

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

Application No.: DOA/CA-2021-01006
Application Name: Shops at Indian Trails
Control No./Name: 2006-00147 (Shops at Indian Trails)
Applicant: Coconut Northlake LLC
Owners: Coconut Northlake LLC
Agent: JMorton Planning & Landscape Architecture - Lauren McClellan
Telephone No.: (561) 371-9384
Project Manager: Timothy Haynes, Senior Site Planner

TITLE: a Development Order Amendment **REQUEST:** to modify the Site Plan; add and delete uses, buildings, and square footage; relocate buildings, add access points; and, modify Conditions of Approval (Overall MUPD- R-2014-0111) on 29.53 acres

TITLE: a Development Order Amendment **REQUEST:** to modify uses (Type 1 Restaurant and Convenience Store with Gas Sales and an accessory car wash R-2011-1241) on 29.53 acres

TITLE: a Class A Conditional Use **REQUEST:** to allow two Type 1 Restaurants with drive-throughs; one Type 1 Restaurant greater than 5,000 sq. ft. with no drive-through; and, one Type 2 Restaurant on 29.53 acres

TITLE: a Class A Conditional Use **REQUEST:** to allow a General Daycare on 29.53 acres

TITLE: a Class A Conditional Use **REQUEST:** to allow a Carwash on 29.53 acres

APPLICATION SUMMARY: The proposed requests are for the 29.53-acres Shops at Indian Trails MUPD development. The development was last approved by the Board of County Commissioners (BCC) on January 30, 2014 for an amendment to the commercial development.

The subject requests will modify the approved Site Plan in order to add and delete uses, buildings, and square footage, relocate buildings, add access points, modify Conditions of Approval. The request will include the modification of a previously approved Retail Gas and Fuel Sales with Convenience Store (fka Convenience Store with Gas sales) and a Type 1 Restaurant (with Drive-through), and the addition of a second Type 1 Restaurant with Drive-through, a Type 1 Restaurant with no Drive-through greater than 5,000 sq ft., a Type 2 Restaurant, a Car Wash, a General Daycare, and other permitted commercial uses.

The Preliminary Site Plan (PSP) indicates nine buildings with a mix of commercial uses with a total 84,475 square feet (sq. ft.). In addition the PSP indicates 506 parking spaces and four access points from Northlake Boulevard, one from Coconut Boulevard, and one from Hamlin.

SITE DATA:

Location:	Southwest corner of Northlake Boulevard and Coconut Boulevard
Property Control Number(s)	00-41-42-15-00-000-7010
Future Land Use Designation:	Commercial Low underlying Rural Residential 5 (CL/RR-5)
Zoning District:	Multiple Use Planned Development District (MUPD)
Total Acreage:	29.53 acres
Tier:	Exurban
Overlay District:	N/A
Neighborhood Plan:	Western Northlake Corridor Land Use Study (WNCLUS)
CCRT Area:	N/A
Municipalities within 1 Mile	Palm Beach Gardens
Future Annexation Area	N/A
Commissioner District	District 6, Commissioner Sara Baxter

RECOMMENDATION: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 through C-5.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received one contact from the public regarding this application requesting additional information.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
LGA-2006-00023	A Large Scale Future Land Use Amendment to change to the Future Land Use from Rural Residential 20 units/acre (RR-20) to Commercial Low (CL) with an underlying Rural Residential 5 units/acre (RR-5) (CL/RR-5)		Denied
LGA-2007-00020	A Large Scale Future Land Use Amendment to change to the Future Land Use from Rural Residential 20 units/acre (RR-20) to Commercial Low (CL) with an underlying Rural Residential 5 units/acre (RR-5) (CL/RR-5)		Withdrawn
PDD/R-2006-01676	An Official Zoning Map Amendment to allow a rezoning a portion of the site from Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District A Requested Use to allow a Financial Institution		Withdrawn Withdrawn
LGA-2008-00025	A Large Scale Future Land Use Amendment to allow a change from to change to the Future Land Use from Rural Residential 20 units/acre (RR-20) to Commercial Low (CL) with an underlying Rural Residential 5 units/acre (RR-5) (CL/RR-5) with Conditions	ORD 2008-049	12/03/2008
PDD/R-2009-03941	An Official Zoning Map Amendment to allow a rezoning a portion of the site from Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District A Requested Use to allow a Type 1 Restaurant and a Convenience Store with Gas Sales and Car Wash	R-2011-1240 R-2011-1241	08/29/2011 08/29/2011
DOA-2013-01607	A Development Order Amendment to reconfigure the Site Plan to relocate square footage; to modify Conditions of Approval (Engineering, Landscaping, Planning and Site Design); and, to modify the date for Commencement of Development in the Multiple Use Planned Development (MUPD) Zoning District	R-2014-0111	01/30/2014

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.

The standards below will consolidate the finding for the DOA request and the new Class A Conditional Use requests.

- 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 uses and amendment are consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Prior Land Use Amendment:* This site was the subject of a Large Scale site-specific amendment known as Coconut/Northlake Commercial III, LGA 2008-025, which amended the future land use designation from Rural Residential, 1 unit per 20 acres (RR-20) to Commercial Low, with an underlying Rural Residential, 1 unit per 5 acres (CL/RR-5). The amendment was adopted by BCC on December 3, 2008 through Ordinance No. 2008-49 subject to one condition of approval. The condition reads as follows:

Development of the site under the Commercial Low designation shall be limited to the following:
1. The subject site shall be limited to a maximum of 106,566 SF of non-residential uses.

- *Relevant Comprehensive Plan Policies:* The site is located along Northlake Boulevard and is subject to Transportation Element (TE) Policy 1.4-q.1., which requires a 50-foot Rural Parkway Easement

to be dedicated exclusively for multipurpose paths. The parkway concept intends to protect the rural character of areas outside of the Urban Suburban Tier. The Preliminary plans show a 50-foot Rural Parkway along the Northlake Boulevard frontage. The Applicant will be required to submit a final Rural Parkway Planting Plan and Management Plan that will outline how the parkway will be designed, managed and maintained, to be approved by Staff prior to Final Approval by the Development Review Officer (DRO). Further, the Applicant will be required to submit, execute, and record a Rural Parkway Easement for the prior to Final Approval by the DRO. The Rural Parkway Easement shall be accompanied by Title Insurance specific to the easement area, and is subject to review and approval by the County Attorney s Office. Lastly, Planning Condition 5 is proposed to be amended in order to update the existing condition language to be consistent with language contained in the Northlake Boulevard Rural Parkway Easement.

- *Intensity:* The maximum Floor Area Ratio (FAR) for a non-residential project with a CL FLU designation in the Exurban Tier is 0.10 (1,286,414 surveyed sq. ft. or 29.53 acres x 0.10 maximum FAR = 128,641 sq. ft. maximum). However, the subject site is limited to 106,566 sq. ft. of non-residential uses by condition of approval contained in Ord. 2008-049. The request for a total of 86,775 sq. ft. is less than the conditioned maximum, and equates to a FAR of approximately 0.07 (84,475 (excluding outdoor dining areas) / 1,286,414 surveyed sq. ft. or 29.53 acres = 0.07).
- *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is located within the boundaries of the Western Northlake Corridor Land Use Study (WNCLUS), recognized under FLUE Policy 4.1-c, which states that the County shall consider the objectives and recommendations of Community Plans and Interlocal Service Boundary Agreements. The study was a collaborative effort between the County, The City of Palm Beach Gardens, and the City of West Palm Beach, as a result of ongoing development pressures in this area of the County. However, since the Study was published June 8, 1998, several large scale developments have occurred in this region of the County, including the 4,762.90-acre Avenir within the municipal limits of The City of Palm Beach Gardens that includes 3,900 units, 300 room Hotel and 2,400,000 square feet of non-residential intensity.

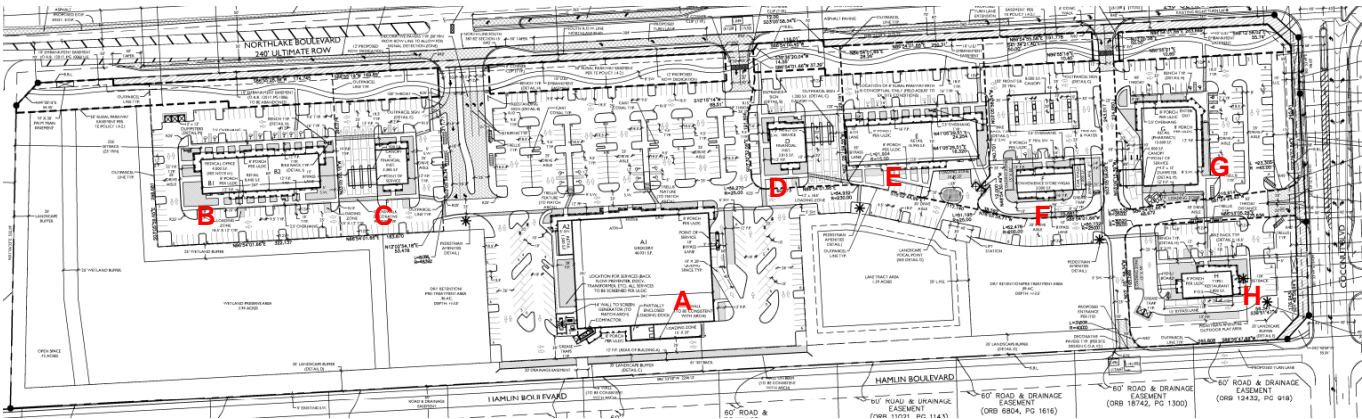
b. Consistency with the Code - The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

Development Order Amendment (Overall MUPD)

The MUPD was originally approved pursuant to Resolution R-2011-1240 with a mix of commercial uses totaling 106,566 sq. ft. The proposed amendment seeks to reduce the overall square footage to 84,475 sq. ft., modify the previously approved uses and add new uses, while relocating and adding buildings. At the time of this approval the requirements for an MUPD with a CL Future Land Use were different, which included limitations on the number of freestanding structures and the placement of the buildings adjacent to buffers and green space, along with limitations on the circulation around each building. The Code limited the number of “freestanding buildings” to one, in addition to the main plaza. Other structures that were proposed, that were not part of the main plaza had to be adjacent to buffers and open space to restrict circulation, with the intent of consolidating and minimizing vehicular movement within the Commercial Low land use. This provision of the code was modified through Ordinance 2021-006.

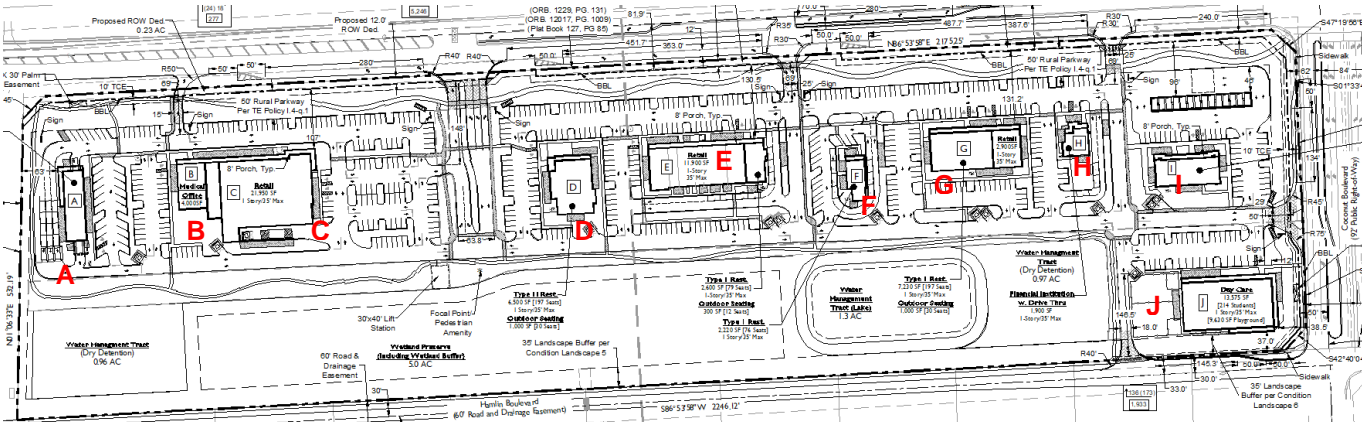
The 2014 BCC approval of this site included eight buildings as follows:

A	Retail	47,531 sq. ft.	
B	Medical Office		
	Retail	12,440 sq. ft.	
C	Financial Institution		
	4 drive-through lanes	3,385 sq. ft.	DRO Use approval
D	Financial Institution		
	4 drive-through lanes	3,815 sq. ft.	DRO Use approval
E	Retail	15,995 sq. ft.	
F	Convenience Store with	3,000 sq. ft.	Requested Use
	Gas Sales	16 fueling positions	
	Accessory Car Wash	1,000 sq. ft.	
G	Retail	15, 600 sq. ft.	
H	Type 1 Restaurant		
	With Drive-through	3,800 sq. ft.	Requested Use
Total of 106,566 sq. ft.			



The proposed 2023 Site Plan includes 9 buildings as follows:

A	Car Wash	4,500 sq. ft.	Conditional Use
B	Medical Office	4,000 sq. ft.	
C	Retail	21,950 sq. ft.	
D	Type 2 Restaurant w/ Outdoor seating, 197 seats	7,500 sq. ft.	Conditional Use
E	Retail Type 1 Restaurant With drive-through and Outdoor seating, 79 seats	11,900 sq. ft. 2,900 sq. ft.	Conditional Use
F	Type 1 Restaurant With drive-through, 76 seats	2,220 sq. ft.	Previously Building H DOA to Requested Use
G	Type 1 Restaurant No drive-through and Outdoor seating, 227 seats Retail	8,230 sq. ft. 2,900 sq. ft.	Conditional Use
H	Financial Institution With 1 Drive-through	1,900 sq. ft.	Amendment to DRO Approval
I	Convenience Store with Gas Sales 14 fueling positions	5,200 sq. ft.	Previously Building F DOA to Requested Use
J	General Daycare 214 children	13,575 sq. ft.	Conditional Use
Total of 86,475 sq. Ft. (20,091 sq. ft. reduction)			



- **Property Development Regulations:** The site was previously approved subject to the property development regulations of Art 3, Table 3.D.1.A, Property Development Regulations. There are no changes in respect to the required minimum lot dimensions and, width and frontage. Access are maintained from Northlake Boulevard, Coconut Boulevard, and Hamlin Boulevard. The overall site continues to meet the requirements for the Planned Development District.
- **Design Objectives:** Planned Development have several objectives for a Planned Development District. With the modifications to the plan, the Applicant has incorporated these objectives into the design. Staff have included some new conditions of approval relating to landscaping, and the pedestrian amenity that needs to be provided. These conditions are needed to ensure the Exurban character is preserved, and that the objectionable features are screened, and that site elements are minimized.

○ *Supplemental Use requirements:* The ULDC has incorporated specific supplementary standards for different uses based on their location and potential impacts. These uses have different approval processes based on their Tier, FLU, and/or Zoning classifications. The subject development was previously approved with 106,566 sq. ft. and two specific use approvals by the BCC. The proposed request modifies those two prior approvals, and includes an additional five Conditional Uses for the development. The following analysis is provided for the specific requirements for the uses.

- *Car Wash Building A:* The subject development had an accessory 1,000 sq. ft. Car Wash proposed with its last Development Order in 2014, with the Retail Gas and Fuel with Convenience Store Requested Use approval. With the subject application, the Applicant proposes that the Automated Car Wash not be accessory, but its own principal use within an outparcel located at the western portion of the site. The new approval includes a drive up with three points of service and a bypass lane. These lanes will merge into a single point before entering the facility for the washing service. The eastern side of the building includes spaces for vehicles to clean and vacuum the interior of the cars.

- *Medical Office Building B/C:* The proposed medical office is a permitted use within the CL/MUPD. There are no specific supplemental standards for this district.

- *Retail Building B/C and E:* General Retail is a permitted use within the CL/MUPD. The previous Development Order proposed 91,566 sq. ft. of retail uses including a Grocery Store and Pharmacy. The proposed request reduces the retail use to 36,750 sq. ft., a reduction of 54,816 sq. ft. for this use. The Applicant is not proposing any specific retail uses that have additional regulations, i.e. fireworks, unmanned retail, etc.

- *Type 2 Restaurant Building D:* The Applicant is proposing one Type 2 restaurant that is greater than 5,000 square feet. Due to the size within the CL/MUPD a Conditional Use is required. The Preliminary Site Plan indicates that this restaurant will be total of 7,500 sq. ft. (6,500 interior and 1,000 sq. ft. outdoor) and have a total of 197 seats. There are no other specific requests from the Applicant for this use, and if proposed, would be required to comply with specific requirements for accessory alcohol sales, take out service, and outdoor Dog Friendly Dining.

- *Type 1 Restaurant with drive-through Buildings E and F:* The subject development had a previous approval for a Type 1 Restaurant with Drive-through that was previous approved for 3,800 square feet, pursuant to resolution R-2011-1241. There were no specific conditions of approval beyond the requirements of the MUPD. The proposed request will relocate this approval from the southwestern corner of the development to front along Northlake Boulevard and reduces the square footage to 2,220 sq. ft. (-1,600). This Development Order will delete this approval that was together with the prior Convenience Store with Gas Sales, and put all four Restaurants in one resolution, if approved. A second Type 1 Restaurant is proposed to the west of the Building F, in Building E. This restaurant will be an inline tenant of Building E with other retail uses, and includes a drive-through that runs along the southern side of the building to the north along the east side of the structure.

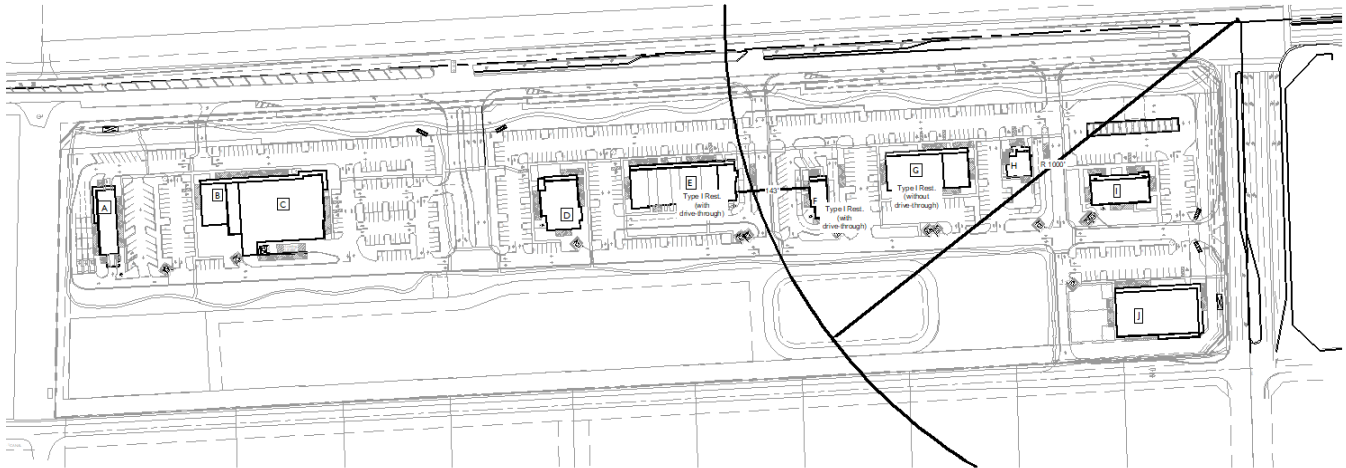
- *Tier Specific- Exurban:* All of the Type 1 Restaurants proposed for this development have to comply with the following Tier regulations:
 - 1) Shall not be the sole use on the property
 - 2) Shall be located in an MUPD or TDD;
 - 3) Shall not have direct ingress/egress to an adjacent Arterial or collector Street. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and
 - 4) Shall comply with the design requirements outline under Art 4.B.2.C.33.F.3) Location Criteria, Exceptions.

The three proposed Type 1 Restaurants are not the sole use of the property. The subject request includes a mix of commercial uses. The uses are located in the previously approved MUPD that is proposed for amendment. The uses will not have direct access to Northlake or Coconut. They development has three access points from Northlake for the entire shopping center, along with one from Coconut and one from Hamlin Boulevard. To access the Type 1 Restaurants you can enter from any of these access points, and traverse through the drive aisle and parking areas. Last, the Type 1 Restaurants are required to comply with the Location Criteria.

- *Location Criteria:* The requests for the Type 1 Restaurants are subject to Article 4.B.2.C.33.f which regulates Intersection, Separation Criteria and provided Exceptions for Design and MUPD requirements. Location Criteria limits Type 1 Restaurants to a maximum of two (2) within a 1,000 feet of an intersection. As indicated on the PRP Sheet 11 there is one Type 1 Restaurant with drive-through (Building F) and one Type 1 Restaurant without drive-through (Building G) within 1,000 feet of the intersection of Northlake and Coconut Boulevard. In addition the Type 1 Restaurant must also be separated from one another by

500 feet unless exempted per Art. 5.E.2.C.2, Separation Criteria which allows separation exemption for uses within 1,000 feet of the intersection. The Type 1 Restaurant uses of Building F and G are within 1,000 feet of the intersection and are therefore exempted from the separation criteria.

Intersection Location Criteria Detail



Building E, however, which contains a proposed Type 1 Restaurant with drive-through, is subject to the 500 foot separation from a similar use Art. 5.E.2.C.2, Separation Criteria. The proposed restaurant does not meet this criteria since is only separated from the other Type 1 Restaurant with drive-through Building F by 143 feet. Article 4.B.C.33.F.3) allows exceptions to this criteria as long as the designed complies with the criteria as indicated under the Exceptions of this Article,

Staff has analyzed the request and has determine the proposed exception request is in compliance with the requirements since the Applicant has provided the following

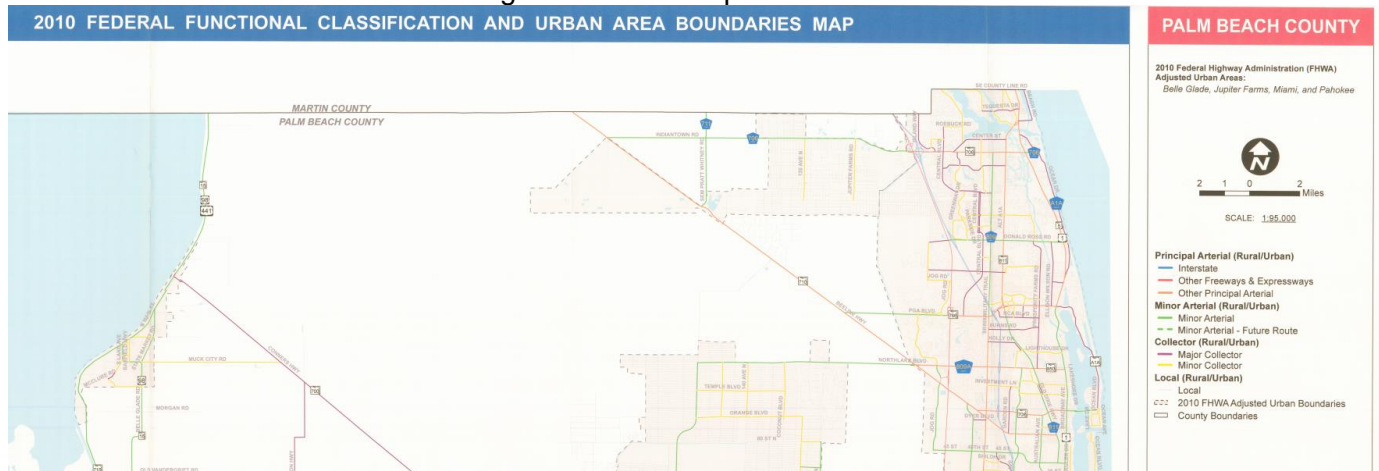
- (1) Additional interior landscape material for trees and shrubs adjacent to the drive-through areas for Buildings H, E, and F as indicated on the Preliminary Landscape Plans.,
- (2) All parking for the proposed Restaurant are in close proximity to the building as indicated on the PSP.
- (3) The site design provided on the PSP promotes safe and adequate pedestrian and vehicular connectivity and maneuvering areas. Pedestrian sidewalks are provide adjacent to the building per Code and interconnectivity through the use of paved pedestrian pathways is provided when traversing across drive-aisles. The site design and uses have been situated as to minimize pedestrian and vehicular conflict.
- (4) Preliminary Landscape Plans and Architectural Elevations have been provided Type 1 Restaurant, and are subject to Conditions of Approval.

The PSP indicates the required perimeter landscape buffering for visual screening of the use, no direct access to the use from the perimeter R-O-W is proposed and the proposed outdoor dining areas exceed the minimum required setback.

- *Type 1 Restaurant with no drive-through, greater than 5,000 sq. ft. Building G:* The Applicant is proposing a Type 1 Restaurant, with no drive-through that is a total of 8,230 sq. ft. with 227 seats. This total includes the proposed 1,000 sq. ft. of outdoor dining. The supplemental use standards are the same as if a drive-through were proposed due to the size of the proposed use. See above for specific use requirements for Type 1 Restaurant.
- *Retail Gas and Fuel with Convenience Store Building I:* The Retail Gas and Fuel Sales with Convenience Store, was previously approved in the original Development Order pursuant to Resolution R-2011-1241. No proposed changes to the conditions of approval have been requested. The subject application proposes to relocate the previous approval to the north east corner of the site, decreasing the fueling positions from 16 to 14, increasing the size of the convenience store, and removing the accessory car wash. This use is subject to supplemental use requirements including Location Criteria and the size limitations for a Convenience Store, pursuant to Art. 4.B.2.C.7 Convenience Store.
 - *Location Criteria:* This use must comply with the Intersection, Separation, CL FLU Rural Tier, and any MUPD Exceptions. Though the use was previously approved, there is a requirement to have a maximum of two retail gas and fuel sales establishments at one intersection. The subject request will relocate the prior approval closer to the intersection of Coconut and Northlake. A second Retail Gas and Fuel sales establishment has been approved within the development directly to the east, through application ABN/ZV/PDD/CA-20196-01808, R-2021-01761, though it has not commenced development. The relocation

of the subject Retail Gas and Fuel is still in compliance with the maximum number at this intersection.

- **CL FLU in Exurban Tier:** In accordance with the Florida Department of Transportation Map date 2010 for Palm Beach County. Northlake Boulevard is considered a Minor Arterial and Coconut Boulevard a Minor Collector. The subject use is located within the 1,000 feet of this intersection meeting this location requirement.



- **General Daycare Building J:** The proposed General Day Care use is subject to the use requirements pursuant to Art. 4.B.4.C.7 Day Care. The proposed use is located on a parcel greater than 6,000 sq. ft. The subject site is not located adjacent to an airport and therefore the Airport Land Use Compatibility Zoning requirement is not applicable. The Applicant proposes to have 214 children within the 13, 575 sq. ft. building. They indicate on the Preliminary Plan a 9,630 sq. ft. outdoor play area. The provided outdoor activity area meets the minimum sq. ft. of 75 sq. ft. per child other than infants and 45 sq. ft. required per infants per Appendix D, Chapter 1, Article X, Section B of the PBC Code and is surrounded by a four ft. high fence. The Applicant has acknowledged that Canopy trees will be provided within the interior of the outdoor activity area which will be reflected on the landscape plan provided at time of building permit. The PSP indicates 11 Drop off spaces and a four ft. wide sidewalk adjacent to the Drop off spaces, connecting to the Day Care. The use is subject to the requirements of permitting by our State Department of Health and compliance with other statutory regulations of the state.

- **Financial Institution with one drive-through Building H:** The prior Development Order included two Financial Institutions, both with four drive-through lanes. The subject request will remove one of the uses, while reducing the square footage and number of lanes to one drive-through. There are no specific use limitations other than this use is allowed administratively due to its size within the CL/MUPD.

○ **Architectural Review:** The site is required to comply with the Architectural Guidelines pursuant to Article 5.C, Design Standards. Previous Conditions of Approval require elevations to be submitted at time of Final approval by the Development Review Officer. Because the Applicant has proposed Type 1 Restaurants that do not meet the separation requirements. Architectural Elevations were required to be submitted at time of this application request. The elevations have been included as Figure 6 within this report. Staff have included conditions of approval to have them modified at time of final DRO so they are revised to meet the requirements of the existing conditions and the ULDC for the Rural design. Roof line features have specific requirements that the elevations proposed need to meet. Additionally, the elevations and site plan for the Retail Gas and Fuel will need to be required to incorporate the required porch along the eastern façade due to its adjacency to Coconut Boulevard. Elevations are required to be consistent with the Architectural Character of the area.

○ **Parking:** Pursuant to Article 3.E.1.C.2.h. Parking (Non-Residential Uses), a use within a Planned Development District (PDD) may utilize the parking standards indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The Applicant has requested to utilize the minimum/maximum parking requirements pursuant to Article 3. The total number of required parking spaces is a minimum of 347 spaces and a maximum of 521 spaces. The PSP indicates a total of 506 parking spaces throughout the site. In order to advocate and support sustainable design and development within the County, and because the Applicant is not proposing the minimum amount of parking for the development, Staff has incorporated a condition of approval for the 37 parking spaces that are adjacent and back out onto the southern driveway that traverses the entire development east to west, to be constructed with pervious or porous pavement, pavers, grass parking, or other similar design the assist in heat reduction.

○ **Lighting:** The ULDC requires a maximum height of 25 foot pole heights within the Exurban Tier, and if within 100 feet of residential a maximum height of 15 feet. Staff have included a condition of approval relating to lighting for the entrance along Hamlin and the General Daycare parcel to have a maximum

height of 15 feet, and to orient the lights away from the residential uses to the south and any wetland preservation areas to the west, with zero foot candles along the south and west property lines.

- *Landscape/Buffering:* The site provides the required perimeter buffering as required by Code and previous Conditions of Approval. The PSP indicates a 50 ft. wide Rural Parkway along Northlake Boulevard Transportation Element (TE) Policy 1.4-q.1 and Planning Condition of Approval 2 to help protect the rural and exurban character of the area per Tier. The Rural Parkway includes an 8 ft. wide multipurpose meandering pathway which extends along the western property line of 130th Avenue North and to the south side of the proposed commercial buildings.

A 15 ft. wide Right-of-Way buffer is required along the southern property line abutting Hamlin Boulevards per Table 7.C.2.A – Width of R-O-W Buffer. However, previous conditions of approval increased the buffer to be 35 ft. wide in order to provide protection to the residents. The prior conditions of approval included a berming and hedges within the buffer only in the area directly behind the previously proposed Grocery Store and Type 1 Restaurant. Due to the reconfiguration of the plan, placement of buildings closer to Northlake, and the relocation of the Type 1 Restaurant. Staff have modified the condition to remove the requirement for berming, but have increased the number of pines for that buffer to provide more native material in its place.

On the north side of this 35 ft. buffer are approximately 1919 linear feet of two (2) separate water management tracts containing a total of 1.93 acres of dry detention area, a 1.3-acre lake tract and also includes a 5-acre wetland preserve area. This area ranges from approximately 155 to 181 feet in width.

A 25 ft. R-O-W buffer along the eastern property line abutting Coconut Boulevard, where only a 15 ft. wide buffer is required, per Table 7.C.2.A – Width of R-O-W Buffer. A 15 ft. wide R-O-W buffer is required and provided along the western property line abutting 130th Avenue North in accordance with Table 7.C.2.A – Width of R-O-W Buffer. Both buffers will provide the minimum code requirement plant material.

Staff have included a condition of approval for additional landscape material along the north side of the Wetland Preserve and the detention and water management tracks that are located north of Hamlin Boulevard and west of the access point on Hamlin. This area will be a minimum 50 feet in width for approximately 720 feet west of the proposed 30x40 lift station, and a minimum 15 feet in width east of the lift station to the access point. This area will include a minimum 5 foot pedestrian pathway, that may be pervious paved, or grass permeable pathway. This area will include one canopy tree for each 20 lineal feet and one pine for each 20 lineal feet. The pines may be clustered. The landscape design shall also incorporate 6 foot hedge south of the Building A, Car wash that will screen drive-through, by pass lanes and the entrance to the Car Wash tunnel, as well as areas south of each dumpster location. The dumpsters all align the southern drive into the development that can create noise when picked up, traveling across these water management and preserve areas to the south. The intent is to provide additional material to reduce sound and noise, while creating a nice open space area that will meet the policies and goals of the Plan.

Examples:



- *Signs:* The Applicant has submitted a Preliminary Master Sign Plan (PMSP-1), which is provided in Figure 5. The Applicant proposes two freestanding signs along Northlake Boulevard and two along Coconut Boulevard. Staff have included a Condition of Approval that will need to revise the Master Sign Plan at time of Final DRO, in accordance with Table 8.G.2.A - Freestanding Sign Standards. A maximum of one freestanding sign per frontage is allowed for a Development within the Exurban Tier. The Applicant proposes nine total outparcel sign along Northlake Boulevard (8) and Coconut Boulevard (1) in accordance with Table 8.G.2.B - Freestanding Outparcel Identification Signs. Because of the number of Freestanding and Ground Mounted signs, Staff have included a Condition of Approval not to allow any additional ground mounted signs along Northlake or Coconut Boulevards.

The Applicant also proposes wall signage for all proposed buildings on site, meeting the required standards of Table 8.G.1.A - Wall Sign Standards. The proposed Canopy Signs for the gas station pump cover are subject to Table 8.G.1.B - Awning and Canopy Sign Standards, and the signs meet the standards of the Code.

○ *Pedestrian Amenity:* For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere. The Applicant has stated in their justification they have provided outdoor seating areas, and a focal point at the terminus of the main entry drive. Outdoor seating that is for the Restaurants may not be counted toward meeting this minimum requirement. Prior to final DRO approval the Applicant shall revise the Regulating Plan to indicate the details of this focal point. The minimum area being 70 feet wide by 30 feet deep at the terminus of the main western entrance off of Northlake Boulevard. In addition to landscape material an architectural structure shall be included consistent with the character of the place and the Exurban Tier.

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 overall MUPD is consistent and compatible with the surrounding area. The amendments to the overall MUPD to modify and the newly added uses are consistent with the surrounding commercial development to the east and site. The amendment seeks to maintain consistency with the previously approved commercial land uses. Although the properties to the south are residential, the increased setbacks and proposed buffering along with the large water management tracts and preserve areas will allow the incompatible commercial and residential uses to function together. The site design and additional buffering helps minimize adverse visual impacts from the use functions of the subject site.

The proposed Restaurants, Retail uses, Convenience Store with Retail Gas and Fuel, Car Wash and General Day Care are all Commercial in nature and are similar to the previously approved Site Plan uses which were determined to be Compatible with the surrounding area when approved. The Applicant has submitted Elevations Building E, F, and H to demonstrate Compatibility with the surrounding uses and have demonstrated compliance with the Location Criteria and Separation criteria for the Restaurants uses as required by code. All the proposed uses will provide services to the surrounding neighborhoods. Any incompatibility that the development may create has been address through the proposed locations of the buildings, with the separation along the south with the water management tracks, detention and wetland preserve areas. Shifting of the buildings closer to the southern property line would not be allowed administratively, due to the land use and residential use. In addition, Staff have included additional conditions as stated under Consistency with the Code.

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 overall development, with the proposed amendments and uses has been designed to minimize adverse impacts to the adjacent properties. The development meets all the minimum PDRs as previously discussed. The PSP further indicates required buffering that exceeds the minimum requirements for visual screening of use impacts on site. All structures on site are indicated as one story and will not exceed the 35 ft. max height requirement which will maintain consistency with the structures in the surrounding vicinity. All structures are subject to Architectural design criteria to maintain consistency with the adjacent properties and minimize adverse visual and design impacts of the site. Further, the Applicant has reduced the overall square footage of the site to minimize adverse impacts on intensity of the site to the surrounding area. Conditions of approval have been included under the analysis of Consistency with the Code, to address adverse effects and visual impact on the proposed reconfiguration of the development and the revised and new uses proposed for the site.

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:* This property has been cleared in compliance with the previously issued vegetation permit. There is no upland preserve on the subject parcel. The upland preserve was established off-site (PCN00-44-45-16-00-000-7010) as allowed pursuant to Art. 14,C.7.C.5. The preerve ID is P-2014-0002. The proposed wetland preserve will be regulated by South Florida Water Management District (SFWMD), and the Property Owner/Applicant will be required to submit permits and coordinate with that government agencies on impacts and requirements.

○ *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 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.

o *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.*

Since the last approval in 2014, the area has had significant development changes along the north side of Northlake Boulevard within the municipality of Palm Beach Gardens. The request would amend the previously approved Development Order for the overall MUPD, in order modify uses, building square footages and locations, as well as the relocation of two prior use approvals for Retail Gas and Fuel and a Type 1 Restaurant with Drive-through. The subject site is located within the Exurban Tier, and has a Commercial Low Future Land Use. The objectives of the Plan for the Exurban Tier include the provision of “Open Spaces, squares, parks with landscaping, walkways, eating, recreational facilities and appealing vista. Comfortable streets, pathways, and trails, and public and private buildings designed and placed to reflect a rural character.”

The Policies of the Plan require protections and maintenance of the semi-rural residential, equestrian and agricultural communities that lie to the south of the subject development. Nonresidential development is allowed as a pattern of development for the Exurban Tier, provided, the form of development is a Traditional Marketplace, or in the form with rural design standards to ensure protection of the character of the Tier and minimizing impacts on surrounding uses. The modification to the overall development and uses, and the inclusion of new Conditional Uses within the development is a logical development pattern for the area. These uses will serve the residents of the immediate existing community to the south, as well as the new residential and non-residential uses and their employees/patrons of the development to the north. Although there are modifications to the provision of public facilities, the square footage is reduced and the placement of buildings shifts to the north along the major thoroughfare. . The changes proposed will not alter the general development pattern of this area and maintain consistency with the commercial uses as approved. Therefore, these requests meet a logical, and orderly and timely development pattern of the surrounding properties.

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

ENGINEERING COMMENTS:

The proposed commercial and a day care center are expected to generate 5,400 net daily trips, 359 net AM peak hour trips, and 485 net PM peak hour trips. The build out of the project is expected to happen by 2026.

Some of the significantly impacted roadways and intersections have background deficiencies, without the project traffic. As per the State Proportionate Share legislation, the developer will not be responsible to make any improvements to those deficient roadways and intersections for project approval. It should be noted that Northlake Blvd and the intersection of Northlake Blvd and Coconut Blvd are programed to be improved and widened.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Northlake Blvd from 140th St to Coconut Blvd

Existing count: Eastbound=509, Westbound=1547

Background growth: Eastbound=859, Westbound=893

Project Trips: Eastbound=135, Westbound=133

Total Traffic: Eastbound=1503, Westbound=2573

Present laneage: 1 in each direction

Assured laneage: 3 in each direction

LOS “D” capacity: 810 (existing)/2680 (assured) per direction

Projected level of service: Worse than LOS D with existing lanes, but better than LOS D with assured lanes.

Segment: Coconut Blvd from Northlake Blvd to Tample Blvd

Existing count: Northbound=410, Southbound=977

Background growth: Northbound=393, Southbound=561

Project Trips: Northbound=105, Southbound=103

Total Traffic: Northbound=908, Southbound=1641

Present laneage: 1 in each direction

Assured laneage: 2 in each direction

LOS “D” capacity: 880 *existing)/1960 per direction

Projected level of service: LOS D or better in each direction with assured lanes

The Property Owner shall dedicate ROW to be consistent with the PBC Thoroughfare Identification Map and configure the property into a legal lot of record prior to the issuance of the building permit. Existing Engineering Conditions have been modified to address the proposed request. New conditions have been included to address roadway and drainage impacts.

PALM BEACH COUNTY HEALTH DEPARTMENT:

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

PALM BEACH COUNTY WATER UTILITIES:

The site will be serviced by PBC Water Utilities for Water and Wastewater.

SCHOOL IMPACTS:

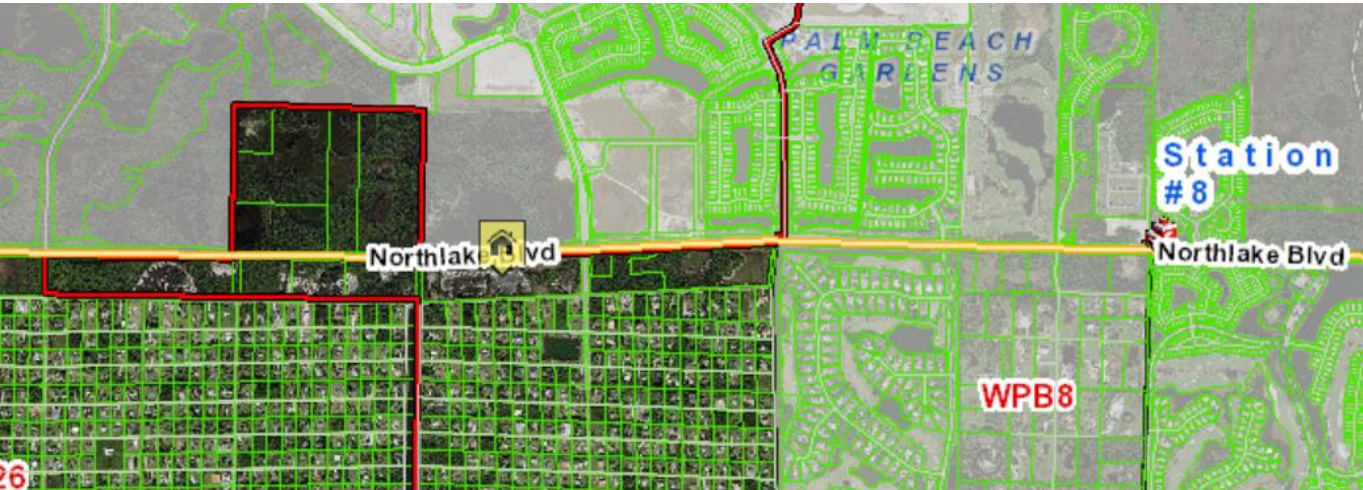
The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

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

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject site is within the boundaries of West Palm Beach Fire Station #8.



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 site received previous approval for a multiple use commercial use development, with the last approval in 2014. The Applicant has stated in their justification statement that the amendments to the previously approved MUPD, Retail Gas and Fuel, and Type 1 Restaurant, along with the new Conditional Uses for a 2nd Type 1 Restaurant with Drive-through, a Type 1 Restaurant with no Drive-through greater than 5,000 sq. ft., Type 2 Restaurant, General Daycare, and Car Wash are needed as a result of “significant” changes in the area since its last approval. They have stated that a new development (Avenir) was approved to the north of the subject site and is under construction. They state that the new residential and existing residential uses need these amended commercial uses to serve the community. The Applicant states that the new Conditional Uses will assist in serving the immediate Community, rather than adding the additional traffic onto Northlake for them to travel eastward 10 miles and then back to their homes.

The Applicant affirms that there is a market need for more dining options to serve the existing and proposed residential units, including a higher turnover and sit down type restaurants. They quote that a RAND study completed in 2015 indicates that the average distance between food establishments and homes is about 2.6 miles. Locating these restaurants, three Type 1 Restaurants and one Type 2 Restaurant, within this shopping center will serve the residents but also the businesses that are proposed within the Avenir development adjacent to the NE from the subject site.

With the non-residential medical and professional offices proposed at the NE Corner within Avenir, as well as the proposed and existing residential use, the Applicant states that there is a need for working families to have child care within proximity of their homes and places of work. The Applicant states, and is confirmed by the Palm Beach County Health Department Child Care Location Map, that “this area of the County has limited options for commercial development, thus there are limited options for parents that need daycare services. The proposed daycare will be located on a major road that will allow parents to easily pick-up and drop-off their children on their way to and from work.”

The development was previously approved with a Convenience Store with Gas Sales and accessory car wash. The modification removes the car wash as an accessory use, and requests the car wash as its own principal use within an out parcel along the western most side of the development. The revisions to the Retail Gas and Fuel use will reduce the number of pumps, while making the convenience store 2,200 sq. ft. larger.

Finally, the Applicant states that there is no longer a need for accessory car wash uses, that the need is for free-standing uses, that operate at automated tunnels for the detailing service along with areas for vacuuming and cleaning the interiors of vehicles. They state that the change from the accessory car wash to principal is based on changes in market and customer demands.

These reasons have demonstrated changed conditions from the prior approval that necessitate a need for change to the prior Development Order.

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. Therefore, Staff is recommending approval of the requests as per the Conditions of Approval as indicated in Exhibits C-1 and C-5.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Development Order Amendment (Overall MUPD 29.53 acres)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Preliminary Site Plan is dated November 14, 2013. 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 Preliminary Site Plan is dated February 9, 2022. 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-2014-111, Control No.2006-00147, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-01240 (Control 2006-0147), 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-2014-0111 (Control 2006-0147), 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)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Commencement of the Development Order shall start January 13, 2017, modifications maybe permitted administratively as allowed by Article 2.E of the Unified Land Development Code (ULDC).

Is hereby amended to read:

Commencement of the Development Order for the MUPD shall no later than four years from the effective date of this approval. Modifications maybe permitted administratively as allowed by Article 2.E of the Unified Land Development Code (ULDC). (DATE: MONITORING - Zoning)

4. Prior to final approval by the Development Review Officer, the Site Plan shall be revised to have consistent tabular data for the total square footage for Concurrency and the Building Data, as outdoor seating is considered square footage. (DRO: ZONING – Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings and structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2014-111, Control No.2006-00147)

2. All required porches and drive-thrus shall be designed to meet the minimum standards as defined by Article 5.C, as amended, and shall include a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted or as otherwise approved by Architectural Review Section. (BLDGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2014-111, Control No.2006-00147)

3. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be amended to include:

- a. Decorative trellis work along the primary entrances into the site from both Northlake Boulevard and Coconut Boulevard; and
- b. A minimum forty (40) feet of trellis shall be provided on each side of each entrance drive isle or as approved by the Architectural Review Section.
(DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2014-111, Control No.2006-00147)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

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, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)
- b. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at SR 7 and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 14,820 sf Pharmacy and 3,000 sf of Convenience Store plus 8 gas pumps (or the equivalent of 97 net peak hour trips) shall not be issued until the developer shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)
- c. In order to request release of the surety for the traffic signal required by condition E.1.b, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

Is hereby amended to read:

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, 2026. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)
- b. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at SR 7 and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 14,820 sf Pharmacy and 3,000 sf of Convenience Store plus 8 gas pumps (or the equivalent of 97 net peak hour trips) shall not be issued until the developer shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)
- c. In order to request release of the surety for the traffic signal required by condition E.1.b, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

2. Previous ENGINEERING Condition 2 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to the issuance of a first Certificate of Occupancy for the western phase of the project, the Property Owner shall permit, fund, install and have operational the traffic signal at the western driveway connection and Northlake Boulevard. Signalization shall be a span-wire installation. The cost of signalization paid by the Property Owner shall also include all design costs and any required utility relocation and right of way or easement acquisition.

Is hereby amended to read:

Prior to the issuance of a first Certificate of Occupancy for the project, the Property Owner shall permit, fund, install and have operational the traffic signal at the main full access driveway connection at Northlake Boulevard. Signalization shall be a mast installation. The cost of signalization paid by the Property Owner shall also include all design costs and any required utility relocation and right of way or easement acquisition.

- a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering)
- b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the signal has already been constructed and accepted by the County. The County shall have 60 days after the request within which verification of the acceptance of the signal shall be determined and the surety returned. (ONGOING: ENGINEERING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of right turn lanes:

- i. at the western driveway connection onto Northlake Boulevard
- ii. at the middle driveway connection onto Northlake Boulevard
- iii. at the eastern driveway connection onto Northlake Boulevard
- iv. at the driveway connection onto Coconut Boulevard

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

Is hereby amended to read:

Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of right turn lanes at all driveway connections on Northlake Boulevard and Coconut Boulevard and at the intersection of Northlake Boulevard and Coconut Boulevard.

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT: MONITORING - Engineering)

4. Previous ENGINEERING Condition 4 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Property Owner shall construct:

- i. a west approach right turn lane on Northlake Blvd. at the middle driveway connection,
- ii. a west approach right turn lane on Northlake Blvd. at the eastern driveway connection,
- iii. a north approach right turn lane on Coconut Blvd. at the project driveway connection,
- iv. a traffic separator on Coconut Blvd. from Northlake Blvd. to approximately 50 feet south of the project driveway connection or as approved by the County Engineer, and
- v. a west approach right turn lane, an east approach left turn lane, south approach dual left turn lanes and an exclusive right turn lane at the western driveway connection on Northlake Blvd, including the appropriate westbound receiving lanes on Northlake Blvd.

This construction shall be concurrent with the corresponding paving and drainage improvements for the site as outlined in items a to d below. 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 the construction identified in items i-iv above shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)
- b. Construction identified in items i-iv above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)
- c. Permits required from Palm Beach County for the construction identified in item v above shall be obtained prior to the issuance of the first Building Permit for buildings A thru C (i.e. any buildings west of the central driveway). (BLDGPM: MONITORING - Engineering)
- d. Construction identified in item v above shall be completed prior to the issuance of the first Certificate of Occupancy for buildings A thru C (i.e. any buildings west of the central driveway). (CO: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall construct a traffic separator on Coconut Blvd. from Northlake Blvd. to approximately 50 feet south of the project driveway connection or 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 the construction shall be obtained prior to the issuance of the first Building Permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)
- b. Construction identified above shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)
- c. In lieu of parts a and b, if approved by the County Engineer, the Property Owner may submit an acceptable surety for the improvements required by Condition 4. Acceptable surety for the design, right of way acquisition, and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements as outlined in Condition No. 4, shall be posted with the Land Development Division on or before the issuance of the first Building Permit. Surety in the amount of 110% shall be based upon an acceptable Certified Cost Estimate provided by the Property Owner's Engineer. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety. (BLDGPM: MONITORING - Engineering)
- d. If the Property Owner elects to submit an acceptable surety for the improvements required by Condition 4, the improvements in Condition 4 shall be completed within 12 months of being requested by the County Engineer and the surety shall be released upon completion of the improvements required in Condition 4. (CO/ONGOING: ENGINEERING - Engineering)

5. Previous ENGINEERING Condition 5 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way to include the existing sidewalk along the west side of Coconut Boulevard entirely within Palm Beach County right of way. This additional right of way shall be as approved by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, excluding the existing sidewalk, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

Is hereby amended to read:

The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Coconut Boulevard 40 feet plus expanded intersection requirements, measured from centerline of the proposed right of way on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

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

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

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

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

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Northlake Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2014-111, Control No.2006-00147)

7. Prior to issuance of the first building permit, the Property Owner shall create a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2014-111, Control No.2006-00147)

8. The Property Owner shall construct a driveway connection to Hamlin Blvd, a right turn lane, east approach at the driveway connection and a 6-foot sidewalk between Coconut Blvd and the driveway connection on the north side of Hamlin Blvd, or as approved by Indian Trails Improvement District. This construction should be concurrent with the paving and drainage improvements for the site. Any and all

costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right of way.

- a. Construction of these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)
- b. Commercial vehicles shall be prohibited from using Hamlin Blvd. to access the site. (ONGOING: CODE ENF - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2014-111, Control No.2006-00147)

9. Prior to issuance of a building permit for proposed improvements within the portion of the 50-foot Rural Parkway Easement that overlaps with the 10-foot Embankment Easement along the north property line, the Property Owner shall coordinate with Roadway Production for approval on proposed grading. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2014-111, Control No.2006-00147)

10. Previous ENGINEERING Condition 10 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Property Owner shall construct:

- i. a median opening on Northlake Blvd at the middle driveway that allows only left turns out (temporary construction). The design shall be as approved by the County Engineer.
- ii. a temporary signal at the above location that would allow left turns out from the middle driveway (temporary construction).

The two temporary constructions, as identified in i and ii shall be removed once the western driveway has been modified and a signal has been installed, as specified in condition Eng.2.

Signalization shall be a span-wire installation. The Property Owner would be responsible for all the cost associated with this temporary signal installation. These costs shall include, but not limited to, all design costs and required utility relocation and right-of-way or easement acquisition, if any.

- a. Permits required from Palm Beach County for the construction identified in i and ii above shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)
- b. Construction identified in i and ii above shall be completed prior to the issuance of second Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

11. Prior to final approval of the Site Plan by the Development Review Officer, the Property Owner shall modify the Site Plan to show the proposed curb and gutter on Coconut Boulevard, as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

12. Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along Northlake Boulevard and Coconut Boulevard, a minimum of 10 feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering)

13. Prior to the issuance of the first building permit, the Property Owner shall provide to Indian Trails Improvement District an easement, 6 feet in width, for the construction of a right turn lane on Hamlin Boulevard at the project's entrance. (BLDGPM: MONITORING - Engineering)

14. The Property Owner shall construct a right turn lane east approach on Hamlin Boulevard at the project entrance.

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

15. The Property Owner shall reconstruct Hamlin Boulevard from Coconut Boulevard to the entrance road to be consistent with Palm Beach County standards for a non-plan collector road or as approved by Indian Trails Improvement District and the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

16. Prior to final approval of the Site Plan by the Development Review Officer, the Property Owner shall modify the drainage statement to address how the drainage will be accommodated for the Hamlin Boulevard roadway improvements. (DRO: ENGINEERING - Engineering)

17. The Property Owner shall construct i) right turn lanes west approach on all driveways on Northlake Blvd, except for the westernmost out-only driveway ii) left turn lanes east approach and south approach dual left turn lanes and an exclusive south approach right turn lane at the main full access and iii) left turn lane east approach on Northlake Blvd at the driveway east of the main driveway iv) right turn lane north approach on Coconut Blvd at project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

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

ENVIRONMENTAL

1. Incorporate existing native trees and under-story into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 6 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous Condition Environmental 1 of Resolution R-2014-111, Control No. 2006-0147)

2. All mitigation plantings shall be planted on-site or as approved by ERM. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. The applicant shall relocate native understory growth (e.g., saw palmetto, cocoplum, etc.) where feasible. (VEGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

a. tree height: fourteen (14) feet to meet grade and standards requirements; and,
b. credit may be given for existing or relocated trees provided they meet Unified Land Development Code (ULDC) requirements. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2014-111, Control No.2006-00147)

2. A group of three (3) or more palms or pines may supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2014-111, Control No.2006-00147)

3. At time of submittal for final Development Review Officer (DRO) approval, the applicant shall submit a Landscape Plan for the south property line to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2014-111, Control No.2006-00147)

LANDSCAPE - INTERIOR

4. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2014-111, Control No.2006-00147)

5. In addition the requirements for interior landscaping for a non-residential development an additional landscape buffer/open space area along the north side of the Wetland Preserve, detention, and water management tracks which are located north of Hamlin Boulevard and west of the access point on Hamlin Boulevard shall be provided as follows:

a. Width: a minimum 50 feet in width for approximately 720 feet west of the proposed 30x40 lift station, and a minimum 15 feet in width east of the lift station to the access point.
b. a minimum 5 foot pedestrian pathway, that may be pervious paved, or grass permeable pathway which will connect to the pathway along the west property line, and along the access point to Hamlin Boulevard.

- c. One canopy tree for each 20 lineal feet and one pine for each 20 lineal feet. The pines may be clustered.
- d. The landscape design shall also incorporate six foot hedge south of the Building A, Car Wash, that will screen drive-through, by pass lanes and the entrance to the Car Wash tunnel.
- e. Additional hedging shall be incorporated into the design, in areas south of each dumpster location. The dumpsters all align the southern drive into the development that can create noise when picked up, traveling across these water management and preserve areas to the south.(DRO/BLDG PERMIT: ZONING - Zoning)

6. Prior to final DRO approval the Applicant shall revise the Regulating Plan to indicate the details of the Pedestrian Amendment required for non-residential PDDs. This focal point shall be a minimum area of 70 feet wide by 30 feet deep at the terminus of the main western entrance off of Northlake Boulevard. In addition to landscape material an architectural structure shall be included consistent with the character of the place and the Exurban Tier. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG THE SOUTH PROPERTY LINE (ABUTTING HAMLIM BOULEVARD)

7. Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2014-111, Control No.2006-00147 which currently states:

In addition to code requirements, the landscape buffer along the south property line shall be upgraded to include:

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. one (1) canopy tree for each twenty (20) linear feet on center; and
- c. one (1) palm/pine with staggering height in groups of three (3) for every thirty (30) linear feet.

Is hereby amended to read:

In addition to code requirements, the landscape buffer along the south property line shall be upgraded to include:

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. one (1) canopy tree for each twenty (20) linear feet on center; and
- c. one (1) pine with staggering height in groups of three (3) for every twenty (20) linear feet. (BLDGPMPT: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG THE 540 FEET BEHIND BUILDING A AND THE 270 FEET BEHIND BUILDING H OF THE SOUTH PROPERTY LINE (ABUTTING HAMLIM BOULEVARD)

8. Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2014-111, Control No.2006-00147, which currently states:

In addition to Landscape Conditions 4 and 5 above, the applicant shall provide:

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. a three (3) foot high continuous berm in two areas of this buffer. A minimum 540 linear feet of berm in the buffer behind Building A, and a minimum 270 linear feet of berm in the buffer behind Building H;
- c. a minimum six (6) foot high concrete panel or block wall shall be installed on the plateau of the berm along the 540 linear feet to completely screen the loading area of Building A;
- d. a minimum six (6) foot high hedge to be installed on the plateau of the berm along the 270 linear feet behind Building H; and
- e. one (1) canopy tree for each twenty (20) linear feet of the entire perimeter buffer; and
- f. one (1) palm or pine with staggering height in groups of three (3) for every thirty (30) linear feet. Palms shall have a minimum range of six (6) to eight (8) feet of clear trunk or grey wood. Pines shall have a minimum height range from eight (8) to twelve (12) feet.

Is hereby deleted. [REASON: Uses and Site design have changed, and covered by condition 5.]

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2014-111, Control No.2006-00147)

2. The lighting condition above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2014-111, Control No.2006-00147)

3. Maximum height of light poles for southern 225 feet shall be a maximum of 15 feet in height. The orientation of the lights shall be away from the residential and the preservation or wetland areas proposed or located on the adjacent western property. There shall be zero foot candles along the south and west property lines. (BLDG PERMIT: BUILDING DIVISION – Zoning)

PARKING

1. Prior to final DRO, the site plan shall be revised to indicate the 37 parking spaces that are adjacent and back out onto the southern driveway that traverses the entire development east to west, to be constructed with pervious or porous pavement, pavers, grass parking, or other similar design the assist in heat reduction. (DRO: ZONING – Zoning)

PLANNING

1. Development of the site under the Commercial Low designation shall be limited to a maximum of 106,566 square feet of non-residential uses. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2014-111, Control No.2006-00147)

2. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall provide a Rural Parkway Landscape Plan, which shall recreate the native habitat appropriate for the site, subject to review and approval by the Landscape Section and the Planning Division and at a minimum shall include the following:

- a. an overall fifty (50) foot wide Rural Parkway which may include the twenty (20) foot right-of-way buffer;
- b. An eight (8) foot wide paved multipurpose meandering pathway;
- c. The minimum quantities of trees and shrubs within the twenty (20) foot right-of-way portion shall be consistent with Article 7 and quantities for the remaining thirty (30) foot Rural Parkway shall be determined based on site restrictions and existing native vegetation. These overall quantities may be adjusted prior to final approval of the landscape plan to achieve a native habitat;
- d. A minimum of eighty percent 80% native vegetation. Credit may be given for native vegetation that is relocated or is part of an approved mitigation plan; and flowering trees and/or shrubs. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2014-111, Control No.2006-00147)

3. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall submit a Rural Parkway Management Plan (RPMP) maintenance agreement for perpetual maintenance of the Rural Parkway subject to approval by Planning. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2014-111, Control No.2006-00147)

4. Previous PLANNING Condition 4 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to recordation of a Plat or issuance of a Plat Waiver or other approval as allowed by the Subdivision Ordinance, the Property Owner shall submit a recorded Rural Parkway Easement. The Easement shall include but is not limited to: an approved Rural Parkway Landscape Plan, an approved Rural Parkway Maintenance Plan.

Is hereby amended to read:

Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit a recorded Rural Parkway Easement with prior approval from The County Attorney and Planning. The Easement shall include, but is not limited to: an approved Rural Parkway Landscape Plan, an approved Rural Parkway Management Plan. (DRO: PLANNING - Planning)

5. The conservation easement for the Rural Parkway shall include, but not be limited to, the following items:

a. The Rural Parkway easement shall not include:

- i. Walls or berms in the Rural Tier;
- ii. No structures shall be allowed in the Rural Parkway Easement with the exception of benches/pedestrian gathering area and a drinking water fountain;

b. The Rural Parkway easement may include:

- i. A ten (10) foot utility easement located adjacent to the right-of-way;
- ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Rural Parkway Easement to place drainage/utilities in the developable portion of the approved site plan.
- iii. Other drainage easements may be permitted in the Rural Parkway Easement solely for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.

iv. Overlap of the Rural Parkway and Embankment Easement as long as the purposes of both easements are consistent. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 5 of Resolution R-2014-111, Control No.2006-00147)

6. Previous PLANNING Condition 6 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to November 1, 2017, should a Rural Parkway Conservation Easement not be recorded for the subject property by the property owner in a form acceptable to the County Attorney, Engineering Department, and Planning Division, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING - Planning)

Is hereby deleted. [REASON: Covered by condition 4.]

7. Previous PLANNING Condition 7 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Property Owner shall commence construction of the Rural Parkway within Phase 1, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first building permit within Phase 1.

Is hereby amended to read:

The Property Owner shall commence construction of the Rural Parkway, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first Building Permit. (BLDGPM: MONITORING - Planning)

8. Previous PLANNING Condition 8 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Rural Parkway within Phase 1, shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO) within Phase 1, subject to a final inspection by a Landscape inspector and designated Planning staff.

Is hereby amended to read:

The Rural Parkway shall be completed and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO), subject to a final inspection by a Landscape inspector and designated Planning Staff. (CO: MONITORING - Planning)

9. Prior to final site plan approval by the Development Review Officer (DRO), all notations identifying possible future locations for signage within the Rural Parkway shall be removed. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2014-111, Control No.2006-00147)

10. Signs of any type shall not be permitted to be located within the Rural Parkway. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 10 of Resolution R-2014-111, Control No.2006-00147)

11. Previous PLANNING Condition 11 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The property owner shall commence construction of the Rural Parkway within Phase 2, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first building permit within Phase 2. (BLDGPM: MONITORING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

12. Previous PLANNING Condition 12 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Rural Parkway within Phase 2, shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO) within Phase 2, subject to a final inspection by a Landscape inspector and designated Planning staff. (CO: MONITORING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

SIGNS

1. Ground Mounted Freestanding Signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - Eight (8) feet;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - Northlake Boulevard and Coconut Boulevard. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2014-111, Control No.2006-00147)

2. Previous SIGNS Condition 2 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Freestanding Outparcel Identification signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

- a. maximum number of signs - five (5).

Is hereby amended to read:

Freestanding Outparcel Identification signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

- a. maximum number of signs - nine (9) (BLDGPMPT: BUILDING DIVISION - Zoning)

3. Prior to final approval by the Development Review Officer, the Master Sign Plan shall be revised to indicate a maximum of one Freestanding Sign along Northlake Boulevard and and One Freestanding Sign along Coconut Boulevard.

4. No other ground mounted signs may be allowed beyond what is described within this Development Order. (ONGOING/BLDG PERMIT: ZONING – Zoning)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The site is limited to the design shown on the preliminary site plan dated November 14, 2013 with the detention areas and the wetland areas to the south and west of the property. No parking or development shall be allowed within these areas.

Is hereby amended to read:

The site is limited to the design shown on the preliminary site plan dated February 9, 2023 with the detention areas and the wetland areas along the southern portion of the property (not including area proposed for daycare). No parking or development shall be allowed within these areas. (ONGOING: ZONING - Zoning)

2. Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall revise the site plan to include a minimum of Fifty (50) linear feet of pavers along the entire width of the entrance on Hamlin Boulevard. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2014-111, Control No.2006-00147)

3. Previous SITE DESIGN Condition 3 of Resolution R-2014-111, Control No.2006-00147, which currently states:

All entrances from the proposed right of way shall include pavers as indicated on the site plan dated November 14, 2013.

Is hereby amended to read:

All entrances from the proposed right of way shall include pavers as indicated on the site plan dated February 9, 2023. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS

1. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2014-111, Control No.2006-00147)
2. Construction traffic shall be prohibited from utilizing Hamlin Boulevard to access the site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2014-111, Control No.2006-00147)
3. Hours of construction activity during all stages of site development shall be limited to 7 a.m. to 7 p.m. Monday through Friday. Construction shall be prohibited on Saturday, Sunday, and statutory holidays. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2014-111, Control No.2006-00147)

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.

CONDITIONS OF APPROVAL

EXHIBIT C-2

Development Order Amendment (Retail Gas and Fuel Sales 29.53 acres)

ALL PETITIONS

1. The approved Site Plan is dated February 9, 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)

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-1241 (Control 2005-00147), 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)

USE LIMITATIONS

1. Gas station canopies shall be designed consistent with the following standards:

- a. a maximum height of twenty-five (25) feet measured from finished grade to highest point;
- b. a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted or as otherwise approved by Architecture Review Section;
- c. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and,
- d. lighting for the gas station canopy shall be flush mounted or recessed. (DRO: ARCH REVIEW - Zoning) (Previous USE LIMITATIONS – CONVENIENCE STORE Condition 1 of Resolution R-2011-1241, Control No.2006-00147)

2. Repair or maintenance of vehicles shall not be permitted on the property, excluding incidental and emergency repairs. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS – CONVENIENCE STORE Condition 2 of Resolution R-2011-1241, Control No.2006-00147)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO: ZONING - Zoning) (Previous USE LIMITATIONS – CONVENIENCE STORE Condition 3 of Resolution R-2011-1241, Control No.2006-00147)

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

CONDITIONS OF APPROVAL

EXHIBIT C-3

Development Order Amendment and Class A Conditional Uses (Two Type 1 Restaurants with drive-throughs; one Type 1 Restaurant greater than 5,000 sq. ft. with no drive-through; and, one Type 2 Restaurant on 29.53 acres)

ALL PETITIONS

1. The approved Site Plan is dated February 9, 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. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-1241 (Control 2005-00147), for the previously approved Type 1 Restaurant with Drive-through, 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)

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

CONDITIONS OF APPROVAL

EXHIBIT C-4

Class A Conditional Use (General Day Care on 29.53 acres)

ALL PETITIONS

1. The approved Site Plan is dated August 11, 2022. 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)

LIGHTING

1. Maximum height of light poles or lighting attached to Building J within the southern 225 feet shall be a maximum of 15 feet in height. The orientation of the lights shall be away from the residential and the preservation or wetland areas proposed or located on the adjacent western property. There shall be zero foot candles along the south property lines. (BLDG PERMIT: BUILDING DIVISION – Zoning)

COMPLIANCE

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

CONDITIONS OF APPROVAL

EXHIBIT C-5

Class A Conditional Use (Car Wash on 29.53 acres)

ALL PETITIONS

1. The approved Site Plan is dated August 11, 2022. 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)

LANDSCAPING INTERIOR

1. The landscape design for the open space buffer north of the water management track (0.96 ac) shall also incorporate six foot hedge south of the Building A, Car Wash, that will screen drive-through, by pass lanes and the entrance to the Car Wash tunnel. (DRO/BLDG PERMIT: ZONING- Zoning)

COMPLIANCE

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

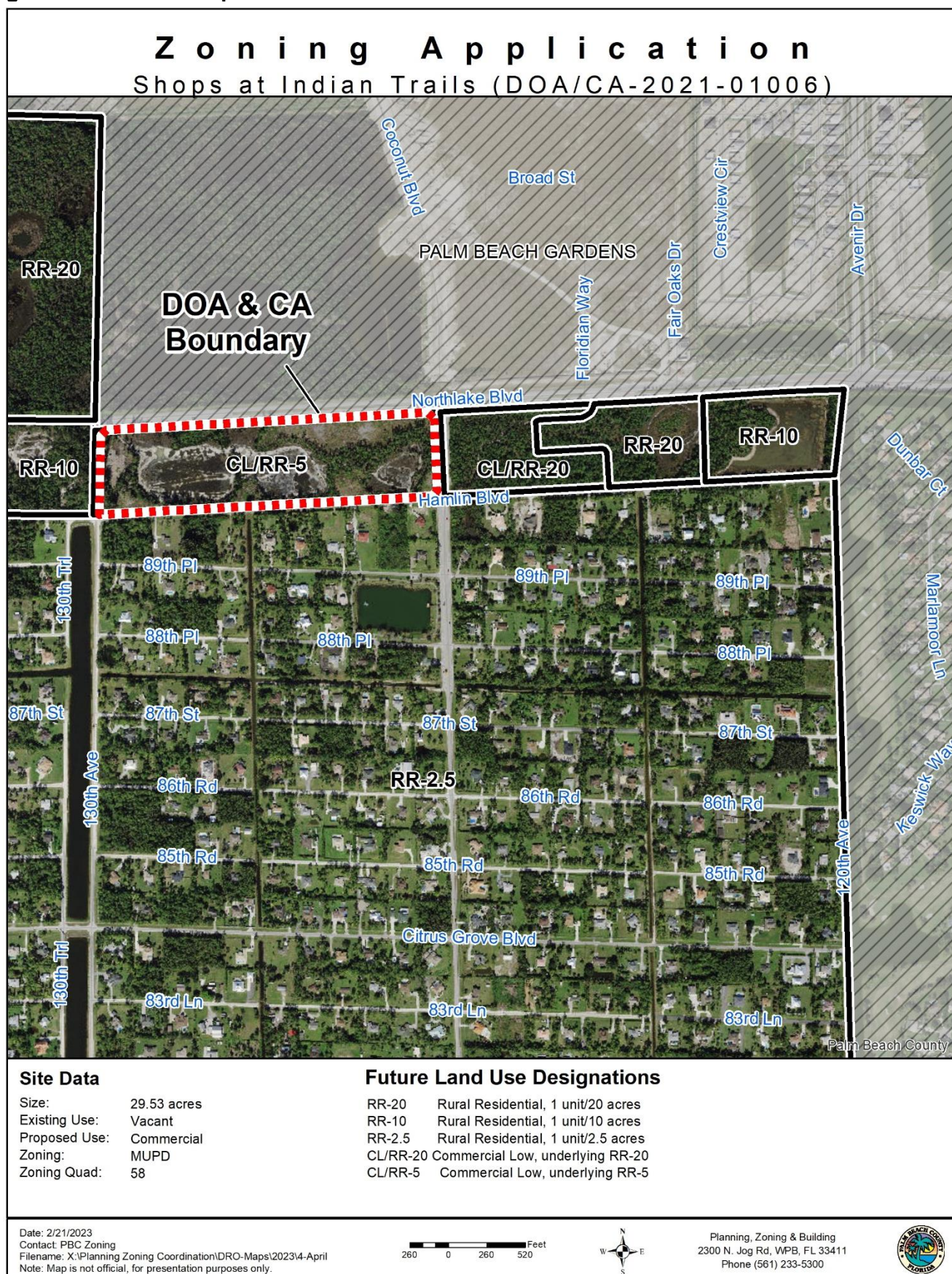
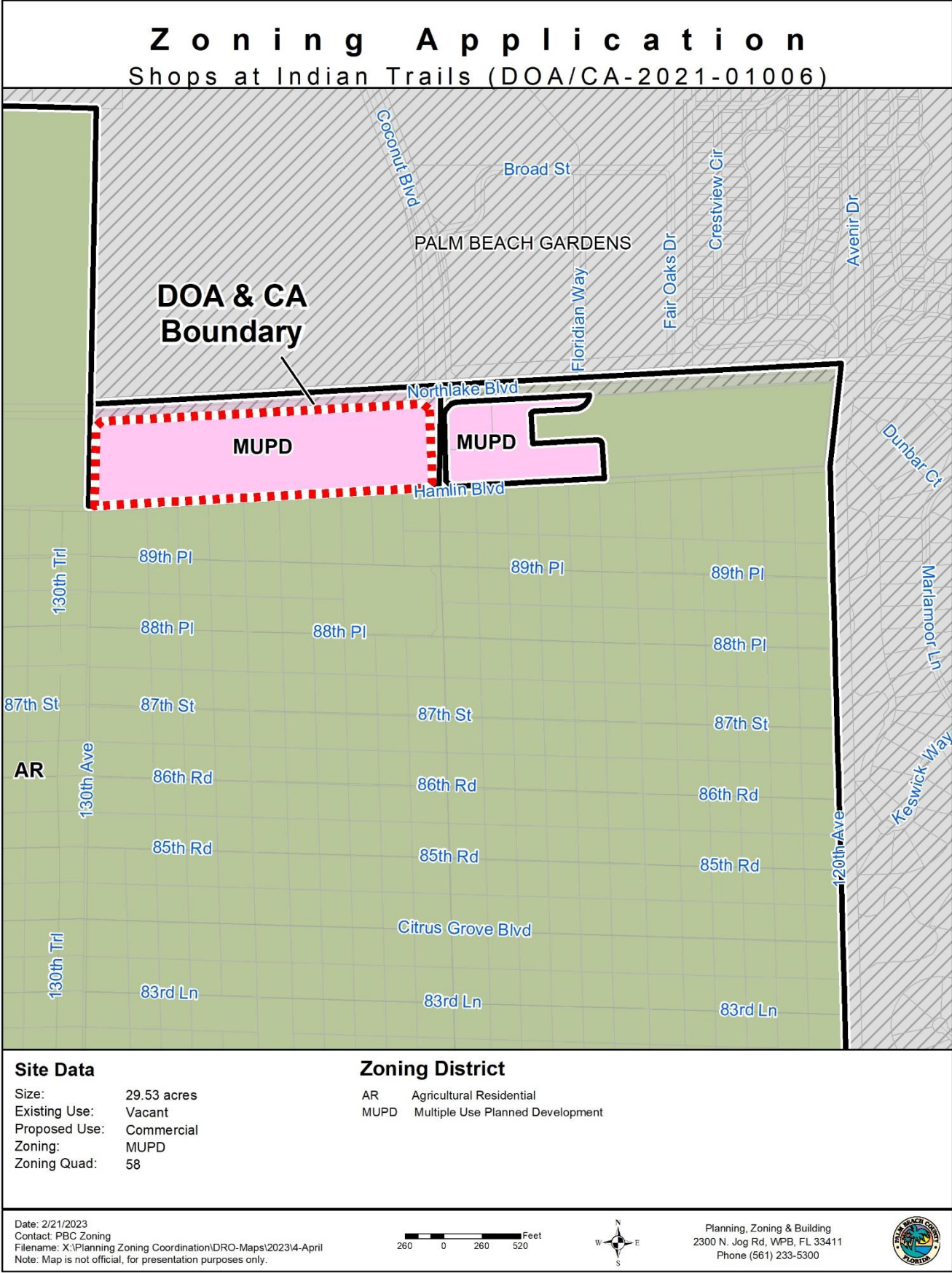


Figure 2 - Zoning Map



Zoning Commission
Application No. DOA/CA-2021-01006



Zoning Commission
Application No. DOA/CA-2021-01006

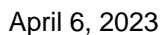


Figure 3 – Preliminary Site Plan dated February 9, 2023 page 3 of 3

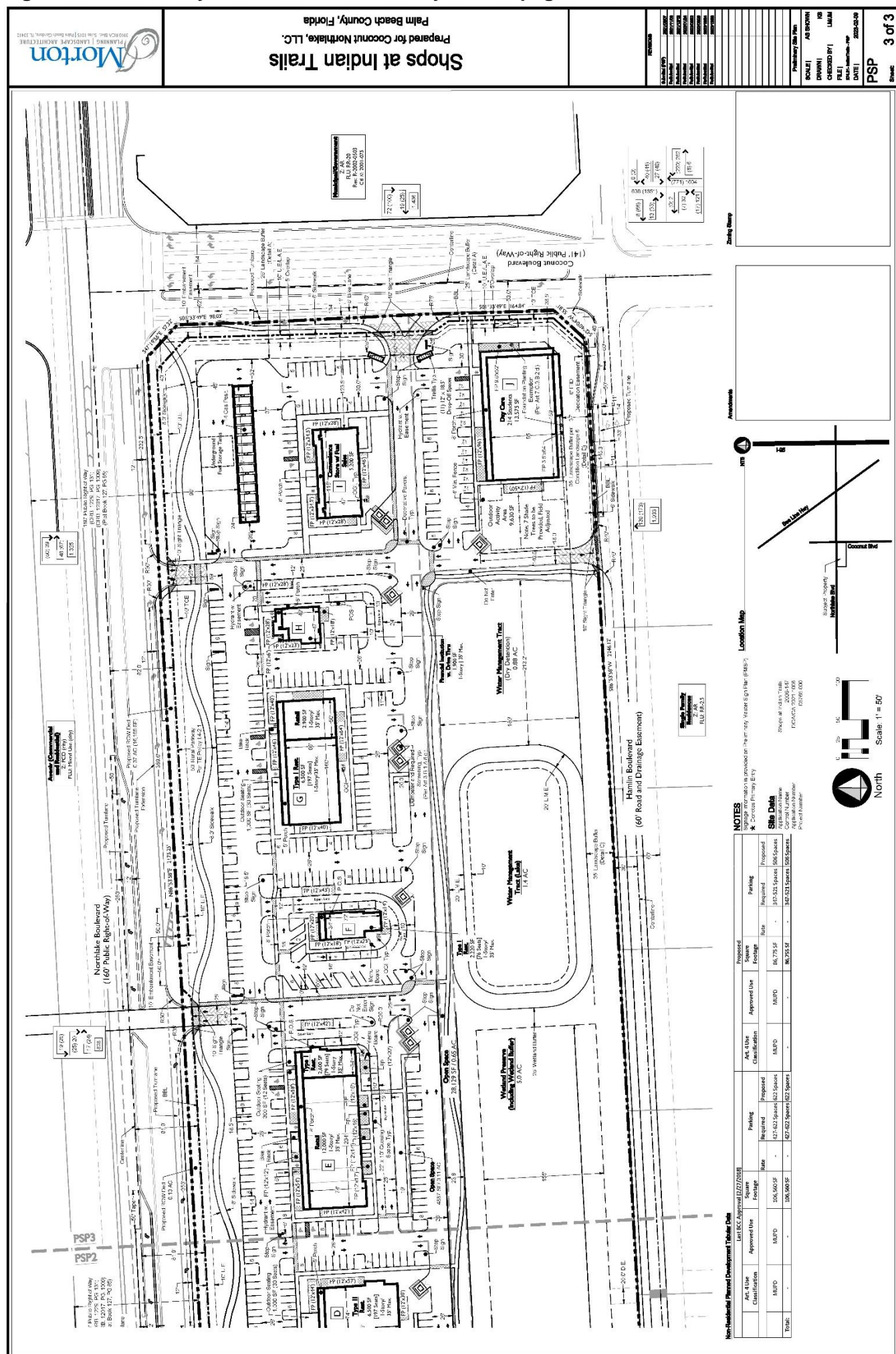


Figure 4 – Preliminary Regulating Plan dated February 22, 2022 page 1 of 11

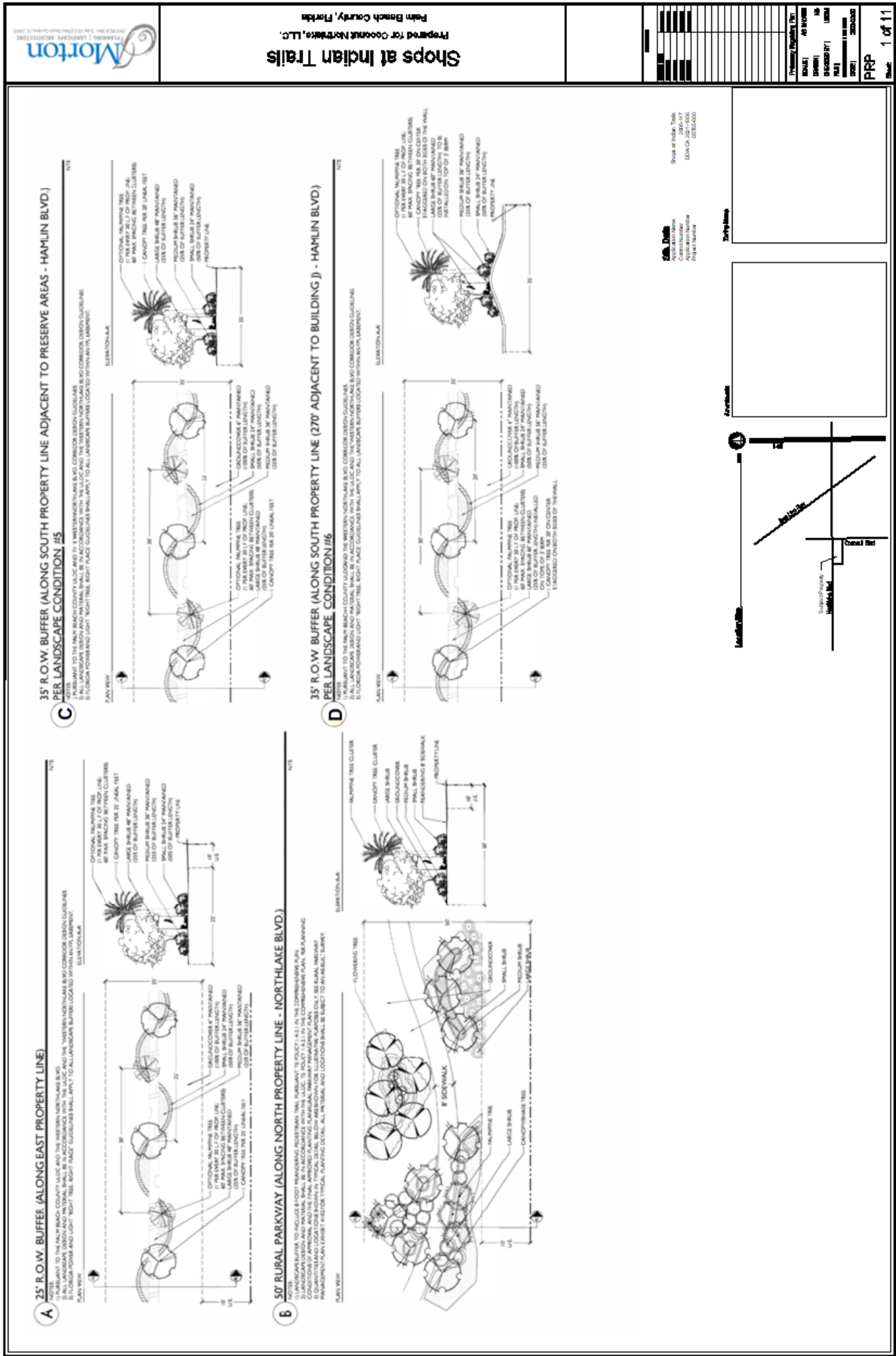


Figure 4 – Preliminary Regulating Plan dated January 23, 2023 page 2 of 11

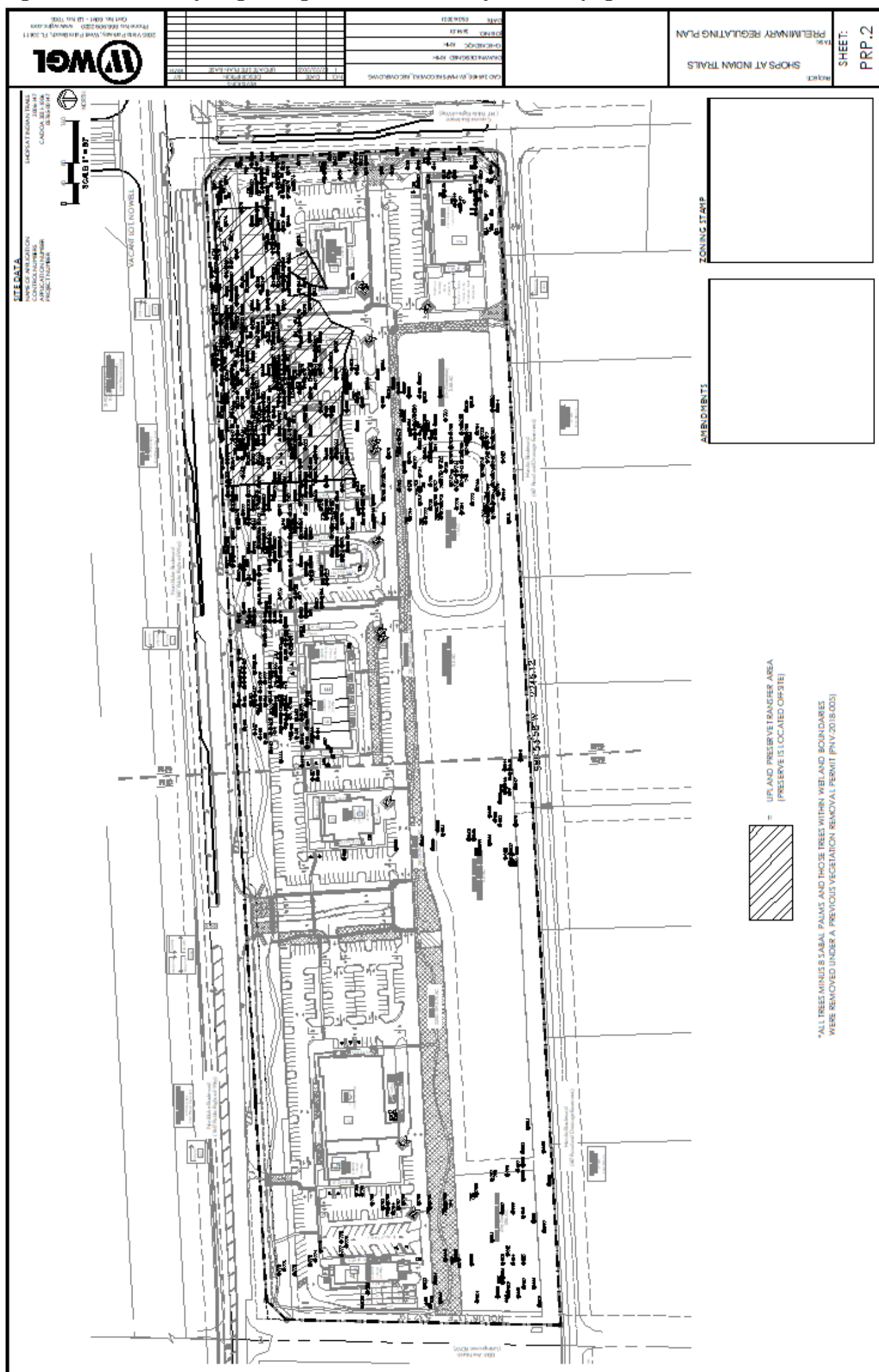


Figure 4 – Preliminary Regulating Plan dated January 23, 2023 Sheet 3 of 11

Tag #	Common Name	Scientific Name	DBH (inches)	EIM Fee	Zoning Fee	Disposition	EIM Mitigation	Zoning Requirement	Credits	Notes
1	Shrub / Tree	Prunella	7	0.00	0.00	Harvest		0.00		Harvest
2	Shrub / Tree	Prunella	7	0.00	0.00	Harvest		0.00		Harvest
3	Shrub / Tree	Prunella	9	0.00	0.00	Harvest		0.00		Harvest
4	Shrub / Tree	Prunella	7	0.00	0.00	Harvest		0.00		Harvest
5	Shrub / Tree	Prunella	7	0.00	0.00	Harvest	2	0.00		Harvest
6	Shrub / Tree	Prunella	13	0.00	0.00	Harvest	3	0.00		Harvest
7	Shrub / Tree	Prunella	14	0.00	0.00	Harvest	3	0.00		Harvest
8	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
9	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
10	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
11	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
12	Shrub / Tree	Prunella	20	0.00	0.00	Harvest		0.00		Harvest
13	Shrub / Tree	Prunella	14	0.00	0.00	Harvest	3	0.00		Harvest
14	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
15	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
16	Shrub / Tree	Prunella	11	0.00	0.00	Harvest	2	0.00		Harvest
17	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
18	Shrub / Tree	Prunella	15	0.00	0.00	Harvest	3	0.00		Harvest
19	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
20	Shrub / Tree	Prunella	7	0.00	0.00	Harvest	2	0.00		Harvest
21	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
22	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
23	Shrub / Tree	Prunella	11	0.00	0.00	Harvest	2	0.00		Harvest
24	Shrub / Tree	Prunella	15	0.00	0.00	Harvest	3	0.00		Harvest
25	Shrub / Tree	Prunella	11	0.00	0.00	Harvest	2	0.00		Harvest
26	Shrub / Tree	Prunella	15	0.00	0.00	Harvest	3	0.00		Harvest
27	Shrub / Tree	Prunella	13	0.00	0.00	Harvest	3	0.00		Harvest
28	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
29	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
30	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
31	Shrub / Tree	Prunella	1	0.00	0.00	Harvest		0.00		Harvest
32	Shrub / Tree	Prunella	1	0.00	0.00	Harvest		0.00		Harvest
33	Shrub / Tree	Prunella	1	0.00	0.00	Harvest		0.00		Harvest
34	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
35	Shrub / Tree	Prunella	14	0.00	0.00	Harvest	3	0.00		Harvest
36	Shrub / Tree	Prunella	13	0.00	0.00	Harvest	3	0.00		Harvest
37	Shrub / Tree	Prunella	13	0.00	0.00	Harvest	2	0.00		Harvest
38	Shrub / Tree	Prunella	7	0.00	0.00	Harvest	2	0.00		Harvest
39	Shrub / Tree	Prunella	17	0.00	0.00	Harvest	4	0.00		Harvest
40	Shrub / Tree	Prunella	13	0.00	0.00	Harvest	3	0.00		Harvest
41	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
42	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
43	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
44	Shrub / Tree	Prunella	11	0.00	0.00	Harvest	2	0.00		Harvest
45	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
46	Shrub / Tree	Prunella	7	0.00	0.00	Harvest	2	0.00		Harvest
47	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
48	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
49	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
50	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
51	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
52	Shrub / Tree	Prunella	1	0.00	0.00	Harvest		0.00		Harvest
53	Shrub / Tree	Prunella	1	0.00	0.00	Harvest		0.00		Harvest
54	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
55	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
56	Shrub / Tree	Prunella	11	0.00	0.00	Harvest	2	0.00		Harvest
57	Shrub / Tree	Prunella	7	0.00	0.00	Harvest	2	0.00		Harvest

58	Shrub / Tree	Prunella	7	0.00	0.00	Harvest	2	0.00		Harvest
59	Shrub / Tree	Prunella	7	0.00	0.00	Harvest		0.00		Harvest
60	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
61	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
62	Shrub / Tree	Prunella	1	0.00	0.00	Harvest		0.00		Harvest
63	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
64	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
65	Shrub / Tree	Prunella	7	0.00	0.00	Harvest	2	0.00		Harvest
66	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
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71	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
72	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
73	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
74	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
75	Shrub / Tree	Prunella	11	0.00	0.00	Harvest	2	0.00		Harvest
76	Shrub / Tree	Prunella	9	0.00	0.00	Harvest	2	0.00		Harvest
77	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
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95	Shrub / Tree	Prunella	8	0.00	0.00	Harvest	2	0.00		Harvest
96	Shrub / Tree	Prunella	12	0.00	0.00	Harvest	3	0.00		Harvest
97	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest

98	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
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127	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
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141	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
142	Shrub / Tree	Prunella	10	0.00	0.00	Harvest	2	0.00		Harvest
143	Shrub / Tree	Prunella	10	0.00</						

Figure 4 – Preliminary Regulating Plan dated January 23, 2023 page 6 of 11

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Figure 4 – Preliminary Regulating Plan dated January 23, 2023 page 7 of 11

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Figure 4 – Preliminary Regulating Plan dated January 23, 2023 page 8 of 11

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Figure 4 – Preliminary Regulating Plan dated January 23, 2023 page 9 of 11

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Figure 4 – Preliminary Regulating Plan dated February 9, 2023 page 11 of 11

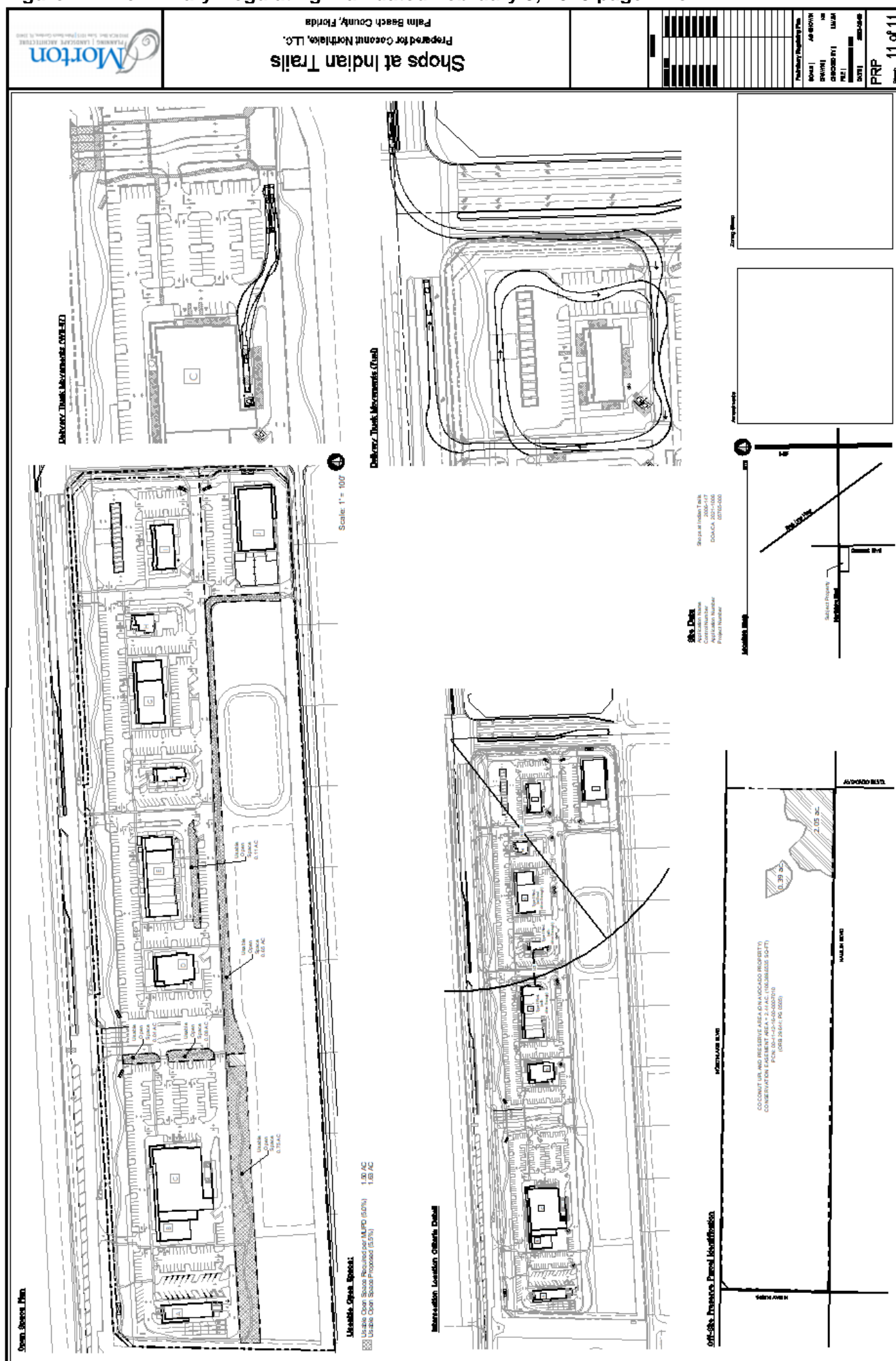


Figure 5 – Preliminary Master Sign Plan dated February 9, 2023 page 1 of 2

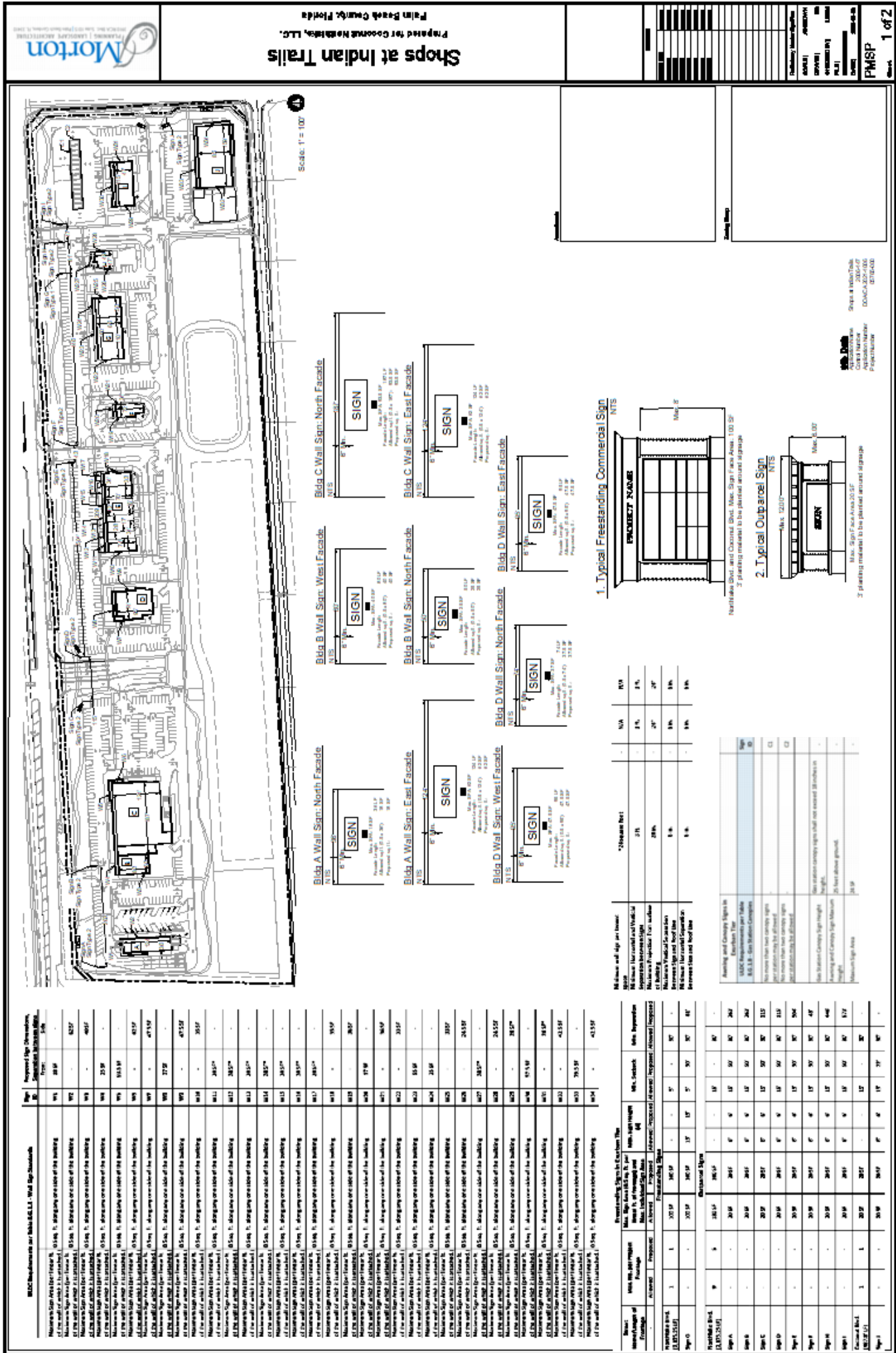
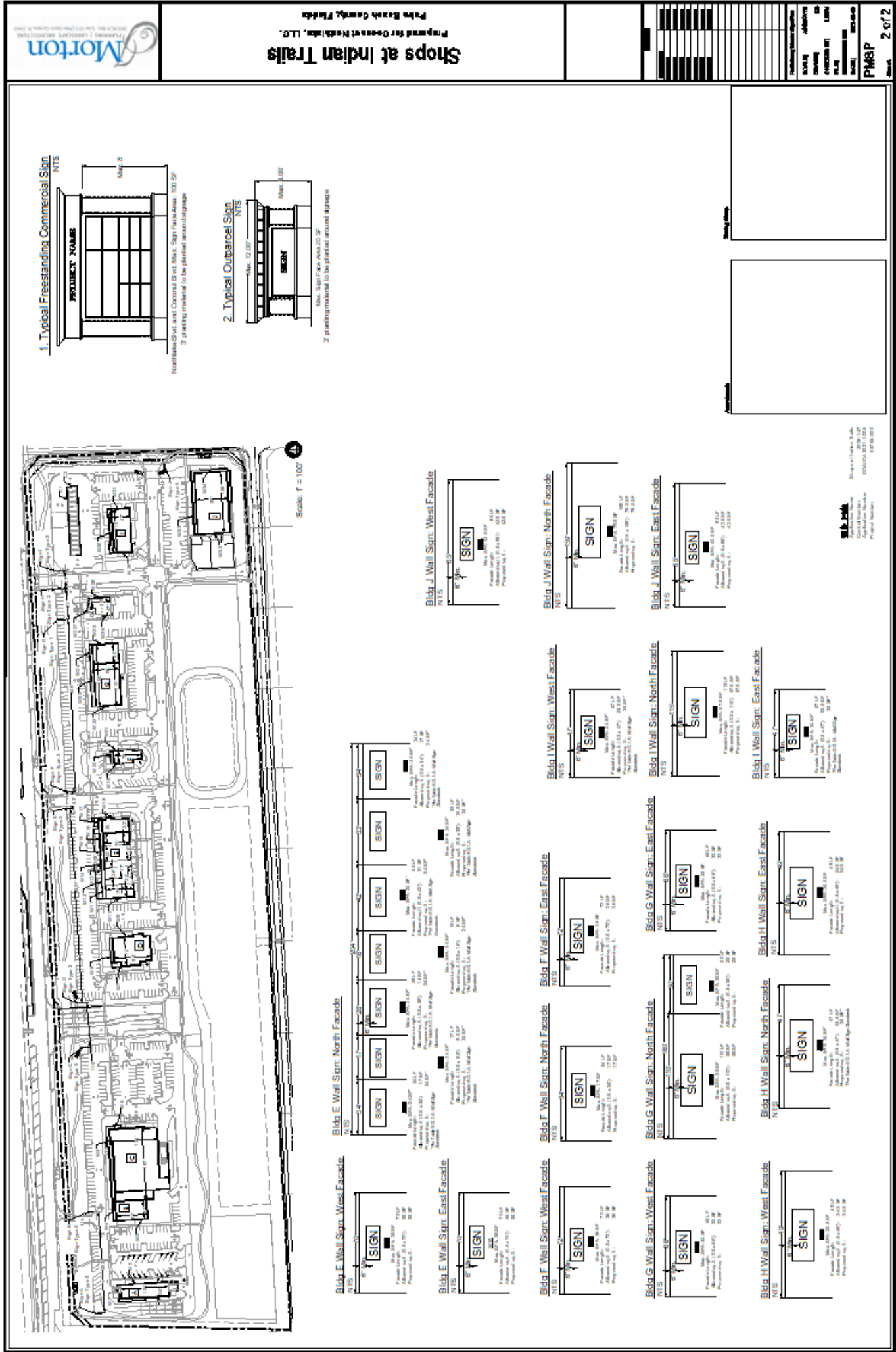


Figure 5 – Preliminary Master Sign Plan dated February 9, 2023 page 2 of 2



Zoning Commission
Application No. DOA/CA-2021-01006

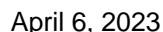


Figure 6 – Preliminary Architectural Elevations dated February 9, 2023 page 2 of 2

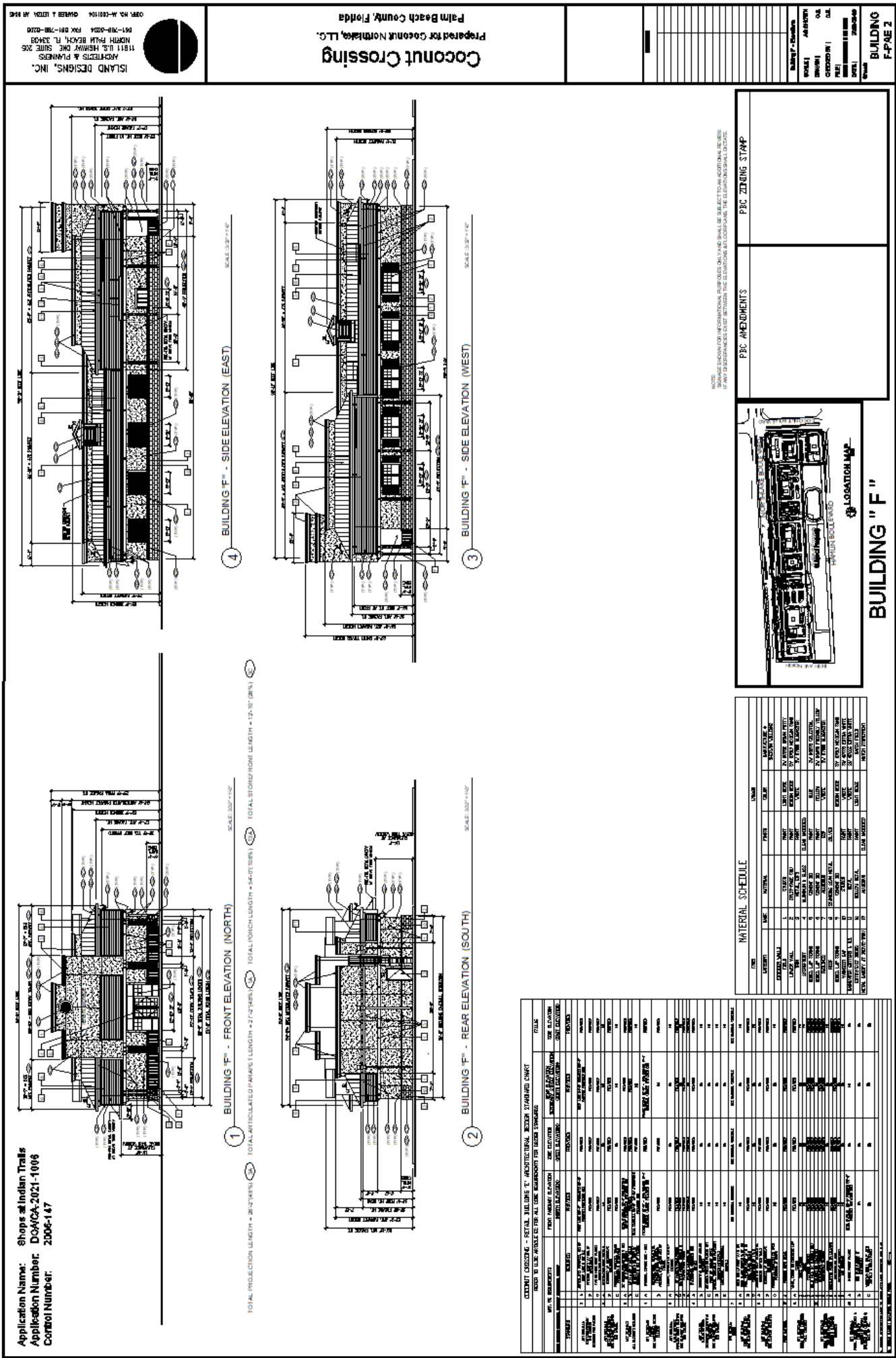


Figure 8– Retail Gas and Fuel Location Map

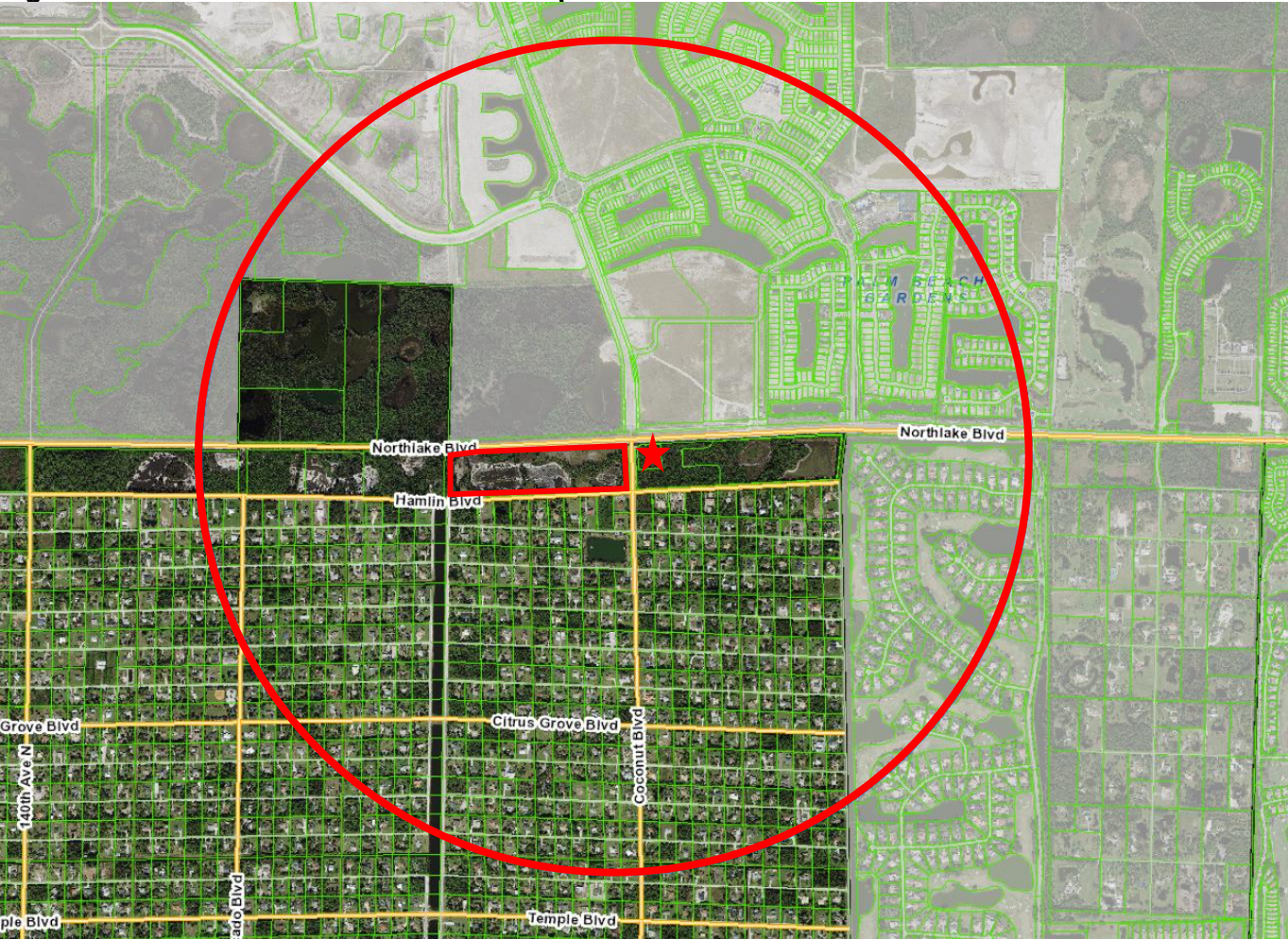


Figure 9 – Approved Final Site Plan dated February 27, 2018

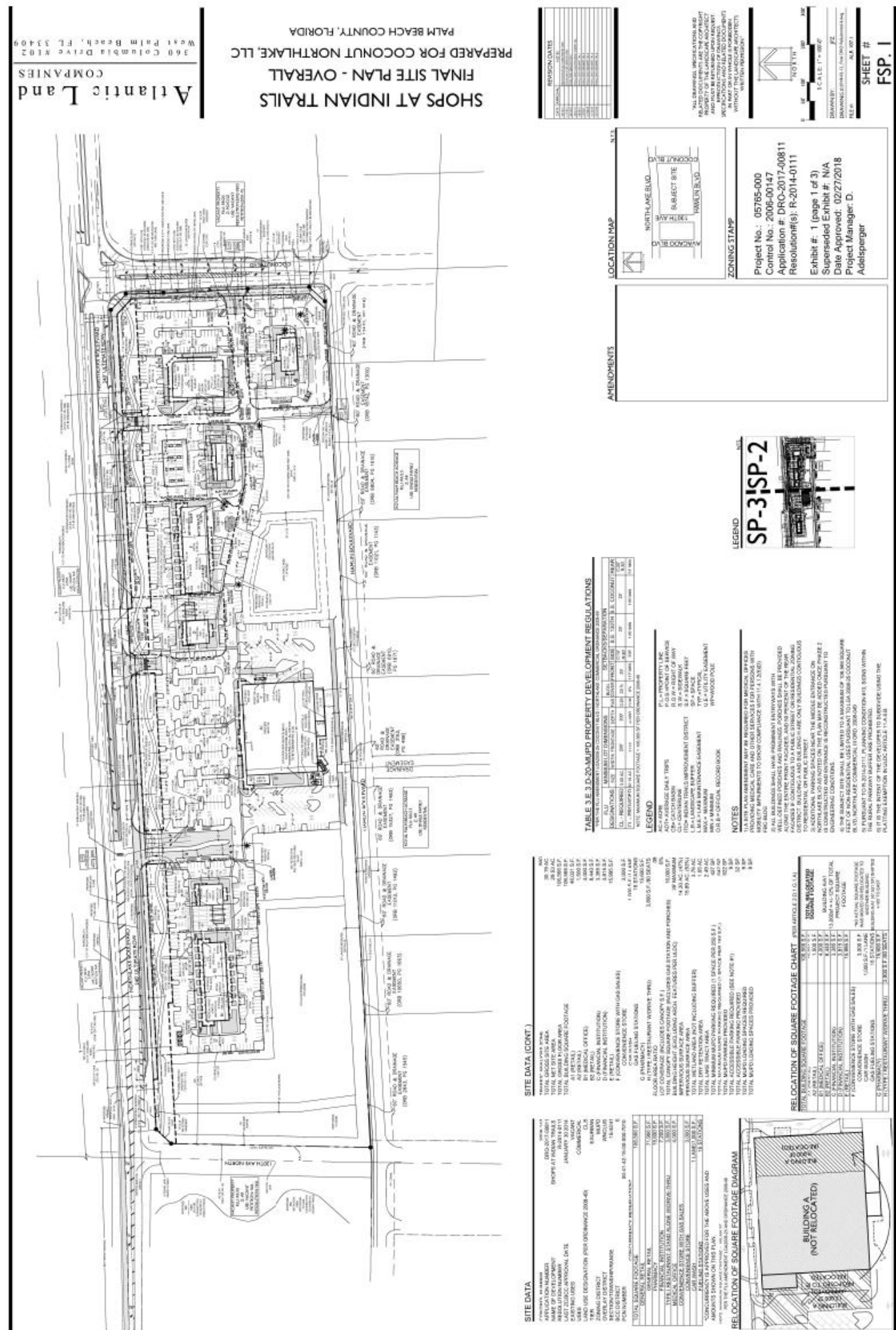


Exhibit D – Disclosure of Ownership

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

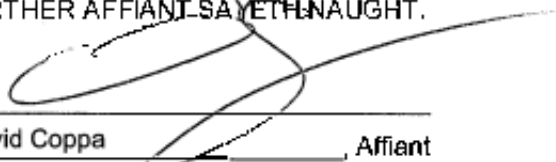
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared David Coppa, 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 ☒ Chief Executive Officer position -
e.g., president, partner, trustee of DKC Coconut Crossing, 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: 431 Fairway Drive, Suite 201
Deerfield Beach, Florida 33441
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 UNTRUE.



David Coppa, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18 day of January, 2022 by David Coppa (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).

Beatrice T. Williams
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 11/24/23

NOTARY'S SEAL OR STAMP

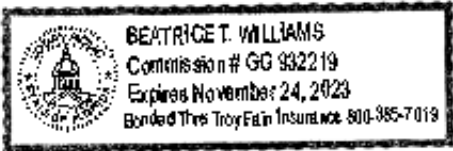


EXHIBIT "A"

PROPERTY

DESCRIPTION:
A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:
BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15
BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
CONTAINING 1,338,644 SQUARE FEET/31.1902 ACRES, MORE OR LESS.
EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
NET ACREAGE (LESS ADDITIONAL RIGHT-OF-WAY) 1,286,414 SQUARE FEET/29.5320 ACRES, MORE OR LESS
SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

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
DKC Northlake, LLC	431 Fairway Dr #201 Deerfield Beach, FL 33441
- David Coppa	431 Fairway Dr #201 Deerfield Beach, FL 33441
Jeffrey Williams	2121 SW Racquet Club Dr. Palm City, Florida 34990

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