

RESOLUTION NO. R-2000- 1708

RESOLUTION APPROVING ZONING PETITION EAC92-023(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF BMC AND STEVEN CRAIG, TRUSTEE
BY RICHARD CARLSON, AGENT
(BMC MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC92-023(B) was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development **Order Amendment** is consistent with the requirements **of the** Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development **Order Amendment** meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC92-023(B), the petition of BMC and Steven Craig, Trustee, by Richard Carlson, agent, for a Development Order Amendment /Expedited Application Consideration (EAC) to reconfigure site plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on **October 26, 2000**, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair		Absent
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Absent
Carol A. Roberts		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

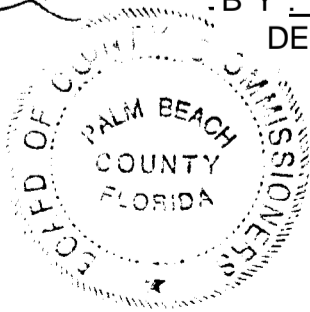


EXHIBIT A
LEGAL DESCRIPTION

The BMC PLAT, a Multiple Use Planned Development, as recorded at Plat Book 86, Page 162-I 64, Official Records of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

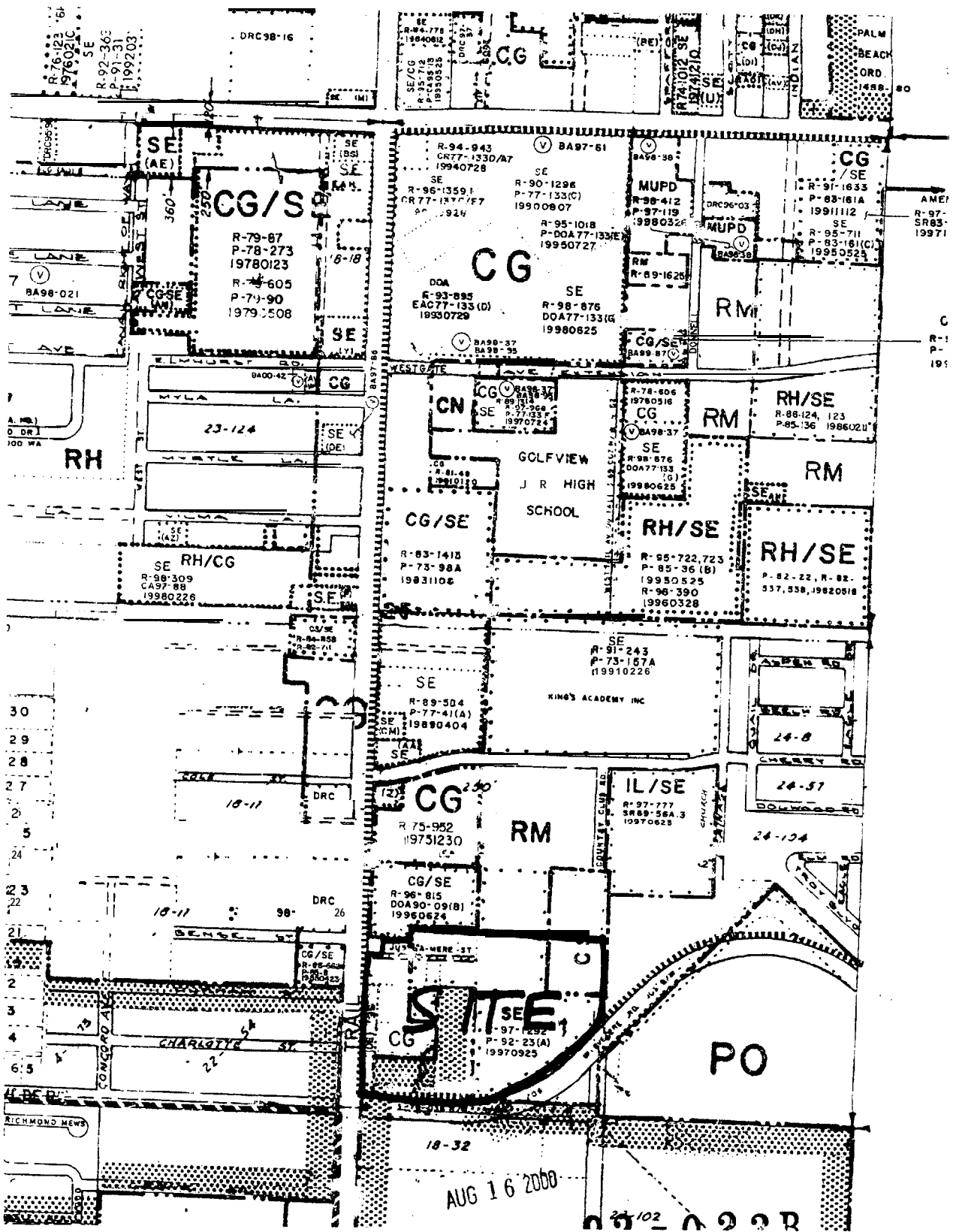


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. **Resolutions R-94-I 316 and R-94-I 317 are hereby revoked. Resolution R-93-509 is hereby reinstated.** (ONGOING: CTATTY) (Previously Condition A. 1 of Resolution R-97-I 292, Petition SA92-23(A))

2. Condition A.2 of Resolution R-97-I 292, Petition SA92-23(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-509 (Petition 92-23), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and unless expressly modified. (ONGOING: MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-1292, (Petition SA92-023(A)), 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. (ONGOING: MONITORING)

3. Condition A.3 of Resolution R-97-1292, Petition SA92-23(A) which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated August 29, 1997. 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. (ONGOING: ZONING)

Is hereby amended to read:

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 August 16, 2000. 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. (DRC: ZONING)

4. **Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations, land development requirements of Palm Beach County and all conditions of approval.** (DRC: ZONING) (Previously Condition A.5 of Resolution R-97-I 292, Petition SA92-23(A))

5. Condition A.6 of Resolution R-97-I 292, Petition SA92-23(A) which currently states:

Prior to site plan certification, the site plan shall be amended to indicate all phases of development. Each phase shall comply with all minimum property development regulations and land development requirements of Palm Beach County and all conditions of approval. (DRC: ZONING)

Is hereby amended to read:

Prior to site plan certification, the site plan shall be amended to indicate all phases of development. Each phase shall comply with all minimum property development regulations and land development requirements of Palm beach County and all conditions of approval. The petitioner may develop the phases without regard to numerical order. (DRC/ONGOING: ZONING)

6. **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 PERMIT: MONITORING - Ct Atty)**
- B. Any landscaping proposed within the rights-of-way of Palm Beach County shall be subject to approval by the County Engineer. (ONGOING: ENG)**
- 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 PERMIT: MONITORING - Ct Atty) (Previously Condition A.8 of Resolution R-97-I 292, Petition SA92-23(A))**
7. **Building permits in accordance with Exhibit No. 27 of Petition No. 92-23 shall not be issued. (BLDG PERMIT: BLDG/ZONING) (Previously Condition A.1 0 of Resolution R-97-I 292, Petition SA92-23(A))**

B. AIRPORTS

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. (DRC: AIRPORTS) (Previously Condition B. 1 of Resolution R-97-I 292, Petition SA92-23(A))**

C. BUILDING AND SITE DESIGN

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.** (BLDG PERMIT: BLDG) (Previously Condition C.1 of Resolution R-97-I 292, Petition SA92-23(A))
2. **Similar architectural character and treatment which is compatible and harmonious shall be provided on all sides of all structures and buildings.** (BLDG PERMIT: BLDG/ZONING) (Previously Condition C.2 of Resolution R-97-I 292, Petition SA92-23(A))
3. **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.** (BLDG PERMIT: BLDG) (Previously Condition C.3 of Resolution R-97-1292, Petition SA92-23(A))
4. **Prior to site plan certification, the site plan shall be amended to reflect the location of shopping cart storage and retrieval areas within all parking areas adjacent to the shopping center.** (DRC: ZONING) (Previously Condition C.4 of Resolution R-97-1292, Petition SA92-23(A))
5. **Prior to site plan certification, the site plan shall be amended to indicate drop-off areas in the adjacent parking area. Each drop-off area shall be a minimum of twelve (12) feet in width by twenty (20) feet in length.** (DRC: ZONING) (Previously Condition C.5 of Resolution R-97-I 292, Petition SA92-23(A))
6. **Prior to site plan certification, the petitioner shall provide, in a manner and form acceptable to the County Attorney and the Zoning Director, sufficient evidence that the right-of-way for Grow Street has been abandoned or incorporated into the projects design.** (DRC: ZONING/CO ATTY) (Previously Condition C.6 of Resolution R-97-1292, Petition SA92-23(A))
7. **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, PG 1709 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.** (DRC: AIRPORTS) (Previously Condition C.7 of Resolution R-97-1292, Petition SA92-23(A))
8. **No outdoor speaker or public address systems which are audible off-site shall be permitted.** (ONGOING: CODE ENF) (Previously Condition C.8 of Resolution R-97-I 292, Petition SA92-23(A))
9. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall be amended to include the future location of sidewalks along Country Club Road since the site is within two (2) miles of a school. (DRC: PLANNING)

D. CONVENIENCE STORE WITH GAS SALES

1. **There shall be no repair or maintenance of vehicles on site.** (ONGOING: CODE ENF) (Previously Condition D.2 of Resolution R-97-1292, Petition SA92-23(A))
2. **No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.** (ONGOING: CODE ENF) (Previously Condition D.3 of Resolution R-97-1 292, Petition SA92-23(A))
3. **Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge.** (DRC: ZONING) (Previously Condition D.4 of Resolution R-97-1292, Petition SA92-23(A))

E. ENGINEERING

1. **The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.** (ONGOING: ENG) (Previously Condition E. 1 of Resolution R-97-1 292, Petition SA92-23(A))
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: MONITORING - Eng) (Previously Condition E.2 of Resolution R-97-1292, Petition SA92-23(A))
3. Condition E.3 of Resolution R-93-509, Petition 92-23 was deleted by Resolution R-97-1 292.
4. **Prior to the issuance of building permits for the big-box or 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 stormwater 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 wingwall 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. (ONGOING: ENG) (Previously Condition E.4 of Resolution R-97-1 292, Petition SA92-23(A))

5. **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 owners 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: MONITORING - Eng) (Previously Condition E.5 of Resolution R-97-1292, Petition SA92-23(A))**

6. **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 - Eng)**

- 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. (DRC: ENG) (Previously Condition E.6 of Resolution R-97-I 292, Petition SA92-23(A))
7. 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 owners 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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.7 of Resolution R-97-I 292, Petition SA92-23(A))
8. Within sixty (60) days from the time the petitioner obtains title to the Phase 2 property as shown on the site plan, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Country Club Road, forty (40) feet from centerline. The right-of-way conveyance shall be free of all encumbrances and encroachments. Property owners 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. (ONGOING: ENG) (Previously Condition E.8 of Resolution R-97-1292, Petition SA92-23(A))
9. 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. (ONGOING: Eng) (Previously Condition E.9 of Resolution R-97-I 292, Petition SA92-23(A))
10. 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 in-line store construction. (BLDG PERMIT: MONITORING - Eng)
- 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. (CO: MONITORING - Eng)

- C. Simultaneous with the construction of B. 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. (CO: MONITORING - Eng) Condition E. 10 of Resolution R-97-I 292, Petition SA92-23(A))**
11. **The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is Four Hundred and Ninety-five Thousand Dollars (\$507,595.00) (9,229 trips X \$55.00 per trip) and is paid at the time of the applicable building permit. Credits for in-kind contributions shall be provided in accordance with the Fair Share Contribution for Road Improvements Ordinance. (BLDG PERMIT: IMPACT FEE COORD) (Previously Condition E. 11 of Resolution R-97-I 292, Petition SA92-23(A))**
 12. **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: ENG) (Previously Condition E. 12 of Resolution R-97-I 292, Petition SA92-23(A))**
 13. **The Developers 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 owners shall be relieved from this condition. (ONGOING: ENG) (Previously Condition E. 13 of Resolution R-97-I 292, Petition SA92-23(A))**
 14. **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. (DRC: ENG) (Previously Condition E.14 of Resolution R-97-1292, Petition SA92-23(A))**
 15. Condition E. 15 of Resolution R-93-509, Petition 92-23 was deleted by R-97-1292.
 16. Condition E. 16 of Resolution R-93-509, Petition 92-23 was deleted by R-97-1292.
 17. **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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E. 17 of Resolution R-97-1292, Petition SA92-23(A))**

18. **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. (DRC: ENG) (Previously Condition E.18 of Resolution R-97-1292, Petition SA92-23(A))**

F. CONCURRENCY

1. **Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case # 92-04-27-001-C) to reflect any reduction in square footage. (DRC: ZONING) (Previously Condition F.I of Resolution R-97-I 292, Petition SA92-23(A))**

G. 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: CODE ENF) (Previously Condition G. 1 of Resolution R-97-I 292, Petition SA92-23(A))**
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. (CO: LANDSCAPE) (Previously Condition G.2 of Resolution R-97-I 292, Petition SA92-23(A))**
3. **Prior to site plan certification, the site plan shall be amended to indicate all dumpster and compactor locations. (DRC: ZONING) (Previously Condition G.3 of Resolution R-97-I 292, Petition SA92-23(A))**

H. ERM

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: ERM) (Previously Condition H. 1 of Resolution R-97-1292, Petition SA92-23(A))**
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. (BLDG PERMIT: ERM) (Previously Condition H.2 of Resolution R-97-1292, Petition SA92-23(A))**

I. HEALTH

1. **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. (ONGOING: HEALTH) (Previously Condition I.1 of Resolution R-97-1292, Petition SA92-23(A))**
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) (Previously Condition 1.2 of Resolution R-97-I 292, Petition SA92-23(A))**
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) (Previously Condition 1.3 of Resolution R-97-I 292, Petition SA92-23(A))**

J. TOWN OF GOLFVIEW INTER-LOCAL AGREEMENT

1. **Prior to site plan certification, the petitioner shall obtain the appropriate approvals from the Town of Golfview which ensure the parking requirements of Palm Beach County are met. Any approval the petitioner receives from Golfview must be in compliance with the Countywide Traffic Performance Standards. The Town of Golfview approval shall be in conformance with the County approved site plan. In addition, the petitioner shall secure a fully executed inter-local agreement by and between the Town of Golfview and Palm Beach County which, at a minimum, incorporates the following:**
 - a. **The Town of Golfview and Palm Beach County shall agree to make no alterations to the final approved site plan which would violate the other jurisdictions Comprehensive Plan, Land Development Regulations or conditions of development approval;**
 - b. **The Town of Golfview and Palm Beach County shall join in the approval of a plat, if required, in a manner and form which meets State, County and Town requirements;**
 - c. **The Town of Golfview and Palm Beach County shall, as appropriate, consider the abandonment of publicly dedicated rights-of-way within the subject property;**
 - d. **The Town of Golfview shall approve a site plan consistent with the County's requirements at the intersection of Military Trail and Belvedere Road (Special Intersection Treatment) for a one hundred ten foot (1 IO') urban intersection; and,**
 - e. **Prior to any change in the site plan, the receiving jurisdiction shall require the developer to notify and receive confirmation from the other jurisdiction that its comprehensive plan, land**

development regulations or conditions of development approval will not be violated. If no response is received within 30 days from the date of notification, the receiving jurisdiction may take final action. (DRC: COATTY) (Previously Condition J.I of Resolution R-97-1292, Petition SA92-23(A))

K. IRRIGATION QUALITY WATER

- 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 requirements of 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: UTILITIES) (Previously Condition K. 1 of Resolution R-97-I 292, Petition SA92-23(A))**

L. LANDSCAPING - GENERAL

- 1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements, all landscape and vegetation preservation conditions of approval. (DRC: ZONING) (Previously Condition L. 1 of Resolution R-97-I 292, Petition SA92-23(A))**
- 2. A minimum twenty (20) foot wide landscape buffer strip shall be provided along the entire south, east and west perimeters of the subject property. (DRC: ZONING) (Previously Condition L.2 of Resolution R-97-I 292, Petition SA92-23(A))**
- 3. All required trees to be planted on site shall meet the following minimum standards at installation:**
 - a. Tree height: fourteen (14) feet.**
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE) (Previously Condition L.3 of Resolution R-97-I 292, Petition SA92-23(A))**
- 4. Landscaping in the RPZ required by the conditions of approval or ULDC may be altered subject to approval of an Alternative Landscape Betterment Plan by the Department of Airports and DRC. (ONGOING: ZONING) (Previously Condition L.4 of Resolution R-97-I 292, Petition SA92-23(A))**

M. LANDSCAPING - 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 islandsshall not exceed one hundred (100) linearfeet. (DRC: ZONING) (Previously Condition M. 1 of Resolution R-97-I 292, Petition SA92-23(A))**

2. **Prior to site plan certification, the site plan shall be amended to indicate typical landscape islands and planting details, subject to approval by the Zoning Division.** (DRC: ZONING) (Previously Condition M.3 of Resolution R-97-I 292, Petition SA92-23(A))
3. **Landscaping along all interior vehicular use drives shall include native canopy trees planted a minimum of twenty-five (25) feet on center.** (CO: LANDSCAPE) (Previously Condition M.4 of Resolution R-97-1292, Petition SA92-23(A))
4. **Landscape islands shall be provided along the front and side facades of all new buildings. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover.** (DRC: ZONING /CO: LANDSCAPE) (Previously Condition M.5 of Resolution R-97-1292, Petition SA92-23(A))
5. **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.** (DRC: ZONING) (Previously Condition M.6 of Resolution R-97-I 292, Petition SA92-23(A))

N. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING R-O-W)

1. **Landscaping within the required buffer along Country Club Road, Belvedere Road and Military Trail shall be upgraded to include:**
 - a. **One (1) native canopy tree planted every twenty (20) feet on center;**
 - b. **One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,**
 - c. **Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.** (DRC: ZONING) (Previously Condition N. 1 of Resolution R-97-I 292, Petition SA92-23(A))

O. LANDSCAPING ALONG NORTH PROPERTY LINE (REAR OF CENTER)

1. **Landscaping and buffering along the north property line shall be installed in accordance with an Alternative Landscape Betterment Plan approved by the WCRA and DRC.** (DRC: ZONING/CO: LANDSCAPE) (Previously Condition 0.1 of Resolution R-97-I 292, Petition SA92-23(A))

P. LANDSCAPE WITHIN MEDIAN

1. 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:

Wedilia
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.
- 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 Homeowners'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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition P.I of Resolution R-97-I 292, Petition SA92-23(A))

Q. 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. (BLDG PERMIT: MONITORING - Bldg/Airports) (Previously Condition Q.I of Resolution R-97-I 292, Petition SA92-23(A))

R. MASS TRANSIT ACCESS/PARKING

1. **A maximum of 1118 parking spaces shall be permitted. Additional spaces may be permitted in accordance with Condition W.1. (DRC: ZONING) (Previously Condition R. 1 of Resolution R-97-I 292, Petition SA92-23(A))**
2. **All delivery and/or loading areas shall be screened from view from Military Trail, Belvedere Road and Country Club Road by twelve (12) foot high wing walls consistent with the color and character of the attached structure or through the use of berms and landscape material to be submitted to and approved by the Zoning Division. (CO: MONITORING - Zoning) (Previously Condition R.2 of Resolution R-97-I 292, Petition SA92-23(A))**
3. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within areas designated on the certified site plan as loading areas. (ONGOING: CODE ENF) (Previously Condition R.3 of Resolution R-97-I 292, Petition SA92-23(A))**
4. **Prior to site plan certification, the petitioner shall amend the site plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by Palm Tran and/or the County Engineer. (DRC: ZONING) (Previously Condition R.4 of Resolution R-97-I 292, Petition SA92-23(A))**
5. **Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran, the County Engineer and Department of Airports prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng/Airports) (Previously Condition R.5 of Resolution R-97-1292, Petition SA92-23(A))**
6. **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. (ONGOING: PALM TRAN) (Previously Condition R.6 of Resolution R-97-I 292, Petition SA92-23(A))**
7. **Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN) (Previously Condition R.7 of Resolution R-97-I 292, Petition SA92-23(A))**

S. 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: SWA) (Previously Condition S. 1 of Resolution R-97-I 292, Petition SA92-23(A))**

U. SIGNS

1. **All new or replaced freestanding point of purchase signs shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade to highest point - Belvedere Road: fifteen (15) feet, Military Trail: twenty (20) feet;**
 - b. **Maximum sign face area per side - Belvedere Road: 150 square feet, Military Trail: 200 square feet;**
Maximum number of signs - one (1) each on Military Trail and Belvedere Road; and
 - d. **Style - monument style only.**
 - e. **Out parcel identification signs shall be limited to one (1) monument sign no larger than twenty (20) square feet in face area per side and five (5) feet in height, except the convenience store with gas sales.**
 - f. **Convenience store with gas sales -out parcel identification sign shall be limited to one (1) monument sign no larger than sixty (60) square feet in face area per side and eight (8) feet in height.**
 - g. **Maximum number of out parcel identification signs -one for each out parcel. (BLDG PERMIT: MONITORING - Bldg) (Previously Condition U. 1 of Resolution R-97-1292, Petition SA92-23(A))**
2. **Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (DRC: ZONING) (Previously Condition U.2 of Resolution R-97-I 292, Petition SA92-23(A))**

V. UNITY OF CONTROL

1. **Prior to site plan certification, petitioners 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. (DRC: CO ATTY) (Previously Condition V.1 of Resolution R-97-1292, Petition SA92-23(A))**
2. **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. (BLDG PERMIT: MONITORING-PREM) (Previously Condition V.2 of Resolution R-97-1292, Petition SA92-23(A))**

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. (DRC: ZONING - Co Atty) (Previously Condition V.3 of Resolution R-97-I 292, Petition SA92-23(A))**

W. USE LIMITATION

1. **Total gross floor area shall be limited to a maximum of 244,588 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less, provided parking requirements are met pursuant to the ULDC. (DRC: ZONING) (Previously Condition W.I of Resolution R-97-1292, Petition SA92-23(A))**
2. **Outdoor storage or placement of any material, refuse or equipment shall be screened from view in accordance with the ULDC. (ONGOING: CODE ENF) (Previously Condition W.3 of Resolution R-97-1292, Petition SA92-23(A))**
3. **No more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING) (Previously Condition W.4 of Resolution R-97-I 292, Petition SA92-23(A))**

X. VEGETATION PRESERVATION

1. **The petitioner shall preserve or relocate on site the existing native sabal palms and incorporate them into the project design. (DRC: ERM) (Previously Condition X. 1 of Resolution R-97-I 292, Petition SA92-23(A))**
2. **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. (VRP: ERM) (Previously Condition X.2 of Resolution R-97-I 292, Petition SA92-23(A))**

Y. WESTGATE CRA CONDITIONS

1. **This site lies within the Westgate Community Re-development Area and is subject to the provisions of Zoning Code Section 627 (Westgate CRA Overlay District), in addition to other applicable zoning district, special exception and land development regulations. (DRC: ZONING) (Previously Condition Y.I of Resolution R-97-1292, Petition SA92-23(A))**
2. **Prior to site plan certification, the petitioner shall submit conceptual elevations with all materials and colors specified, including but not limited to, roof, trim, awnings, walls, signs, fences and screening of mechanical equipment, utility structures and trash receptacles. (DRC:**

ZONING) (Previously Condition Y.2 of Resolution R-97-1292, Petition SA92-23(A))**3.No advertising flags, foreign flags, pennants, banners, streamers, balloons, flashing signs, electronic message boards, etc., shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code. (ONGOING: CODE ENF) (Previously Condition Y.3 of Resolution R-97-I 292, Petition SA92-23(A))**

4. **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. (CO: MONITORING - Eng) (Previously Condition Y.4 of Resolution R-97-1292, Petition SA92-23(A))**
5. **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. (CO: MONITORING - Eng) (Previously Condition Y.5 of Resolution R-97-I 292, Petition SA92-23(A))**
6. **Prior to site plan certification, the petitioner shall fund a one time clean-out 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. (DRC: ZONING - WCRA) (Previously Condition Y.6 of Resolution R-97-1292, Petition SA92-23(A))**

Z. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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 stopwork 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; 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**
A requirement of the development to conform with the standards of the ULDC 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; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition Z.I of Resolution R-97-1292, Petition SA92-23(A))