

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

Application No.: ABN/DOA-2022-00507
Application Name: Arrigo MUPD
Control No./Name: 1995-00022 (Arrigo MUPD)
Applicant: MG WPB LLC
Owners: Arrigo WPB J Re Management LLC
Arrigo Enterprises Inc.
Agent: Dunay, Miskel and Backman, LLP - Beth Schrantz
Dunay, Miskel and Backman, LLP - Scott Backman
Telephone No.: (786) 763-0565 , (561) 368-7700
Project Manager: Jerome Ottey, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Type 1 Restaurant and a Hotel on 44.14 acres

TITLE: a Development Order Amendment **REQUEST:** to reconfigure the site plan, add square footage, modify/delete conditions of approval, and modify phasing on a 44.18 acres

APPLICATION SUMMARY: The proposed requests are for the 44.18-acre Arrigo MUPD development. The site was last approved by the Board of County Commissioners (BCC) on May 31, 2011 to reconfigure the site plan, add square footage, add uses and to delete an access point.

The request will modify the site plan in order to reconfigure the development to add square footage, modify and delete conditions of approval, and modify phasing. The Preliminary Site Plan (PSP) indicates the addition of two commercial buildings with a total square footage of 85,783 square feet (sq.ft.). These buildings include a mix of Warehouse and Retail uses. The request also includes an abandonment of a previous Hotel and Type 1 Restaurant. The plan indicates two access points from Okeechobee Boulevard.

SITE DATA:

Location:	Southwest corner of Okeechobee Boulevard and the Florida Turnpike
Property Control Number(s)	00-42-43-27-05-004-0013; 00-42-43-27-33-005-0000; 00-42-43-27-33-001-0010; 00-42-43-27-33-002-0010; 00-42-43-27-33-002-0020; 00-42-43-27-33-001-0020
Existing Future Land Use Designation:	Commercial High, with an underlying IND (CH/IND) and Commercial High (CH)
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Total Acreage:	44.18 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	West Palm Beach
Future Annexation Area	Haverhill, West Palm Beach
Commission District	District 2, Vice Mayor Gregg K. Weiss

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

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contact from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
DOA/R-2010-03025	To allow a Type 1 Restaurant, Hotel and an Auto Paint and Body Shop	R-2011-0795 R-2011-0796 R-2011-0797	May 31, 2011
	To reconfigure the site plan, add square footage, add requested uses, and to delete an access point on Jog Road and an access point on Okeechobee Boulevard	R-2011-0794	May 31, 2011

Application No.	Request	Resolution	Approval Date
PDD/DOA-2007-00051	To add land area, reconfigure the site plan, add square footage, and add an access point on Jog Roa	R-2007-1615	September 24, 2007
	An Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District	R-2007-1614	September 24, 2007
DOA-2004-00814	Development Order Amendment to reconfigure the site plan and modify/delete Conditions of Approval	R-2005-0382	February 24, 2005
		R-2005-0603	March 24, 2005
DOA-1995-00022	Development Order Amendment to reconfigure the site plan, add/modify conditions of approval, and add a Vehicle Service/Repair use.	R-2002-0512 R-2002-0511	April 4, 2022
	Development Order Amendment to reconfigure the site plan to add a Vehicle Sales and Rental (Requested use)	R-1998-0410	March 26, 1998
PDD-1995-00022	An Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District	R-1995-1724	December 4, 1995

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6, Standards.

As part of the request, the Applicant is seeking an abandonment of a Development Order granted for a Type 1 Restaurant and a Hotel, previously approved under Resolutions R-2011-0796 and R-2011-0797 respectively, on May 26, 2011. With the proposed Development Order Amendment (DOA) described below, it is the intent of the Applicant to reconfigure the site plan to allow for other uses through the DRO approval process.

a. Consistency with the Plan - *The proposed abandonment is consistent with the Plan.*

The proposed abandonment of the Type 1 Restaurant and Hotel uses will not create any consistencies with the Goals, Objectives and Policies of the Comprehensive Plan. The Applicant is requesting new uses as analyzed under the Findings for the Development Order Amendment.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of the DOs for the previously approved Type 1 Restaurant and Hotel uses does not create any non-conformities as the subject site is currently undeveloped, and those Development Orders were not implemented. The proposed development will comply with all requirements of the ULDC and Conditions of Approval of the new Development Order.

c. Adequate Public Facilities – *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards) Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment of the DO will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). The Applicant has requested a new Concurrency Approval for the proposed development.

d. Changed Conditions or Circumstances - *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The subject site received approval for a Type 1 Restaurant and a Hotel, along with other uses, as part of the overall MUPD. The Applicant states in the Justification Statement that the abandonment of the two uses provides for more appropriate uses to be constructed on the subject site that will more adequately meet the building material and automotive needs of the surrounding areas. The concurrent DOA application to reconfigure the site plan, add square footage, modify/delete Conditions of Approval and modify phases is contingent upon the approval of this abandonment. The previously approved Hotel, Financial Institution, and Type 1 Restaurant were previously approved as Phase 3 of this Development. With the modifications proposed, this portion of the Development Order will be revised to be part of Phase 2 that has not commenced to date.

The Applicant has demonstrated the need for the abandonment. The abandonment of the Resolutions that approved the Type 1 Restaurant and the Hotel will not impact the other DOs approved on the same site.

FINDINGS:

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.*

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.

○ *Relevant Comprehensive Plan Policies:* Future Land Use Element (FLUE) policies 4.3-g and 4.3-k employ planning techniques to facilitate uses with similar or like land uses to provide interconnectivity which reduced potential traffic conflicts along the primary roadway.

Policy 4.3-g: Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage interconnectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).

Policy 4.3-k: The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.

The proposed request implements the above policies by incorporating interconnectivity at the northwest corner of the site. The vehicular cross access will be to the adjacent plaza to the west of the subject MUPD. Staff are recommending conditions of approval to record cross access easements in the indicated locations prior to final approval by the DRO, and pave to the property line prior to issuance of the certificate of occupancy.

○ *Intensity:* The maximum Floor Area Ratio (FAR) of 0.85 is allowed for the subject CH future land use designation in the Urban Suburban Tier (1,924,484 sq. ft. or 44.18 acres x 0.85 maximum FAR = 1,635,811 sq. ft. maximum). The request of the 302,520 sq. ft. equates to a FAR of approximately 0.16 (302,520 / 1,924,484 sq. ft. or 44.18 acres = 0.16).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

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

The site, as approved in Figure 4, Previously Approved Final Site Plan, is a mix of commercial uses including Vehicle Sales and Rental, General Repair and Maintenance, Office, Hotel, Financial Institution, and a Type I Restaurant. The proposed DOA will reconfigure the Site Plan to remove the previously approved Type 1 Restaurant, Hotel and Financial Institution, in order to modify the uses on that portion of the site for General Retail and a Warehouse/Office/Retail flex space use. A Condition of Approval has been added for the Retail use integrated in Building F to be reflected as flex space on the Site Plan per Art. 5.B.1.D., Flex Space, as well as Art. 4.B.5.C.17.e.2) General Retail. The reconfiguration of the Site Plan also includes modifications to parking and an increase in the acreage of the Lake Tract to the south. As the development is within the MUPD Zoning District, the existing minimum/maximum parking standards per Art. 3.E.1.C.2.h.2), Non-Residential, may be utilized for the proposed Flex Space. Conditions of Approval are proposed to be modified and deleted according to the status and proposed changes to the development.

The Applicant has proposed to modify the Phasing of the development to add the proposed Retail and Warehouse flex space structures and improvements to Phase 2. They had also shifted the Repair and Maintenance use (30,000 square foot building) from Phase 2 to Phase 3, however after discussion with staff and review of the application documents it was determined that this building needed to remain in Phase 2. A Condition has therefore, been added to modify the Plans and associated documents to correct the Phasing information.

○ *Amendment to the Site Plan:* With the abandonment of the previously approved Type 1 Restaurant and Hotel uses, the Applicant is proposing to modify the Site Plan to allow two Buildings. Building E is a 7,381 sq. ft. General Retail and Building F is a 78,402 Warehouse building with office and retail flex space., on the vacant parcel located at the northwest of the 44.18-acre development. The Preliminary Site Plan (PSP) also indicates an additional 160 parking spaces to accommodate the proposed uses, and an increase in the acreage of the previously proposed lake tract by 0.26 acres. Loading and dumpsters are also proposed to the south side of both buildings of the site. Staff has concerns with the location of the proposed loading area and dumpster for Building E on the PSP. To ensure the safety of pedestrians within this area, a Condition has been added to restrict the hours for delivery and garbage pick-up.

○ *Property Development Regulations:* The proposed development is subject to Table 3.E.3.D, MUPD Property Development Regulations with the subject site being required to outline on the PSP how the proposed development will meet the minimum PDRs. The proposed development meets and exceeds all minimum PDRs, as outlined in the PDR Chart of the PSP.

○ *Access and Circulation:* The subject site currently has two access points off Okeechobee Boulevard with a proposed future cross access from the Commercial development to the west. Okeechobee Boulevard is an Arterial Street which satisfies the access requirement of Art. 3.E.1.C.2a., Access and Circulation. The Applicant has proposed to modify the circulation and driveway configuration within the MUPD. This vehicular circulation removes a drive aisle that is needed for the Phase 3 Office at the rear of the property. Staff believes the elimination of this driveway runs counter to Art. 3.E.3.A.1.f., Purpose and Intent, where the intent of a MUPD is to promote the design of safe and efficient circulation systems for pedestrians, bicycles and automobiles. A Condition has been added for the PSP to be modified to show the driveway.

○ *Architectural Review:* The Applicant has proposed two Buildings with a combined square footage of 85,783 sq. ft.. A Condition of Approval has been added for Architectural Elevations to be submitted for review at the time of Final Development Review Officer (DRO) approval. This will ensure compatibility with the existing buildings on site of the MUPD and will enhance the appearance of the development. A Condition has been included for Building F to be submitted at time of final DRO, and Building E may be submitted at time of Building Permit. Any modifications to Building F, may be reviewed through the Building Permit process. All buildings in the MUPD shall be consistent and required by Article 5.C.

○ *Parking:* The subject site is an MUPD with multiple uses. The Planned Development regulations allows an Applicant to utilize a range of parking with minimum and maximum numbers and/or utilize the specific use calculations described in Article 6. With the proposed Warehouse Flex use proposed, Article 5 describes parking requirements for this use as 3 spaces/per 1000 sq. ft. However, the Planned Development parking calculations supersede this requirement, where there is conflict the MUPD regulations apply. Therefore the parking required for the development as a range, and use of warehouse parking, requires a minimum of 988 and maximum of 1,448 spaces for the development as a whole. The Applicant is proposing 1,010 spaces.

○ *Landscape/Buffering:* The PSP indicates a 20 foot Right-of-Way landscape buffer to the north, along Okeechobee Boulevard. Along the western property line, abutting the Commercial development, an eight foot landscape buffer is proposed. A Condition has been added to the Resolution for the landscape

island proposed to the northwest of the subject site under the existing Billboard to be expanded to allow for additional space for the required tree per Art. 7.C.4.A.2.a., Required Canopy Tree. The expanded landscape island will ensure vehicles are not driving or parking directly under the Billboard.

- **Signs:** The Applicant has submitted a Preliminary Master Sign Plan (PMSP) (Figure 6) that meets the requirements of Article 8 and Conditions of Approval. The Applicant is proposing to install one additional Freestanding Sign on the subject parcel for the proposed development. Sign Condition number 2 has been amended to allow an additional sign for the proposed development. This will result in a maximum number of allowable Freestanding Signs fronting Okeechobee Boulevard to be three (3). In 2011, Staff recommended a maximum two (2) Freestanding Signs fronting Okeechobee Boulevard with the maximum square footage and height being 150 sq. ft. and 15 feet respectively. The previously approved Master Sign Plan however, shows that the two already constructed Freestanding Signs have a maximum sign face area of 200 sq. ft.. To allow for consistency between signs, Staff recommends Sign Condition 2 be amended to increase the maximum square footage to 200 sq. ft.. The Applicant has also proposed an Outparcel Identification Sign for the subject site, which meets the current requirements of Table 8.G.2.B., Freestanding Outparcel Identification Signs, and allowed pursuant to Conditions of Approval. Also proposed are Wall Signs that meet the requirements of Table 8.G.1.A., Wall Sign Standards, which includes standard wall signs and channel letters on all façades of both proposed buildings.

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 current MUPD has been approved since 1995 with a mix of Commercial uses. The proposed DOA will allow for the addition of a Retail and Warehouse flex space use. These proposed uses are compatible and consistent with the surrounding uses. To north exists a Planned Industrial Development District, with the immediate northern parcels being occupied by a range of Commercial uses. To the west is an existing consistent and compatible MUPD. To the south is a Water or Wastewater Treatment Plant and to the east is high density residential developments, which are separated from the subject MUPD by the Florida Turnpike. The proposed amendment is therefore, compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

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

The proposed DOA will allow for the development to be located to the vacant northwest parcel of the existing MUPD. The location complements and is consistent with the development pattern of the area, especially the adjacent uses. As mentioned, to the west is an existing MUPD, and the Applicant proposes an 8 foot Compatibility Buffer to offset any potential impacts. A 20 foot R-O-W buffer is proposed to the north of the subject site and is also separated from the PIPD to the north by the 200 foot wide Okeechobee Boulevard. The Residential development to the east is separated from the subject site by an existing 20 foot landscape buffer, and approximately 325 feet of area consisting of drainage easements and the Florida Turnpike. The DOA proposed for the future development will therefore, have minimal adverse effects on the adjacent lands.

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

- **Vegetation Protection:** The property is developed and the proposed warehouse site has been cleared.

- **Wellfield Protection Zone:** The property is located within a Wellfield Protection Zones 2 and 3.

- **Irrigation Conservation Concerns And Surface Water:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

- **Environmental Impacts:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed DOA will allow for the development of a mix of Commercial and Industrial uses, as allowed

for by the Future Land use of CH and CH with underlying IND. The subject development has only implemented the Phase 1 portion of the development out of the three total phases and intends to complete adhere to the deadline of December 25, 2025 per Engineering Condition 18a. The Applicant states that the development of the vacant subject site will allow for a wider range of goods and services to be available to residents of Palm Beach County and is consistent with the infill development pattern of the area, through the development of complementary proposed uses. The proposed DOA will, therefore, result in a logical, orderly and timely development pattern.

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

ENGINEERING COMMENTS:

The proposed modification to the already approved and partially constructed site plan by replacing approved bank, hotel, and fast-food restaurant with an automobile parts store and a building material superstore is expected to generate 2,373 additional net daily trips, 226 additional net AM peak hour trips, and 249 additional net PM peak hour trips. The build out is expected to happen by 2025.

The intersections of Okeechobee Blvd/Jog Rd and Okeechobee Blvd and the Turnpike will have background deficiency in the buildout year, without the project traffic. Similarly portions of Okeechobee Blvd are expected to have background deficiencies in the future. Needed improvements to correct the deficiencies will also accommodate the traffic from the project. As per Florida statute 163.3180, the Property Owner will not be responsible for those improvements to correct the background deficiencies.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)
Segment: Okeechobee Blvd from Jog Rd to FL Tpk
Existing count: Eastbound=2355, Westbound=2767
Background growth: Eastbound=398, Westbound=303
Project Trips: Eastbound=65, Westbound=65
Total Traffic: Eastbound=2818, Westbound=3135
Present laneage: 4 in each direction
Assured laneage: 4 in each direction
LOS “D” capacity: 3590 per direction
Projected level of service: Better than LOS D in both directions

The Property Owner shall replat the property prior to the issuance of the building permit.

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. The development is located within the boundaries of PBC Fire Station #23.



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

PARKS AND RECREATION: Non-residential project therefore, Park and Recreation ULDC requirements do not apply.

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 Applicant states in the Justification Statement that the changed circumstance that warrants the DOA is the continued growth in the population of the surrounding area, and the increased need for building materials and automotive parts. The proposed future Warehouse Flex space use will occupy Building F will be a Floor and Décor, with the standalone General Retail use, Building E, proposed to be occupied by AutoZone. The Applicant has adequately justified the need for the DOA that will result in the allowance of the future requested uses, to satisfy the needs of the residents of the surrounding areas and the wider Palm Beach County.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B and determined that there is balance between the need for change and the potential impacts generated by the change. Therefore, Staff is recommending approval of the requests. Staff has determined that any potential issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-794, Control No.1995-00022, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2007-1614 and R-2007-1615 (Control No. 1995-022(B) have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2007-1614, R-2007-1615 and 2011-0794 (Control No. 1995-022) have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-794, Control No.1995-00022, which currently states:

The approved Preliminary Site Plan is dated March 14, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Site Plan is dated August 22, 2022. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

3. Should the Applicant not utilize the approval of the Requested Uses, the Property Owner or Applicant shall abandon the approval pursuant to the regulations of Article 2 of the ULDC, as amended, and the Final Site Plan shall be modified accordingly. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2011-794, Control No.1995-00022)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building C shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. Prior to Final Development Review Officer (DRO) approval, the Applicant shall submit architectural elevations for Buildings F for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all applicable Conditions of Approval, and all ULDC requirements. Modifications to the elevations may be allowed through the Building Permit process, consistent with the Visual Impact Analysis and requirements of Article 5.C. (DRO: ZONING - Zoning)

3. The Applicant shall submit architectural elevations for Buildings E for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all applicable Conditions of Approval, and all ULDC requirements. The elevations shall be consistent with the Visual Impact Analysis, the buildings within the MUPD, and requirements of Article 5.C. (BLDG PERMIT: ZONING - Zoning)

4. All roof or ground mounted air conditioning, mechanical equipment, electrical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. Previous Building and Site Design Condition 1. of Resolution R-2007-1615, Control No.1995-022. (BLDGPMPT: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2011-794, Control No.1995-00022)

5. All future development shall be consistent with Article 5.C of the ULDC, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDGPMPT: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2011-794, Control No.1995-00022)

6. Prior to the issuance of the first Certificate of Occupancy for this petition, all existing and any proposed freestanding lighting fixtures (excluding concrete poles), and railings along the vehicular driveway shall be painted bronze. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2011-794, Control No.1995-00022)

ENGINEERING

1. The Property Owner shall modify the existing left turn lane east approach on Okeechobee Boulevard at the projects entrance road to either lengthen or reconstruct as a dual left turn lane with signalization as required by either the Florida Department of Transportation or by the County Engineer. If dual left turn lanes are constructed then 2 receiving lanes on the driveway shall be constructed.

a. This construction shall be concurrent with the paving and drainage improvements for Phase III of the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations.

b. Permits required by Florida DOT for this construction shall be obtained prior to the issuance of the first Building Permit Phase III of the site. (BLDG PERMIT: MONITORING-Eng)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy in Phase III. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

a. Prior to issuance of a building permit, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Okeechobee Boulevard. This permit, to be completed by the Property Owner, shall name Palm Beach County as the Applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The Property Owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the Property Owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

b. All required median landscaping, including an irrigation system if required, shall be installed at the Property Owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-794, Control No.1995-00022)

3. Prior to site plan approval by the Development Review Committee the developer shall:

a. Receive approval from the Land Development Division for a revised drainage study demonstrating that the project will be in accordance with South Florida Water Managements Districts C-51 Drainage Basin requirements.

b. Obtain conceptual approval from the Florida Department of Transportation for the proposed geometrics and location of the proposed access drive onto Okeechobee Boulevard. Any modifications to the 2.99 acre outparcel shall be accommodated for on the revised Site Plan. (DRO: ENGINEERING - Engineering)

[Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2011-794, Control No.1995-00022)

4. The Property Owner shall fund a pro rata share of the cost of signalization if warranted by the County Engineer and the Florida Department of Transportation at the intersection of Okeechobee Boulevard and the projects entrance road. Signalization shall also include any required warning flashers on Okeechobee Boulevard in advance of the Florida Turnpike Overpass. Should signalization not be required after five years after the final Certificate of Occupancy then this Property Owner shall be relieved from this obligation. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2011-794, Control No.1995-00022)

5. Prior to the issuance of the next building permit, the contract shall be let for Okeechobee Boulevard (Benoist Farms Road to the Turnpike) to an eight-lane cross section, or a CRALLS designation is adopted for Okeechobee Boulevard (Benoist Farms Road to the Florida Turnpike), whichever shall first occur. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-794, Control No.1995-00022)

6. Previous ENGINEERING Condition 6 of Resolution R-2011-794, Control No.1995-00022, which currently states:

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

- a. No Building Permits for additional new car dealership square footage may be issued after December 31, 2013. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)
- b. No Building Permits for the site may be issued after December 31, 2015. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) (DATE: MONITORING - Engineering)

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

7. Prior to issuance of a Building Permit on the unplatted portions of the site, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2011-794, Control No.1995-00022)

8. Deleted by Resolution R-2011-0794 (Previous ENGINEERING Condition 8 of Resolution R-2011-794, Control No.1995-00022)

9. Deleted by Resolution R-2011-0794 (Previous ENGINEERING Condition 9 of Resolution R-2011-794, Control No.1995-00022)

10. Prior to Final Site Plan approval by the Development Review Committee, the Property Owner shall complete purchase of the existing Palm Beach County Property required for the construction of the access onto Jog Road. (DRO:ENGINEERING - Eng) (Previous Engineering Condition E.10 of Resolution R-2007-1615, Control No.1995-022) [Note: COMPLETED] (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2011-794, Control No.1995-00022)

11. Previous ENGINEERING Condition 11 of Resolution R-2011-794, Control No.1995-00022, which currently states:

The Property Owner shall construct:

- i) a second south approach left turn lane on the eastern project entrance road at Okeechobee Blvd, to provide for 2 left turn lanes and a shared through/right lane at this intersection; and
- ii) a right turn lane west approach on Okeechobee Boulevard at the western project entrance.

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

- a. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPM: MONITORING - Engineering)
- b. Construction of the improvements in part i above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 2. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

- c. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPMPT: MONITORING - Engineering)
- d. Construction of the improvements in part ii above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 3. (CO: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall construct:

- i) a second south approach left turn lane on the eastern project entrance road at Okeechobee Blvd, to provide for 2 left turn lanes and a shared through/right lane at this intersection, or as approved by the FDOT/County Engineer; and
- ii) a right turn lane west approach on Okeechobee Boulevard at the western project entrance.

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

- a. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPMPT: MONITORING - Engineering)
- b. Construction of the improvements in part i above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 3. (CO: MONITORING - Engineering)
- c. Permits required from FDOT for the construction in part ii above shall be obtained prior to the issuance of the first building permit for construction of phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]
- d. Construction of the improvements in part ii above shall be completed prior to the issuance of the first Certificate of Occupancy within phase 3. (CO: MONITORING - Engineering)

12. Prior to final site plan approval by the DRO, the Property Owner shall have the existing 30-foot road right of way on the western portion of the site, north of Building E, abandoned in accordance with the Abandonment Ordinance or shall remove the right of way from the project limits. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2011-794, Control No.1995-00022)

13. Prior to final site plan approval by the DRO, the Property Owner shall modify, abandon and, if necessary, relocate the existing blanket utility easement in conflict with existing and proposed building locations or provide releases for proposed work within the easement area as approved by the County Engineer and Building Division. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2011-794, Control No.1995-00022)

14. Previous ENGINEERING Condition 14 of Resolution R-2011-794, Control No.1995-00022, which currently states:

In order to comply with the Okeechobee Blvd. CRALLS point system established by the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

- a. Prior to issuance of a building permit for construction within phase 2 of the project, the Property Owner shall make a pre-payment to the Impact Fee Coordinator of an additional mitigation fee in the amount of 76% of the road impact fees associated with construction of phases 1 and 2 (currently \$99,400, or as may be adjusted by amendments to Article 13 prior to time of payment). (BLDG PERMIT: MONITORING-Eng) (BLDGPMPT: MONITORING - Engineering)
- b. Prior to final approval of the Site Plan by the DRO, the Property Owner shall identify a secure bicycle parking facility within the phase 2 development area with a minimum of 30 bicycle spaces within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. (DRO: ENGINEERING - Engineering)
- c. The Property Owner shall obtain all necessary permits to construct:
 - i) a second west approach left turn lane on Okeechobee Blvd. at Vista Parkway, to provide for dual left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach, and
 - ii) a third west approach left turn lane on Okeechobee Blvd. at Jog Road, to provide for triple left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach.

All permits for this construction shall be obtained prior to the issuance of the first building permit within phase 2. (BLDG PERMIT: MONITORING-Eng) (BLDGPMPT: MONITORING - Engineering)

- d. The Property Owner shall construct:
 - i) a second west approach left turn lane on Okeechobee Blvd. at Vista Parkway, to provide for dual left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach, and
 - ii) a third west approach left turn lane on Okeechobee Blvd. at Jog Road, to provide for triple left turn lanes, four (4) through lanes and an exclusive right turn lane on this approach.

Construction shall be completed prior to the issuance of the first Certificate of Occupancy within phase 2. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. All costs incurred to construct these improvements shall be creditable against road impact fees due for the project. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer required]

15. Previous ENGINEERING Condition 15 of Resolution R-2011-794, Control No.1995-00022, which currently states:

In order to comply with the Okeechobee Blvd. CRALLS point system established by the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

- a. Prior to issuance of a building permit for construction within phase 3 of the project, the Property Owner shall make a pre-payment to the Impact Fee Coordinator of an additional mitigation fee in the amount of 90% of the road impact fees associated with construction of phase 3 (currently \$427,400, or as may be adjusted by amendments to Article 13 prior to time of payment). (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)
- b. Prior to final approval of the Site Plan by the DRO, the Property Owner shall identify a secure bicycle parking facility within the phase 3 development area with a minimum of 75 additional bicycle spaces within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. (DRO: ENGINEERING - Engineering)
- c. The Property Owner shall obtain all necessary permits to construct a third north approach left turn lane on Vista Parkway at Okeechobee Blvd., to provide for two (2) exclusive left turn lanes, one (1) shared left/through lane and an exclusive right turn lane on this approach. All permits for this construction shall be obtained prior to the issuance of the first building permit within phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)
- d. The Property Owner shall construct a third north approach left turn lane on Vista Parkway at Okeechobee Blvd., to provide for two (2) exclusive left turn lanes, one (1) shared left/through lane and an exclusive right turn lane on this approach. Construction shall be completed prior to the issuance of the first Certificate of Occupancy within phase 3. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. All costs incurred to construct these improvements shall be creditable against road impact fees due for the project. (CO: MONITORING - Engineering)
- e. Prior to issuance of a Certificate of Occupancy for development within phase 3, the Property Owner shall record mutual cross-access easements with the property to the west and construct vehicular connectivity within these easements. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer required]

16. Prior to the issuance of the first building permit, the Property Owner shall replat the property in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

17. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall modify the Site Plan to include bearings and distances to the lot lines they are creating through the exemption of Article 11.A.6.b. (DRO: ENGINEERING - Engineering)

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

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

ENVIRONMENTAL

1. Prior to Final Site Plan approval by the Development Review Officer, the Property Owner shall demonstrate that all vehicle parking and storage complies with the requirements of Article 14.B. "Wellfield Protection." (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. The Applicant shall meet with Wellfield Staff to discuss site development prior to final site plan approval. The site plan shall be in compliance with Article 14.B. (DRO: ENVIRONMENTAL RESOURCES

MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2005-603, Control No.1995-00022)

HEALTH

1. Prior to the issuance of a building permit, the Property Owner shall meet with, review with, and submit to the Palm Beach County Health Department, a comprehensive Hazardous material plan. (BLDGPM: MONITORING - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. The Property Owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 2 of Resolution R-2011-794, Control No.1995-00022)

LANDSCAPE - GENERAL

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be modified to indicate preservation and relocation of native trees as indicated in the Tree Preservation Plan:

- a. Documentation shall be submitted to the Landscape Section for review and approval; and,
- b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-794, Control No.1995-00022)

LANDSCAPE - INTERIOR

1. Prior to Final Development Review Officer (DRO) approval, the Applicant shall modify the Site Plan to expand the landscape island proposed under the existing Billboard.

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate two (2) focal points for Phase I (Buildings, A, B, and C) not associated with a tenant or use. The focal points shall be in the form of a plaza, fountain, arcade, or any other site element or similar pedestrian oriented public area that is acceptable to the Zoning Division. The design and location of this element shall be subject to review and approval by the Architectural Review Section. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2011-794, Control No.1995-00022)

LANDSCAPE - PERIMETER

1. In addition to Code requirements, landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
- b. one (1) canopy tree for each twenty (20) linear feet of frontage; and,
- c. one (1) palm for each thirty (30) linear feet of property. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2011-794, Control No.1995-00022)

2. LANDSCAPING ALONG THE WEST 600 FEET OF THE NORTH PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD)

In addition to Code requirements, landscaping along the west 600 feet of the north property line shall meet the landscape conditions above for the north property line. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2011-794, Control No.1995-00022)

3. Landscaping and buffering along the 350 feet of the west property line adjacent to Parcel H shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
- c. Existing native trees as identified in the tree preservation plan shall be relocated or incorporated into landscape buffer. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2011-794, Control No.1995-00022)

PLANNED DEVELOPMENT

1. Prior to certification of the preliminary development plan by the Development Review Committee, the Property Owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in

a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the Property Owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2011-794, Control No.1995-00022)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, submit a recorded cross access easement agreement, for the location depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall pave all vehicular and pedestrian access points to the property line with a break in any landscape buffer, specifically the vehicular and pedestrian connection to the west, as shown on the Final Site Plan as approved by the Development Review Officer (CO: MONITORING - Planning)

SIGNS

1. Ground Mounted Freestanding signs fronting on Okeechobee Boulevard, shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;
- b. Maximum sign face area per side - 150 square feet;
- c. Maximum number of signs - one (1);
- d. Style - monument style only; and,
- e. If the sign is replaced, the new sign must meet Sign Condition 2 below. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2011-794, Control No.1995-00022)

2. Previous SIGNS Condition 2 of Resolution R-2011-794, Control No.1995-00022, which currently states:

Ground Mounted Freestanding signs fronting on Okeechobee Boulevard, 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 - 150 square feet;
- c. Maximum number of signs one (1) or may increase to two (2) signs if the 25 foot high ground mounted freestanding sign is replaced; and,
- e. Style - monument style only. (CO: BLDG - Zoning)

Is hereby amended to read:

Ground Mounted Freestanding signs fronting on Okeechobee Boulevard, 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 - 200 square feet;
- c. Maximum number of signs three (3); and,
- e. Style - monument style only.
- f. If the sign, referenced in Sign Condition 1 is replaced, that sign is included in the maximum number of signs described above under c. (BLDGPMT/CO: BUILDING DIVISION - Zoning)

3. Ground Mounted Freestanding sign fronting on the Florida Turnpike shall be limited as follows:

- a. Ground Mounted Freestanding sign:
 - 1) Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
 - 2) Maximum sign face area per side - 150 square feet;
 - 3) Maximum number of signs - one (1); and
 - 4) Style - monument style only.(BLDGPMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 4 of Resolution R-2011-794, Control No.1995-00022)

4. Should the development subdivide in accordance with Article 11 and create outparcels fronting on Okeechobee Boulevard, an outparcel sign would be allowed pursuant to Art 8, as amended, and included in the Master Sign Plan.(DRO/BLDG PERMIT: ZONING- Zoning)

SITE DESIGN

1. Prior to Final Development Review Officer (DRO) approval, the Applicant shall modify the Site Plan to redesignate the undeveloped Repair and Maintenance Building to be part of Phase 2, as previously approved. (DRO: ZONING - Zoning)

2. Prior to Final Development Review Officer (DRO) approval, the Applicant shall modify the Site Plan to include driveway to the east of the 1.49-acre lake/water management track on the site plan, as previously approved in Exhibit 32 Final Site Plan dated August 10, 2001. (DRO: ZONING - Zoning)

3. Prior to Final Development Review Officer (DRO) approval, the Applicant shall modify the Site Plan and associated documents to correctly reference to Building F as Warehouse with office and retail flex space. (DRO: ZONING- Zoning).

USE LIMITATIONS

1. Delivery and garbage pick up for the Building E (General Retail use) shall be prohibited between the hours of 7:30 a.m. and 9:00 p.m. (ONGOING: CODE ENF - Zoning)

2. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2011-794, Control No.1995-00022)

3. Vehicles shall be parked only in the areas designated on the certified site plan for customer, employee, service, display and inventory/storage spaces and shall maintain minimum backup distance and maneuverability. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2011-794, Control No.1995-00022)

4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. Except that special event signage shall be permitted with a special permit pursuant to signage regulations in Section 7.14 of the ULDC. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2011-794, Control No.1995-00022)

5. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2011-794, Control No.1995-00022)

6. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (BLDG/PMT: BUILDING DIVISION - Health Department) (Previous USE LIMITATIONS Condition 7 of Resolution R-2011-794, Control No.1995-00022)

7. Vehicles shall not be tested off-site on the Vista Center property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 9 of Resolution R-2011-794, Control No.1995-00022)

8. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 10 of Resolution R-2011-794, Control No.1995-00022)

9. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading, dispatch and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 11 of Resolution R-2011-794, Control No.1995-00022)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the

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

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

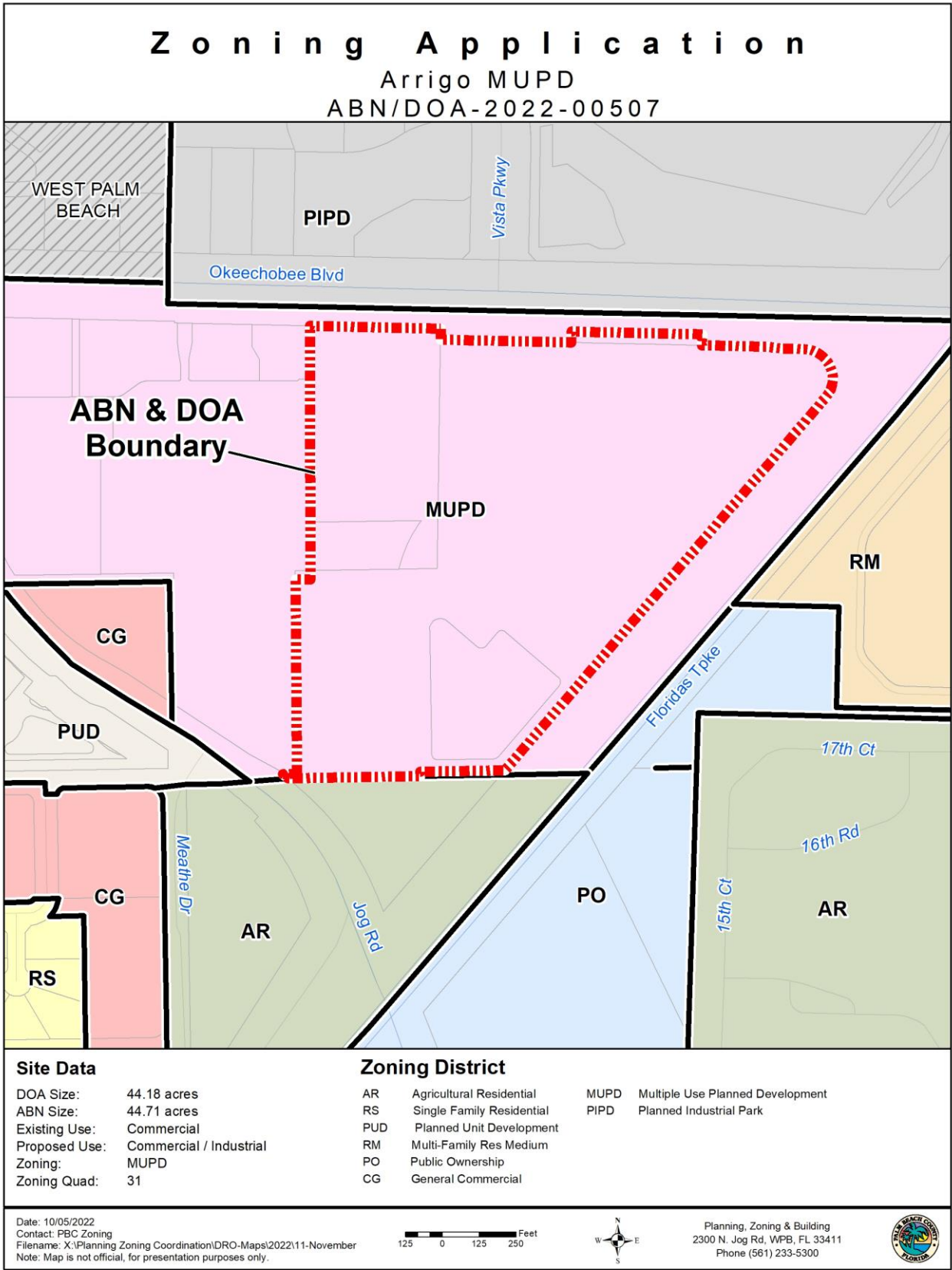
DISCLOSURE

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

Figure 1 - Land Use Map



Figure 2 - Zoning Map



Zoning Commission
Application No. ABN/DOA-2022-00507



Von E. Schmid und Associates
 Landscape Architecture & Site Planning
 2247 Palm Beach Lakes Blvd., Suite 101
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Arigo MUPD

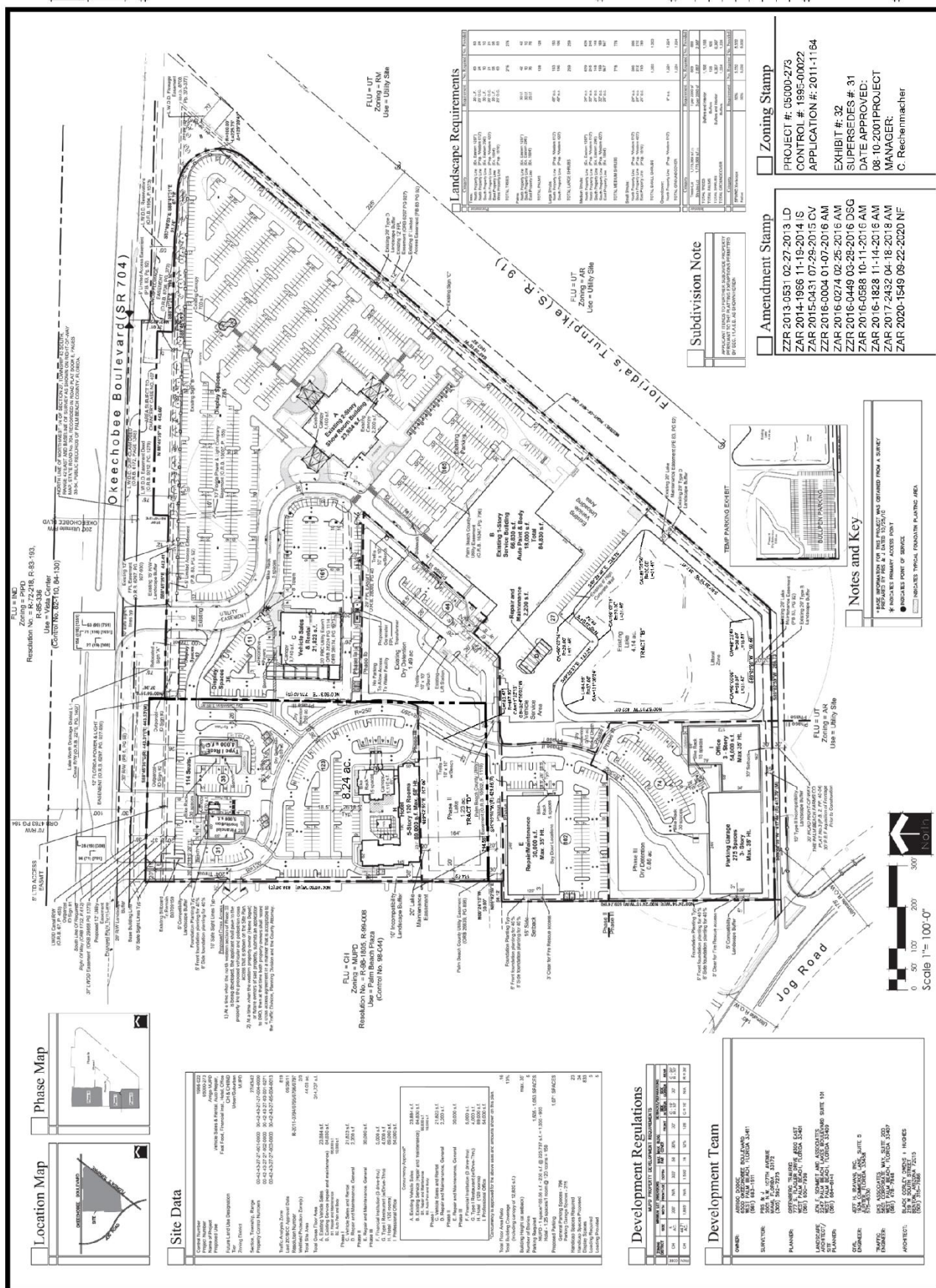
Date: 08/25/10
Scale: 1" = 100'-0"
Design By: JLS
Drawn By: JLS
Checked By: JLS
File No. 598.01

REVIEWS / SUBMISSIONS

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2/19/17	SPICAC, Submitt	100

Final Site Plan

FSP-1 of 2



Zoning Commission
Application No. ABN/DOA-2022-00507



Zoning Commission
Application No. ABN/DOA-2022-00507

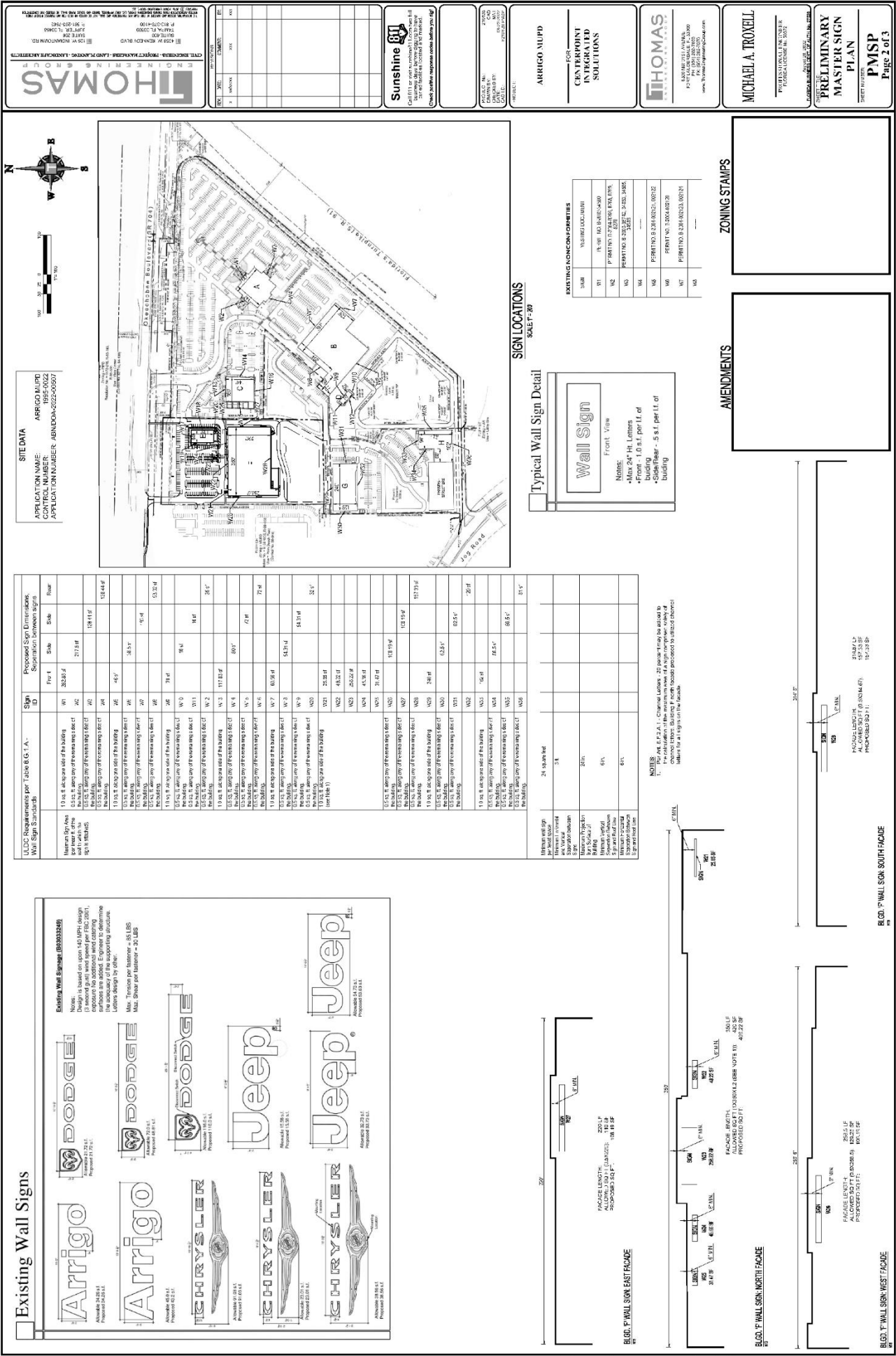


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Zoning Commission
Application No. ABN/DOA-2022-00507



Figure 6 – Preliminary Master Sign Plan dated August 22, 2022 (Page 2 of 3)



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

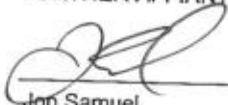
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Jon Samuel, 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 ☒ Manager MG WPB, LLC [position - e.g., president, partner, trustee] of MG WPB, 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: 3301 NE 1st Avenue, Suite 109
Miami, FL 33137
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.

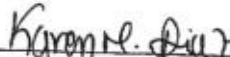
FURTHER AFFIANT SAYETH NAUGHT.


Jon Samuel, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of June, 2022 by Jon Samuel, Manager of MG WPB, LLC (name of person acknowledging). ☐ He ☒ she is personally known to me or has produced _____ (type of identification) as identification and did ☒ did not take an oath (circle correct response).


(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 8-22-2023

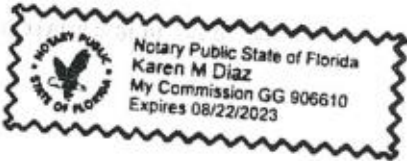


EXHIBIT "A"

PROPERTY

A PARCEL OF LAND BEING A PORTION OF TRACT "A", TOGETHER WITH ALL OF TRACT "D", OF ARRIGO M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 126, PAGES 167, 168, AND 169, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT "A"; THENCE, SOUTH 88°45'35" EAST, ALONG THE BOUNDARY OF SAID TRACT, A DISTANCE OF 443.31 FEET; THENCE, SOUTH 00° 50'31" WEST, CONTINUING ALONG SAID TRACT BOUNDARY AND THE SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 813.62 FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY PROLONGATION OF THE SOUTH BOUNDARY OF SAID TRACT "D"; THENCE, SOUTH 89°02'59" WEST, DEPARTING SAID SOUTHERLY PROLONGATION, AND ALONG SAID EASTERLY PROLONGATION, SAID SOUTH TRACT BOUNDARY, AND THE WESTERLY PROLONGATION THEREOF, A DISTANCE OF 429.86 FEET TO THE BOUNDARY OF SAID TRACT "A"; THENCE, NORTH 00°05'59" WEST, ALONG SAID TRACT BOUNDARY, A DISTANCE OF 830.26 FEET TO THE POINT OF BEGINNING.

CONTAINING: 358,764 SQUARE FEET OR 8.24 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Jon Samuel	3301 NE 1st Ave, Ste 109, Miami, FL 33137