relocate foundation plantings for Building E. Following the certification of the project, the Applicant withdrew the request as they are proposing to relocate the Main Entrance towards the south façade of Building E. Thus, complying with code required foundation planting front and side locations.

SITE DATA

Location:	East of Military Trail and north side of Cherry Road
Property Control Numbers:	00-42-43-25-00-000-5030; 00-42-43-25-00-000-5350; 00-42-43-25-00-000-5400; 00-42-43-25-00-000-5040; 00-42-43-25-00-000-5073; 00-42-43-25-00-000-5340; 00-42-43-25-00-000-5410
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)
Existing Zoning District:	General Commercial District (CG)/MUPD
Total Acreage:	9.79- acres
Affected Acreage:	9.79- acres
Tier:	Urban/Suburban
Overlay District:	Westgate/Belvedere Homes Overlay
Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	Pine Ridge - Cherry Lane
Municipalities within 1 Mile:	Haverhill, West Palm Beach
Future Annexation Area:	Haverhill, West Palm Beach
Commissioner District	District 7, Commissioner Mack Bernard

RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): At the March 3, 2022 ZC Hearing, this item was on the Consent Agenda. There was no one from the public to speak on the item. Commissioner Scarborough made motions to approve the request, which were seconded by Commissioner Caliendo. The motions carried by votes of 6-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received nine contacts from the public regarding this application. Seven out of the nine contacts including the adjacent Carwash Property Owner were in opposition as they expressed Traffic, Parking and Overall MUPD vehicular access concerns.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
SE-1977-00041	A Special Exception to allow a Large Scale Community Shopping Center, including an Automotive parts and installation facility.	R-1977-0476	April 28, 1977
SE-1977-00041 (A)	A Special Exception to amend the Site Plan for a Large Scale Community Shopping Center, including an automotive parts and installation facility and to permit a car wash.	R-1989- 0584	January 28, 1988
DOA-1977-00041 (B)	A Development Order Amendment to add square footage, to allow Vehicle Sales and Rental and General Repair and Maintenance.	R-2002-0492	April 4, 2002
ZV/DOA/R-2015-02146	A Development Order Amendment to reconfigure the Site Plan, delete square footage and add two Requested Uses	R-2016- 0827	June 23, 2016
	A Requested Use to allow General Repair and Maintenance.	R-2016-0828	June 23, 2016
	for a Requested Use to allow Vehicle Sales and Rental.	R-2016-0829	June 23, 2016
	A Type II Variance to allow an easement encroachment into a landscape buffer, to eliminate trees in a portion of a Right Way Buffer, to eliminate trees and required hedges within the terminal and interior islands along the east property line, and to eliminate the trees and hedges material in the east buffer.	ZR-2016-0035	June 2, 2016

SURROUNDING LAND USES:**NORTH:**

FLU Designation: Commercial High, with an underlying High Residential HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (AL Packer Ford Lincoln East, Control No 1973-00098)

SOUTH: (across Cherry Road)

FLU Designation: Commercial High, with an underlying High Residential HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (Palm Beach Commons , Control No 1975-00164)

FLU Designation: Commercial High, with an underlying High Residential HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (Service Station and Convenience Store , Control No 1978-00150)

EAST:

FLU Designation: Institutional with underlying Industrial (IND)
Zoning District: Private Ownership (PO)
Supporting: Institutional (PBC Supervisor Of Elections, Control No. 1973-00157)

WEST: (across Military Trail)

FLU Designation: Commercial High, with an underlying High Residential HR-8 (CH/8)
Zoning District: General Commercial (CG)
Supporting: Commercial (South Florida Rax, Inc. Control No. 1979-00147)

FLU Designation: Commercial High, with an underlying High Residential HR-8 (CH/8)
Zoning District: General Commercial (CG)
Supporting: Commercial (Markham, Thomas & Immke, Control No. 1978-00234)

FLU Designation: Commercial High, with an underlying High Residential HR-8 (CH/8)
Zoning District: General Commercial (CG)
Supporting: Commercial (Kreusler, Control No. 1986-00085)

FINDINGS:**Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:**

When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to [Art. 5.G.1, Workforce Housing Program \(WHP\)](#), the BCC or ZC shall utilize the Standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **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.*

PLANNING DIVISION COMMENTS:

○ *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Prior Land Use Amendments:* The site was subject to a prior County Initiated Future Land Use amendment known as, Commercial Categories, (Com. Cat 57e; ORD. 2001-087) which amended the land use from Commercial with an underlying 8 units per acre (C/8) to Commercial High with an underlying 8 units per acre (CH/8) with no conditions.

○ *Intensity:* The maximum Floor Area Ratio (FAR) of 0.85 is allowed for a non-residential project with a CH/8 FLU designation in the Urban Suburban Tier (426,369 surveyed square feet or 9.79 acres x .85 maximum FAR = 361,563.65 square feet maximum). The request for a total of 215,910 sq. ft. equates to a FAR of approximately 0.50 (215,910 / 425,369 surveyed sq. ft. or 9.79 acres = 0.50).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's Urban Redevelopment Area (URA), the Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO) and the Comprehensive Plan's Revitalization, Redevelopment, and Infill Overlay (RRIO). The analysis for each planning area is provided below:

○ *URA & RRIO:* The subject site is located in an area designated, and encouraged by the County, to be redeveloped and revitalized. Therefore, the request to utilize an undeveloped portion of an existing MUPD furthers the objectives of both Overlays.

○ *WCRAO:* The location of the proposed site is in an area designated as commercial within the overlay. A letter dated June 6, 2021, (Exhibit E) below, received from the WCRA recommendation board, stating that the proposed use is consistent with the goals and objectives of the Westgate CRA Community Redevelopment Plan.

- b. **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.*

○ *Overlays:* The site is located within Urban Highway (UH) sub-area of the WCRAO and is subject to the requirements outlined in Art. 3.B.14. WCRAO, Westgate Community Redevelopment Area Overlay. The Applicant has obtained recommendation from the WCRA with the initial submittal of the application as indicated in Exhibit E (WCRAO Approval letter dated June 6, 2021 attached at the end) below. Table 3.B.14.E – WCRAO Sub-area Use Regulations permits the proposed Self-Service Storage, Limited Access use subject to the Supplementary Use Standards of Art. 4.B.2.C.37. The three-story Limited Access structure is permitted to have the proposed use on all floors pursuant to Table 3.B.14.E – WCRAO Sub-area Uses Permitted by Floor (1). The site is located within the Urban Redevelopment Area and is consistent with Per Article 3.B.16.A Urban Redevelopment Area (URAO) purpose and Intent of the code.

○ *Property Development Regulations:* The proposed development is subject to Table 3.E.3.D, MUPD Property Development Regulations (PDR). The property meets Code requirements per Table 3.E.3.D, MUPD Property Development Regulations for minimum lot dimensions. The site exceeds the minimum lot size of 5-acres (9.79-acres provided), 300 ft. of width (800 ft. provided), and 300 ft. of depth (613 ft. provided). Further, as the subject site is a PDD, it has previously been established to meet the minimum frontage requirements outlined in Art. 3.E.1.C.2.a.1., Minimum Frontage.

○ *Design Objectives and Performance Standards:* As the subject site zoned as an MUPD, the project is required to meet the Design Objectives and Performance Standards for a Planned Development District (per Art. 3.E.1.C) and Multiple Use Planned Development (per Art. 3.E.3.B). The Applicant has provided the necessary design features which includes: a continuous pedestrian system throughout the development

connecting parking areas to the building; preservation of existing vegetation; screening of objectionable features; minimizing visual impacts; and, decorative paving to meet the intent of this section of the Code.

○ **Signage:** The Applicant provided a Preliminary Master Sign Plan (PMSP) indicating wall sign allowance for the proposed Limited Self Storage in accordance to Table 8.G.1.A Wall Sign Standards, which will be also subject to Building Permit review to ensure compliance. No changes are proposed for the existing signage for the other existing commercial buildings throughout the site. However, staff will be issuing a Condition of Approval to include all Signage information from the entire MUPD Development on the PMSP and that all proposed wall signs comply with Article 8 wall sign standards as mentioned above.

○ **Architectural Review:** According to the Applicant, the proposed Limited Self Access Storage Buildings D and E will be in compliance with Article 5.C, Design Standards, which requires that all architectural elements are consistent throughout the MUPD. The Applicant has agreed to submit Architectural elevations for review at time of Building Permit.

○ **Parking:** The Applicant is proposing to utilize Table 6.B.1.B – Minimum Parking and Loading Requirements. Parking spaces are provided within the unaffected area. The proposed phase I and II (affected area) development provides a total of 70 parking spaces for a total of 273 for the overall MUPD. This is an increase of 10 parking spaces from what was approved per R-2016-0827.

○ **Landscaping and Buffers:** The current PSP indicates compliance with Article 7 Landscaping requirements. To the north side of the MUPD, is a non-conforming five feet buffer, 20 ft. R-O-W Buffer widths along Military Trail are provided towards its west. To the south, is a 15 ft. R-O-W Buffer towards Cherry Road ± 200 ft. frontage. The east side of the MUPD was subject to previous approvals that eliminated Landscape requirements including trees and hedge planting material along the east 458 ft. of the affected area (proposed development area) and the previous variance allowed over 100% easement overlap in the required Compatibility Buffer. Furthermore, the east eight feet Compatibility Buffer is conforming as variance approvals were granted to eliminate the Canopy trees requirement within the easternmost 23.5 ft. R-O-W Buffer to the north of Cherry Road frontage. The following table (Figure C below) outline the prior zoning variance approvals in further detail.

Figure C: Approved Type 2 Variances

APPROVED TYPE 2 VARIANCES				
ZV/DOA/R-2015-02146, ZR-2016-035				
ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE	APPROVAL DATE/RESOLUTION NO.
Article 7.D.12 Landscaping, General Standards, Landscaping in Easements	Easements may overlap a maximum of 5', provided there remains 5' clear for planting	100% overlap of an easement into the 5' landscape buffer	To allow for a 100% overlap of an easement into a 5' landscape buffer	06/03/2016/ ZR-2016-035
Article 7.F.2.A.1.A Minimum Tree Quantities Right-of-Way Buffers	1 canopy tree per 25 linear feet	No canopy trees within the easternmost 23.5' of the Cherry Road ROW buffer	To eliminate the canopy trees within the easternmost 23.5' of the Cherry Road ROW buffer	06/03/2016/ ZR-2016-036
Article 7.F.2.A.1.B Trees, Shrubs, and Hedges in a Compatibility Buffer	Trees, shrubs, and hedges shall be provided in all perimeter buffers in accordance with the following standards: One canopy tree per 25 lineal feet	No trees and hedges material in the east buffer	To eliminate the trees and hedge material in the east buffer	06/03/2016/ ZR-2016-037
Article 7.G.2.A Landscape Islands	Terminal islands shall have a minimum length of 15 feet and include a minimum of one tree per island	No trees within the terminal landscape islands along the east property line	To eliminate one tree per terminal landscape island	06/03/2016/ ZR-2016-038
Article 7.G.2.B.1.A Interior Landscape Islands	Interior islands shall contain one tree and appropriate ground coverage	No trees and hedges within the interior landscape islands along the east property line	To eliminate one tree and hedges per interior landscape island along the east property line	06/03/2016/ ZR-2016-038

c. 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.*

The request seeks to expand the existing Commercial Uses within an established MUPD Development by adding a 162,350 sq. ft. of Limited Access Self Storage through Phase I and II of the development. The previous Site Plan approved a Bull Pen Storage area; 6,300 sq. ft. General Repair and Maintenance; and, 6,050 Vehicle Sales and Rental Commercial Uses, which was never developed. In addition, the request seeks to delete all conditions associated with Resolutions No. R-2016-0828 (1-13) and R-2016-0829 (1-10), which approved these uses as part of Phase II of the overall MUPD. The proposed amendment is consistent with the surrounding character of the vicinity since the adjacent development consists of Commercial uses to the north, south and west of the development with Institutional uses to the east side of the affected area. Moreover, the proposed addition shall provide sufficient parking to serve the overall MUPD since the parking exceeds the number of parking as further described under Parking Standards above. The proposed Commercial Uses will continue to serve the adjacent Non-residential and Residential Communities.

d. 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.*

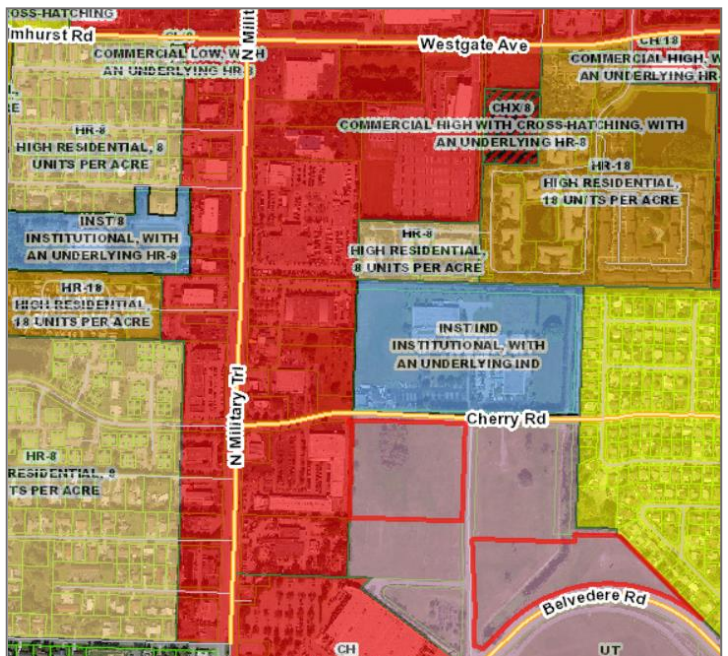
The request seeks to eliminate the previous requested uses that allowed Vehicle Sales and Rental and General Repair and Maintenance. The PSP proposes to reconfigure the site by adding new uses and building sq. ft. within the existing 5.85-acre within the MUPD with no further modifications proposed outside of the affected area. Furthermore, the proposed Location of Building E is adjacent to an existing vehicle sales and rental facility to the north, which is part of the overall MUPD and screened by a six-foot fence. Both Buildings D and E shall comply with the setback requirements per Article 3 MUPD Property Development Regulations and located at over 250 ft. distance from existing residential uses to the northeast corner of the development. Building D is further separated by a 20 ft. R-O-W Buffer and a 60 ft. wide Ultimate R-O-W (Cherry Road) from the existing Commercial uses to the south.

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

- **VEGETATION PROTECTION:** The site currently supports native vegetation species, including pines and sabal palms. There are limited impacts to the native vegetation, which will result in the removal of one pine tree to be mitigated with four native trees to be replanted on the subject parcel.
- **WELLFIELD PROTECTION ZONE:** The property is not located within a Wellfield Protection Zone.
- **IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER:** All new installations of automatic irrigation systems shall be equipped with a water sensing 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.

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

The site is located within a commercial node, which is consistent with the surrounding Commercial, Residential and Institutional uses towards Military Trail and consistent with the Commercial, Institutional, Residential, and Utilities/Transportation development patterns along Cherry Road Corridors. As a result, the request will further support the Commercial uses to the north, south and west of the site, as well as the Residential uses to the west and east Military Trail corridors. Based on the previous site plan approval, the proposed commercial addition is within an existing commercial development and does not propose major modifications to the overall MUPD as mentioned under standard d. above. As such, the proposed site modifications will result in consistent development patterns as the request, seeks to continue an existing commercial use in an already established MUPD.



g. Adequate Public Facilities: *The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

This proposed commercial project is a modification to a previously approved project. The modifications are expected to result in a decrease of 72 net daily trips, a decrease of 6 net AM peak hour trips, and a decrease of 2 net PM peak hour trips. Overall, the modified plan of development will generate a 1,729 net daily trips, 111 net AM peak hour trips, and 151 net PM peak hour trips. The build out of the project is assumed to be by 2025.

Since the project met Traffic Performance Standards (TPS) with its previous approval, the less intense modified plan will continue to meet TPS. No additional conditions of approval are necessary.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

This is a non-residential project, therefore the Parks and Recreation Department ULDC standards do not apply.

- h. Changed Conditions or Circumstances:** *There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification.*

The Applicant proposes to abandon the prior Vehicle Sales and Rental and General Repair and Maintenance uses. The same use is already provided towards the north parcel of the MUPD. Per the Applicant's Justification Statement and the PSP provided, a portion of the site remains vacant as the previous uses were never developed on site. Therefore, the Applicant intends to continue the Commercial Uses allowed within the zoning district by proposing other uses that consist of two Limited Self Storage Buildings D & E which is subject to (DRO) Administrative review.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Staff is recommending approval of the request, subject to the recommended Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C: Development Order Amendment

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-827, Control No.1977-00041, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-0492 , (Control 1977-00041) have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2016-0827, (Control 1977-00041) have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2016-827, Control No.1977-00041, which currently states:

Development of the site is limited to the uses and site design for Phase 1 as approved by the Board of County Commissioners. The approved master plan for the overall site and site plan for Phase 1 are dated April 14, 2016. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site Plan and Preliminary Regulating Plans are dated January 20, 2022 and the Preliminary Master Sign Plan is dated December 13, 2021. All modifications to the Development Order must be approved by the Board of County Commissioners, unless the proposed changes are required to meet Conditions of Approval. (DRO: ZONING - Zoning)

3. Prior to site plan certification, the petitioner shall submit a revised legal description of the property, Phase I and Phase II, inclusive. (DRO: ZONING - Survey) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2016-827, Control No.1977-00041)

ARCHITECTURAL REVIEW

1. At time of submittal for permit review and DRO approval, the architectural elevations for the Building D in Phase 1, shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines per current ULDC Architecture Design Guidelines 5.C. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2016-827, Control No.1977-00041)

ARCHITECTURAL REVIEW-PHASE 2 (THE SOUTHERN 394+ FEET PORTION OF THE MUPD)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2016-827, Control No.1977-00041, which currently states:

In order to avoid an incompatible appearance upon adjacent residential areas, the rear facade of the Planned Commercial Development shall be given architectural treatment consistent with the front of the center. (BLDGPMPT: ZONING - Zoning)

Is hereby deleted. [REASON: Applicant to comply with Article 5.C. Design Guidelines.]

BUILDING AND SITE DESIGN-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

1. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes for Phase 1 shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (ONGOING: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2016-827, Control No.1977-00041)

2. Prior to final DRO approval of the site plan for Phase 1, the petitioner shall provide and meet parking calculation for the entire MUPD. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2016-827, Control No.1977-00041)

3. Parking spaces for Phase 1 (adjacent to the north property line) which are located on the LWDD easement may count towards the required parking per the Parking, Piping and Paving Agreement between the Property Owner/ Petitioner and the LWDD. Should this agreement terminate or become invalid, the petitioner shall comply with the development regulations for parking. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2016-827, Control No.1977-00041)

BUILDING AND SITE DESIGN-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

4. Display areas located on both sides of the access driveway shall be setback approximately fifty (50) feet from the southern edge of the right-of-way (west property line) buffer. Applicable to Phase 1 only. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2016-827, Control No.1977-00041)

BUILDING AND SITE DESIGN-PHASE 2 (THE SOUTHERN 394+ FEET PORTION OF THE MUPD)

5. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (ONGOING: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2016-827, Control No.1977-00041)

BUILDING-SOUTH FACADE OF BUILDING E

1. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to label the Main Entrance towards the south facade of the proposed Building E. (DRO: ZONING - Zoning)

ENGINEERING

1. Within ninety (90) days of the Special Exception approval the Developer shall convey to Palm Beach County the additional right-of-way required to provide sixty (60) feet from the center-line for the ultimate right of way for Military Trail (S.R. 809). (DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2016-827, Control No.1977-00041)

2. Developer shall provide a left turn lane at the North approach on Military Trail into the Shopping Center entrance. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2016-827, Control No.1977-00041)

3. Condition E-3 deleted by Resolution R-2016-827. (Previous ENGINEERING Condition 3 of Resolution R-2016-827, Control No.1977-00041)

4. Condition E-4 deleted by Resolution R-2016-827 (Previous ENGINEERING Condition 4 of Resolution R-2016-827, Control No.1977-00041)

5. Condition E-5 deleted by Resolution R-2002-0492. (Previous ENGINEERING Condition 5 of Resolution R-2016-827, Control No.1977-00041)

6. Developer shall align Cherry Road entrance with the approved entrances for Pebb Enterprises Shopping Center on the south side of Cherry Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2016-827, Control No.1977-00041)

7. Developer shall redesign the site plan to accommodate the Cherry Road entrance relocation. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2016-827, Control No.1977-00041)

8. Developer shall provide necessary intersection improvements including signing for dual left turn at the east approach on Cherry Road at the intersection with Military Trail when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2016-827, Control No.1977-00041)

9. Condition E-9 deleted by Resolution R-2016-827. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2016-827, Control No.1977-00041)

10. Condition E-10 deleted by Resolution R-2002-0492. (Previous ENGINEERING Condition 10 of Resolution R-2016-827, Control No.1977-00041)

11. Condition E-11 deleted by Resolution R-2002-0492. (Previous ENGINEERING Condition 11 of Resolution R-2016-827, Control No.1977-00041)

12. Condition E-12 deleted by Resolution R-2002-0492. (Previous ENGINEERING Condition 12 of Resolution R-2016-827, Control No.1977-00041)

13. Condition E-13 deleted by Resolution R-2002-0492. (Previous ENGINEERING Condition 13 of Resolution R-2016-827, Control No.1977-00041)

14. Prior to October 1, 2002 the Developer of the Greater Yamaha of Palm Beach shall contribute the amount of \$7,245.00 to be used toward the construction of the side by side left turn lane on Cherry Road identified above. This money shall be provided to the County Engineer in the form of a Cash Bond. This cash bond shall then be made available to the Developer of the 34600 square foot auto center at the time of the construction of the required side by side left turn lane. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2016-827, Control No.1977-00041)

15. Previous ENGINEERING Condition 15 of Resolution R-2016-827, Control No.1977-00041, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

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

16. Prior to issuance of the first building permit, the Property Owner shall reconfigure the entire boundary of the MUPD, plus any residual parcels, into lots of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2016-827, Control No.1977-00041)

17. Prior to DRO approval, the Property Owner shall provide an updated drainage statement that clearly describes the point of legal positive outfall for the MUPD. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2016-827, Control No.1977-00041)

18. Prior to DRO approval, the Property Owner shall revise the site plan to show a five (5) foot wide utility easement along Cherry Road within the Badcock property. (DRO: MONITORING - Engineering) (Previous ENGINEERING Condition 18 of Resolution R-2016-827, Control No.1977-00041)

19. Previous ENGINEERING Condition 19 of Resolution R-2016-827, Control No.1977-00041, which currently states:

Prior to the issuance of a Building Permit, the Property Owner shall obtain an onsite Drainage Review from the Palm Beach County Engineering Department, Permit Section. The drainage system shall be designed so the fenced in area shall be upstream of the master drainage system. Other areas within the MUPD but outside of the fenced in area shall not drain through the fenced in area. (BLDGPM: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer required]

20. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

HEALTH

1. Owners and operators of facilities that generate industrial, hazardous, or toxic wastes shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department and the agency responsible for sewage works is used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2016-827, Control No.1977-00041)

2. Since sewer service is available to the property, an onsite sewage treatment and disposal system shall not be approved for use on said property. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2016-827, Control No.1977-00041)

3. Since water service is available to the property, a potable water well shall not be approved for use on said property. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2016-827, Control No.1977-00041)

4. Any toxic or hazardous waste, which may be generated at this site, for Phase I and Phase II, shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2016-827, Control No.1977-00041)

5. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 5 of Resolution R-2016-827, Control No.1977-00041)

LANDSCAPE - INTERIOR-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

1. Foundation planting or grade level planters shall be provided adjacent to the south of the proposed Building E and consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2016-827, Control No.1977-00041)

2. Along both sides of the main access driveway, a planting strip of a minimum of 100 feet in length shall be provided and with the following planting treatment:

- a. a minimum of five (5) palms (Royal or Medjool); and,
- b. a minimum of five (5) flowering trees. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2016-827, Control No.1977-00041)

LANDSCAPE - PERIMETER- ALONG THE NORTH 105 FEET OF THE EAST PROPERTY LINE (ABUTTING KINGS ACADEMY) PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

3. A minimum of five (5) foot wide compatibility landscape buffer shall be provided along the remaining 105 feet portion of the site to the north. (ONGOING: ZONING - Zoning) [Note:

COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2016-827, Control No.1977-00041)

LANDSCAPE - PERIMETER ALONG THE REMAINING PORTION OF THE EAST PROPERTY LINE (ABUTTING KINGS ACADEMY) (THE NORTHERN 280 FEET PORTION OF THE MUPD)

4. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the remaining portion of the east property line and/or any portion of the site where existing vegetation may affect the proposed landscaping. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2016-827, Control No.1977-00041)

5. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2016-827, Control No.1977-00041)

LANDSCAPE - PERIMETER- ALONG THE WEST PROPERTY LINE (FRONTAGE MILITARY TRAIL) PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

6. Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) native canopy tree planted for each thirty (30) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- f. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation.
- g. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2016-827, Control No.1977-00041)

LANDSCAPE - STANDARD-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

7. Trees to be planted in the right-of-way buffer shall be native canopy trees and shall meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length;
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 7 of Resolution R-2016-827, Control No.1977-00041)

8. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 8 of Resolution R-2016-827, Control No.1977-00041)

9. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern, except for the five-(5) foot wide compatibility buffer. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 9 of Resolution R-2016-827, Control No.1977-00041)

10. All shrubs shall be planted in overlapping, continuous masses, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- a. eighteen (18) to twenty-four (24) inches -small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub; and
- c. forty-eight (48) inches - large shrub. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 10 of Resolution R-2016-827, Control No.1977-00041)

LANDSCAPE - STANDARD-PHASE 2 (THE SOUTHERN 394+ FEET PORTION OF THE MUPD)

11. All sabal palms shall be preserved or relocated on site. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 11 of Resolution R-2016-827, Control No.1977-00041)

12. Additional trees planted to supplement existing and relocated trees shall be native species. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 12 of Resolution R-2016-827, Control No.1977-00041)

13. Petitioner shall install ten (10) foot to twelve (12) foot canopy trees within the perimeter landscape strip. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 13 of Resolution R-2016-827, Control No.1977-00041)

LIGHTING-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2016-827, Control No.1977-00041)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2016-827, Control No.1977-00041)

3. All outdoor lighting shall be extinguished no later than 11 :00 p.m. excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2016-827, Control No.1977-00041)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2016-827, Control No.1977-00041)

PLANNED DEVELOPMENT-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

1. To ensure consistency with the site plan dated January 14, 2002 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage for Phase 1 or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered except to comply with a condition of approval. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2016-827, Control No.1977-00041)

SIGNS-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

1. Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - 100 square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only;
- e. location - forty-five (45) feet north of the access drive. Distance shall be measured from the centerline of the access drive;
- f. signs shall be limited to identification of tenants only. (BLDG/PMT/DRO: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2016-827, Control No.1977-00041)

SIGNS-MULTIPLE USE PLANNED UNIT DEVELOPMENT (SIGNAGE)

1. Prior to DRO Final Approval, the Final Master Sign Plan shall be updated to include all signage within the overall MUPD. (DRO: ZONING - Zoning)

SIGNS-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

2. Wall signs shall be limited to north, south and west facades of the building and individual lettering size shall be limited to thirty-six (36) inches high for the west facade, and thirty (30) inches for the north and south facades. Wall signs shall be limited to only identification of tenants only. (BLDG/PMT/DRO: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-2016-827, Control No.1977-00041)

SITE DESIGN-BUILDINGS D AND E- PHASING

1. Prior to DRO Approval, the Site Plan shall be revised to label the proposed Building D as Phase 3 and label Building E as Phase 4. (DRO: ZONING - Zoning)

USE LIMITATIONS-PHASE 1 AND 2

1. The furniture store located on the southern 5.90 acres shall not be changed to another use which requires more parking spaces, without an amendment to the Special Exception through the Board of County Commissioners. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2016-827, Control No.1977-00041)

USE LIMITATIONS- PHASE I (THE NORTHERN 280 FEET PORTION OF THE MUPD)

1. Total gross floor area shall be limited to a maximum of 40,970 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (Applicable to Phase 1 only) (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2016-827, Control No.1977-00041)

USE LIMITATIONS-PHASES 1 AND 2

2. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 AM. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2016-827, Control No.1977-00041)

3. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2016-827, Control No.1977-00041)

4. No off-premises, or billboard-style, signs shall be permitted on the site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2016-827, Control No.1977-00041)

VEHICLE SALES OR RENTAL-PHASE 1 (THE NORTHERN 280 FEET PORTION OF THE MUPD)

1. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: ZONING - Zoning) (Previous VEHICLE SALES OR RENTAL Condition 1 of Resolution R-2016-827, Control No.1977-00041)

2. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (ONGOING: ZONING - Zoning) (Previous VEHICLE SALES OR RENTAL Condition 2 of Resolution R-2016-827, Control No.1977-00041)

3. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: ZONING - Zoning) (Previous VEHICLE SALES OR RENTAL Condition 3 of Resolution R-2016-827, Control No.1977-00041)

4. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: ZONING - Zoning) (Previous VEHICLE SALES OR RENTAL Condition 4 of Resolution R-2016-827, Control No.1977-00041)

5. There shall be no outdoor repair of vehicles on site. (ONGOING: ZONING - Zoning) (Previous VEHICLE SALES OR RENTAL Condition 5 of Resolution R-2016-827, Control No.1977-00041)

6. All parking spaces required for employee and customer parking shall be identified by appropriate signage and separated from display and inventory and storage spaces. (ONGOING: ZONING - Zoning) (Previous VEHICLE SALES OR RENTAL Condition 6 of Resolution R-2016-827, Control No.1977-00041)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Figure 1 - Land Use Map

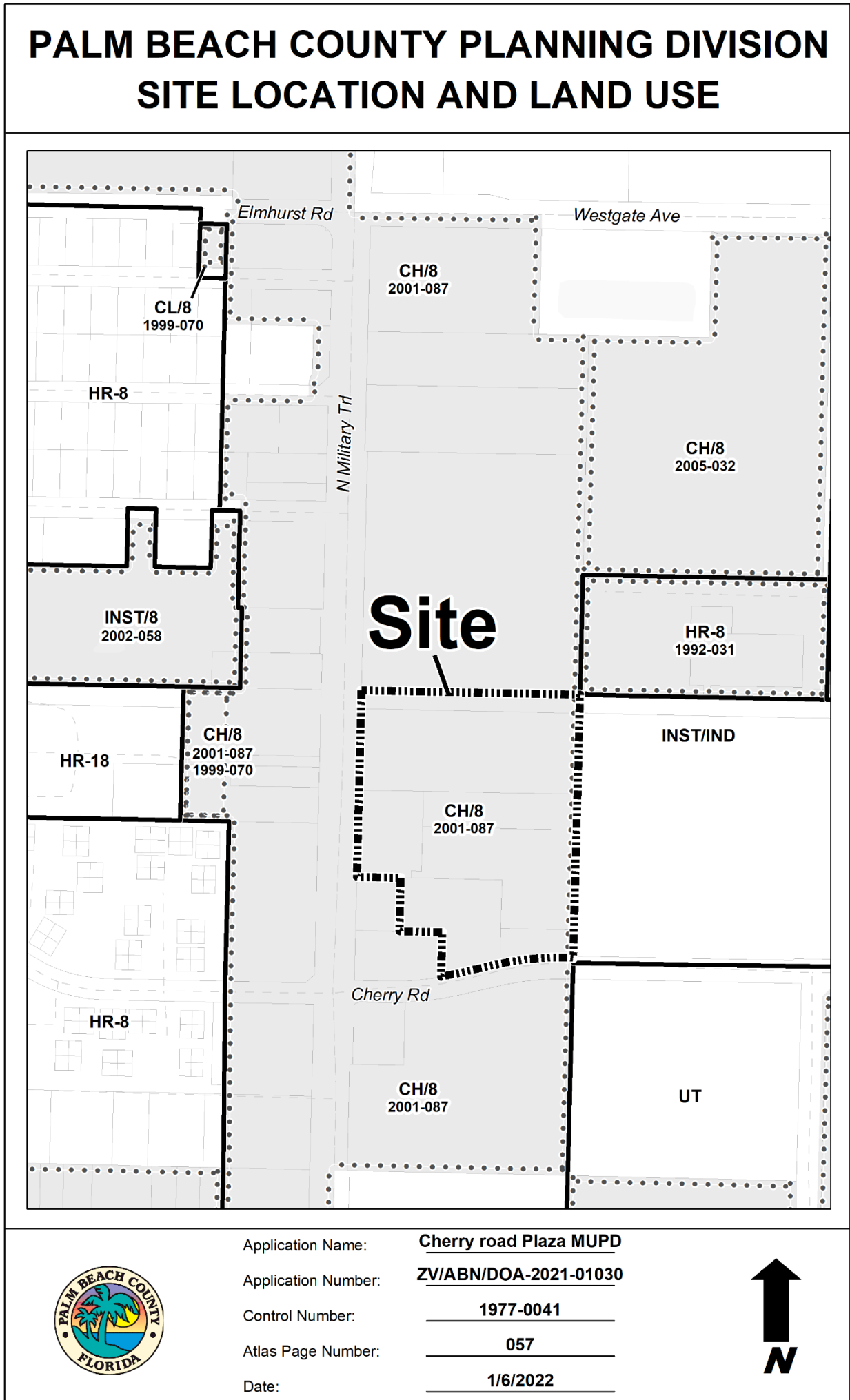


Figure 2 - Zoning Map

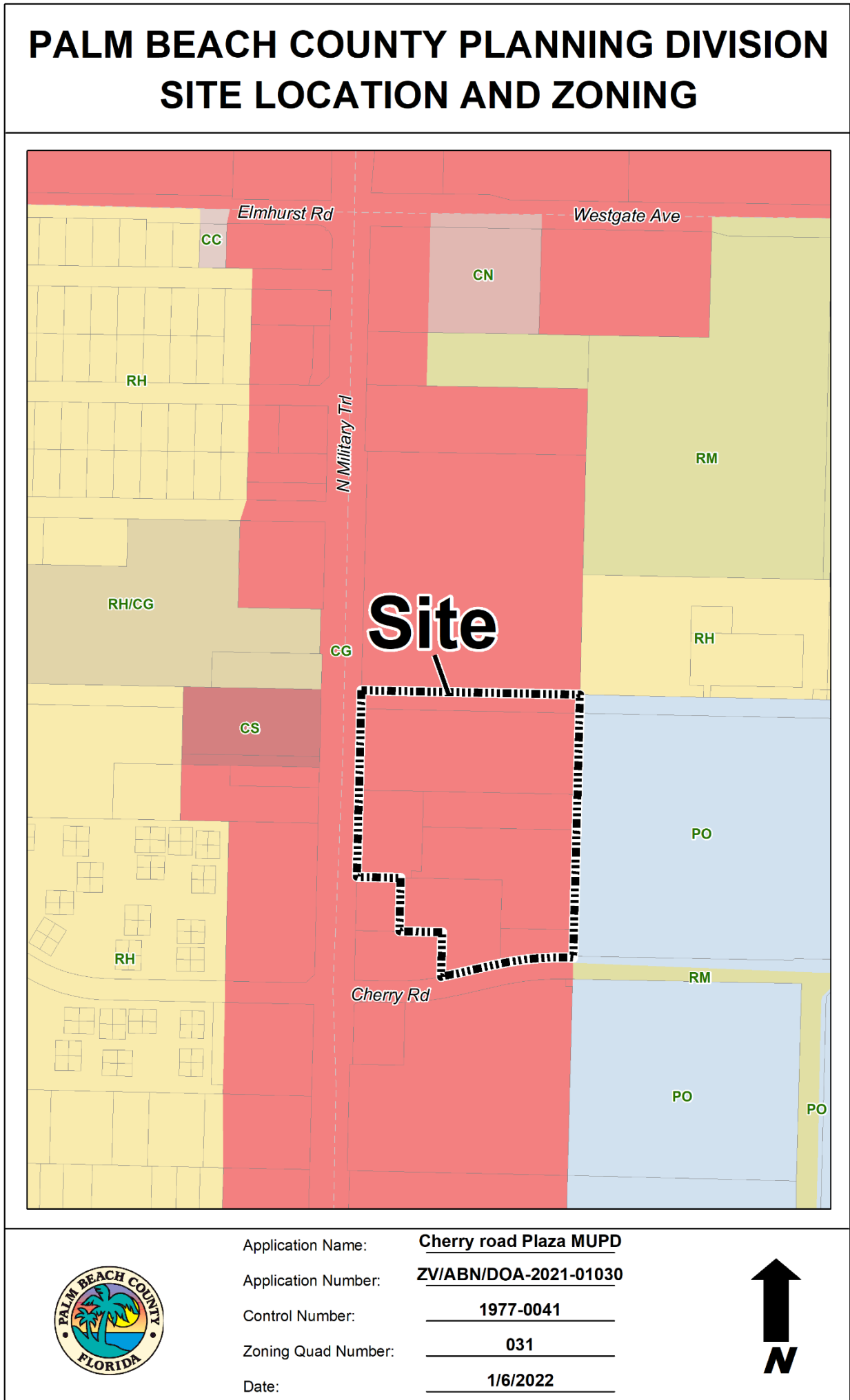
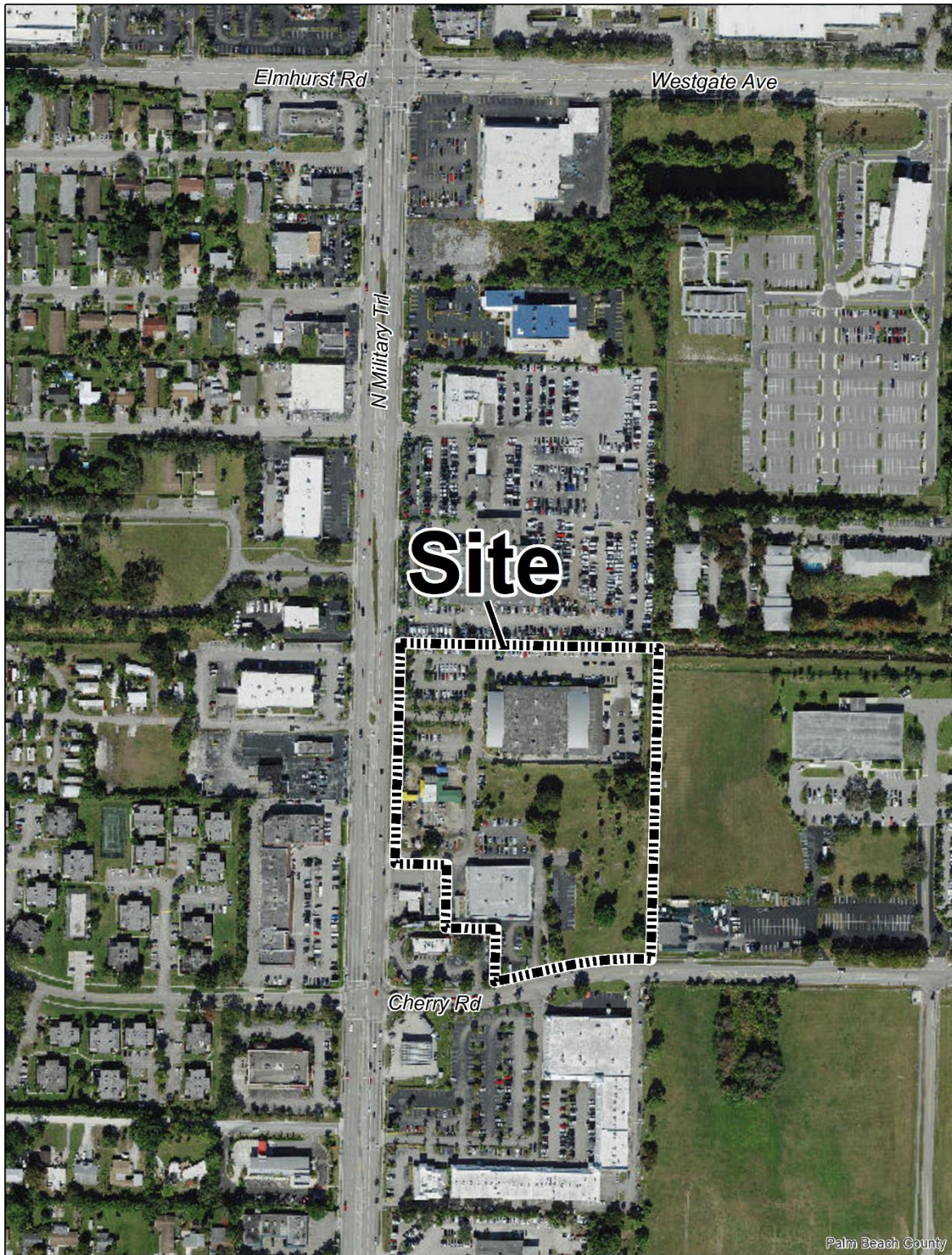


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name: Cherry road Plaza MUPD
Application Number: ZV/ABN/DOA-2021-01030
Control Number: 1977-0041
Atlas Page Number: 057
Date: 1/6/2022

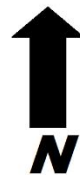


Figure 4 – Preliminary Site Plan (PSP-1) dated January 20, 2022



Cherry Road Plaza MUPD

Palm Beach County, Florida

Date:	05/01/21
Scale:	1" = 50' ±
Design By:	AN
Drawn By:	CWP
Checked By:	AN
File No.:	1025.01
Job No.:	212-4

REVISIONS / SUBMISSIONS
10/21/21 REVISION 01
09/13/21 REVISION 02
10/21/21 REVISION 03
11/08/21 REVISION 04
12/13/21 REVISION 05
01/27/22 REVISION 06 (REV. 07-18)

Preliminary Site Plan Overall PSP

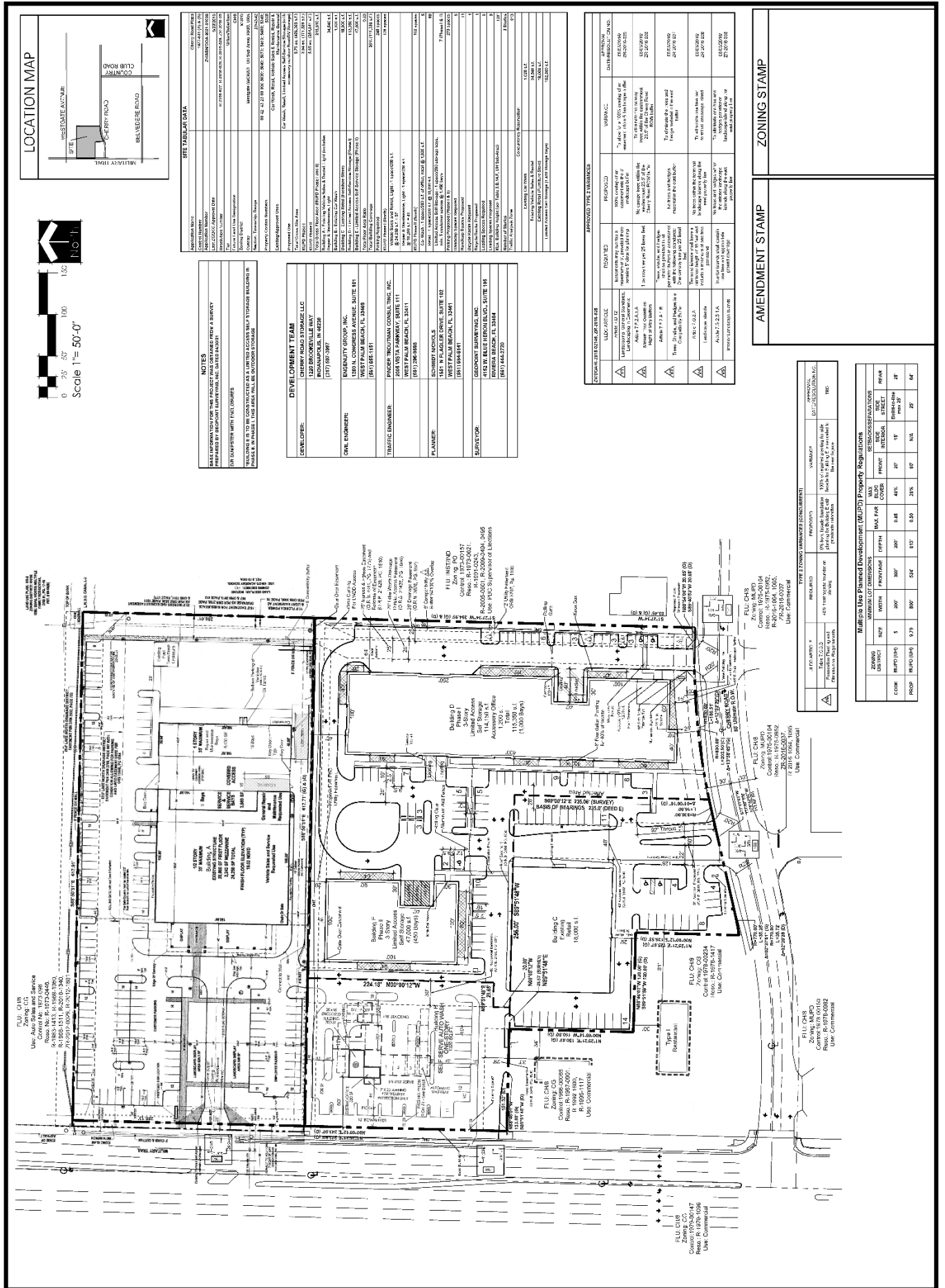


Figure 5 – Preliminary Regulating Plan (PRP- 1 of 4) dated January 20, 2022



Cherry Road Plaza MUPD
 Palm Beach County, Florida

Date: 05/07/21
 Scale: 1" = 40'-0"
 Design By: JAN
 Drawn By: CWP
 Checked By: JAN
 File No.: 1025.07
 Job No.: 21-14

REVISIONS / SUBMISSIONS

05/07/21	303/03/2021
06/15/21	303/03/2021
10/12/21	303/03/2021
11/09/21	303/03/2021
12/15/21	303/03/2021
1/27/22	303/03/2021
01/27/22	303/03/2021

Preliminary Regulating Plan Development Phase I
 PRP-1 of 4

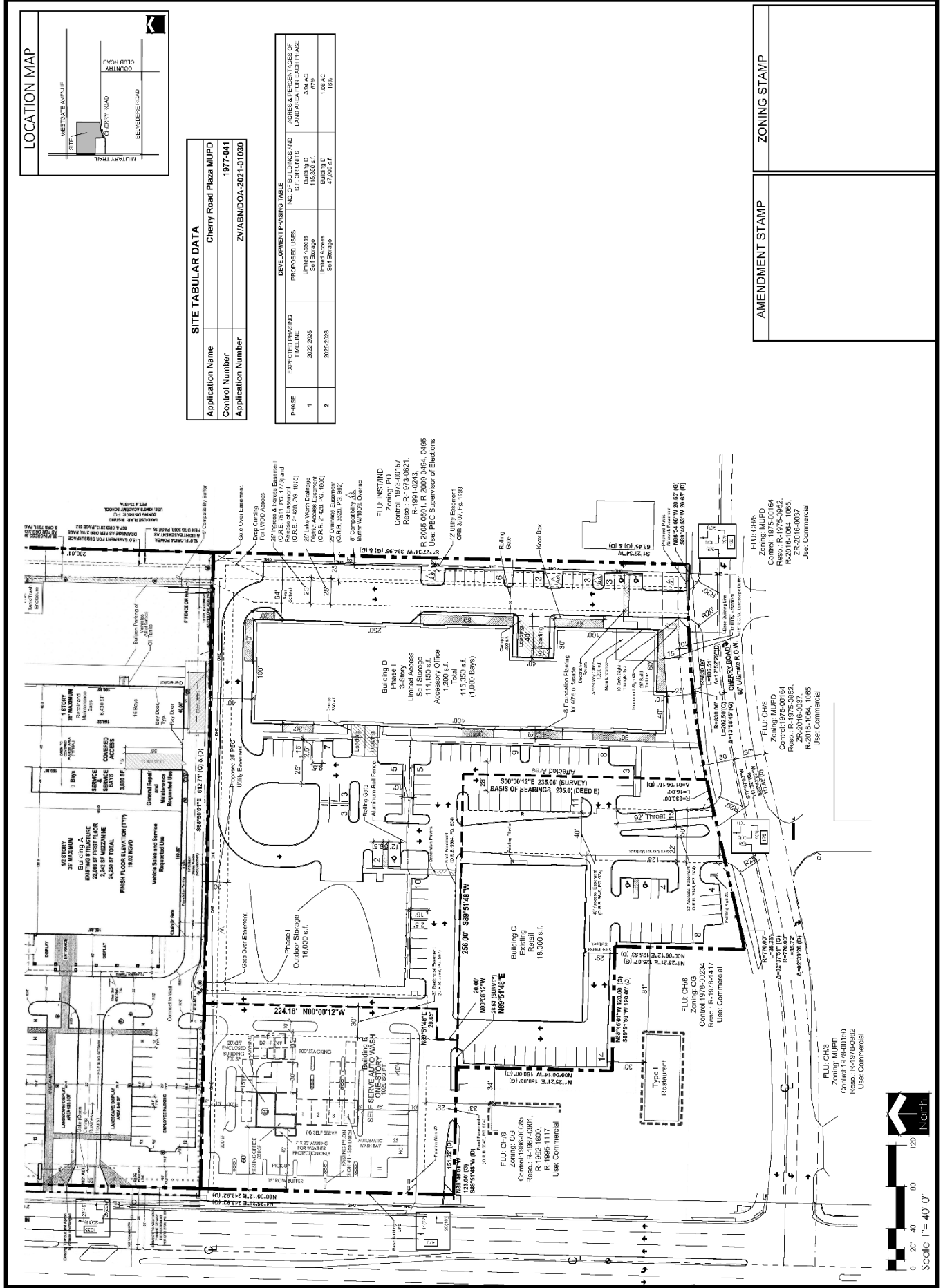


Figure 8— Preliminary Regulating Plan (PRP- 4 of 4), dated December 23, 2021

SCHMIDT NICHOLS
LANDSCAPE ARCHITECTURE
AND URBAN PLANNING

1551 N. Shogren Dr. Ste. 102
West Palm Beach, FL 33411
Phone: (561) 885-0141
Fax: (561) 885-0142
Website: www.schmidtnichols.com
License No.: LC2500032

Palm Beach County, Florida

Cherry Road Plaza MUPD

Date: 04/08/21
Scale: NTS
Design by: MTD
Reviewed by: MTD
Checked by: JLD
File No.: 002531
Job No.: 2114

REVISIONS / SUBMISSIONS

04/23/21	Submittal
10/27/21	Resubmit
11/27/21	Resubmit

PRELIMINARY REGULATING PLAN VEGETATION DISPOSITION

PRP-4 of 4

SITE TABULAR DATA
Cherry Road Plaza MUPD
Contract Number: 1877-541
Application Number: ZWBINDO-2021-01030

TREE PROTECTION DETAIL

TREE LOG

Category	Description	Quantity
a	Total existing vegetation on the proposed site (logged)	91
b	Total existing vegetation to be removed	4
c	Total existing vegetation to be relocated	89
d	Total trees to be relocated	1
e	Total proposed vegetation to be replaced per 1:1 ratio	4
f	Total proposed vegetation to be replaced per 1:1.5 ratio (P.O.G.)	109
g	Total proposed vegetation to be replaced per 1:2 ratio (P.O.G.)	176

ERM MITIGATION

Species of trees to be replaced:

Species	Quantity	Shrub	Shrub
1. 3" - 4" DBH	1	0	0
2. 4.5" - 5.4" DBH	3	0	0
3. 5.5" - 6.4" DBH	5	0	0
4. 6.5" - 7.4" DBH	4	1	4
5. 7.5" - 8.4" DBH	6	0	0
6. 8.5" - 9.4" DBH	9	0	0
7. 9.5" - 10.4" DBH	7	0	0
8. 10.5" - 11.4" DBH	5	0	0
9. 11.5" - 12.4" DBH	2	0	0
10. 12.5" - 13.4" DBH	1	0	0
11. 13.5" - 14.4" DBH	1	0	0
12. 14.5" - 15.4" DBH	1	0	0
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76. 78.5" - 79.4" DBH	1	0	0
77. 79.5" - 80.4" DBH	1	0	0
78. 80.5" - 81.4" DBH	1	0	0
79. 81.5" - 82.4" DBH	1	0	0
80. 82.5" - 83.4" DBH	1	0	0
81. 83.5" - 84.4" DBH	1	0	0
82. 84.5" - 85.4" DBH	1	0	0
83. 85.5" - 86.4" DBH	1	0	0
84. 86.5" - 87.4" DBH	1	0	0
85. 87.5" - 88.4" DBH	1	0	0
86. 88.5" - 89.4" DBH	1	0	0
87. 89.5" - 90.4" DBH	1	0	0
88. 90.5" - 91.4" DBH	1	0	0
89. 91.5" - 92.4" DBH	1	0	0
90. 92.5" - 93.4" DBH	1	0	0
91. 93.5" - 94.4" DBH	1	0	0
92. 94.5" - 95.4" DBH	1	0	0
93. 95.5" - 96.4" DBH	1	0	0
94. 96.5" - 97.4" DBH	1	0	0
95. 97.5" - 98.4" DBH	1	0	0
96. 98.5" - 99.4" DBH	1	0	0
97. 99.5" - 100.4" DBH	1	0	0
98. 100.5" - 101.4" DBH	1	0	0
99. 101.5" - 102.4" DBH	1	0	0
100. 102.5" - 103.4" DBH	1	0	0

TREE PROTECTION DETAIL

PALM RELOCATION DETAIL

TREE RELOCATION DETAIL

VEGETATION NOTES

1. Tree protection shall be installed and in place prior to any other construction activity on the site. The construction barrier shall remain in place until the tree has been relocated or removed.
2. All trees to be relocated shall be marked with a red flag and a red tag. The tag shall indicate the tree's species, size, and location. The tag shall also indicate the tree's relocation date and the name of the contractor responsible for the relocation.
3. All trees to be removed shall be marked with a red flag and a red tag. The tag shall indicate the tree's species, size, and location. The tag shall also indicate the tree's removal date and the name of the contractor responsible for the removal.
4. All relocated trees and palms shall be watered and mulched in accordance with the following specifications:
 - a. Water: 1.5 inches of water per week, applied in three equalings.
 - b. Mulch: 2 inches of organic mulch, applied in a 12-foot diameter zone around the tree.
5. All relocated trees and palms shall be inspected and reported to the contractor within 30 days of relocation.
6. All relocated trees and palms shall be inspected and reported to the contractor within 30 days of relocation.
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TREE SUMMARY

Category	Quantity
Planned Trees	4
Relocated Trees	89
Removed Trees	11

AMENDMENT STAMP

ZONING STAMP

FOR DWF SIGNATURE LOCATED ON PRP
 FILE NO. 002531
 JOB NO. 2114

TREE TABULAR CHART

TAG #	TREE SPECIES COMMON	TREE SPECIES (BOTANICAL)	SIZE	BRN. TRN.	ZONING TRN.	DISPOSITION	BRN. TRN.	ZONING TRN.	CHRB. TRN.	NOTES
1	Ficus	Ficus	18'	Yes	Remove	N/A	4	N/A	N/A	Non-Indic. Ficus
2	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
3	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
4	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
5	Ficus	Ficus	8'	Yes	Remove	N/A	8	N/A	N/A	Non-Indic. Ficus
6	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
7	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
8	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
9	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
10	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
11	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
12	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
13	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
14	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
15	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
16	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
17	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
18	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
19	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
20	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
21	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
22	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
23	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A	0.3	0.3	Barriacade tree
24	Shale Palm	Sabal palmetto	8'-11'	Yes	Relocate	N/A	N/A			

Figure 9– Preliminary Master Sign Plan (PMSP -1), dated December 23, 2021



**Cherry Road
Plaza MUPD**
Palm Beach County, Florida

Date: 06/07/21
Scale: N.T.S.
Design By: JAV
Drawn By: CWP
Checked By: JAV
File No.: 202101
Job No.: 71141

REVISIONS / SUBMISSIONS

06/23/21	Revised
06/23/21	Revised
06/23/21	Revised
06/23/21	Revised
06/23/21	Revised
06/23/21	Revised
06/23/21	Revised
06/23/21	Revised
06/23/21	Revised
06/23/21	Revised

Preliminary
Master
Sign Plan
PMSP

EXISTING SIGN DETAIL #1

Notes:
Tag No.: 31529 (Sign - Freestanding - Non-Billboard)
Approval Date - 06/19/1986

Front/Rear View

EXISTING SIGN DETAIL #2

Notes:
Tag No.: 37751 (Sign - Freestanding - Non-Billboard)
Approval Date - 06/12/1992

Front/Rear View

EXISTING SIGN DETAIL #3

Notes:
Tag No.: 26944 (Sign - Freestanding - Non-Billboard)
Approval Date - 05/04/1982

Front/Rear View

FREESTANDING SIGN DETAIL #4

Notes:
• Max Ht. of Sign (to top of Sign) (See Note 1)
• Sign Area (See Note 2)
• 3" rounded on flagging

Front/Rear View Side View Plan View N.T.S.

Street Name/Sign of Frontage	Max. No. per Project Frontage	Max. Sign Area (1.0 sq. ft. per linear ft. of sign face)		Max. Sign Height (ft)		Min. Setback		Min. Separation	
		Allowed	Proposed	Allowed	Proposed	Allowed	Proposed	Allowed	Proposed
Cherry Road	3	200 s.f.	200 s.f.	8'	8'	5'	11'	50'	240'

Freestanding Signs in US Tier

Street Name/Sign of Frontage	Self Service Storage Phase I Building		Self Service Storage Phase II Building	
	W1 (E Facade)	W2 (S Facade)	W3 (W Facade)	W5 (W Facade)
Cherry Road	N/A	100 s.f.	N/A	N/A
	200'	N/A	200 s.f.	80 s.f.
	N/A	N/A	N/A	N/A
	24 in.	24 in.	24 in.	24 in.
	6 in.	6 in.	6 in.	6 in.
	6 in.	6 in.	6 in.	6 in.

Urban/Suburban Tier

ULDC Requirements per Table 6.C.1.A - Wall Sign Standards

Standard	Self Service Storage Phase I Building		Self Service Storage Phase II Building	
	W1 (E Facade)	W2 (S Facade)	W3 (W Facade)	W5 (W Facade)
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	N/A	100 s.f.	N/A	N/A
0.5 s.f. along any one side of the building remaining sides of the building or 0.25 s.f. for walls adjacent to adjacent residential district or use	200'	N/A	200 s.f.	80 s.f.
Minimum wall sign per tenant space	N/A	N/A	N/A	N/A
Minimum Horizontal and Vertical Separation between Signs	N/A	N/A	N/A	N/A
Maximum Projections from Surface of the building	24 in.	24 in.	24 in.	24 in.
Minimum Vertical Separation between Sign and Floor Line	6 in.	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Road Edge	6 in.	6 in.	6 in.	6 in.

PH I Building "D" Elevation Diagram

East 100'
South 400'
West 400'

PH II Building "E" Elevation Diagram

South 100'
West 160'

AMENDMENT STAMP	ZONING STAMP

SITE TABULAR DATA	
Application Name	Cherry Road Plaza MUPD
Control Number	1977-041
Application Number	ZV/ABNDOA-2021-01030

Board of County Commissioners
Application No. ABN/DOA-2021-01030

March 24, 2022

Page 23
Cherry Road Plaza MUPD

Figure 13 – Final Regulating Plan (FRP) dated October 11, 2016



Jon T. Schmidt and Associates, Inc.
 7247 Palm Beach Lakes Blvd., Ste. 10
 West Palm Beach, Florida 33409
 Tel: 561-833-8888
 Email: jon@schmidtassociates.com
 Website: www.jtsa.com
 BCP-15, No. 1-C-060824

Cherry Road Plaza MUPD

Palm Beach County, Florida

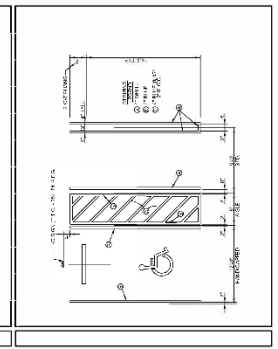
Date: 10/27/15
 Scale: N.T.S.
 Design By: JAN
 Drawn By: City
 Checked By: JBE
 Date: 10/01/15
 Job No: 15-48

REVISIONS / SUBMISSIONS	
01/27/15	AS SUBMITTED
02/27/15	AS SUBMITTED
03/27/15	AS SUBMITTED
04/27/15	AS SUBMITTED
05/27/15	AS SUBMITTED
06/27/15	AS SUBMITTED
10/27/15	AS SUBMITTED

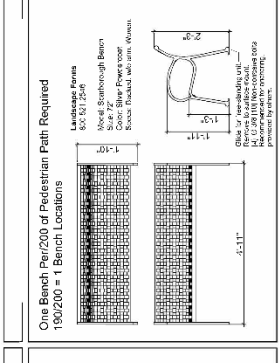
**Final
 Regulating
 Plan**

FRP-1 of 1

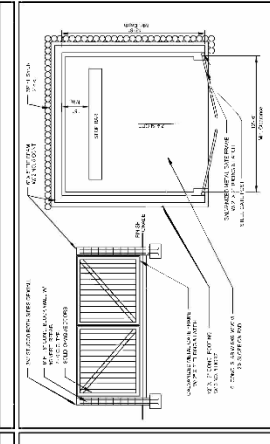
Parking and Striping



Bench Detail



Dumpster Detail

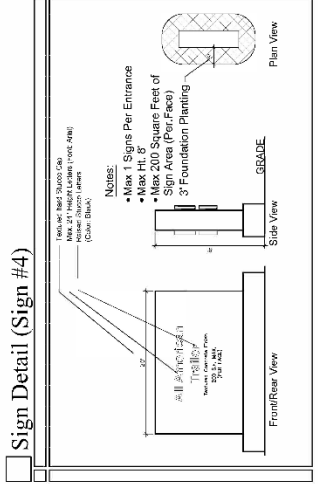


Amendment Stamp

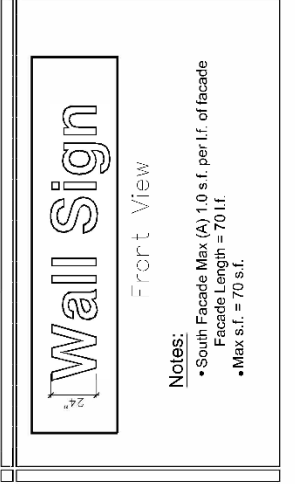
Zoning Stamp

PROJECT #: 05000-202
 CONTROL #: 1977-00041
 APPLICATION#: DRG-2016-01244
 RESOLUTION#: ZR-2015-0035
 R-2015-0827; R-2016-0828;
 R-2016-0829
 EXHIBIT #: 54
 SUPERCEDES EXH#: 51
 DATE APPROVED: 10/11/2016
 PROJECT MANAGER: Carlos A. Torres

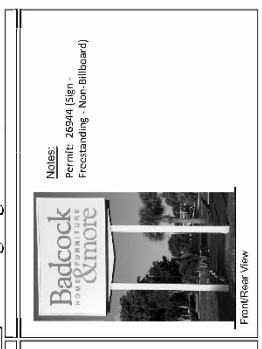
Master Sign Program



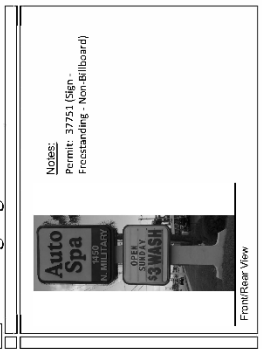
Wall Sign Detail



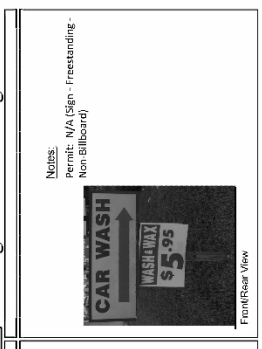
Existing Sign Detail



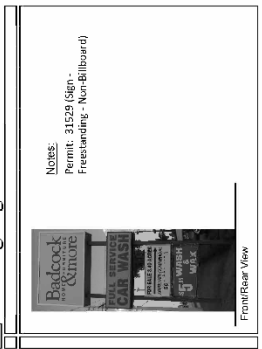
Existing Sign Detail



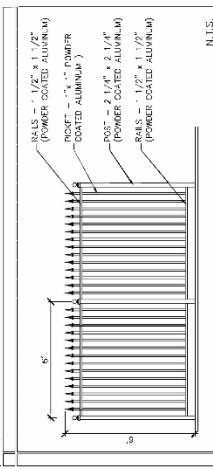
Existing Directional Sign Detail



Existing Sign Detail



6' Decorative Aluminum Fence Detail



Bike Rack Detail

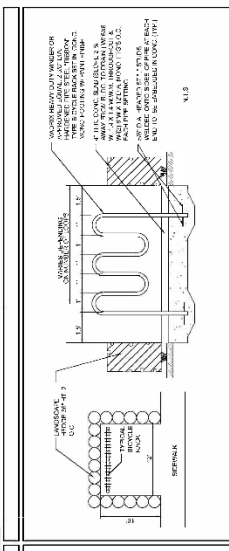


Exhibit D – Disclosure of Ownership (Owner)

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 Christopher Lago, 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 MGRM _____ [position - e.g., president, partner, trustee] of AATC Realty, LLC [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: 3405 S. Lake Drive, Boynton Beach, FL 33435

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.

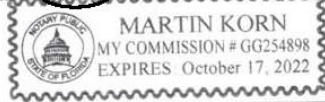
FURTHER AFFIANT SAYETH NAUGHT.

[Signature]
Christopher Lago, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 7th day of June, 2021 by Christopher Lago (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did not take an oath (circle correct response).



(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP

EXHIBIT "A"**PROPERTY**

PARCEL 1 (A):

BEING A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25; THENCE SOUTH 0° 02' 33" WEST ALONG THE EASTERLY LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), 63.45 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD; THENCE SOUTH 89° 40' 53" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD 20.65 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE AND THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 830.0 FEET AND A CENTRAL ANGLE OF 12° 52' 29", A DISTANCE OF 186.51 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 830.0 FEET AND A CENTRAL ANGLE OF 1° 06' 16", A DISTANCE OF 16.0 FEET TO A POINT OF TANGENCY; THENCE SOUTH 75° 42' 02" WEST, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF CHERRY ROAD, 117.62 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD AND THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 770.0 FEET AND A CENTRAL ANGLE OF 2° 39' 28", A DISTANCE OF 35.72 FEET; THENCE NORTH 0° 00' 12" WEST, 125.53 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4); THENCE SOUTH 89° 51' 59" WEST, ALONG SAID NORTH LINE 120.0 FEET TO A LINE 183.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4); THENCE NORTH 0° 00' 14" WEST, PARALLEL TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4), 150.0 FEET; THENCE NORTH 89° 51' 48" EAST, 284.59 FEET; THENCE SOUTH 0° 00' 12" EAST, 235.0 FEET TO THE **POINT OF BEGINNING**.

PARCEL 1 (B):

INGRESS AND EGRESS EASEMENT OVER THE MR. BUBBLES, INC. PROPERTY TO AND FROM MILITARY TRAIL, CONTAINED IN DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS AND MAINTENANCE OF MR. BUBBLES AUTO CARE CENTER, RECORDED JANUARY 24, 1989, IN OFFICIAL RECORD BOOK 5945, PAGE 604, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE SOUTH 00°00'12" EAST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 280.00 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 280.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89° 46'48" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (SR 809), AND THE **POINT OF BEGINNING** FOR THE HEREIN DESCRIBED PARCEL: THENCE CONTINUE NORTH 89°46'48" EAST A DISTANCE OF 180.92 FEET; THENCE SOUTH 00°00'12" EAST A DISTANCE OF 224.18 FEET; THENCE SOUTH 89°51'48" WEST A DISTANCE OF 29.65 FEET; THENCE SOUTH 00°08'12" EAST A DISTANCE OF 20.00 FEET; TO A POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 150.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH 89°51'48" WEST, ALONG SAID PARALLEL LINE A DISTANCE OF 151.32 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL; THENCE NORTH 00°00'12" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 243.92 FEET TO THE **POINT OF BEGINNING**.

PARCEL 3:

PARCEL 1 (FEE ESTATE):

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE RIGHT-OF-WAY FOR STATE ROAD 809 (MILITARY TRAIL)
AND LESS THE WEST 130 FEET OF THE SOUTH 150 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

AND

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXHIBIT "A"**PROPERTY**

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 369.8 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL WITH AND 303 FEET EASTERLY FROM THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 25; THENCE SOUTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 125.66 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD EXTENSION, AS SHOWN ON MAP BY PALM BEACH COUNTY ENGINEER, SAID POINT ON THE NORTH RIGHT-OF-WAY LINE OF CHERRY ROAD EXTENSION BEING IN THE ARC OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 770 FEET; THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF CHERRY ROAD EXTENSION AND THE ARC OF SAID CURVE A DISTANCE OF 35.85 FEET TO A TANGENT TO SAID CURVE; THENCE ALONG SAID TANGENT, A DISTANCE OF 117.62 FEET TO THE P.C. OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 830 FEET; THENCE CONTINUE EASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD EXTENSION AND THE ARC OF SAID CURVE, A DISTANCE OF 202.81 FEET, TO THE TANGENT TO SAID CURVE; THENCE EASTERLY ALONG THE TANGENT, A DISTANCE OF 20.15 FEET, MORE OR LESS, TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE NORTHERLY ALONG SAID EAST LINE, A DISTANCE OF 63.25 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

EXCEPTING THEREFROM THE NORTH 280 FEET.

EXCEPTING THEREFROM A 7 FOOT ADDITIONAL RIGHT-OF-WAY FOR STATE ROAD 809, AS RECORDED IN OFFICIAL RECORDS BOOK 3283, PAGE 1114 AND OFFICIAL RECORDS BOOK 3283, PAGE 1116, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

BEING A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25; THENCE SOUTH 0° 02' 33" WEST ALONG THE EASTERLY LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), 63.45 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD; THENCE SOUTH 89° 40' 53" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD 20.65 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE AND THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 830.0 FEET AND A CENTRAL ANGLE OF 12° 52' 29", A DISTANCE OF 186.51 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 830.0 FEET AND A CENTRAL ANGLE OF 1° 06' 16", A DISTANCE OF 16.0 FEET TO A POINT OF TANGENCY; THENCE SOUTH 75° 42' 02" WEST, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF CHERRY ROAD, 117.62 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CHERRY ROAD AND THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 770.0 FEET AND A CENTRAL ANGLE OF 2° 39' 28", A DISTANCE OF 35.72 FEET; THENCE NORTH 0° 00' 12" WEST, 125.53 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4); THENCE SOUTH 89° 51' 59" WEST, ALONG SAID NORTH LINE 120.0 FEET TO A LINE 183.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4); THENCE NORTH 0° 00' 14" WEST, PARALLEL TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4), 150.0 FEET; THENCE NORTH 89° 51' 48" EAST, 284.59 FEET; THENCE SOUTH 0° 00' 12" EAST, 235.0 FEET TO THE **POINT OF BEGINNING**.

ALSO EXCEPTING THERE FROM THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE SOUTH 00°00'12" EAST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 280.00 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 280.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89° 46'48" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (SR 809), AND THE **POINT OF BEGINNING** FOR THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 89°46'48" EAST A DISTANCE OF 180.92 FEET; THENCE SOUTH 00°00'12" EAST A DISTANCE OF 224.18 FEET; THENCE SOUTH 89°51'48" WEST A DISTANCE OF 29.65 FEET; THENCE SOUTH 00°08'12" EAST A DISTANCE OF 20.00 FEET; TO A POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 150.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH 89°51'48" WEST, ALONG SAID PARALLEL LINE A DISTANCE OF 151.32 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL; THENCE NORTH 00°00'12" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 243.92 FEET TO THE **POINT OF BEGINNING**.

PARCEL 2 (EASEMENT):

EXHIBIT "A"

PROPERTY

NON-EXCLUSIVE EASEMENT RIGHTS FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS OVER, ACROSS AND THROUGH ADJOINING LANDS, TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR SUBSURFACE DRAINAGE OVER, ACROSS AND THROUGH THE EASTERLY 15 FEET OF THE ADJOINING LANDS, ALL AS MORE PARTICULARLY SET FORTH IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN SCOTTY'S, INC., A FLORIDA CORPORATION AND OMNI DEVELOPMENTS, INC., A GEORGIA CORPORATION, AS RECORDED DECEMBER 30, 1977, IN OFFICIAL RECORDS BOOK 2788, PAGE 867; AS AFFECTED BY EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2813, PAGE 612, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3 (EASEMENT):

NON-EXCLUSIVE EASEMENT RIGHTS FOR THE PURPOSE OF VEHICULAR PARKING AND VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, TO AND FROM, OVER, UPON AND ACROSS THE PARKING AREAS AND SPACES, DRIVEWAYS AND ACCESS WAYS, ROADWAYS, SIDEWALKS AND WALKWAYS, EXITS AND ENTRANCES, AND OTHER COMMON AREAS OF THE PROJECT, ALL AS MORE PARTICULARLY SET FORTH IN THAT CERTAIN DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS AND MAINTENANCE OF MR. BUBBLES AUTO CARE CENTER, BY AND AMONG MR. BUBBLES, INC., A FLORIDA CORPORATION, JAMES C. BABER AND EVELYN M. BABER, HIS WIFE, AND BADCOCK'S FURNITURE STORE, INC., AS RECORDED JANUARY 24, 1989, IN OFFICIAL RECORDS BOOK 5945, PAGE 604; TOGETHER WITH AND AS AFFECTED BY DECLARATION OF COVENANTS AND RESTRICTIONS OF MR. BUBBLES AUTO CARE CENTER, RECORDED JANUARY 24, 1989, IN OFFICIAL RECORDS BOOK 5945, PAGE 579, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 254,841 SQUARE FEET OR 5.85 ACRES MORE OR LESS

Exhibit E: WCRAO Recommendation Approval Letter (Page 1 of 2)



June 6, 2021

Josh Nichols, LEED AP,
Partner & Urban Planner
Schmidt Nichols Landscape Architecture & Urban Planning
1551 N. Flagler Drive, Suite 102
West Palm Beach, FL 33401

RE: WCRA RECOMMENDATION LETTER (*placeholder*)
PROJECT: CHERRY ROAD PLAZA MUPD
Control No. 1977-041

Dear Mr. Nichols;

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The applicant requests a recommendation of approval from the Westgate CRA for the following:

1. Development Order Abandonment of R-2016-0828 and R-2016-0829 (existing Conditional Use approval for General Repair and Maintenance and Vehicle Sales and Rental) for Phase II only;
2. Development Order Amendment of R-2016-0827 to reconfigure the MUPD site plan, modify/delete conditions of approval, and allow a +/- 114,150 sf Limited Access Self-Storage Facility with 1,200 sf of accessory office;
3. Five (5) Concurrent Type 2 Variances to include:
 - a) A 100% overlap of an easement into an 8 ft. landscape buffer;
 - b) Elimination of the required canopy trees within the easternmost 23.5 ft. of the Cherry Rd. ROW buffer;
 - c) Elimination of the required trees and shrub material in the east buffer;
 - d) Elimination of one tree per terminal landscape island;
 - e) Elimination of one tree and shrubs per interior landscape island along the eastern property line; and,
4. Final DRO Site Plan approval.

The Westgate CRA reviewed a preliminary site plan for Phase I dated April 26, 2021, justification by your office, along with other supporting documents, including a conceptual architectural rendering, and drainage and traffic statements. Westgate CRA staff has determined that the proposed project is generally compatible with the goals and objectives of the Westgate CRA Community Redevelopment Plan, as amended, and the intent of the WCRAO UH Sub-area to allow for high intensity commercial development.

1280 N. Congress Avenue, Suite 215 ~ West Palm Beach, Florida 33409 ~ 561.640.8181 ~ westgatecra.org

Exhibit E: WCRAO Recommendation Approval Letter (Page 2 of 2)



The Westgate CRA Board will hear the applicant's requests at their June 14, 2021 regular meeting. A revised letter, indicating the recommendation of the CRA Board will be issued to the applicant for submittal to the Zoning Division on the day following the Board meeting.

Please do not hesitate to contact with any questions or concerns.

Sincerely,

Denise Pennell, FRA-RA
Senior Planner/Project Manager
Westgate CRA, Palm Beach County
dpennell@pbcgov.org
561-640-8181x105

1280 N. Congress Avenue, Suite 215 ~ West Palm Beach, Florida 33409 ~ 561.640.8181 ~ westgatecra.org

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