

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

**Application No.:** DOA-2022-00814  
**Application Name:** Woods Walk Plaza  
**Control No./Name:** 1985-00069 (Woods Walk Plaza)  
**Applicant:** Woods Walk Joint Venture  
**Owners:** Walk Woods  
**Agent:** Insite Studio - Brian Terry  
**Telephone No.:** (561) 249-0940  
**Project Manager:** Timothy Haynes, Senior Site Planner

**TITLE:** a Development Order Amendment **REQUEST:** to modify the Site Plan; and, add a building and square footage on 20.41 acres

**APPLICATION SUMMARY:** The proposed request is for the 20.41-acre Woods Walk Plaza MUPD development. The site was last approved by the Board of County Commissioners (BCC) on November 22, 2021 for a Development Order Amendment to modify the Site Plan; and to a add new building, square footage, and uses.

The request will modify the site plan in order to add an outparcel building (4,000 square feet (sq. ft.) in the place of excess parking, located at the southeast corner of the site. The Preliminary Site Plan (PSP) indicates the main shopping plaza with eight outparcel structures, with a mix of commercial uses. The total square footage proposed is 142,616 sq. ft. The plan indicates 694 parking spaces with access from Woods Walk Boulevard, Lake Worth Road, and State Road 7 (441).

**SITE DATA:**

Location:	Northeast corner of Lake Worth Road and State Road 7
Property Control Number(s)	00-42-44-30-10-000-0060
Future Land Use Designation:	Commercial Low, with an underlying 3 units per acre (CL/3)
Existing Zoning District:	MUPD
Total Acreage:	20.41 acres
Tier:	Urban/Suburban
Overlay District:	None
Neighborhood Plan:	West Lake Worth Road Neighborhood Plan
CCRT Area:	None
Municipalities within 1 Mile	Wellington
Future Annexation Area	Greenacres, Wellington
Commissioner District	District 6, Commissioner Sara Baxter

**RECOMMENDATION:** Staff recommends approval of the request, subject to the Condition of Approval as indicated in Exhibit C.

**ACTION BY THE ZONING COMMISSION (ZC):** At the March 2, 2023 ZC Hearing, this item was on the Consent Agenda. One person from the public spoke on this item in support, but stated traffic concerns from vehicles blocking the Woods Walk Boulevard entrance and vehicles utilizing the Woods Walk Plaza along with school bus drop-off and pick-up generated the traffic issue at the subject outparcel. The speaker suggested to include a third drive lane along the northern portion of the outparcel to alleviate some of the traffic.

Commissioner Beatty made a motion to pull the application from the Consent Agenda and place it on the Regular Agenda. Commissioner Scarborough seconded, motion carried 7-0. The Applicant made a presentation. The speaker from the public was asked to clarify the extra turning lane suggestion. The Board and Zoning Staff expressed concerns on the addition of the turn lane and elimination of parking. The Commissioners asked for the school bus drop-off and pick-up. Zoning Staff presented the locations and noted that the location would be subject to change during construction of the outparcel. The Agent agreed to meet with the residents and School District Staff on the relocation the bus pick-up and drop-off location and turn lane. Commissioner Scarborough made a motion to approve the Development Order Amendment, which was seconded by Commissioner Gromann. The motion carried by a vote of (7-0-0).

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received two contacts from the public regarding this application requesting additional information and expressing existing traffic concerns.

**PROJECT HISTORY:**

Application No.	Request	Resolution	Approval Date
Z/SE-1985-00069	Official Zoning Map Amendment to allow a rezoning, from the Residential Transitional (RT) District, and Agricultural Residential (AR) District to the General Commercial (CG) District	R-1985-1239	June 28, 1985
	A Special Exception to allow a Large Scale Community Shopping Center, in excess of 50,000squareFeet of total floor area, including a Planned Commercial Development and Gasoline Pump Island Facilities	R-1985-1240	June 28, 1985
	A Special Exception to allow a Recreational Vehicle Repair Facility	R-1985-1969	June 28, 1985
DOA-1985-00069	A Development Order Amendment to allow a modification of Commission requirements	R-1989-1449	August 1, 1989
DOA-1985-00069	A Development Order Amendment to allow a modification of Commission requirements - condition no. 4 of Resolution no. 85-1240 (loading and dumpster pick up hours)	R-1993-0347	February 28, 1996
DOA-1985-00069	A Development Order Amendment to add building square footage (+6,340) for General Repair and Maintenance use (requested use)	R-1997-1593	August 7, 1997
DOA-2021-00112	a Development Order Amendment to modify the Site Plan; and to a add new building, square footage, and use	R-2021-1758	November 11, 2021

**FINDINGS:**

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

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that 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.
- *Intensity:* The request seeks to increase the previously approved square footage by 4,000 sq. ft. to a total of 142,616 sq. ft., which equates to a FAR of approximately 0.16 (142,616 / 889,098 surveyed sq. ft. or 20.41 acres = 0.16). The maximum Floor Area Ratio (FAR) of .50 is allowed for the subject future land use designation in the Urban Suburban Tier (889,098 sq. ft. or 20.41 acres x .50 maximum FAR = 444,549 sq. ft. maximum).
- *Special Overlay District/Neighborhood Plan/Planning Study Area:* The property is located within the West Lake Worth Road Neighborhood Plan. The request is not inconsistent with the neighborhood plan recommendations. The Applicant was advised to meet with the neighborhood group. As of the writing of tis report, no correspondence has been received by staff regarding the request.

**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.*

The existing MUPD Zoning Designation is consistent with the CL/3 Future Land Use (FLU) per Table 3.A.3.C – FLU Designation and Corresponding Planned Development Districts.

The subject site was approved as a Large Scale Community Shopping Center and Planned Commercial Development pursuant to Resolution R-1985-1240. These Special Exceptions corresponds to an MUPD pursuant to Art. 3.A.3.E.2.b. Planned Development Districts. The site, as shown in Figure 4, is a mix of commercial uses including Retail, Office, Type 1 Restaurant, Auto Service/Repair, Self Service

Station/Car Wash, Bank and Medical Office. The proposed DOA will reconfigure the Site Plan to add a 4,000 sq. ft. building to accommodate the proposed Retail use.

- *Property Development Regulations:* The proposed development is subject to Table 3.E.3.D, MUPD Property Development Regulations (PDR) and complies with all the requirements of the Zoning District.
- *Design Objectives and Performance Standards:* The proposed development is subject to Art. 3.E.1.C PDD Design Objectives and Performance Standards, as well as Art. 3.E.3.B, Objectives and Standards for a MUPD. The proposed amendment has met and exceeded these requirements.
- *Architectural Review:* This use will be required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. No Architectural elevations have been provided at this time. The Applicant has indicated they intend to obtain Architectural review approval at time of application for Building Permits for the proposed structures.
- *Parking:* The subject site is an MUPD with multiple uses. The Planned Development regulations allows an Applicant to utilize a range of parking with minimum and maximum numbers and/or utilize the specific use calculations described in Article 6. Therefore, the parking required for the MUPD development may be used as a range pursuant to Art. 3.E.1.C.2.h.2).a), Minimum/Maximum Parking Standards or the requirements of Article 6, pursuant to Art. 6.B.1.B., Minimum Parking Standards. The Applicant is proposing to utilize the minimum and maximum requirements of Art. 3.E.1.C.2.h.2).a), Minimum/Maximum Parking Standards, which requires a minimum of 570 spaces and a maximum of 860 spaces. The proposed number of parking spaces will be updated on the Site Plan Prior to final DRO approval to reflect the total number of spaces with the requested modifications.
- *Landscape/Buffering:* The proposed DOA to accommodate the Retail use will continue to provide sufficient buffering from the respective R-O-Ws. The Retail building is located adjacent to Lake Worth Road and Woods Walk Boulevard. The PSP indicates a 20 ft. wide buffer along Lake Worth Road and a 15 ft. Landscape Buffer is proposed along Woods Walk Boulevard in accordance with Table 7.C.2.A R-O-W Buffer Landscape Requirements as indicated on PSP-1 and 2. All existing buffers outside of the affected area for the overall MUPD will remain unchanged.

In addition the proposed building provides the 8 ft. required foundation planting requirement per Table 7.C.3.B – Foundation Planting and Dimensional Requirements for parcels located in the Urban/Suburban Tier.

- *Signs:* The Applicant has submitted a Preliminary Master Sign Plan (PMSP). The PMSP indicates one new freestanding Outparcel Sign (sign J) located on the southeast corner of the site adjacent to Lake Worth Road and Woods Walk Boulevard. The proposed sign is in accordance with Table 8.G.2.B - Freestanding Outparcel Identification Signs.

**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 proposed request will remain compatible and consistent with the surrounding area. The overall Woods Walk Plaza along with the affected area outparcel K are surrounded by Planned Development Districts (PDD) to the north, south, east, and west, with commercial PDDs to the west and south.

To the north and east (across Woods Walk Blvd.) is a residential PUD (Control No. 1985-00071, Woods Walk PUD) which received approval the same year as the Woods Walk Plaza development in 1985. An existing 20 ft. Landscape Buffer with a 6 ft. high masonry wall exists along the north property line of the commercial plaza which provides visual buffering to homeowners to the north. To the east along Woods Walk Boulevard, the plaza was previously conditioned (Building and Site Design Condition of Approval 1.f, Exhibit C) to a 10 ft. buffer which will remain. As previously stated, a 15 ft. R-O-W Buffer is proposed for the subject site along Woods Walk Boulevard.

The property directly south of the subject site (across Lake Worth Road) is an MUPD development (Lake Worth Road & SR7 MUPD, Control No. 1999-00004) which has the same Zoning Designation and Commercial Low FLU as the existing Woods Walk plaza. An existing Landscape Buffer along Lake Worth Road provides visual screening from the subject site to the lands to the south. To the south east of the development is a vacant parcel zoned Agricultural Residential.

To the west of the subject site (across SR7/US441) is an MUPD development sharing the same Commercial Low FLU as the subject site (Marketplace at Wycliffe MUPD, Control No. 1995-00057).

The overall MUPD has been previously approved and serves as an existing compatible use to the surrounding area. Further, the commercial uses of the site function with the adjacent residential development, meeting the commercial needs of the residents.

**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 proposed DOA and associated site modifications minimize adverse impacts on the adjacent lands. The PSP indicates a one story building which is consistent with the existing MUPD and surrounding structures and will not exceed the max 35 ft. height requirement. The provided perimeter buffering along with the building foundation planting will help screen the use and minimize adverse visual impacts.

The proposed subject outparcel does not propose direct access from any of the external roadways. Access and vehicular circulation will remain as originally approved within the shopping plaza.

**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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

○ **VEGETATION PROTECTION:** The application request does not impact native vegetation that is regulated by the Department of Environmental Resources Management.

○ **WELLFIELD PROTECTION ZONE:** This property is located within a Wellfield Protection Zone 4.

○ **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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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 proposed request will remain consistent with the development pattern in the area. The subsequent modifications requesting a permitted-by-right Retail Use proposes minor increases to building square footage. The proposed Retail Use has a commercial classification which will remain consistent with the existing commercial uses within the existing MUPD and surrounding area. As such, the Applicant's request to allow such modifications will remain a logical and orderly development pattern.

**g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed addition of 4,000 sq. ft. retail space to an existing shopping plaza is expected to generate additional 113 net daily trips, 2 net AM peak trips, and 12 net PM peak hour trips. The build out of the project is assumed to be by 2024.

Since the additional peak hour trips generated are 20 or less, a detailed traffic study is not required and the project meets Traffic Performance Standards without any roadway improvement requirements.

PALM BEACH COUNTY HEALTH DEPARTMENT:

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

SCHOOL IMPACTS:

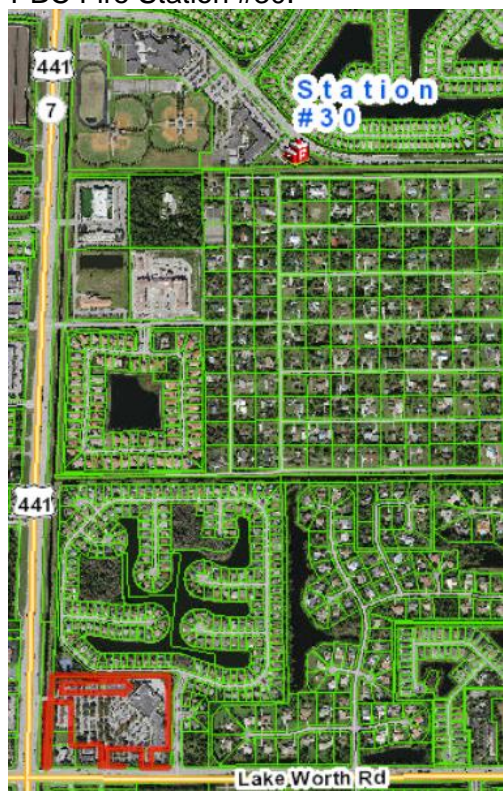
The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

Non-residential project therefore, Park and Recreation ULDC requirements do not apply.

**FIRE PROTECTION:**

Staff has reviewed this application and have no comment. The subject site is within the boundaries of PBC Fire Station #30.



**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The request is for the Development Order Amendment that would allow the Retail use building on the southeast portion of the property. The outparcel where the building is proposed is currently existing surface parking spaces. The addition of the Retail use within the existing MUPD will provide a necessary service for the adjacent residential community, and will have little impact on traffic along Lake Worth Road and US441. The Applicants Justification Statement has outlined changed conditions and circumstances that seek to provide a more efficient use of the parcel that is currently underutilized parking, and as such this standard has been met.

**CONCLUSION:** Staff have 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 Woods Walk Joint Venture. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibits C.

## CONDITIONS OF APPROVAL

### EXHIBIT C

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2021-1758, Control No.1985-00069, which currently states:

The approved Preliminary Site Plan is dated September 27, 2021. 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 or the Zoning Commission.

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated January 12, 2023. 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)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2021-1758, Control No.1985-00069, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-93-347 (Control 1985-00069), 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 Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.

##### Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2021-1758 (Control 1985-00069), 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 Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

##### BUILDING

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a. A six foot high solid masonry wall along the north property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall.
- b. Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.
- c. Typical building, access way, parking stall and loading dimensions.
- d. Location of significant wooded areas and proposed location of areas of tree preservation.
- e. Delineation of "lease and/or out parcels".
- f. The ten foot landscape buffer along the east property line shall be of 75% capacity. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING Condition 1 of Resolution R-2021-1758, Control No.1985-00069)

2. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING Condition 2 of Resolution R-2021-1758, Control No.1985-00069)

3. The north and east facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development. (BLDG/PMT: BUILDING DIVISION - Zoning) (Previous BUILDING Condition 3 of Resolution R-2021-1758, Control No.1985-00069)

##### ENGINEERING

1. Deleted by Resolution R-2021-1758 (Previous ENGINEERING Condition 1 of Resolution R-2021-1758, Control No.1985-00069)

2. The property owner shall convey for the ultimate right-of-way of:

a. Lake Worth Road, 120 feet north of the existing north right-of-way line of the Lake Worth Drainage District L-12 Canal within ninety days of adoption of the Resolution by the Board of County

Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of the first Building Permit. [Note: COMPLETED]

b. The ultimate right-of-way from the subject property, required for the "special Intersection" at Lake Worth Road and State Road 7, 140 feet north of the existing north right-of-way line of the Lake Worth Drainage District L-12 Canal. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2021-1758, Control No.1985-00069)

3. The Developer shall construct concurrent with the construction of the project's access road onto:

a. The proposed residential road for Petition 85-71, a right turn lane north approach and a left turn lane south approach. [Note: COMPLETED]

b. State Road 7, a left turn lane north approach and right turn lane south approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2021-1758, Control No.1985-00069)

4. The Property Owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive out fall for the road drainage of Lake Worth Road and State Road 7. This drainage easement shall be subject to all governmental agency requirements. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2021-1758, Control No.1985-00069)

5. The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$324,480. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2021-1758, Control No.1985-00069)

6. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$81,120 toward Palm Beach County's existing Roadway Improvement Program. These total funds (\$405,600) are to be paid prior to the issuance of the first building permit. Credit for the impact fee shall be given toward the work performed in Conditions Number 20 and 21.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount \$81,120 shall be credited toward the increased Fair Share Fee. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2021-1758, Control No.1985-00069)

7. Deleted by Resolution R-2021-1758 (Previous ENGINEERING Condition 7 of Resolution R-2021-1758, Control No.1985-00069)

8. The Property Owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto State Road 7. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2021-1758, Control No.1985-00069)

9. The Property Owner shall participate in the Construction of State Road 7 and Lake Worth Road by Petition 84-98 by constructing as a 4 lane median Divided Section:

a. Lake Worth Road from a point 400 feet east of State Road (East terminus of construction of Petition 84-98 east to the projects entrance road onto Lake Worth Road plus the appropriate tapers. [Note: COMPLETED]

b. State Road 7 from a point 400 feet north of Lake Worth Road (Northern terminus of construction by Petition 84-98), north to a Point 200 feet north of the proposed project entrance plus the appropriate transitions. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2021-1758, Control No.1985-00069)

10. The Property Owner shall provide the Construction Plans For Lake Worth Road and State Road 7 per the above requirements. These Construction Plans shall be per the Florida DOT and the County Engineers approval based upon Palm Beach County's minimum Construction Plan standards as they presently exist or as they may from time to time be amended.

These Construction Plans shall be completed concurrent with the Construction Plans which will be submitted with Petition No. 84-98. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2021-1758, Control No.1985-00069)

11. The Property Owner shall provide Palm Beach County with all associated Right-of-way Documents, including but not limited to, surveys, property owner's maps, legal descriptions for acquisition, parcelled Right-of-way maps, required for the acquisition of Right-of-way for both State Road 7 and Lake Worth Road per the above requirements. The Developer shall enter into an agreement with Palm Beach



County's Land Acquisition Section for all required appraisals prior to August 1, 1985; for which this Petition shall provide all necessary funds.

NOTE: It is the intent that all plans, R/W Acquisitions and construction of State Road 7 and Lake Worth Road shall be let as one Contract with the Developer of Petition 84-98. Credit for the impact fee SHALL NOT be given for any work performed under this condition. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2021-1758, Control No.1985-00069)

12. The Developer shall provide the Construction Plans for Lake Worth Road a 4 lane median divided section expandable to six lanes, from the property entrance road east to a point 100 feet west of the Florida Turnpike plus any appropriate tapers. These Construction Plans shall be per the Florida DOT and the County Engineers Approval based upon Palm Beach County's minimum Construction Plan standards as they presently exist or as they may from time to time be amended.

These Construction Plans shall be completed prior to December 31, 1986 or prior to the issuance of Building Permit whichever shall occur first. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2021-1758, Control No.1985-00069)

13. The Developer shall provide Palm Beach County with all associated Right-of-way Documents, including but not limited to, surveys, Property Owner's maps, legal descriptions for acquisition, parcelled Right-of-way maps, required for the acquisition of Right-of-way for Lake Worth Road from the projects entrance road east to a point 100 feet west of the Florida Turnpike plus any appropriate tapers. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition for all required appraisals prior to August 1, 1985; for which this Petitioner shall provide all necessary funds. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2021-1758, Control No.1985-00069)

14. The petitioner shall convey to the Lake Worth Drainage District the West 40 feet of Tract 50, Block 25, Palm Beach Farms Company Plat No. 3, for the required right-of-way for Equalizing Canal No. 1, by quit claim deed or an easement deed in the form provided by said district within ninety (90) days of adoption of the resolution by the Board of County Commissioners. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2021-1758, Control No.1985-00069)

15. Surety required for all off-site improvements shall be posted prior to the issuance of a building permit or within 180 days of Special Exception approval, whichever shall first occur. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2021-1758, Control No.1985-00069)

16. In order to comply with the Mandatory Traffic Performance Standards the Property Owner shall be limited to 106,000 square feet of commercial area until Lake Worth Road has been widened to a 4-lane median divided section under the Florida Turnpike. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2021-1758, Control No.1985-00069)

17. The petitioner shall provide an eight foot concrete bicycle path along the project's Lake Worth Road and S.R.7 frontages. The developer shall contribute an additional \$50,000 to be used toward meeting the cost of the State Road 7 and Lake Worth Road intersection improvements. These funds will be paid as follows:

- a. The amount of \$25,000 to be paid at the time of building permit issuance of Phase I (1 to 85,000 square feet); and, (BLDGPMT: LAND DEVELOPMENT - Land Development) [Note: COMPLETED]
- b. The amount of \$25,000 to be paid at the time of building permit issuance of Phase I (85,001 square feet to total square feet). (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2021-1758, Control No.1985-00069)

18. The developer shall contribute an additional \$50,000 to be used toward meeting the cost of the State Road 7 and Lake Worth Road intersection improvements. These funds will be paid as follows:

- a. The amount of \$25,000 to be paid at the time of building permit issuance of Phase I (1 to 85,000 square feet); and,
- b. The amount of \$25,000 to be paid at the time of building permit issuance of Phase II (85,001 square feet to total square feet). (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2021-1758, Control No.1985-00069)

19. 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, 2024. 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) (Previous ENGINEERING Condition 19 of Resolution R-2021-1758, Control No.1985-00069)

20. Prior to the final approval of the Development Review Officer, the Property Owner shall submit a revised traffic impact study report, showing the removal of the Type I Restaurant from the site. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 20 of Resolution R-2021-1758, Control No.1985-00069)

21. The Property Owner shall restripe the west northbound through lane as a shared left/through lane south approach on Woods Walk Boulevard at the project entrance as approved by the County Engineer.

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 for this construction shall be obtained prior to the issuance of the building permit for Building K. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the Certificate of Occupancy of Building K. (BLDGPM/CO: MONITORING - Engineering)

### **ENVIRONMENTAL**

1. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously Condition No. 24 of Resolution No. R-85-1240, Zoning Petition No. 85-69). (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2021-1758, Control No.1985-00069)

2. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previously Condition No. 25 of Resolution No. R-85-1240, Zoning Petition No. 85-69). (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-2021-1758, Control No.1985-00069)

3. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C. (Previously Condition No. 26 of Resolution No. R-85-1240, Petition No. 85-69). (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 3 of Resolution R-2021-1758, Control No.1985-00069)

4. The owner of the facility will participate in an oil recycling program which insures proper reuse of disposal of waste oil. (Previously Condition No. 27 of Resolution No. R-85-1240, Zoning Petition No. 85-69) (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 4 of Resolution R-2021-1758, Control No.1985-00069)

### **SIGNS**

1. Prior the final approval by the Development Review Officer, a Master Sign Program shall be submitted in conformance with the Unified Land Development Code and Technical Manual requirements for all existing and proposed signage. (DRO: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2021-1758, Control No.1985-00069)

### **USE LIMITATIONS**

1. No stock loading or delivery shall be permitted between the hours of 8:30 p.m. and 8:00 a.m., with the exception of the supermarket grocery store only. For the supermarket grocery store only no stock loading or delivery shall be permitted between the hours of 8:00 p.m. and 7:00 a.m. Monday through Friday and between the hours of 8:00 p.m. and 8:00 a.m. on Saturday and Sunday. Dumpster pickup shall be limited to 8:00 a.m. to 8:00 p.m. for all uses. Access points shall be such that the removal vehicle need not make unnecessary turning or backing movements. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2021-1758, Control No.1985-00069)

2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2021-1758, Control No.1985-00069)

3. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2021-1758, Control No.1985-00069)

4. Security lighting shall be directed away from nearby residences. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2021-1758, Control No.1985-00069)

**VEGETATION PRESERVATION**

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. Preserved areas of vegetation along the interior and perimeter of the site shall be credited toward meeting interior and perimeter landscaping requirements respectively.

(ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous VEGETATION PRESERVATION Condition 1 of Resolution R-2021-1758, Control No.1985-00069)

**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

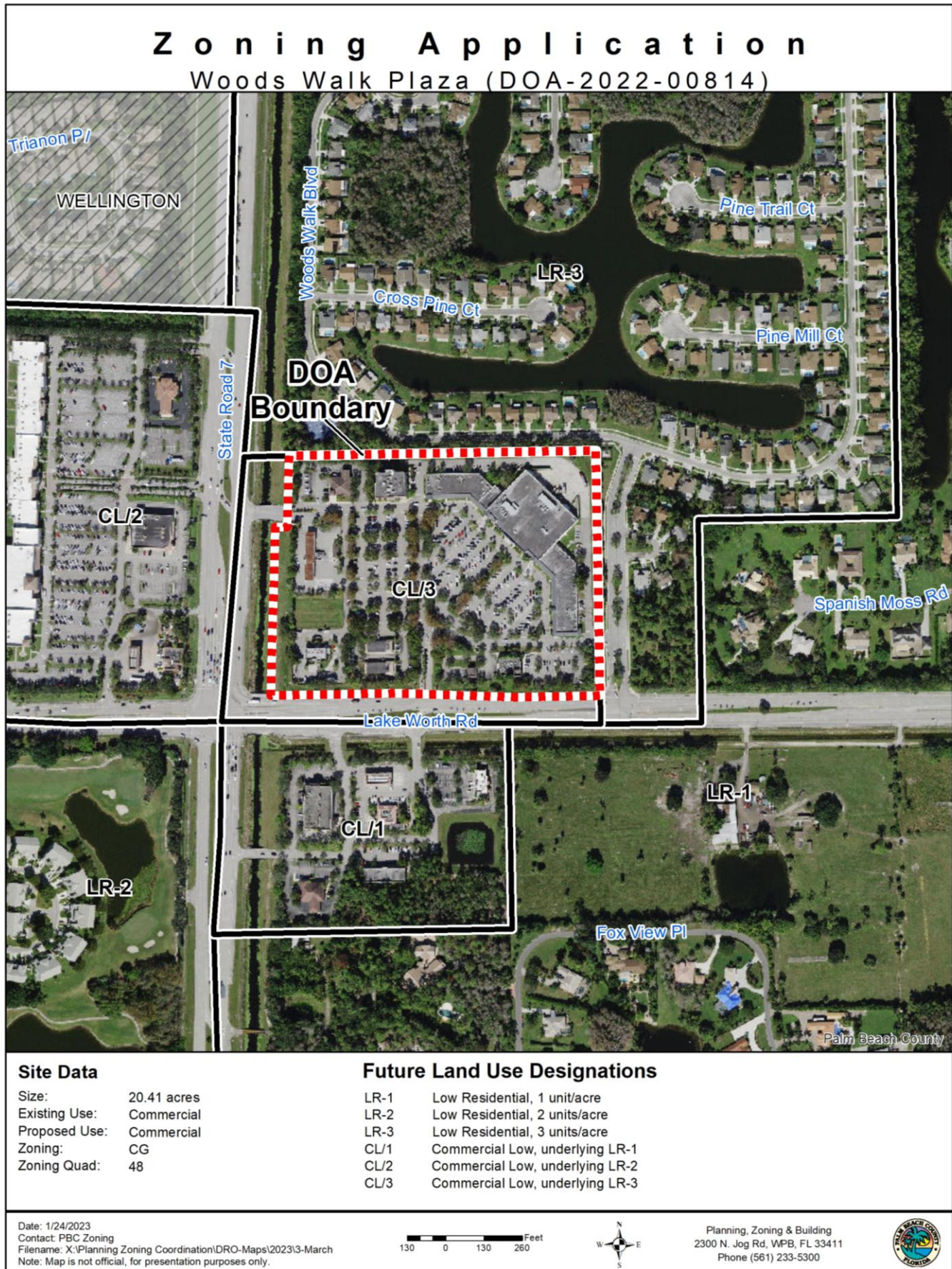




Figure 2 - Zoning Map

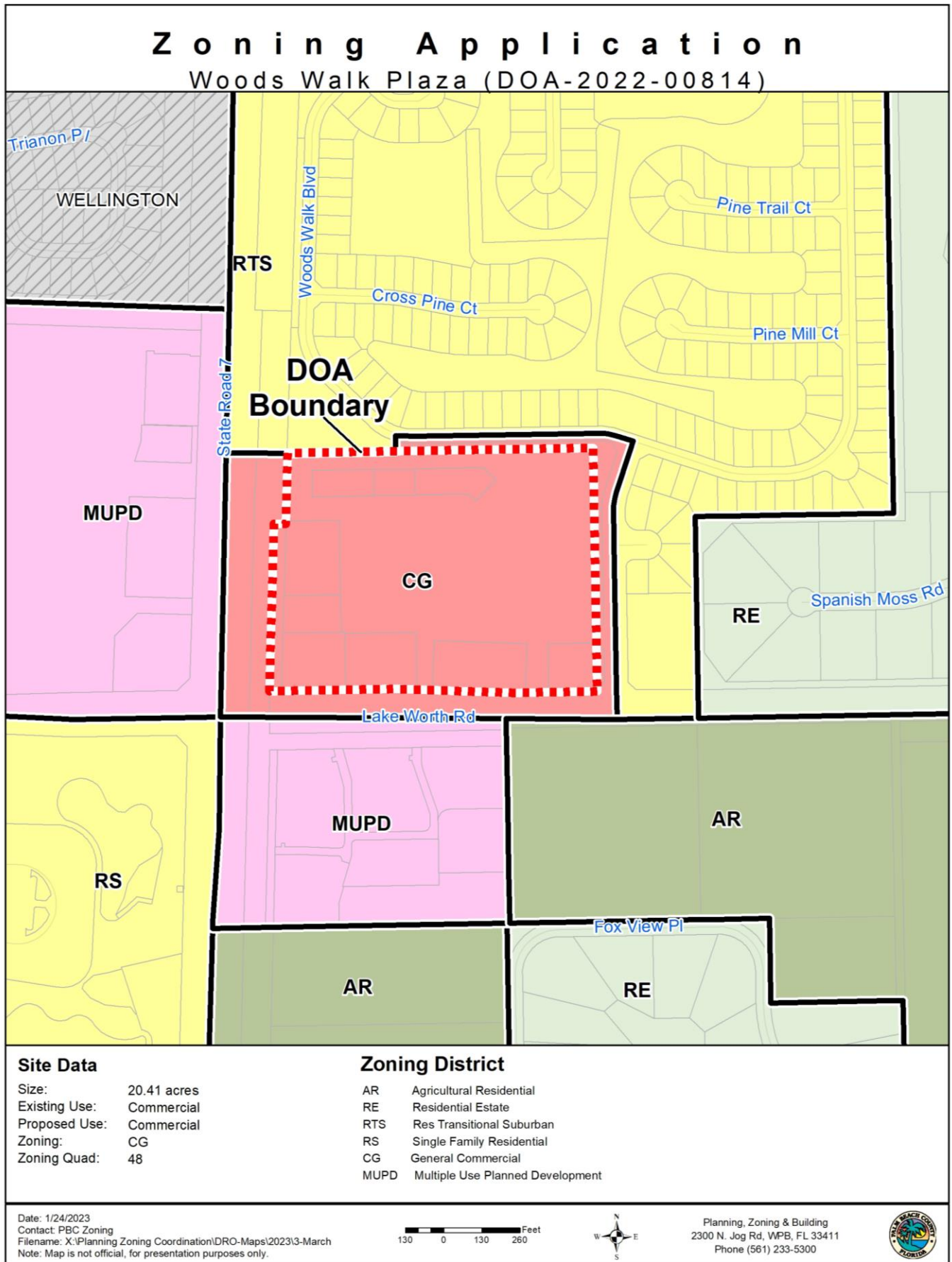






Figure 3 – Preliminary Site Plan (Sheet 3 of 3) dated January 12, 2023

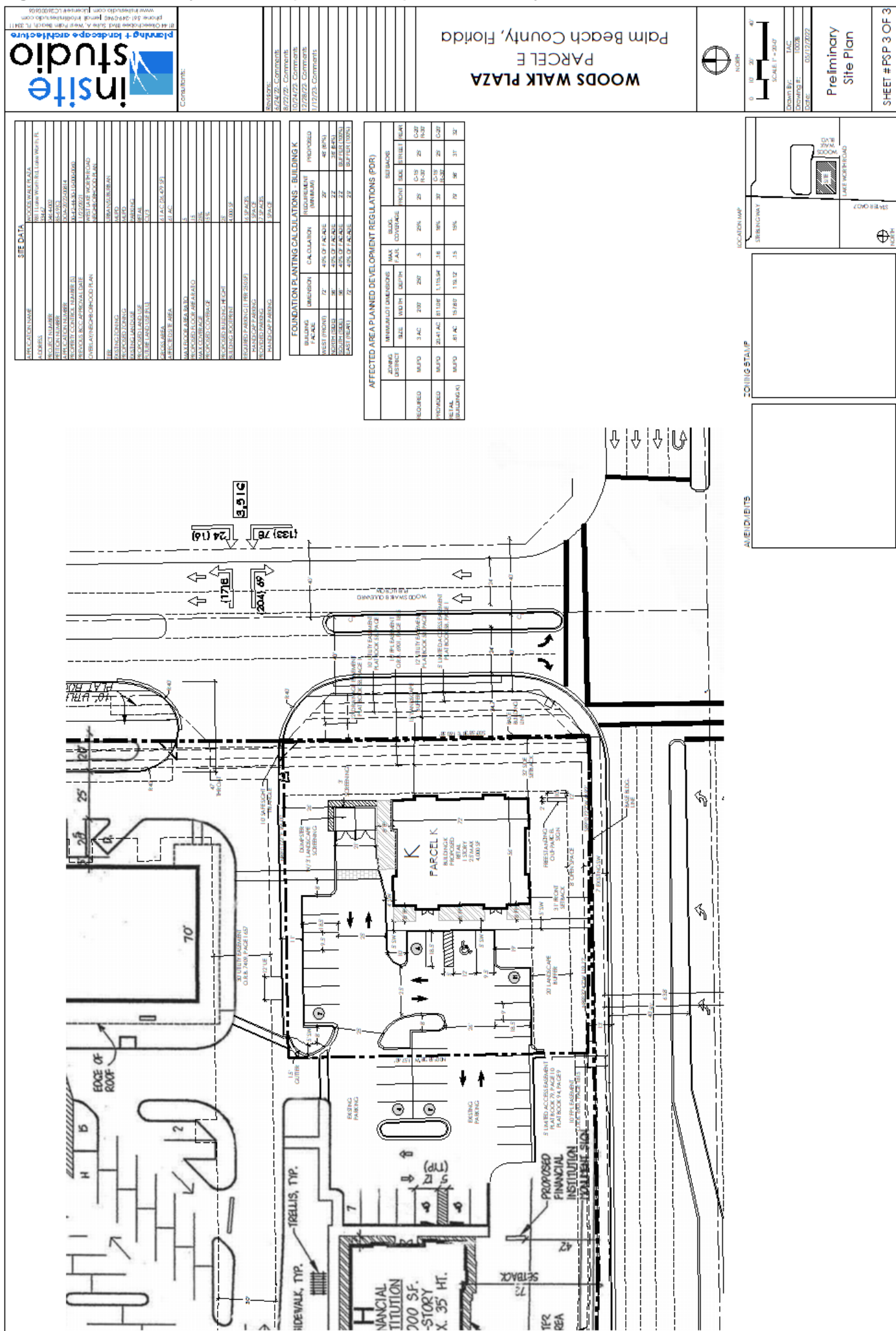


Figure 4 – Previously Approved Site Plan (Sheet 1 of 2) dated July 6, 2022

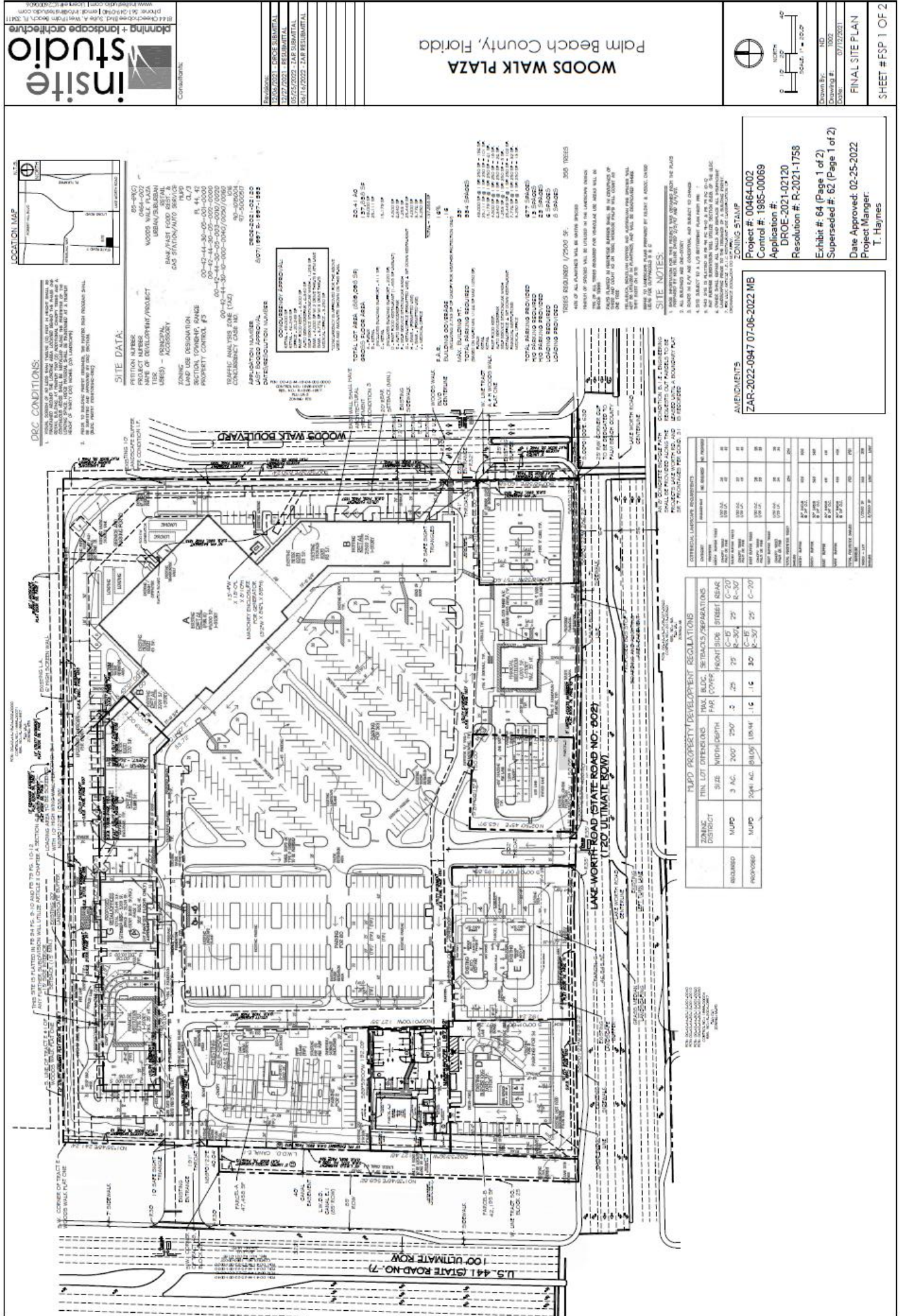




Figure 4 – Previously Approved Site Plan (Sheet 2 of 2) dated July 6, 2022

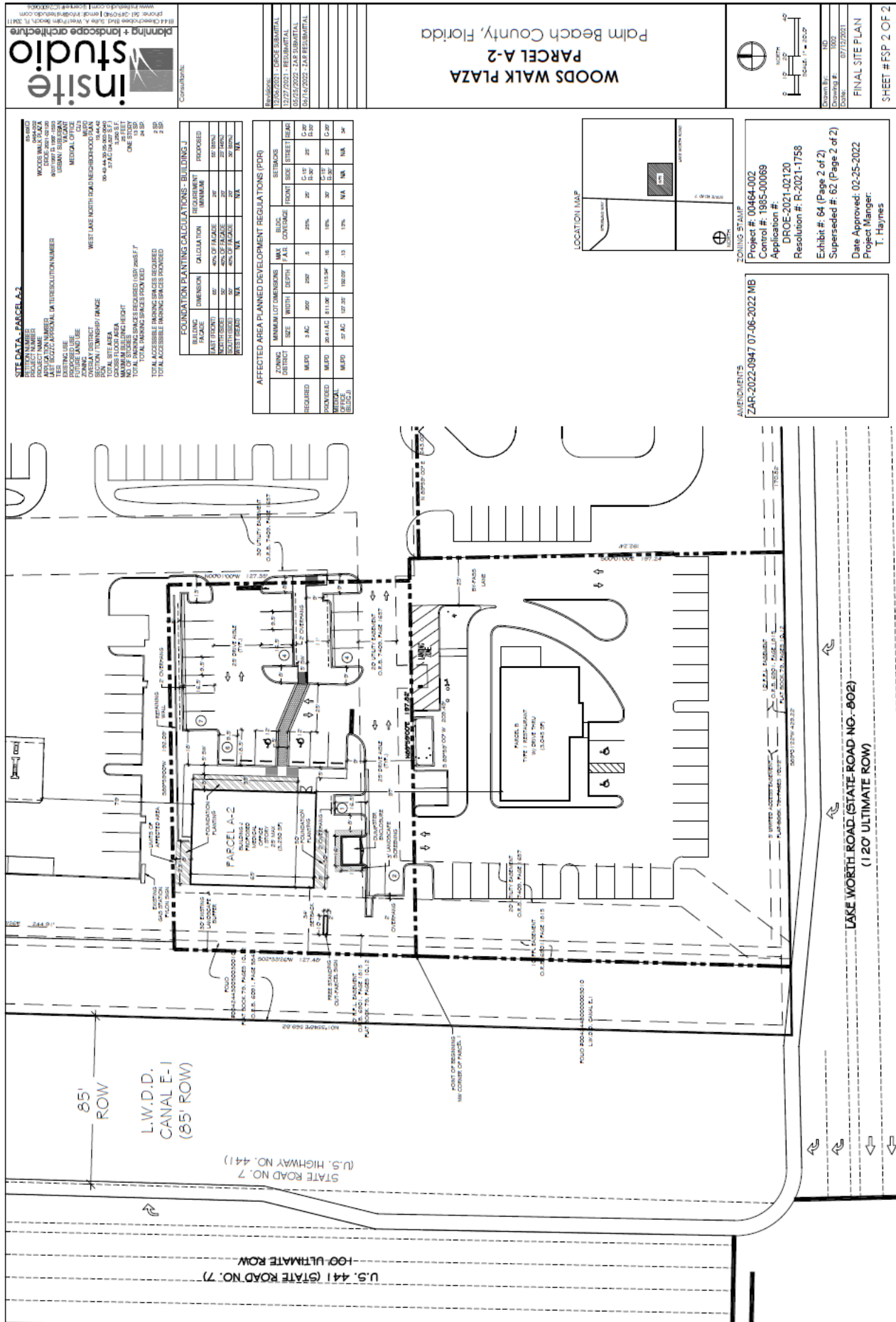


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

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 JARRET SARRINGTON, 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] VICE PRESIDENT [position - e.g., president, partner, trustee] of Woods Walk Joint Venture BY PLSA II LLC, 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: 1541 Sunset Dr, Suite 300 Miami, Florida 33143
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.

Jamett Sappington  
JAMETT SAPPINGTON, 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 24 day of October, 2022 by Jamett Sappington (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Kimberly Kenyatta  
(Name - type, stamp or print clearly)

Kimberly Kenyatta  
(Signature)

My Commission Expires on: 1/17/26

NOTARY PUBLIC  
Kimberly Kenyatta  
NOTARY PUBLIC  
Douglas County, GEORGIA  
My Commission Expires 01/17/2026

**EXHIBIT "A"**

**PROPERTY**

ALL OF "WOODS WALK PLAZA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 79, PAGES 10 THROUGH 12, OF THE PUBLIC RECORD OF PALM BEACH COUNTY, FL.

TOGETHER WITH:

ALL OF "WOODS WALK PLAZA PLAT NO. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 94, PAGES 9 AND 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FL.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FL AND CONTAINING 889,098 SQUARE FEET (20.4109 ACRES), MORE OR LESS.

**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
Woods Walk Joint Venture	1541 Sunset Dr., Suite 300, Miami, FL 33143