

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

**Application No.:** ABN/DOA/CA-2021-00249  
**Application Name:** BMC/Wal-Mart  
**Control No./Name:** 1992-00023 (Military Belvedere Shopping Center)  
**Applicant:** Military Crossing LLC  
**Murphy Oil USA - Kara Richards**  
**Owners:** 1098 No Military LLC; Murphy Oil USA Inc;  
Walmart; Military Crossing LLC; and, Palm Beach County  
**Agent:** Dunay, Miskel and Backman, LLP  
Beth Schrantz & Scott Backman  
CPH Engineers Inc. - Andrew Deegan  
**Telephone No.:** (305) 274-4805, (561) 368-7700, (561) 405-3300  
**Project Manager:** Timothy Haynes, Senior Site Planner

**TITLE:** a Development Order Abandonment **REQUEST:** to abandon a Special Exception to allow Retail Gas and Fuel Sales. **TITLE:** a Development Order Amendment **REQUEST:** to modify the Site Plan; add and delete square footage; and, modify Conditions of Approval. **TITLE:** a Class A Conditional Use **REQUEST:** to allow Retail Gas and Fuel Sales with a Convenience Store.

**APPLICATION SUMMARY:** Proposed is a Development Order Abandonment (ABN), a Development Order Amendment (DOA), and a Class A Conditional use (CA) for the BMC/Wal-Mart development. The subject site currently supports a shopping plaza which includes a Restaurant, General Retail, and a Gas Station.

The Applicant is proposing a DOA to modify the existing Site Plan to remove the previously approved Gas Station, and construct a new Retail Gas and Fuel Sales with a Convenience Store (subject to CA) on the south-west corner of the site (former Walgreen's Pharmacy). The Preliminary Site Plan (PSP) indicates a proposed 2,824 square foot (sq. ft.) building, as well as 8 gas pumps/16 fueling positions and 12 parking spaces. As part of the request, the Applicant is requesting a partial abandonment of the prior Resolution approving a Special Exception for Retail Gas and Fuel Sales (the existing Murphy USA gas station) to allow for future development on the parcel. Overall, the PSP indicates a total of three buildings for the development, with a total of 197,235 sq. ft.

Three existing access points to Military Trail and four existing access points to Belvedere Road will remain unchanged.

**SITE DATA:**

<b>Location:</b>	Northeast corner of Military Trail and Belvedere Road.
<b>Property Control Number(s)</b>	00-42-43-25-29-001-0000; 00-42-43-25-31-001-0010; 00-42-43-25-31-001-0020; 00-42-43-25-31-001-0030; 00-42-43-25-31-001-0060; 00-42-43-25-31-001-0040
<b>Existing Future Land Use Designation:</b>	Commercial High (CH)
<b>Proposed Future Land Use Designation:</b>	Unchanged
<b>Existing Zoning District:</b>	Multiple Use Planned Development (MUPD) Zoning District
<b>Proposed Zoning District:</b>	Unchanged
<b>Total Acreage:</b>	22.4 acres
<b>Affected Acreage:</b>	22.4 acres
<b>Tier:</b>	Urban/Suburban
<b>Overlay District:</b>	Westgate/Belvedere Homes Overlay
<b>Neighborhood Plan:</b>	N/A
<b>CCRT Area:</b>	N/A
<b>Municipalities within 1 Mile</b>	Haverhill, West Palm Beach
<b>Future Annexation Area</b>	West Palm Beach

**RECOMMENDATION:** Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received 0 contacts from the public regarding this application.

**PROJECT HISTORY:**

<b>Application No.</b>	<b>Request</b>	<b>Resolution</b>	<b>Approval Date</b>
Z/SE-1992-00023	Rezoning from Multi-family (Medium Density) (RM) Zoning District and General Commercial (CG) Zoning District to General Commercial (CG) Zoning District.	R-1993-0508	04/20/1993
	Special Exception for a Planned Commercial Development for an Drive in Restaurant, Retail Gas and Fuel Sales with a Convenience Store, an Auto Service Station with Car wash (no repair), and General Retail	R-1993-0509	04/20/1993
SA/DOA-1992-00023 (A)	Reinstate the previously approved Development Order (Resolution R-93-509) and for a Development Order amendment to redesign the site plan and modify conditions of approval.	R-1997-1292	09/25/1997
EAC-1992-00023 (B)	Development Order Amendment /Expedited Application Consideration (EAC) to reconfigure site plan.	R-2000-1708	10/26/2000
PDD/DOA-1992-00023 (A), (B), (C)	Official Zoning Map Amendment (PDD) from Commercial (Golfview) to Multiple Use Planned Development (MUPD) on a 4.74-acre parcel	R-2001-1667	10/02/2001
	Development Order Amendment (DOA) to add land area.	R-2001-1668	10/02/2001
DOA-1992-00023 (D)	Development Order Amendment to delete land area.	R-2003-0940	06/26/2003

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
 Zoning District: General Commercial (CG)  
 Supporting: Commercial (Saturn Dealership, Control No. 1990-0009)

FLU Designation: Utilities and Transportation (U/T)  
 Zoning District: Public Ownership (PO)  
 Supporting: Vacant (PBIA Rezoning, Control No. 2008-00362)

**SOUTH (across Belverdere Road):**

FLU Designation: Commercial High (CH)  
 Zoning District: Community Commercial (CC)  
 Supporting: Commercial (Kentucky Fried Chicken, Golfview, Control No. 2000-00092)

FLU Designation: Utilities and Transportation (U/T)  
 Zoning District: Public Ownership (PO)  
 Supporting: Institutional Public and Civic (PBIA Rezoning, Control No. 2008-00362)

**EAST:**

FLU Designation: Utilities and Transportation (U/T)  
 Zoning District: Public Ownership (PO)

Supporting: Vacant (Military Belvedere Shopping Center, Control No. 1992-0023)

FLU Designation: Utilities and Transportation (U/T)

Zoning District: Public Ownership (PO)

Supporting: Institutional Public and Civic (PBIA Rezoning, Control No. 2008-00362)

**WEST (across Military Trail):**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial (CG)

Supporting: Commercial (The Swin Corporation, Control No. 1985-00008)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial (CG)

Supporting: Commercial (Little Ceasar, Control No. 1982-00011)

FLU Designation: Commercial High (CH)

Zoning District: General Commercial (CG)

Supporting: Commercial (Plaza Del Sol, Control No. 1998-00026)

FLU Designation: Commercial (COM) – Town of Haverhill

Zoning District: C-1

Supporting: Commercial (Control No. N/A)

FLU Designation: Commercial (COM) – Town of Haverhill

Zoning District: C-1

Supporting: Commercial (Control No. N/A)

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**FINDINGS:** The following analysis is provided for both the proposed Development Order Amendment and Class A Conditional Use for Retail Gas and Fuel Sales with a Convenience Store.

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

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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

PLANNING DIVISION COMMENTS:

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

- o **Prior Land Use Amendments:** The site has been the subject of two prior County Initiated Future Land Use Atlas Amendments. The first amendment, 00-57, 64 Golf 1 (Town of Golfview), was adopted with no conditions via ORD. 2000-034, which amended the land use designation from former Town of Golfviews Residential designation to Commercial High (CH). A subsequent Land Use atlas amendment, 01-57 COM 4 (BMC MUPD), was adopted with no conditions via ORD. 2001-088. This amended the future land use designation from Commercial High, with an underlying 8 units per acre (CH/8) to CH removing any residential development potential on land adjacent to Palm Beach International Airport.

The request to develop a gas station with convenience store would be consistent with the Land Use Amendment approvals.

- *Intensity:* The maximum Floor Area Ratio (FAR) of 0.85 is allowed for a non-residential project with a CH FLU designation in the Urban Suburban Tier (975,713 surveyed sq. ft. or 22.40 acres x .85 maximum FAR = 829,356.05 sq. ft. maximum). The request for a total of 197,235 sq. ft. over the entire MUPD, equates to a FAR of approximately 0.202 (197,235 / 975,713 surveyed sq.ft. or 22.40 acres = 0.202).
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's Urban Redevelopment Area (URA) and the Comprehensive Plan's Westgate/Belvedere Homes Community Redevelopment Area (WCRAO) Overlay. The analysis for each planning area is provided below:

URA - The URA requires inter-connectivity in the URA between complementary neighboring land uses for both vehicular and pedestrian cross access per Future Land Use Element Policy 1.2.2-h. Given that the request is for an affected area within the overall MUPD, and interconnectivity is provided between the affected area and the remainder of the MUPD, this proposal is generally consistent with the FLUE Policy 1.2.2-h. At such a time when the overall MUPD comes in for a development amendment, this policy will be applied to address connectivity to adjacent parcels not included within the overall MUPD.

WCRAO - The proposed application falls within the ranges set by the Westgate CRA Community Redevelopment Plan and in a letter dated March 9, 2021, the Westgate CRA has approved this use with no conditions.

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

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

- *Property Development Regulations:* The proposed development is subject to Table 3.E.3.D, MUPD Property Development Regulations (PDR). The development complies with the required property development regulations for an MUPD, and the proposed modifications do not impact the development size.
- *Overlays:* The subject site is within the Urban Highway sub-area of the Westgate Community Redevelopment Area Overlay. Retail Gas and Fuel Sales with Convenience Store is permitted in the UH sub-area per Table 3.B.14.E – WCRAO Sub-area Use Regulations subject to the use regulations of Art.4.B.2.C.16, Gas and Fuel Sales, Retail.
- *Retail Gas and Fuel Sales -* Pursuant to Resolution R-1993-0509, a Special Exception was approved to allow for a Convenience Store with Gas Sales, within the overall development and was approved in an outparcel north of the corner of Military and Belvedere. Prior to the submittal of the application, the Applicant met with Staff, including the Zoning Director Jon MacGillis, for their request to relocate the previously approved Convenience Store with gas sales to the corner (the prior location of Walgreens). Based on this discussion it was determined that the request would need to include an abandonment of the prior approval, and a new approval for the use that would be located at the corner.
- *Use Specific Criteria:* The proposed Retail Gas and Fuel Sales use is permitted within an MUPD with a CH FLU as a Class-A Conditional Use per TABLE 4.B.2.A – Commercial Use Matrix, and is subject to the use criteria of Art. 4.B.2.C.16. Gas and Fuel Sales, Retail, as well as Art. 4.B.2.C.7, Convenience Store, and meets the requirements therein.
- *Location Criteria:* A Retail Gas and Fuel Sales use must comply with Art. 4.B.2.C.16.e, Location Criteria which requires a maximum of two Retail Gas and Fuel Sales establishments at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. Further, this use must meet the Separation Criteria which requires that a Retail Gas and Fuel Sales use to be separated from the

same use in accordance with Art. 5.E.2.C.2, Separation Criteria. As such, the Gas Station meets the Code requirements for both Location and Separation Criteria.

- *Architectural Review:* This use will be required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. Architectural Condition 1 of Resolution R-2003-0940 required that architectural elevations for all buildings to be submitted prior to final Development Review Officer approval. However, this is now a code requirement and as such, the Applicant has indicated in the justification statement that this condition be deleted. The Applicant has indicated Architectural review approval will be obtained at time of application for Building Permits for the proposed structures in accordance with the provisions of Article 5.C Design Standards.
- *Parking: Parking:* The Applicant has chosen to utilize the minimum/maximum parking standards (4/1000 to 6/1000) as indicated in Art. 3.E.1.C.2.h.2.a, as permitted for a Planned Development. A total of 12 parking spaces are proposed for the new Gas Station and Convenience Store. The development currently has 984 parking spaces and is proposing a total of 924 spaces. In total, the overall parking for the development exceeds the minimum 789 required parking spaces but does not exceed the 1,183 parking space max by providing a total of 924 parking spaces..
- *Landscape/Buffering:* Per PSP-2 in Figure 5, the affected area within the subject site will provide a 20 ft. R-O-W buffer along the west and south property lines adjacent to Military Trail and Belvedere Road. The overall MUPD, as shown on PSP-1, has an existing 5 ft. wide buffer on the north, east, and a portion of the western property lines, indicating compatibility with the surrounding uses. The development area will contain a 20 ft. R-O-W buffer along the south and west property lines. Further, the proposed Convenience Store building will have the required 8 ft. foundation planting along the east and north facades. The south façade will incorporate 5 ft. wide foundation planting which abuts the 20 ft. R-O-W buffer along Belvedere Road.
- *Signs:* Per Figure 9, Preliminary Master Sign Plan (PMSP), the Applicant proposes two free standing monument signs fronting Military Trail and Belvedere Road. One wall sign is proposed on the front façade of the Convenience Store building and one Canopy Sign is proposed on the fuel station canopy. There are two existing Free Standing signs on site currently with one along Military Trail and the other along Belvedere Road. The Applicant has requested to modify Sign Condition 1 to change the maximum height for Free Standing signs along Military Trail from 6 ft. to 7 ft. along with the maximum sign area from 36 sq. ft. to 74 sq. ft. The proposed signage does not exceed the maximum square footage allowed per Code and will be consistent with Art. 8, Signage and the Conditions of Approval.
- *Site Design and Conditions:* The subject site has previous conditions of approval that are still applicable from R-2003-0940. As such, the Applicant is in compliance with the existing conditions and requested modified conditions. Staff is recommending a Condition of Approval to modify the Site Plan to reflect the correct square footage for the Type 2 Restaurant to the north of the existing Murphy Oil Gas Station to indicate the original 2,013 sq. ft. and 611 sq. ft. of future area as shown on the previously approved site plan (See Exhibit 1, Site Design Condition 1).

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

The proposed development of the Retail Gas and Fuel with a Convenience Store will have no impact on surrounding land uses, and the overall MUPD will continue to be compatible. The Zoning Designations, Future Land Use, and use classification are predominately commercial. The property to the north has a CG Zoning designation and supports a commercial use (Saturn Dealership, Control No. 1990-0009). The site northeast of the subject property has a PO Zoning Designation and is currently vacant. The site to the south has Commercial High FLU Designation within the CC Zoning District and supports a commercial (Kentucky Fried Chicken, Golfview, Control No. 2000-00092). Southeast of the subject site is an airport use within the PO Zoning District (PBIA Rezoning, Control No. 2008-00362). To the east is another parcel zoned PO which is vacant (Military Belvedere Shopping Center, Control No. 1992-0023) along with a portion of the Palm Beach International Airport (PBIA Rezoning, Control No. 2008-00362). To the west are five individual commercially-zoned properties.

Three of the sites are within the Palm Beach County jurisdiction with a CG Zoning designation and support commercial uses (The Swin Corporation, Control No. 1985-00008, Little Caesar, Control No. 1982-00011, and Plaza Del Sol, Control No. 1998-00026). The remaining two parcels to the west are within the Town of Haverhill, but also are commercial zoned and share commercial uses. As the location of the proposed development is located within the southwest corner of the subject site, the use will have limited to no impacts on any surrounding uses, and established buffers to the north, east, south and west will remain, with increased R-O-W buffering being provided for the affected area. The use is ultimately being relocated from its current location to the corner.

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

The proposed Retail Gas and Fuel Sales with Convenience Store, and the associated site modifications are designed to minimize adverse impacts on the adjacent lands. The PSP does not indicate any modifications or increases in the height of the new building that is inconsistent with the existing MUPD and surrounding structures. The PSP indicates a 1-story building that will not exceed the maximum 35 ft. height requirement.

The subject outparcel proposes site access that is consistent with the prior approval. Access and vehicular circulation will also remain consistent within the shopping plaza.

Additionally, the subject site proposes landscape screening that provides a visual buffer for the adjacent properties and R-O-W provided by the new 20 ft. wide R-O-W buffer on the street frontages along the west and south property lines. Further, foundation planting provided along the south, west, and north building facades provides additional screening.

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

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The site was previously developed. Several species of vegetation are proposed for replacement, relocation and preservation. The vegetation located on-site is under the jurisdiction of the Landscape Section of the Zoning Division as the vegetation was previously planted for the purposes of Article 7 of the ULDC.

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

SITE CONTAMINATION: This site is located within the Westgate/Belvedere Homes CRA Area Brownfield Area.

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

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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



The proposed request will remain consistent with the development pattern of the area. As previously indicated, the Applicant proposes to relocate the existing Retail Gas and Fuel Sales use on the subject site just to the north of the affected area, and to construct a new Gas Station in the location shown on PSP-1. As can be seen in the graphic provided, Military Trail has been zoned as a commercial corridor that provides for a wide range of commercial developments. The overall modifications reduces the overall square footage for the development. Though the Retail Gas and Fuel Sales was 243 sq. ft. originally, and proposes to be 2,824 sq. ft., the reduction of square footage between the Walgreens and gas station is 12,256 sq. ft. .

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

**ENGINEERING COMMENTS:**

The proposed relocation and expansion of the existing gas station with convenience store in the existing shopping center is expected to generate additional 772 net daily trips, 54 net AM peak hour trips, and 54 net PM peak hour trips. The build out is expected to be by 2022.

There are no roadway improvements necessary to meet Traffic Performance Standards since the project impacts on the surrounding roadways will be insignificant.

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

Traffic volumes are in vehicles per hour

Segment: Belvedere Rd from Military Trail to Congress Ave

Existing count: Eastbound=805, Westbound=1581

Background growth: Eastbound=236, Westbound=260

Project Trips: Eastbound=4, Westbound=7

Total Traffic: Eastbound=1045, Westbound=1848

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2940 per direction

Projected level of service: LOS D or better in the each direction

**PALM BEACH COUNTY HEALTH DEPARTMENT:**

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

**FIRE PROTECTION:**

Staff has reviewed this application and have no comment.

**SCHOOL IMPACTS:**

No analysis needed for this non-residential application.

**PARKS AND RECREATION:**

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

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

The changed circumstances and conditions that necessitate the proposed request is the underutilized vacant building on the subject site within existing MUPD. The site has sufficient land area for the relocated Retail Gas and Fuel Sales with Convenience Store. The Applicant has identified that the

relocation of the gas station is the best use for available area. The subject parcel can be redeveloped to provide adequate building area, parking, vegetation planting material and safe pedestrian and vehicular site circulation.

**CONCLUSION:** Staff have evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibits C-1 and C-2.

## CONDITIONS OF APPROVAL

### **EXHIBIT C-1: Development Order Amendment**

#### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Resolutions R-94-1316 and R-94-1317 are hereby revoked. Resolution R- 93-0509 is hereby reinstated. (ONGOING: CTY ATTY) NOTE: Per Settlement Agreement.

**Is hereby deleted.** [REASON: No longer Applicable]

2. Previous ALL PETITIONS Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-1708, (Petition DOA92-Q23(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

**Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-0940 (Petition DOA 1992-00023), 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. (ONGOING: MONITORING - Zoning)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated May 2, 2003, and the Alternative Landscape Plan is dated June 19, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

**Is hereby amended to read:**

The approved Preliminary Site Plan is dated September 27, 2021, and the Alternative Landscape Plan is dated May 2, 2003. 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. (ONGOING: ZONING - Zoning)

4. A. Prior to issuance of the first building permit, the petitioner shall deposit \$50,000.00 in an escrow account approved by the County Attorney to be drawn upon by the Town of Haverhill for use in creating a streetscape program along Belvedere Road and Haverhill Road, or other designated public purpose determined by the Town Council. (BLDG PRMT: MONITORING -Ct Atty) [Note: COMPLETED] (Previous ALL PETITIONS CONDITION 6.A of Resolution R-2003-940, Control No. 1992-00023)

B. Any landscaping proposed within the rights-of-way of Palm Beach County shall be subject to approval by the County Engineer. (ONGOING: ENG- Eng) [Note: COMPLETED] (Previous ALL PETITIONS CONDITION 6.A of Resolution R-2003-940, Control No. 1992-00023)

C. Concurrent with Condition 8.A, above, the petitioner shall submit to the Town of Haverhill the proposed streetscape plan for both sides of Belvedere Road between Military Trail and Haverhill Road, and the northernmost corporate limits of the Town of Haverhill, which were

prepared by Kilday and Associates, Inc. (Drawing #92-20, dated 3/25/93). (BLDG PRMT: MONITORING -Ct Atty) [Note: COMPLETED] (Previous ALL PETITIONS CONDITION 6.C of Resolution R-2003-940, Control No. 1992-00023)

## **DEPARTMENT OF AIRPORTS (DOA)**

1. Prior to site plan certification, the petitioner shall amend the site plan to be in full compliance with FAA Advisory Circular 150/5300-13, Section 212 Runway Protection Zone (RPZ) issued September 29, 1989, FAA Regulation, Part 77, and submit documentation to the Department of Airports, Zoning Division and County Attorney which competently and substantially demonstrates that the proposed facility does not violate FAA Advisory Circular or any Airport Zoning regulations that are in effect at that time. (DRO: AIRPORTS - Zoning) [Note: COMPLETED] (Previous AIRPORTS Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Prior to site plan certification, the petitioner shall amend the site plan to remove any structure or building within the aviation easement as described in the easement deed recorded in OR Book 1664, PG1709 of the Official Records of Palm Beach County. Use of the portion of the subject site encumbered by the aviation easement shall be limited to parking, access, or such other uses as may be acceptable to the Division of Airports and the Federal Aviation Administration. (DRO: AIRPORTS - Zoning) [Note: COMPLETED] (Previous AIRPORTS Condition 2 of Resolution R-2003-940, Control No.1992-00023)

## **ARCHITECTURAL REVIEW**

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

At time of submittal for final Development Review Committee (DRC) approval of the master plan, the architectural elevations for all buildings shall be submitted simultaneously with the master plan for final architectural review and approval. The elevations and the master plan shall be designed to be consistent with Section 6.6.E and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code requirement to be completed at time of building permit.]

2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the architecture, color and character of the principle structure or equivalent landscape material acceptable to the Zoning Division. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2003-940, Control No.1992-00023)

## **BUILDING**

1. The maximum height for all structures, measured from finished grade to highest point, shall be in compliance with FAA Regulation Part 77 and the ULDC. (ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to delete or relocate the twenty (20) foot wide unrecorded drainage easement lying along the south property line adjacent to Belvedere Road, to allow for sufficient planting area in the required right-of-way landscape buffer. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING Condition 5 of Resolution R-2003-940, Control No.1992-00023)

## **DUMPSTER**

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within seventy five (75) feet of the east, south and west ultimate right-of-way lines; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ONGOING: ZONING - Zoning) (Previous DUMPSTER Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation, Alternative

landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (ONGOING: ZONING - Zoning) (Previous DUMPSTER Condition 2 of Resolution R-2003-940, Control No.1992-00023)

## **ENGINEERING**

1. Deleted by Resolution R-2003-940 (Previous ENGINEERING Condition 1 of Resolution R-2003-940, Control No.1992-00023)
2. Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments on Military Trail required for the expanded intersection at Belvedere Road. Said easements shall be no less than twenty (20) feet in width. The expanded intersection right-of-way referenced herein is exclusive of the intersection right-of-way currently proposed to be purchased as part of County Road Project 9312. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2003-940, Control No.1992-00023)
3. Prior to the issuance of building permits for the big-boxer in-line store, the property owner shall submit road construction plans to Palm Beach County Engineering for construction of Country Club Road as a three lane section. The property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoffs from those segments of Country Club Road, along the property frontage and for a maximum four hundred (400) feet distance north of the project's north property line. Said drainage easements shall be no less than twenty (20) feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and the ultimate Thoroughfare Plan Road section(s) of the Included segment. If required and approved by the County Engineer, the property owner shall construct within the proposed easements, a minimum of twenty-four (24) inches closed piping system and appropriate wing wall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2003-940, Control No.1992-00023)
4. Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Belvedere Road, sufficient right-of-way along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded Intersection, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, on an alignment approved by the County Engineer. This right-of-way conveyance shall be free of all encumbrances and encroachments. 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. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2003-940, Control No.1992-00023)
5. a. Within ninety (90) days of approval of the: Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail sufficient right-of-way along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded intersection alignment, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, approved by the County Engineer. This r-o-w conveyance shall be free of all encumbrances and encroachments; providing the property owner shall be permitted to leave the existing Bar-B-Q Ben's sign until such time as the contract for construction of the expanded intersection is let, at which time property owner shall move the sign to the east of the right-of-way, subject to appropriate removal and hold harmless agreements with Palm Beach County, Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure the

property is free of all encumbrances and encroachments. (DATE: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to site plan certification, the County agrees to convey to the petitioner any right-of-way for Military Trail adjacent to the subject site not required for the expanded intersection. The cost (without privilege fee) of abandoning this right-of-way shall be borne by the Developer. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2003-940, Control No.1992-00023)

6. Prior to the issuance of building permits for the big box or in line store, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of a right turn land on Belvedere Road, at the project's main entrance road. This right turn lane conveyance shall be a minimum of three hundred twenty (320) feet in storage length and twelve (12) feet in width and a taper length of fifty (50) feet. This right of- way dedication shall be in excess of the dedication required in Condition E.5. This right-of-way conveyance shall be free of all encumbrances and encroachments. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2003-940, Control No.1992-00023)

7. Prior to the issuance of the next building permit, the property owner shall:

a. Obtain from the Pam Beach County Airports Department, as approved by the Board of County Commissioners, release of property measuring 40 feet from centerline of Country Club Road to be used as road right of way and a 10 foot temporary roadway construction easement. This release is for that portion of property being deleted from the original 1992-023(0) Zoning Petition. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Convey by road right-of-way warranty deed for Country Club Road, forty (40) feet from center line for the remaining portion of property not deleted from the original 1992-023(0) Zoning Petition and a temporary roadway construction easement. The road right-of-way conveyance shall be free of all encumbrances and encroachments. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2003-940, Control No.1992-00023)

8. At such time that a permit is issued for the big box or in-line store construction, the property owners shall simultaneously obtain permits to connect its project to County Club Road, the property owner shall construct Country Club Road as a three (3) lane section from Belvedere Road to the project's north access. Construction of Country Club Road shall be completed prior to the issuance of Certificates of Occupancy for the above uses. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2003-940, Control No.1992-00023)

9. a. At the project's main entrance onto Belvedere Road, the property owner shall construct a left turn lane, west approach, and a right turn land, east approach, onto Belvedere Road. Permits required by Palm Beach County for this construction shall be obtained prior to issuance of the first building permit for the big box or inline store construction. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction of the above requirement shall be completed prior to issuance of the certificate of occupancy (CO) for the big box or in-line store construction. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Simultaneous with the construction of E above, the property owner shall reconstruct the median at Belvedere Road and the project's main entrance to provide for a directional median opening. The directional median opening shall be constructed to permit only left turns into the project and shall be so constructed as to prohibit left turns out of the project for eastbound

movements onto Belvedere Road. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2003-940, Control No.1992-00023)

10. Deleted by Resolution R-2003-940 (Previous ENGINEERING Condition 10 of Resolution R-2003-940, Control No. 1992-00023)

11. In order to comply with the mandatory traffic performance standards, the Developer shall be restricted to a total trip generation of 9,229 new net external trips per day. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2003-940, Control No. 1992-00023)

12. The Developer shall fund the installation of signalization if warranted as determined by the County Engineer, at the intersection of Country Club Road and Belvedere Road. Should signalization not be warranted 12 months after the final Certificate of Occupancy for this property is issued, the owner shall be relieved from this condition. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2003-940, Control No.1992-00023)

13. Prior to site plan certification, the site plan (including the portion within the Town of Golfview) shall be revised to reflect only one (1) entrance/exit onto Country Club Road; one main entrance and two right turn in and right turn out entrances on Belvedere Road. The entrances/exits are subject to the approval of the County Engineer. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2003-940, Control No.1992-00023)

14. Prior to issuance of the first building permit, the petitioner shall contribute \$100,000 toward intersection improvements to the intersection of Military Trail and Belvedere Road. This contribution shall not be creditable against the project's fair share road impact fee. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2003-940, Control No.1992-00023)

15. Prior to site plan certification, the petitioner shall resolve the survey considerations involving the west right-of-way of Country Club Road and the hiatus between the Wilson Parcel and Plat Book 32 Page 145. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2003-940, Control No.1992-00023)

16. Prior to Site Plan Certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent medians i.e., Belvedere Road and Military Trail). When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singularly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list:

Trees:

Laurel Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

Ground cover:

Wedilta  
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown or field collected and transplanted from the project site. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]
- b. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2003-940, Control No.1992-00023)

17. The concurrency Standards approval is subject to the project aggregation rule set forth in the Traffic Performance Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2003-940, Control No.1992-00023)

18. Prior to building permit, a restrictive covenant for the property shall be recorded to reflect a site distance restriction for the east entrance onto Belvedere Road in accordance with FDOT requirements. The site distance restriction shall be shown on the final site plan submitted to the DRC. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2003-940, Control No.1992-00023)

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

a. No Building Permits for the site may be issued after December 31, 2022, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

20. The westernmost in-only access on Belvedere Road will be restricted to fuel delivery trucks only, if it is determined, at the sole discretion of the County Engineer, that doing so will make the traffic circulation safer and more efficient. Within 45 calendar days of the notice by the County Engineer, the Property Owner shall make all necessary modifications at this driveway, at its own expense, to restrict the access to fuel delivery trucks only and make all the necessary changes, as approved by the County Engineer. (ONGOING: ENGINEERING - Engineering)

21. The Property Owner shall record a non-exclusive utility easement. The easement shall be approved by the Land Development prior to recordation and recorded by the Property Owner prior to the issuance of the next building permit. (BLDGPMT: MONITORING - Engineering)

## **ENVIRONMENTAL**

1. Secondary containment for stored regulated substances, including but not limited to fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. The petitioner shall preserve or relocate on site the existing native sabal palms and incorporate them into the project design. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2003-940, Control No.1992-00023)

4. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following: a. All sabal palms to be relocated or preserved shall be identified in the field, tagged and numbered, b. The

sabal palms shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 4 of Resolution R-2003-940, Control No.1992-00023)

### **CONVENIENCE STORE WITH GAS SALES**

1. Previous CONVENIENCE STORE WITH GAS SALES Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

There shall be no repair or maintenance of vehicles on site. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Previously approved Special Exception for Gas and Fuel Sales being abandoned.]

2. Previous CONVENIENCE STORE WITH GAS SALES Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Previously approved Special Exception for Gas and Fuel Sales being abandoned.]

3. Previous CONVENIENCE STORE WITH GAS SALES Condition 4 of Resolution R-2003-940, Control No.1992-00023, which currently states:

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

- a. A maximum height of twenty-five (25) feet. If a pitched roof is used, the roof shall have a minimum slope of 5:12. No flat roof shall be permitted;
- b. The clearance of the canopy shall be a maximum of sixteen{16) feet, measured from finished grade to the underside of the canopy;
- c. Lighting for the gas station canopy shall be flush mounted or recessed; and, d. canopy signage shall be limited to a maximum of one (1) wall sign per right-of-way frontage with a maximum height of twenty-four (24) inches, (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Previously approved Special Exception for Gas and Fuel Sales being abandoned.]

### **HEALTH**

1. Previous HEALTH Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previous Condition 1.1 of Resolution R- 2000-1708, Petition DOA92-023(B))

**Is hereby amended to read:**

1. Operators and owners of facilities that generate toxic, hazardous, or industrial wastes shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Florida Department of Health in Palm Beach County (FDOH-PBC), and the agency responsible for sewage works has been constructed. ONGOING: CODE ENF-Health (Previous Condition Number 1 of Resolution R2003-940; Control Number 1992-0023)

2. Water service and sewer service are available to the property. Therefore, no potable well and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval. ONGOING: HEALTH-Health (Previous HEALTH Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. The owner occupant, or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of the waste oil. ONGOING: HEALTH-Health (Previous HEALTH Condition 3 of Resolution R-2003-940, Control No.1992-00023)

4. Any toxic or hazardous waste that may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. ONGOING: CODE ENF-Health (Previous HEALTH Condition 4 of Resolution R-2003-940, Control No.1992-00023)

## **WATER UTILITIES**

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirement so the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (ONGOING: PBC WATER UTILITIES - Zoning) (Previous IRRIGATION QUALITY WATER Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **LANDSCAPE – GENERAL - ALTERNATIVE LANDSCAPE PLAN**

1. Prior to final Development Review Committee (DRC), WCRA and DOA approval of the master/site plan, an Alternative Landscape Plan (ALP) shall be submitted for review and approval, to be consistent with the ALP dated June 19, 2003, submitted by Kimley Horn and Associates, Inc. The ALP shall include all areas encumbered by the Additional Avigation and Clearance Zone indicated on the survey dated March 5, 2003, and the safe sight line required for Belvedere Road. (DRO: ZONING – Zoning) [Note: COMPLETED] (Previous Q Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **LANDSCAPE - INTERIOR**

1. One landscape island, a minimum of six (6) feet wide, shall be provide for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Landscaping along all interior vehicular use drives shall include native canopy trees planted a minimum of twenty-five (25) feet on center. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2003-940, Control No.1992-00023)

3. Foundation planting or grade level planters shall be provided along all the facades of the Wal-Mart store to consist of the following:

a. The minimum width of the required landscape areas along the northeast, northwest and southeast facades of the retail anchor shall be eight (8)feet;

b. The length of the required landscaped areas for the retail anchor shall be no less than fifty (50) percent of the total length of the southwest and northeast facades; and the length of the required landscaped areas shall be no less than forty (40) percent of the total length of the northwest and southeast facades; and,

c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2003-940, Control No.1992-00023)

4. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress and egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One native canopy tree or native palm tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 5 of Resolution R-2003-940, Control No.1992-00023)

5. Landscaping for terminal islands in the parking area shall consist of the following:

- a. One (1) canopy tree for each island; and,
- b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2003-940, Control No.1992-00023)

6. Landscaping for the main divider median in the parking area shall consist of the following:

- a. One (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
- b. One (1) palm for each thirty-five (35) linear feet of the median; and,
- c. A continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2003-940, Control No.1992-00023)

7. Landscaped diamonds shall be provided between every row of abutting parking for the retail anchor. The minimum size, location and planting for these diamonds shall be consistent with the Alternative Landscape Plan dated June 19, 2003. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 8 of Resolution R-2003-940, Control No.1992-00023)

8. Special planting treatment shall be provided on both sides of all the access points on Belvedere Road and Military Trail. Planting shall consist of the following:

- a. A minimum of three (3) Royal Palms, or other specimen palms subject to approval by the Zoning Division;
- b. A minimum of three (3) flowering trees along the access drive; and,
- c. Shrub or hedge materials. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2003-940, Control No.1992-00023)

9. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to realign the access-way located to the east of the drugstore, to allow for the extension of the landscape divider median adjacent to the drugstore drive-thru, as follows:

- a. The planting area for this median shall have a minimum width of five (5) feet;
- b. The divider median shall be consistent with the Alternative Landscape Plan dated June 19, 2003;
- c. The divider median shall be planted with one canopy, palm or flowering tree for each twenty-five (25) linear feet; and,
- d. A continuous hedge shall be provided between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **LANDSCAPING - PERIMETER**

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2003-940, Control No.1992-00023)

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

a. Palm heights: twelve (12) feet clear trunk;  
b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,  
c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2003-940, Control No.1992-00023)

3. All new shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub;  
b. Twenty-four (24) to thirty-six (36) inches - medium shrub;  
c. Forty-eight (48) to seventy-two (72) inches - large shrub; and,  
d. This condition does not apply to the five (5) foot wide compatibility buffer or where a single row of shrubbery/hedge is required. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2003-940, Control No.1992-00023)

4. All new trees and palms shall be planted in a meandering and naturalistic pattern. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2003-940, Control No.1992-00023)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein or allowed as part of an approved Alternative Landscape Plan. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 8 of Resolution R-2003-940, Control No.1992-00023)

6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 9 of Resolution R-2003-940, Control No.1992-00023)

#### **LANDSCAPE – PERIMETER - LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGE OF BELVEDERE ROAD AND MILITARY TRAIL)**

7. Landscaping and buffering along the south and west property lines shall be upgraded to include:

a. A minimum twenty (20) foot wide landscape buffer strip;  
c. One (1) native canopy tree for each thirty (30) feet of the property line;  
d. One (1) palm or pine tree for each thirty (30) linear feet of the property line;  
e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;  
f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,  
g. One (1) large shrub for each six (6) linear feet of the property fine. Shrub shall be a minimum height of thirty (30) inches at installation. (ONGOING: ZONING - Zoning) (Previous O Condition 1 of Resolution R-2003-940, Control No.1992-00023)

8. Landscaping and buffering along the east property line abutting Country Club Road shall be upgraded to include:

a. A minimum fifteen (15) foot right-of-way buffer strip;  
b. A continuous two (2) foot high berm measured from top of curb;  
c. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;  
d. One (1) medium shrub far each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;  
e. One (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.  
f. One (1) canopy tree planted for each thirty (30) linear feet of the property line;  
g. One (1) cluster of palms or pines;

h. Exceptions may be permitted to address DOA and/or FAA requirements. (ONGOING: ZONING - Zoning) (Previous P Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **LIGHTING**

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. All outdoor lighting shall comply with the requirements of the WCRA Overlay District, aviation easement, the Palm Beach County Department of Airports, the Federal Aviation Administration design guidelines, standards, advisory circulars or other requirements deemed necessary by the Director of Airports. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. Prior to final Development Review Committee (DRC) approval, the master/site plans and ALP shall be revised to located all proposed light poles in a landscape diamond, terminal island or median island. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 3 of Resolution R-2003-940, Control No.1992-00023)

## **LAKE WORTH DRAINAGE DISTRICT**

1. Prior to site plan certification, the petitioner shall fund a onetime cleanout of the existing section of the L-2B Canal between the L-2 Canal and Belvedere Road. The total expenditure shall not exceed \$8,500.00. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous Y Condition 2 of Resolution R-2003-940, Control No.1992-00023)

## **MASS TRANSIT**

1. Previous MASS TRANSIT Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Prior to final approval of the Master/Site plans, the petitioner shall amend the Master/Site Plan to indicate mass transit circulation, bus access and/or bus stops on or adjacent to the subject property.

**Is hereby deleted.** [REASON: The easements for bus stops and circulation have already been included in the site plan approved under Resolution R-2003-0940.]

2. Previous MASS TRANSIT Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval at the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran.

**Is hereby deleted.** [REASON: The easements for bus stops and circulation have already been included in the site plan approved under Resolution R-2003-0940.]

3. Previous MASS TRANSIT Condition 3 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (BLDG PRMT: MONITORING - Eng) (Previous Condition R6 of Resolution R-2000-1708, Petition DOA92-023(B))

**Is hereby deleted.** [REASON: The easements for bus stops and circulation have already been included in the site plan approved under Resolution R-2003-0940.]

## **RECYCLE SOLID WASTE**

1. As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan to be approved by the Solid Waste Authority of Palm Beach County. (ONGOING: SOUTH FLORIDA WATER MANAGEMENT - Zoning) (Previous RECYCLE SOLID WASTE Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **SIGNS**

1. Previous SIGNS Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Free standing point of purchase signs fronting on Military Trail shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet for principal sign; and, six (6) feet for the drugstore and convenience store with gas sales;
- b. Maximum sign face area per side: two hundred (200) square feet for principal sign; and, thirty-six (36) square feet for the drugstore and convenience store with gas sales;
- c. Maximum number of signs: three (3);
- d. Style: monument style only; and,
- e. Location: principal sign - within fifty (50) feet of the north access point; and the drugstore and convenience store with gas sales out parcels;
- f. Signs shall be limited to identification of tenants only. Exceptions may be made for the convenience store with gas sales to ensure compliance with state requirements.

### **Is hereby amended to read:**

Free standing point of purchase signs fronting on Military Trail shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet for principal sign; and, seven (7) feet for the drugstore and convenience store with gas sales;
- b. Maximum sign face area per side: two hundred (200) square feet for principal sign; and, seventy-four (74) square feet for the drugstore and convenience store with gas sales;
- c. Maximum number of signs: three (3);
- d. Style: monument style only; and,
- e. Location: principal sign - within fifty (50) feet of the north access point; and the drugstore and convenience store with gas sales out parcels;
- f. Signs shall be limited to identification of tenants only. Exceptions may be made for the convenience store with gas sales to ensure compliance with state requirements. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Freestanding point of purchase signs fronting on Belvedere Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: fifteen (15) feet;
- b. Maximum sign face area per side: one hundred fifty (150) square feet;
- c. Maximum number of signs: one (1);
- d. Style: monument style only;
- e. Location: within fifty (50) feet of the eastern most access point; and,
- f. Sign shall be limited to identification of tenants only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. No freestanding point of purchase signage shall be permitted on Country Club Road. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 3 of Resolution R-2003-940, Control No.1992-00023)

4. Wall signs for the Wal-Mart store shall be limited to the southwest (front) facade of the building and individual lettering size shall be limited to sixty (60) inches high. Wall signs shall be limited to identification of tenants only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 4 of Resolution R-2003-940, Control No.1992-00023)

5. Wall signs for all other uses (excluding the gas station canopy) shall be limited to any two facades of the building and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 5 of Resolution R-2003-940, Control No.1992-00023)

6. Signage, subject to approval by the County Engineer, shall be installed at all points of egress from the loading areas that require all service and delivery vehicles to turn right only onto Country Club Road. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 8 of Resolution R-2003-940, Control No.1992-00023)

7. A minimum of two signs, subject to approval by the County Engineer, shall be installed on Cherry Road east of the Intersection of Country Club Road and Cherry Road restricting truck traffic east of this intersection. (ONGOING: ZONING - Engineering) (Previous SIGNS Condition 9 of Resolution R-2003-940, Control No.1992-00023)

## **SITE DESIGN**

1. Prior to final Development Review Officer Approval, the square footage for the Type 2 Restaurant identified as the Quality Restaurant on the Site Plan, shall be revised to match the square footage of the originally approved site plan. The original approval indicated 2,013 square feet with 611 square feet of future area, for a total of 2, 624 square foot. All site data including parking calculations, concurrency, and building square footages shall be revised accordingly. (DRO: ZONING - Zoning)

## **UNITY OF CONTROL**

1. Prior to site plan certification, petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. This Unity of Control may be discharged with the approval of the Executive Director of Planning, Zoning and Building and the County Engineer. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous UNITY OF CONTROL Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Previous UNITY OF CONTROL Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

There shall be no modification to the site plan approved in connection with the reinstated development order, nor any building permits issued for the site until the releases have been disbursed from escrow per the Settlement Agreement dated September 2, 1997.

**Is hereby deleted.** [REASON: Site Plan is being modified as part of this request]

3. Prior to certification of the site plan, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous UNITY OF CONTROL Condition 3 of Resolution R-2003-940, Control No.1992-00023)

## **USE LIMITATIONS**

1. Outdoor storage or placement of any material, refuse or equipment shall be screened from view in accordance with the ULDC. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2003-940, Control No.1992-00023)

2. All delivery and/or loading areas shall be screened from view from Military Trail, Belvedere Road, Country Club Road and principal parking areas with a combination of landscaping and walls. Where necessary, a screening wall up to twelve (12) feet in height may be used subject to approval by the Zoning Division. The exterior side of all walls shall be consistent with the color and character of the attached structure. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2003-940, Control No.1992-00023)

3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within designated loading areas indicated on the approved master/site plans. (ONGOING: ZONING -

Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2003-940, Control No.1992-00023)

4. No outdoor speaker or public address systems which are audible offsite shall be permitted. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 7 of Resolution R-2003-940, Control No.1992-00023)

## **UTILITIES**

1. When irrigation quality water is available within 500feet of the property, the petitioner shall connect to the system subject to permitting and/or requirement so the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (ONGOING: PBC WATER UTILITIES - Zoning) (Previous L Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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 Voluntary Commitments 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: Class A Conditional Use - Retail Gas and Fuel Sales**

#### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated September 27, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### **COMPLIANCE**

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

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

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

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

#### **DISCLOSURE**

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

Figure 1 - Land Use Map

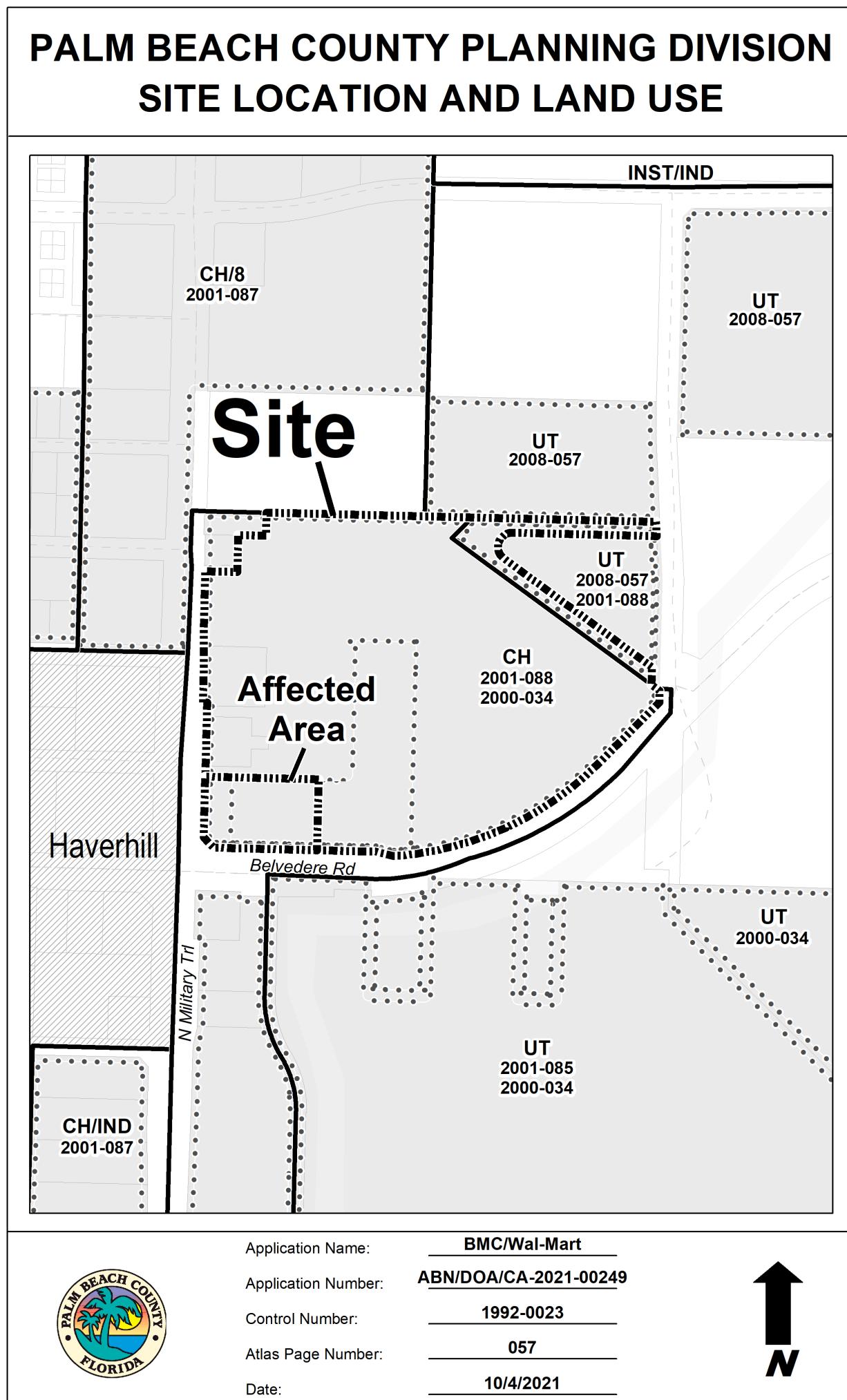


Figure 2 - Zoning Map

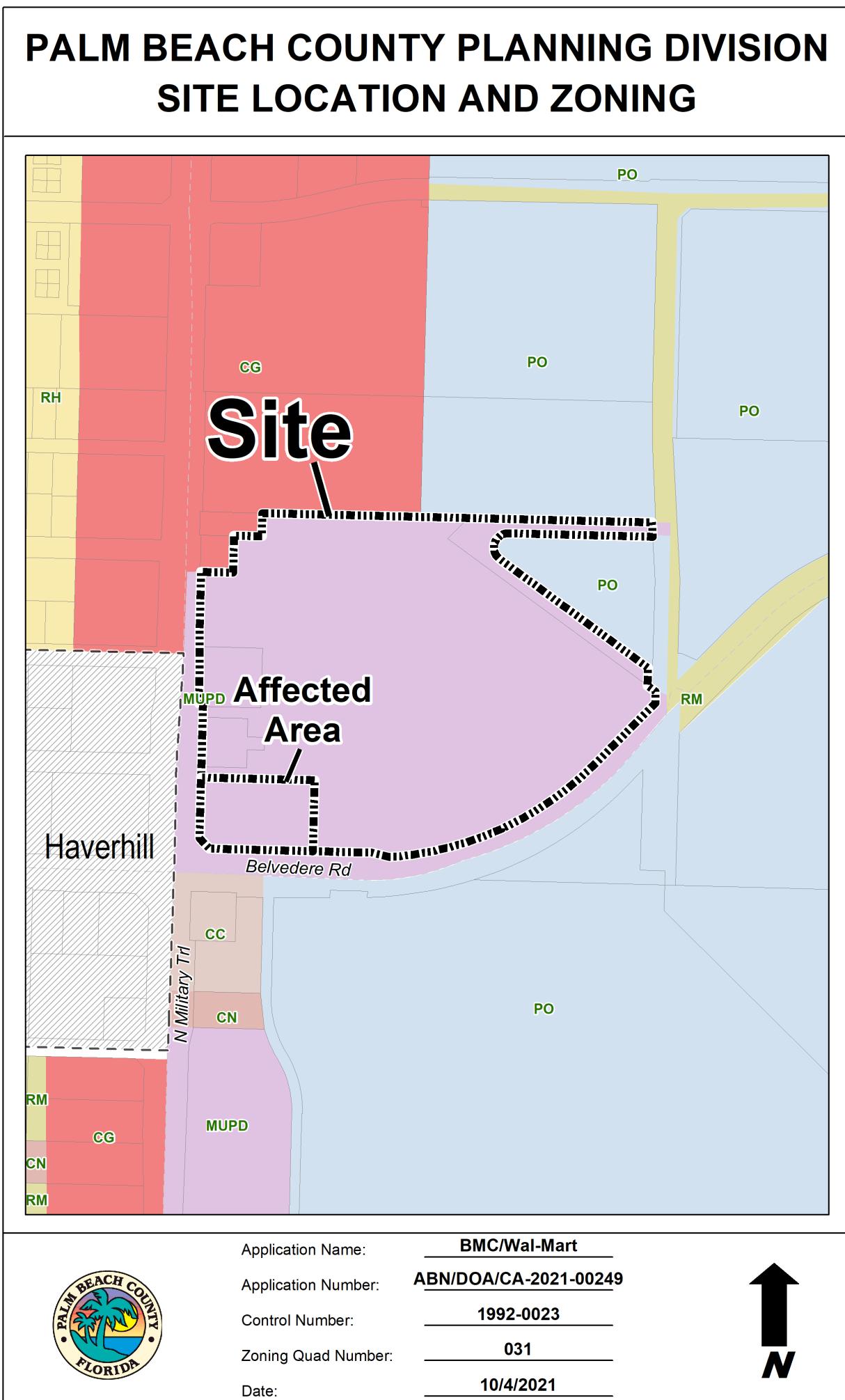
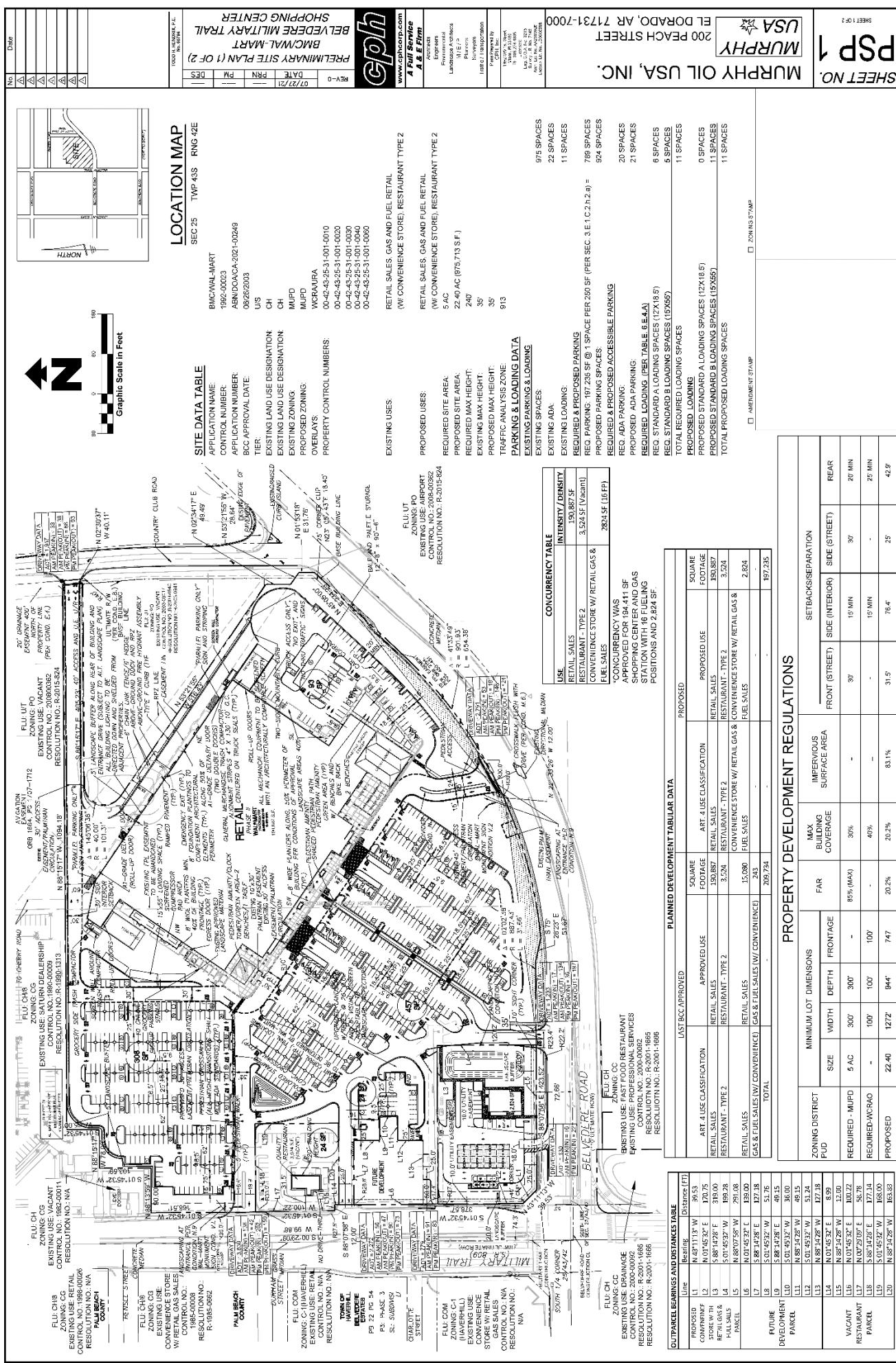


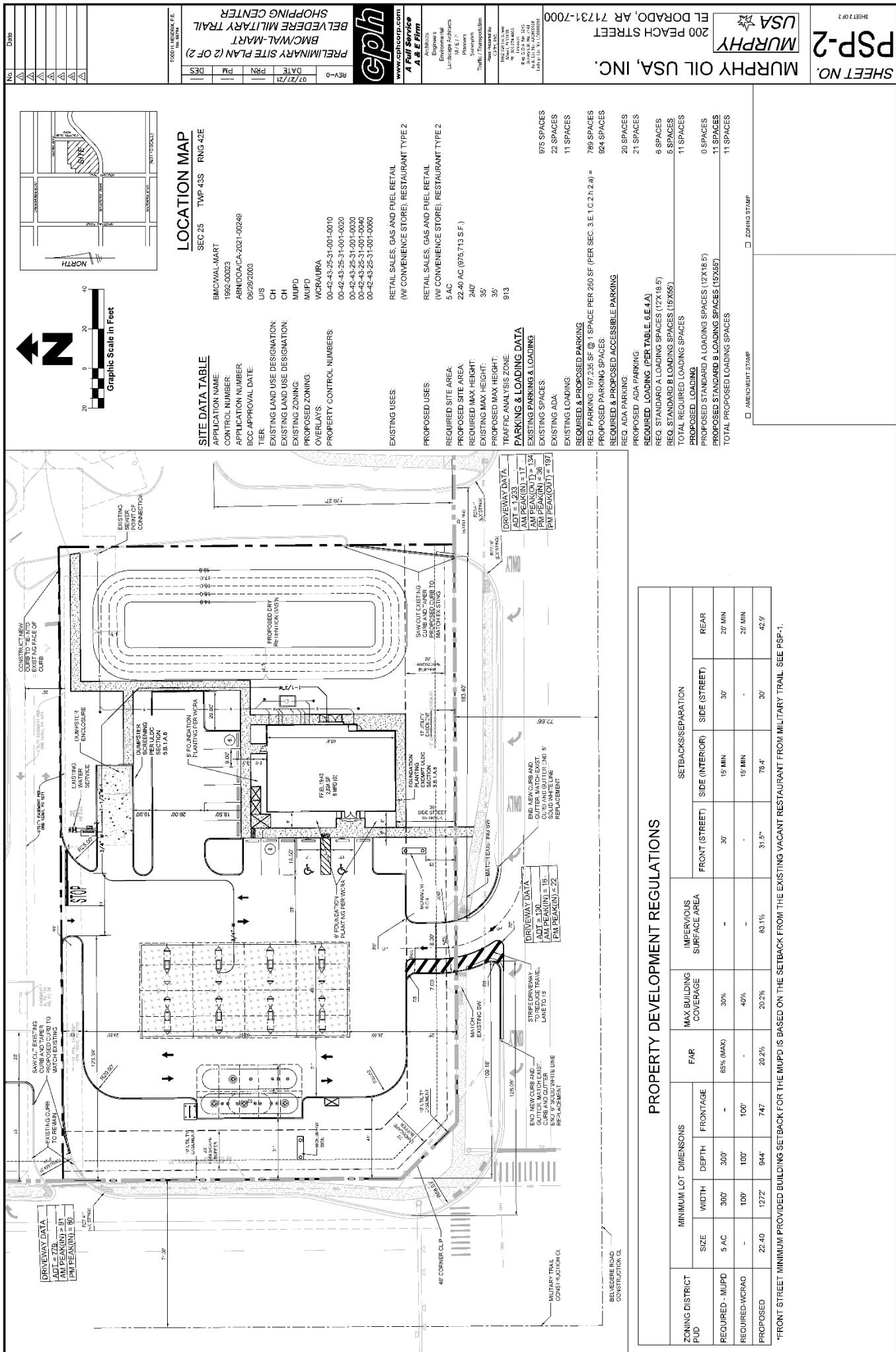
Figure 3 - Aerial



**Figure 4 – Preliminary Site Plan (Sheet 1 of 2) dated September 27, 2021**



**Figure 5 – Preliminary Site Plan (Sheet 2 of 2) dated September 27, 2021**

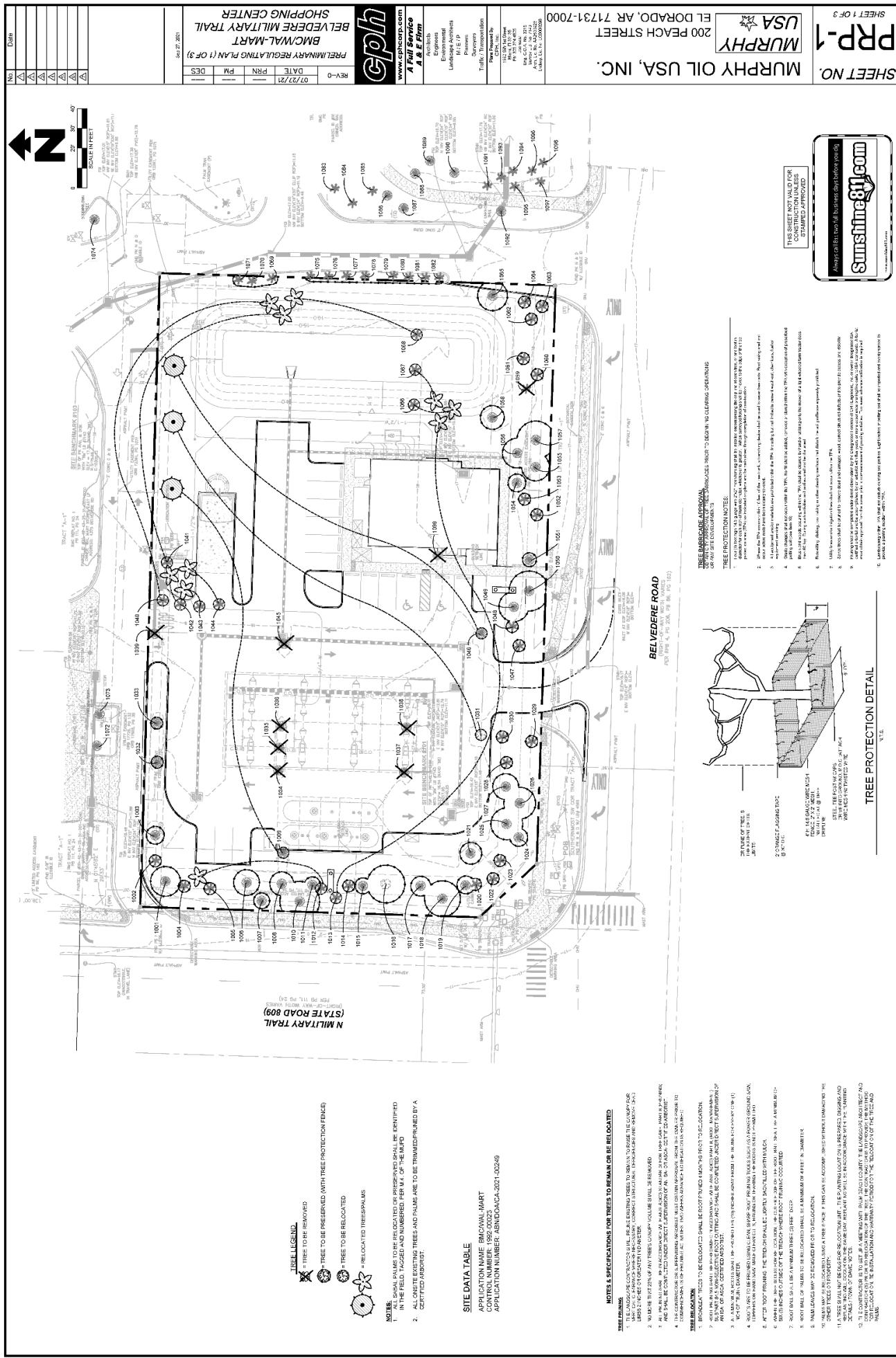


Zoning Commission  
Application No. ABN/DOA/CA-2021-00249  
BMC/Wal-Mart

November 4, 2021  
BCC District 7

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**Figure 6 – Preliminary Regulating Plan (Sheet 1 of 3) dated September 27, 2021**



**Figure 7 – Preliminary Regulating Plan (Sheet 2 of 3) dated September 27, 2021**

Table 3.C.2 - Vegetation Disposition Chart											
Tag#	Species	Size <sup>a</sup>	ERM	Zoning	Proposed Disposition		ERM Mitigation	Zoning Displacement	Notes	Credit	
					Calculated per Table 7.E.3.C - Vegetation Credit and Replacement						
1001	Gumbo Limbo	15	No	Yes	Preserve						
1002	Sabal Palm	15	No	Yes	Preserve						
1003	Crok	9	No	Yes	Preserve						
1004	Sabal Palm	14	No	Yes	Preserve						
1005	Sabal Palm	14	No	Yes	Preserve						
1006	Gumbo Limbo	13	No	Yes	Preserve						
1007	Crok	8	No	Yes	Preserve						
1008	Ficus	12	No	Yes	Relocate On Site						
1009	Crok	12	No	Yes	Preserve						
1010	Crok	20	No	Yes	Preserve						
1011	Ficus	17	No	Yes	Preserve						
1012	Sabal Palm	17	No	Yes	Relocate On Site						
1013	Sabal Palm	16	No	Yes	Relocate On Site						
1014	Sabal Palm	16	No	Yes	Preserve						
1015	Gumbo Limbo	8	No	Yes	Preserve						
1016	Crok	19	No	Yes	Preserve						
1017	Ficus	16	No	Yes	Preserve						
1018	Gumbo Limbo	16	No	Yes	Preserve						
1019	Crok	9	No	Yes	Preserve						
1020	Sabal Palm	18	No	Yes	Preserve						
1021	Crok	11	No	Yes	Preserve						
1022	Sabal Palm	13	No	Yes	Preserve						
1023	Sabal Palm	16	No	Yes	Preserve						
1024	Crok	9	No	Yes	Preserve						
1025	Gumbo Limbo	16	No	Yes	Preserve						
1026	Crok	19	No	Yes	Preserve						
1027	Gumbo Limbo	13	No	Yes	Preserve						
1028	Sabal Palm	15	No	Yes	Preserve						
1029	Sabal Palm	25	No	Yes	Preserve						
1030	Sabal Palm	16	No	Yes	Preserve						
1031	Crok	15	No	Yes	Relocate On Site						
1032	Elm	6	No	Yes	Preserve						
1033	Elm	5	No	Yes	Preserve						
1034	Elm	5	No	Yes	Migrate On Site						
1035	Elm	5	No	Yes	Migrate On Site						
1036	Elm	5	No	Yes	Migrate On Site						
1037	Elm	6	No	Yes	Migrate On Site						
1038	Elm	5	No	Yes	Migrate On Site						
1039	Elm	6	No	Yes	Migrate On Site						
1040	Sabal Palm	19	No	Yes	Relocate On Site						
1041	Sabal Palm	19	No	Yes	Relocate On Site						
1042	Sabal Palm	22	No	Yes	Relocate On Site						
1043	Sabal Palm	22	No	Yes	Relocate On Site						
1044	Sabal Palm	22	No	Yes	Relocate On Site						
1045	Elm	5	No	Yes	Migrate On Site						
1046	Crok	15	No	Yes	Relocate On Site						
1047	Sabal Palm	22	No	Yes	Preserve						
1048	Gumbo Limbo	15	No	Yes	Preserve						
1049	Crok	20	No	Yes	Preserve						

November 4, 2021  
BCC District 7

**Figure 8 – Preliminary Regulating Plan (Sheet 3 of 3) dated September 27, 2021**

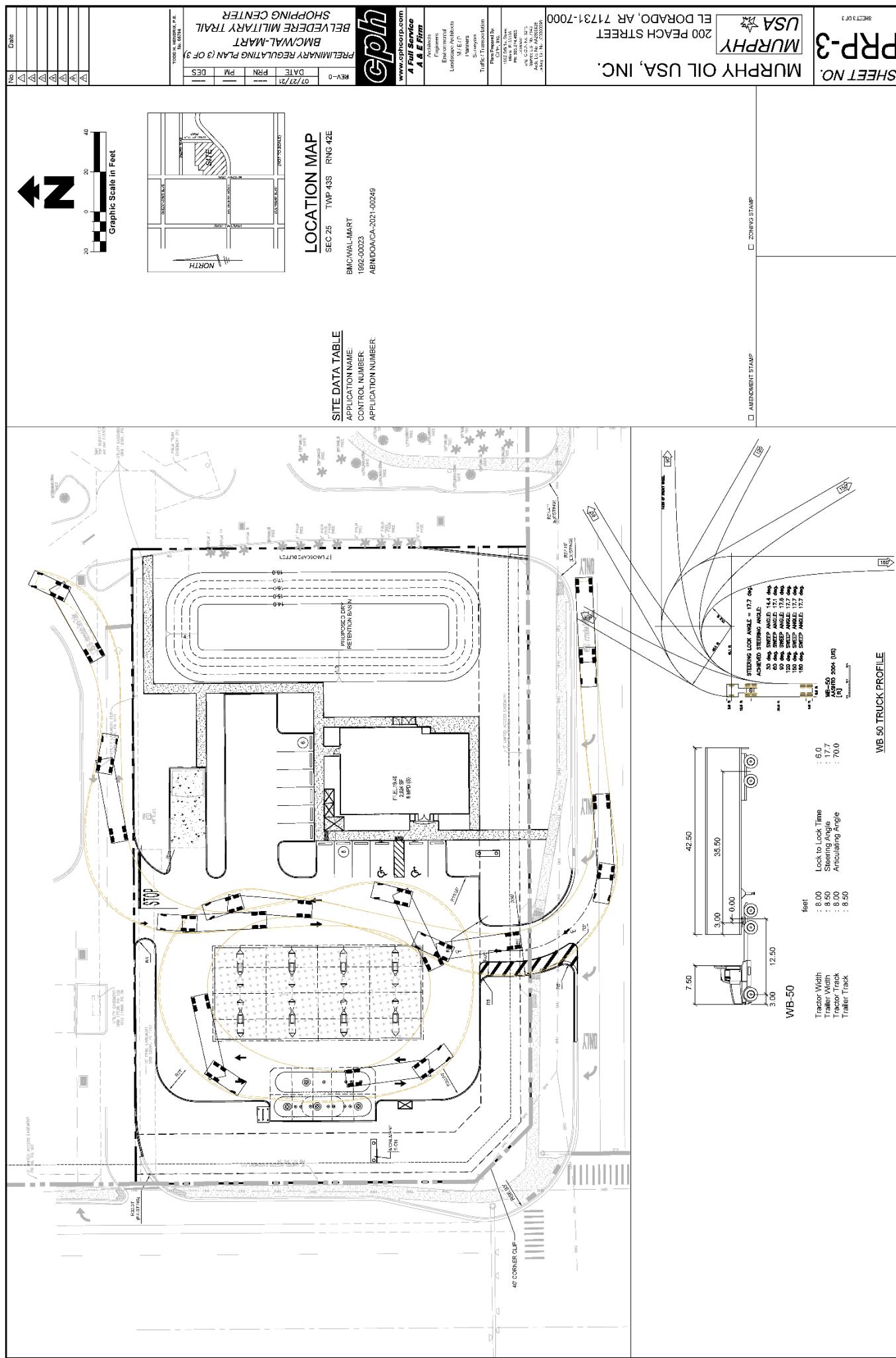
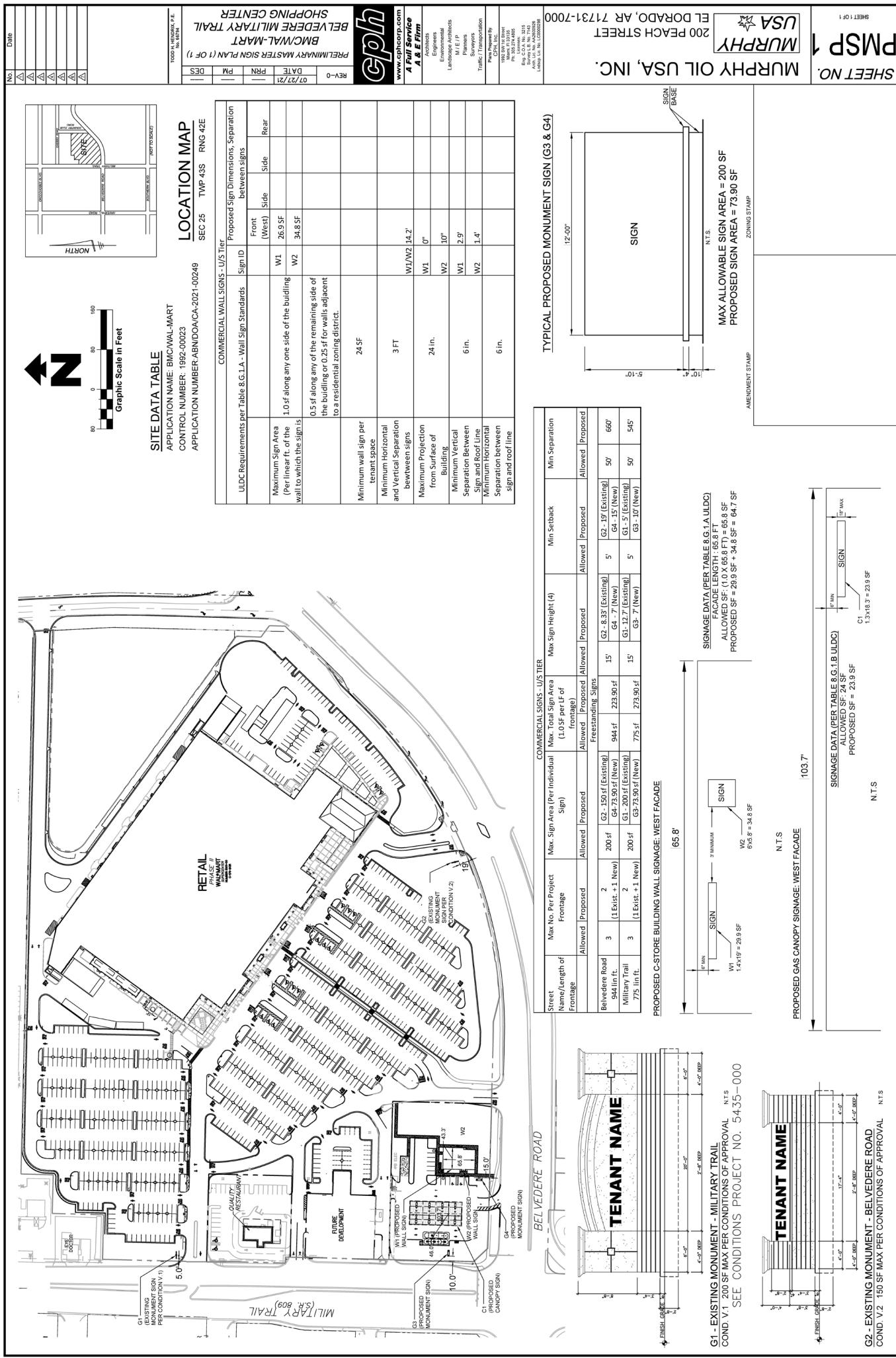


Figure 9 – Preliminary Master Sign Plan (Sheet 1 of 1) dated September 27, 2021



## Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

### DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the [ ] individual or [x] Construction Manager [position—e.g., president, partner, trustee] of Murphy Oil USA, Inc [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: Murphy Oil USA, Inc  
200 Peach Street  
El Dorado, AR 71731-7000
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

*Disclosure of Beneficial Interest - Applicant form*  
Form # 8

Page 1 of 4

Revised 12/27/2019  
Web Format 2011

Kara Richards  
Kara Richards, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA Broward  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  
[ ] online notarization, this 18 day of January, 2021 by  
Kara C. Richards (name of person acknowledging). He/she is personally  
known to me or has produced R 263- 503-76-949-0 (type of identification) as  
identification and did/did not take an oath (circle correct response).

Karla Bernal  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 02/18/2022

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"****PROPERTY**

A PORTION OF TRACT "A-I" OF BMC REPLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 111, PAGE 24, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHERNMOST SOUTHWEST CORNER OF SAID TRACT "A-I"; THENCE NORTH 43° 11' 13" WEST, A DISTANCE OF 39.53 FEET TO A POINT; THENCE NORTH 01° 45' 32" EAST, ALONG THE WEST LINE OF SAID TRACT "A-I", A DISTANCE OF 170.75 FEET TO A POINT; THENCE SOUTH 88° 14' 28" EAST, A DISTANCE OF 319.00 FEET TO A POINT; THENCE SOUTH 01° 45' 32" WEST, A DISTANCE OF 199.28 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "A-I"; THENCE NORTH 88°07' 58" WEST ALONG THE SOUTH LINE OF SAID TRACT "A-I", A DISTANCE OF 291.08 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

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

## 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 Mostafa Setayesh, 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  President Military Crossing, LLC [position - e.g., president, partner, trustee] of Military 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: 10755 Sandhill Road  
Dallas, TX 75238
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

  
Mostafa Setaresh, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

~~Texas~~  
STATE OF FLORIDA  
COUNTY OF PALM BEACH Dallas

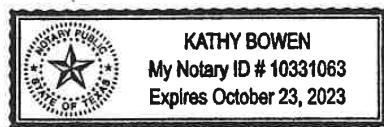
The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this 20<sup>th</sup> day of January, 2021 by  
Mostafa Setaresh (name of person acknowledging). He/she is personally known to me or has produced D.L. (type of identification) as identification and did/did not take an oath (circle correct response).

Kathy Bowen  
(Name - type, stamp or print clearly)

Kathy Bowen  
(Signature)

My Commission Expires on: 10/23/23

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"****PROPERTY**

A PORTION OF TRACT "A-I" OF BMC REPLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 111, PAGE 24,  
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**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.

## 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 Kara Richards, 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  Construction Manager \_\_\_\_\_ [position - e.g., president, partner, trustee] of Murphy Oil USA, Inc. \_\_\_\_\_ [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: 200 Peach Street  
El Dorado, AR 71731-7000
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Kara Richards

Kara Richards, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA

COUNTY OF PALM BEACH

Broward (pm)

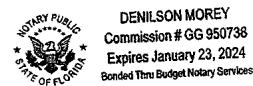
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 28<sup>th</sup> day of January, 2021 by Kara Richards (name of person acknowledging). He/she is personally known to me or has produced Florida Drivers License (type of identification) as identification and did not take an oath (circle correct response).

Denilson Morey  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 01/23/2024

NOTARY'S SEAL OR STAMP



## EXHIBIT "A"

## PROPERTY

A PARCEL OF LAND BEING A PORTION OF TRACT "A-1", BMC REPLAT No. 1, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF CLERK OF THE CIRCUIT COURTIN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 111, PAGE 24, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID OF SECTION 25 NORTH 01 DEGREES 45 MINUTES 33 SECONDS EAST A DISTANCE OF 295.82 FEET TO A POINT; THENCE LEAVING SAID WEST LINE SOUTH 88 DEGREES 14 MINUTES 27 SECONDS EAST A DISTANCE OF 73.24 FEET TO A 5/8 INCH REBAR SET WITH CAP "PSM 4986", SAID 5/8 INCH REBAR BEING LOCATED IN THE EAST RIGHT OF WAY LINE OF MILITARY TRAIL (73.5-FOOT PUBLIC RIGHT OF WAY), ALSO SAID 5/8 INCH REBAR BEING THAT THE TRUE POINT OF BEGINNING OF THIS PROPERTY; THENCE WITH THE SAID RIGHT OF WAY LINE OF MILITARY TRAIL NORTH 01 DEGREES 57 MINUTES 07 SECONDS EAST A DISTANCE OF 139.00 FEET TO A 5/8 INCH REBAR SET WITH CAP "PSM 4986"; THENCE LEAVING THE SAID RIGHT OF WAY LINE ALONG AND ACROSS THE WAL- MART STORES EAST, LP PROPERTY (RECORDED IN OR BK 15659, PAGE1112) AS FOLLOWS: SOUTH 88 DEGREES 02 MINUTES 53 SECONDS EAST A DISTANCE OF 127.18 FEET TO A P.K. NAIL SET; THENCE SOUTH 01 DEGREES 57 MINUTES 07 SECONDS WEST A DISTANCE OF 51.76 FEET TO A P.K. NAIL SET; THENCE SOUTH 88 DEGREES 02 MINUTES 53 SECONDS EAST A DISTANCE OF 49.15 FEET TO A P.K. NAIL SET; THENCE SOUTH 01 DEGREES 57 MINUTES 07 SECONDS WEST A DISTANCE OF 36.00 FEET TO A P.K. NAIL SET; THENCE NORTH 88 DEGREES 02 MINUTES 53 SECONDS WEST A DISTANCE OF 49.15 FEET TO A P.K. NAIL SET; THENCE SOUTH 01 DEGREES 57 MINUTES 07 SECONDS WEST A DISTANCE OF 51.24 FEET TO A P.K. NAIL SET; THENCE NORTH 88 DEGREES 02 MINUTES 53 SECONDS WEST A DISTANCE OF 127.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 19,447.42 + SQUARE FEET, OR 0.446±\_ACRE

**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**  
Murphy Oil USA, INC. is publicly traded under "Murphy USA, Inc." NYSE:MUSA