

RESOLUTION NO. R-2001- 1676

RESOLUTION APPROVING ZONING PETITION DOA76-007(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF BLUEGREEN ENTERPRISES
BY SARA LOCKHART, AGENT
(OKEECHOBEE BLVD 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 DOA76-007(D) was presented to the Board of County Commissioners at a public hearing conducted on October 2, 2001; 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 DOA76-007(D), the petition of Bluegreen Enterprises, by Sara Lockhart, agent, for a Development Order Amendment (DOA) to add land area, reconfigure site plan, modify/delete conditions of approval, add square footage, allow vehicle sales and rental, general repair and maintenance, and allow a congregate living facility, type III 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 2, 2001, 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 McCarty and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 2, 2001,

Filed with the Clerk of the Board of County Commissioners on 2 day of October, 2001.

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

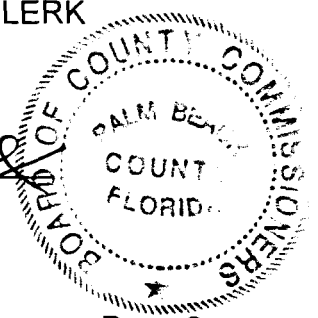


EXHIBIT A

LEGAL DESCRIPTION

BEING ALL OF PARCEL 4, **GOLDEN LAKES OFFICE PARK & GOLDEN LAKES PLAZA**, AS RECORDED IN PLAT BOOK 34, PAGES 178 THROUGH 180, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST WESTERLY SOUTHWEST CORNER OF PARCEL "W-2" OF SAID **GOLDEN LAKES OFFICE PARK & GOLDEN LAKES PLAZA**; THENCE NORTH 00'56'30" WEST, ALONG THE WEST LINE OF SAID PARCEL W-2, A DISTANCE OF 150.00 FEET TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID PARCEL 4 AND THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE NORTH 00'56'30" WEST, ALONG THE WEST LINE OF SAID PARCEL 4, A DISTANCE OF 385.40 FEET; THENCE NORTH 45'09'06" EAST, CONTINUING ALONG SAID WEST LINE OF PARCEL 4, A DISTANCE OF 36.02 FEET, TO THE NORTH LINE OF SAID PARCEL 4, SAID NORTH LINE OF PARCEL 4 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE SOUTH 88'45'18" EAST, ALONG SAID NORTH LINE OF PARCEL 4 AND SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1754.65 FEET; THENCE SOUTH 88'45'31" EAST, CONTINUING ALONG SAID NORTH LINE OF PARCEL 4 AND SAID RIGHT-OF-WAY LINE, A DISTANCE OF 102.27 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL 4; THENCE SOUTH 00'57'31" EAST, ALONG THE EAST LINE OF SAID PARCEL 4, SAID EAST LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-1, A DISTANCE OF 944.41, FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 4; THENCE SOUTH 88'57'39" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 4, SAID SOUTH LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-1, A DISTANCE OF 550.78, FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL 4; THENCE NORTH 00°56'30" EAST, ALONG THE WEST LINE OF SAID PARCEL 4, A DISTANCE OF 486.23 FEET; THENCE NORTH 35'08'42" WEST, A DISTANCE OF 97.84 FEET, TO THE SOUTH LINE OF SAID PARCEL 4; THENCE SOUTH 89'12'21" WEST, ALONG SAID SOUTH LINE OF PARCEL 4, A DISTANCE OF 1276.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,068,470 SQUARE FEET OR 24.5287 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

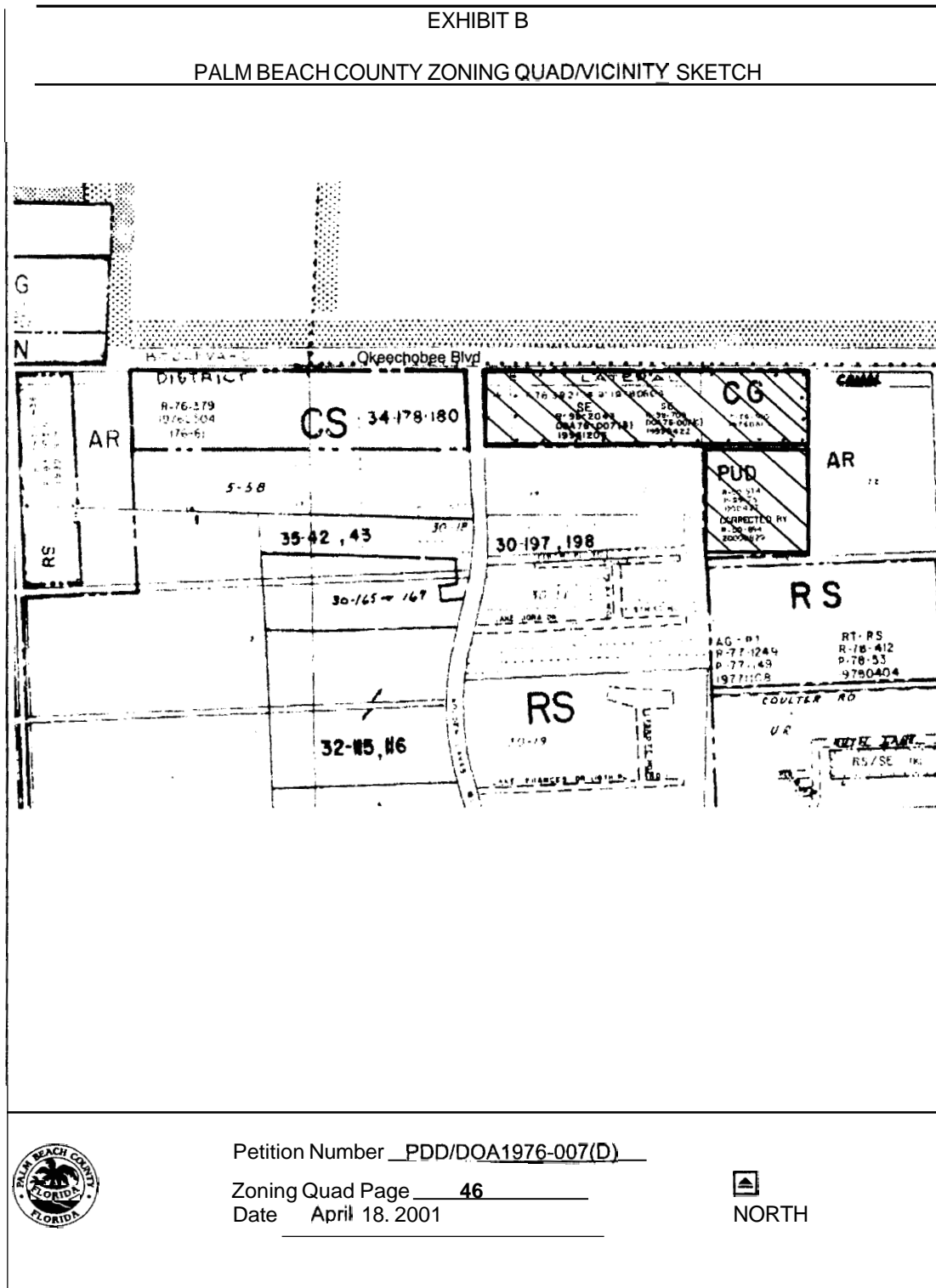


EXHIBIT C

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. Condition A.1 of Resolution R-99-0708, petition DOA76-007(C) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-2043 (Petition **76-007B**), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 ~~of~~ the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-0708 (Petition **76-007C**) 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-Zoning)

2. Condition A.2 of Resolution R-99-0708, petition DOA76-007(C) which currently states:

Development of the site is limited to the uses and site design approved by the Board ~~of~~ County Commissioners. The approved **master/site** plan is dated March 19, 1999. All modifications must be approved by the Board ~~of~~ County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses, site design, and front setbacks approved by the Board of County Commissioners. The approved site plan is dated September 17, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet the ULDC, conditions of approval, or are in accordance with the ULDC. (ONGOING: ZONING)

3. All conditions of approval in Resolutions R-2000-0574, R-2000-0894 (Petition PDD99-075) are hereby revoked. (NOTE: Previous CLF conditions superceded by new conditions)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, building materials, fenestration and roof lines, shall be provided ~~on~~ all sides of the buildings. (Previously Condition B.1 of Resolution R-99-0708, petition DOA76-007(C))

2. All roofs shall be either mansard or pitched style or have different height elevations on the same building to reduce the appearance of blank or monotonous walls. Roof material shall be barrel tile, cement tile, or stand seams on all four (4) sides. (Previously Condition 0.4 of Resolution R-99-0708, Petition DOA76-007(C))
3. Prior to final DRC site plan certification for Parcel B, the petitioner shall submit architectural elevations for approval to the Zoning Division consistent with the architectural elevations presented to the Board of County Commissioners on October 2, 2001 and dated September 28, 2001. All buildings shall be constructed in accordance to the approved elevations. (DRC/BLDG PERMIT: ZONING)
4. Prior to final DRC site plan certification for parcel D, the petitioner shall submit architectural elevations to the Zoning Division for review and compliance with the adopted Architectural Design Guidelines. All buildings shall be constructed in accordance to the approved elevations. (DRC/BLDG PERMIT: ZONING)
5. Buildings in Pod A (CLF) shall be designed and constructed to be consistent with the facade elevations prepared by Miklos & Associates P.A. Architects/Planners dated January 14, 2000. Prior to the issuance of a building permit, the elevations shall be modified, if necessary, to comply with the conditions of approval. (BLDG PERMIT: BLDG - Zoning)
6. Previously Condition B.2 of Resolution R-99-0708, petition DOA76-007(C) which currently states:

The proposed Planet Ice building shall be designed and constructed to be consistent with the floor plans prepared by Raymond Berry dated April 7, 1999 and the facade elevations prepared by Raymond Berry dated April 7, 1999. The Hulett Environmental Services office building shall be designed and constructed to be consistent with the facade elevations prepared by Robert Bell dated January 22, 1999.

Is hereby amended to read:

Buildings in Pod C2 (Hulett) shall be designed and constructed to be consistent with the facade elevations prepared by Robert Bell dated January 22, 1999. (BLDG PERMIT: BLDG - Zoning)

7. Condition C.7 of Resolution R-98-2043, Petition DOA76-007(C) which currently states:

All air conditioning/compressor equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure.

Is hereby amended to read:

All ground or roof mounted air conditioning, mechanical and electrical equipment, including 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 adjacent structure or equivalent landscape material. (CO: BLDG - Zoning)

8. Condition C.6 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Public entry/exits to the indoor entertainment building shall be limited to the two (2) central doors on the north facade as shown on the Floor Plan prepared by Raymond Berry dated April 7, 1999. This condition shall not be applied for required emergency exits.

Is hereby deleted. [REASON: Planet Ice condition no longer applicable]

C. BUILDING AND SITE DESIGN

1. Previously Condition C.5 of Resolution R-99-0708, Petition DOA76-007(C), which currently states:

The maximum height for all structures, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to highest point, shall not exceed thirty (30) feet, unless otherwise specified herein. The accessory gas station canopy shall be limited to a maximum of twenty-five (25) feet in height, including all air conditioning and mechanical equipment and satellite dishes, measured from finished grade to highest point. The Hulett Environmental Services office building shall be limited to a maximum height of forty (40) feet, measured from finished grade to highest point, including all air conditioning and mechanical equipment and satellite dishes.

Is hereby amended to read:

The maximum height for all structures, measured from finished grade to highest point, shall be as follows:

- a. Pod A (CLF): 30 feet;
 - b. Pod B (Vehicle sales):
 - Sales building: 35 feet
 - Repair building: 30 feet
 - c. Pod C1 (gas station): 25 feet
 - Pod C2 (Hulett): 40 feet
 - d. Pod D (office/retail): 30 feet
 - e. Pod E (bank): 25 feet (DRCIBLDG PERMIT: ZONING/BLDG-Zoning)
2. The minimum setback for all structures adjacent to the east property line shall be thirty-five (35) feet. (Previously Condition C.4 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ZONING)
 3. The area of the site to be used for the dispatching office shall be enclosed by a six (6) foot high concrete wall and/or eight (8) foot high chain link fence with gates locked when the facility is closed. (Previously Condition C.8 of Resolution R-99-0708, Petition DOA76-007(C)) (BLDG PERMITTING: BLDG/CODE ENF - Zoning)
 4. Prior to final DRC certification of the site plan for Pod B (vehicles sales facility), the site plan and elevations shall be amended to orient all bay doors away from the south property line. (DRC: Zoning)
 5. Prior to final certification of the site plan for Pod D (office/retail), the petitioner shall indicate the location of two pedestrian or public amenities on the plan. Examples include, but are not limited to, public art, clock tower, water feature/fountain, outdoor patio/courtyard, and outdoor furniture. (DRC: ZONING)
 6. The amenities required by the above condition C.6 shall be constructed concurrent with the development of Pod D and completed prior to the issuance of the certificate of occupancy. (CO: ZONING)

7. Developer shall provide a guardhouse at his expense, south of the Commercial Area, for Golden Lakes Village Condominium. (Previously Condition C.1 of Resolution R-99-0708, Petition DOA76-007C) [NOTE: Completed]

8. Condition C.2 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Developer shall delete the **6.51** acre area projecting southerly from the proposed CG-General Commercial Planned Commercial Development. ~~Is~~ hereby deleted. [REASON: CLF parcel added to MUPD]

D. CONCURRENCY

1. Condition C.9 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated March **19,1999**.

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise the concurrency reservation to match the uses and square footages as shown on the approved site plan dated September 17, 2001. (DRC: ZONING)

E. ENGINEERING

1. Condition E.1 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Developer shall construct the following at Okeechobee Boulevard and the eastern most North entrance:

- a. Left turn lane from the east approach, Stage 2 (Complete)
- b. Right turn lane from the west approach, Stage 3
(Delete: Duplicate condition)
- c. Signalization of the intersection, Stage 4, or earlier as warranted.
(Delete: Duplicate condition)

Is hereby amended to read:

Developer shall construct the following at Okeechobee Boulevard and the eastern most North entrance:

- a. Left turn lane from the east approach, Stage 2. (NOTE: Complete)
(ONGOING: ENG)

2. Condition E.2 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Developer shall construct the following at the intersection of Okeechobee Boulevard and Golden Lakes Boulevard:

- a. Right turn lane from the west approach, Stage 2
(Delete: Duplicate condition)
- b. Signalization of the intersection, Stage 3, or earlier as warranted
(Complete)

- c. Additional left turn lane from the east approach, Stage 4. (Delete: duplicate condition)

Is hereby amended to read:

Developer shall construct the following at the intersection of Okeechobee Boulevard and Golden Lakes Boulevard:

- a. Signalization of the intersection, Stage 3, or earlier as warranted. (NOTE: complete) (ONGOING: ENG)

- 3. Condition E.3 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Developer shall construct the following at Golden Lakes Boulevard and the Marginal Access Road:

- a. Left turn lane from the north approach, Stage 3 (Complete)
- b. Through-right turn lane from the south approach, Stage 3 (Complete)
- c. Additional right turn lane from the south approach, Stage 4 (Complete)
- d. Right turn lane from the east approach, Stage 3 (Delete: traffic impact study identifies this turn lane no longer required.)
- e. Through-left turn lane from the east approach, Stage 3 (Delete: Duplicate Condition)
- f. Additional left turn lane from the east approach, Stage 4 (Delete: Duplicate Condition)
- g. Signalization of the intersection, Stage 3, or earlier as warranted. (Delete: traffic impact study identifies this condition no longer required.)

Is hereby amended to read:

Developer shall construct the following at Golden Lakes Boulevard and the Marginal Access Road:

- a. Left turn lane from the north approach, Stage 3 (complete)
- b. Through-right turn lane from the south approach, Stage 3 (complete)
- c. Additional right turn lane from the south approach, Stage 4 (complete) (ONGOING: ENG)

- 4. Prior to the issuance of any building permits the Developer shall convey to Palm Beach County, the additional right-of-way required for the ultimate right-of-way for Okeechobee Boulevard. (Previously Condition E.4 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG) [NOTE: Completed]

- 5. Prior to the issuance of any building permits the Developer shall convey the right-of-way for Benoist Farms Road. (Previously Condition E.5 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG) [NOTE: Completed]

- 6. Developer shall bond the construction of Benoist Farms Road, which shall be constructed by the Developer as a two (2) lane paved facility from Okeechobee Boulevard to Belvedere Road. Said construction to be concurrent with the construction of Stage 4. (Previously Condition E.6 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG) [NOTE: Completed]

7. Developer shall plat the development in accordance with the Subdivision and Platting Regulations. (Previously Condition E.7 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG) [NOTE: Completed, however new conditions will require the replatting of Parcel 4]
8. Developers shall enter into a joint application with Golden Lakes Village Condominium to request the reversion of Golden Lakes Boulevard and Golden River Drive from eighty (80) foot publically dedicated collectors, as they effect the condominium area of Golden Lakes **Village**. (Previously Condition E.8 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG) [NOTE: Completed]
9. Developer will provide for all inner roads in the condominium area of Golden Lakes Village to become **private**. (Previously Condition E.9 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG) [NOTE: Completed]
10. Developer shall provide a control mechanism at the construction entrance at the south end of the project to insure that all construction vehicles will be instructed to use this entrance. A gate system shall be placed across the roadway when there is no construction activity. (Previously Condition E.10 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG) [NOTE: Completed]
11. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (Previously Condition E.11 of Resolution R-99-0708, Petition DOA76-007(C)) (BLDG PERMIT: MONITORING - Eng)
12. Condition E.12 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

The Property owner shall construct concurrent with paving and drainage improvements for Parcel C:

- a. Right turn lane west approach on Okeechobee Boulevard at the entrance to Parcel "C".
- b. Right turn lane west approach on Okeechobee Boulevard at its intersection with Golden Lakes Boulevard.
- c. A left turn lane east approach, and a separate thorough right turn lane east approach at Golden Lakes Boulevard and the Marginal Access Road:
 - 1) All construction shall be concurrent with the paving and drainage improvements for Parcel "C". 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.
 - 2) Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for Parcel "C". (ENG)
 - 3) Construction shall be completed prior to the issuance of the Certificate of Occupancy for Parcel "C".

Is hereby be amended to read:

Prior to the issuance of the next building permit, the Property owner shall construct:

- a. Right turn lane west approach on Okeechobee Boulevard at the entrance to Parcel "B".
 - b. Right turn lane west approach on Okeechobee Boulevard at its intersection with Golden Lakes Boulevard.
 - c. A left turn lane east approach, and a separate thorough/right turn lane east approach at Golden Lakes Boulevard and the Marginal Access Road:
 - 1) All construction shall be concurrent with the paving and drainage improvements. 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. (BLDG PERMIT: MONITORING - Eng)
 - 2) Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the next Building Permit. (BLDG PERMIT: MONITORING - ENG)
 - 3) Construction shall be completed prior to the issuance of the next Certificate of Occupancy. (CO: MONITORING - Eng)
13. Prior to the issuance of a Building Permit the developer shall replat Parcel 4 in accordance with provisions of the Unified Land Development Code. **Replat.** (Previously Condition E.13 of Resolution R-99-0708, Petition DOA76-007(C)) (BLDG PERMIT: MONITORING - Eng)
14. Condition E.14 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

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 Right-of-Ways. 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.

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's 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 Certificate of Occupancy.**
- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit.**

Is hereby amended to read:

- a. Prior to issuance of the next building, or an alternative date established by the County Engineer, relevant to the Okeechobee Boulevard widening schedule, 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 Road Right-of-Way. 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 latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing 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: MONITOR - Eng)
- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner=s Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 Homeowner'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 the next certificate of occupancy or an alternative date established by the County Engineer

relevant to the Okeechobee Boulevard widening schedule. (CO: MONITORING - Eng)

- c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the next building permit or an alternative date established by the County Engineer relevant to the Okeechobee Boulevard widening schedule. (BLDG PERMIT: MONITORING - Eng)

15. Condition E.15 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Prior to the site plan approval by the Development Review Committee, the property owner shall amend the site plan to provide for a minimum code required access to the parcel south of Parcel C. This parcel is identified as **AMR/5 AR Vacant@** shown on the site plan dated **716198**.

~~Is~~ hereby deleted. [Reason: Subdivision access will be provided to the Institutional Parcel.]

16. The Property Owner shall fund the cost of signal installation if and when warranted as determined by the County Engineer and the Florida Department of Transportation at the project east entrance and Okeechobee Boulevard. (Previously Condition **E.16** of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG).

17. The Property Owner shall construct an additional left turn lane east approach on Okeechobee Boulevard at Golden Lakes Boulevard if and when warranted as determined by the County Engineer and the Florida Department of Transportation.

- A. Any and all costs associated with the construction shall be funded by the property owner. These costs shall include, but are not limited to, utility relocations and signal modifications.
- B. Permits required by the Florida Department of Transportation for this construction shall be obtained within **90** days notification by either the Florida DOT or the County Engineer.
- C. Construction shall be completed within **6** months after permit approval by the Florida Department of Transportation. (Previously Condition **E.17** of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG)

18. Property owner shall request a conceptual permit for a full median opening on Okeechobee Boulevard from the Florida DOT prior to site plan approval. (Previously Condition E.18 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ENG)

19. Condition E.19 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Construction by the property owner of the full median opening, if approved, shall be completed prior to the issuance of a CO for Planet Ice.

Is hereby amended to read:

Construction by the property owner of the full median opening, if approved, shall be completed prior to the issuance of the next Certificate of Occupancy (CO). (CO: MONITORING - Eng)

20. Condition E.20 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

The indoor entertainment use shall be restricted to two (2) ice skating rinks. The indoor entertainment use pro shop shall operate as an accessory use.

Is hereby deleted. [REASON: no longer required]

21. Condition E.21 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Developer shall install traffic calming devices on the marginal access road which parallels Okeechobee Boulevard from Golden Lakes Boulevard east to the ice skating rink subject to the approval of the County Engineer. These shall consist of a minimum of two (2) traffic calming devices, one in advance of the Golden Lakes Boulevard stop sign at the marginal access road, (west bound traffic), the second traffic calming device shall be located midway between the skating rink and Golden Lakes Boulevard. These devices shall be installed prior to the issuance of a Certificate of Occupancy for the second rink.

Is hereby amended to read:

The Developer shall install traffic calming devices on the marginal access road which parallels Okeechobee Boulevard from Golden Lakes Boulevard east to Wekiva Way, subject to the approval of the County Engineer. These shall consist of a minimum of two (2) traffic calming devices, one in advance of the Golden Lakes Boulevard stop sign at the marginal access road, (west bound traffic), the second traffic calming device shall be located midway between the car dealership and Golden Lakes Boulevard. These devices shall be installed prior to the next Certificate of Occupancy. (CO: MONITORING - Eng)

22. Condition E.22 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Developer shall install a pedestrian pathway along the marginal access road from Golden Lakes Boulevard to the skating rink, subject to the approval of the County Engineer. This shall be installed prior to the issuance of the Certificate of Occupancy for the second rink.

Is hereby amended to read:

The Developer shall install a pedestrian pathway along the marginal access road from Golden Lakes Boulevard to Wekiva Way, subject to the approval of the County Engineer. This pedestrian pathway shall be installed prior to the next Certificate of Occupancy (CO). (CO: MONITORING - Eng)

23. The Developer will contribute its pro rata share of maintenance costs for that portion of Golden Lakes Boulevard right-of-way abutting the commercial property. The extent of the contribution will be determined by execution of a written agreement between the Golden Lakes Village Association, Inc. and the Developer which provide essentially as follows:

- a. The Association will identify the current maintenance costs for this segment of roadway;
- b. The Developer will provide a traffic analysis to the satisfaction of the County Engineer that identifies the relative contribution to total traffic on the roadway link attributable to each project that uses the roadway for ingress and egress. Based on this traffic

study, a percentage of contribution will be determined which is proportionate to each property owner's share of the total traffic; and,

- c. The Developer's cash contribution to the Association's maintenance costs will be determined by multiplying its proportionate share by the current maintenance cost. The agreed contribution will be increased annually at the rate of three (3) percent. (Previously Condition E.23 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: ENG)

24. Condition E.24 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

The Property owner shall construct a right turn lane west approach on Okeechobee Boulevard at Golden Lakes Boulevard.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way;
- b. Permits required by Florida Department of Transportation for this construction shall be obtained prior to the issuance of the building permit for the ice skating rink building.
- c. Construction shall be completed prior to the issuance of Certificate of Occupancy for the ice skating rink building.

Is hereby amended to read:

The Property owner shall construct a right turn lane west approach on Okeechobee Boulevard at Golden Lakes Boulevard.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way; (ENG)
- b. Permits required by Florida Department of Transportation for this construction shall be obtained prior to the issuance of the next building permit. (BLDG PERMIT: Monitoring - Eng); and,
- c. Construction shall be completed prior to the issuance of the next Certificate of Occupancy. (CO: MONITORING - Eng)

25. CUTOUT LANDSCAPE STRIPS IN CONCRETE MEDIAN OF OKEECHOBEE BOULEVARD

- A. Prior to issuance of the next building permit, or an alternative date established by the County Engineer relevant to the Okeechobee Boulevard widening schedule, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Okeechobee Boulevard Right-of-way contiguous to the frontage. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscapingshall, consist of Landscape Material approved by the County Engineer. 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITOR - Eng)

B. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the next certificate of occupancy or an alternative date established by the County Engineer relevant to the Okeechobee Boulevard widening schedule. (CO: MONITORING - Eng)

C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the next Building Permit or an alternative date established by the County Engineer relevant to the Okeechobee Boulevard widening schedule. (BLDG PERMIT: MONITORING - Eng)

F. DUMPSTERS

1. Condition D.1 of Resolution R-99-0708, Petition DOA76-007(C), which currently states:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within thirty (30) feet of any property line and shall be confined to the areas designated on the site plan.

Is hereby amended to read:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within thirty (30) feet of the overall MUPD boundary and shall be confined to the areas designated on the final site plan. (DRC/ONGOING: ZONING/CODE ENF)

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification.** (Previously Condition F.1 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ERM)

H. HEALTH

1. Condition G.1 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities are constructed and used by project tenants or owners generating such effluent.

Is hereby amended to read:

Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants of owners generating such effluent. (ONGOING: HEALTH/CODE ENF)

2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule **62-730** FAC. (Previously Condition G.2 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: HEALTH/CODE ENF)
3. The owner, occupant or tenant of the vehicle sales facility (Pod B) shall participate in an oil-recycling program which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

I. HOURS

1. Condition R.3 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

The ice skating rinks may be open to the public from **8:00** a.m. to **10:00** p.m. Sunday thru Thursday and **8:00** a.m. to **12:00** a.m. Friday and Saturdays. Starting and ending times for hockey league games scheduled for the two **(2)** ice skating rinks shall be staggered at thirty **(30)** minute intervals between the two (2) rinks.

Is hereby deleted. [REASON: Planet Ice condition no longer required]

2. Condition R.6 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Retail business activity shall not be allowed on site, including deliveries, prior to **6:00** a.m. nor continue later than **10:00** p.m. daily.

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

3. Condition R.7 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Hours of operation for the proposed uses shall be as follows: the office/retail hours of operation shall be limited from **6:00** a.m. to **10:00** p.m. daily. This condition shall not apply to the Convenience store with gas sales facility or the ice skating rink.

Is hereby amended to read:

Hours of operation and deliveries shall be as follows:

- a. Pod A (CLF): NA
- b. Pod B (vehicle sales): Sales/deliveries: 7:00 a.m. to 7:00 p.m. Monday thru Saturday and 12:00 p.m. to 6:00 p.m. on Sunday. Repair: 7:00 a.m. to 6:00 p.m. Monday thru Friday. No repair on Saturday and Sunday.
- c. Pod C1 (gas station): N/A (previously exempted)
Pod C2 (Hulett): 6:00 a.m. to 10:00 p.m. daily

- d. Pod D (office/retail): 6:00 a.m. to 10:00 p.m. daily
 - e. Pod E (bank): 6:00 a.m. to 10:00 p.m. daily (ONGOING: CODE ENF)
4. Construction hours shall not commence prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday. No construction shall be allowed on Sunday. (ONGOING: CODE ENF - Zoning)

J. LANDSCAPING - GENERAL

1. Fifty (50%) percent of all canopy trees required to be planted on site by this approval, 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previously Condition H.1 of Resolution R-99-0708, Petition DOA76-007(C)).

2. Canopy trees required to be planted on Pod B shall meet the following minimum standards at installation:
 - a. Tree height: 75% - fourteen (14) feet. In addition, 25% of the canopy trees required to be planted along Okeechobee Boulevard shall be a minimum of sixteen (16) feet at installation.
 - 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 (3.5 feet) at 3 points measured from the trunk to the outermost branch tip; and,
 - d. Number of Species: 5 minimum, one of which must be flowering, 40% maximum of any one species
 - e. Native: 60% native (CO: LANDSCAPE - Zoning)

3. Condition H.2 of Resolution R-99-0708, Petition DOA76-007(C)) which currently states:

All palms required to be planted on site by this approval, shall meet the following minimum standards at installation and shall not include the use of Sabal Palms in the Landscape Plan:

- a. Palm heights: Twelve (**12**) feet clear trunk;
- b. Clusters: Staggered heights twelve (**12**) to eighteen (**18**) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements.

Is hereby amended to read:

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

- a. Height: Twelve (12) feet clear trunk;
- b. Clusters: Staggered heights twelve (12) to eighteen (18) feet. (CO: LANDSCAPE - Zoning)

4. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (Previously Condition H.3 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: LANDSCAPE - Zoning)
5. All shrub or hedge material required to be planted for Pod B (vehicle sales and service) shall meet the following minimum standards, unless otherwise stated by another condition of approval or required by the ULDC:
 - a. Height at installation: Twenty-four (24) inches
 - b. Maintained height: 50% - 36 inches
25% - 48 inches
25% - 72 inches
 - c. Number of species: Five (5) minimum, one of which must be flowering, 40% maximum of any one species
 - d. Native: 60%
 - e. Pattern: A single row of shrub or hedge material shall be planted in a meandering/naturalistic pattern. All other shrub or hedge material shall be planted in groupings or a hierarchy of layers based on color, texture, form, environment, and maintained height. (CO: LANDSCAPE - Zoning)
5. The DRC shall not permit any administrative reduction to the minimum required buffer widths unless per specific condition of approval. (DRC - ZONING)

K. LANDSCAPING - INTERIOR

1. Condition L.1 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Landscaped divider medians shall be installed as shown on the Preliminary Development Plan dated March 19, 1999.

It is hereby amended to read:

Landscaped divider medians shall be installed as shown on the approved site plan dated September 17, 2001. (DRC: ZONING)

2. 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 or 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 tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (Previously Condition L.2 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ZONING)

3. Condition L.3 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Foundation planters shall be provided along all facades (except dispatch loading area) of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 75% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover.

Is hereby amended to read:

Foundation planters shall be provided along the front and side facades of all structures and consist of the following:

- a. Minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 75% of the total length of each side of the structure (minus loading areas and bay doors only);
- c. Landscape areas shall be planted with a minimum of one tree or palm for each twenty (20) linear feet and appropriate ground cover; and,
- d. The foundation planter in front of the vehicle capability demonstration area (Pod B – vehicles sales facility) shall also include one shrub or hedge for each two linear feet to be installed at a minimum height of 36 inches. (DRC/CO: ZONING/LANDSCAPE)

4. Landscaping along the Hulett parking/dispatch area shall include the following :

- a. The minimum width of the required landscape area shall be five (5) feet. (Previously Condition L.4 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: LANDSCAPE - Zoning)

5. Landscaping along the east and south property line of the Hulett parking/dispatch area shall include:

- a. An eight (8) foot high vinyl coated chain link fence. (Previously Condition L.5 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: LANDSCAPE)

6. The following landscaping requirements shall be installed on the exterior perimeter of the Hulett parking/dispatch area:

- a. a minimum ten (10) foot wide landscape strip along the north side of the 50' Platted Ingress/Egress Easement;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (Previously Condition L.6 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: LANDSCAPE)

7. All internal landscape buffers shall be subject to approval by the DRC in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)

L. LANDSCAPING ALONG OKEECHOBEE BOULEVARD (WEST OF WEKIVA WAY)

1. Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum two to three foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb;
- c. Equivalent of one (1) canopy tree planted every twenty (20) feet of linear property line;
- d. Equivalent of one (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of fifty (50) feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and

- e. Twenty-four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)**inches. (Previously Condition I.1 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: LANDSCAPE)

M. LANDSCAPING ALONG OKEECHOBEE BOULEVARD (POD B -VEHICLE SALES)

- 1. Landscaping and buffering along Okeechobee Boulevard, east of Wekiva Way, shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. A minimum two and one half to three and one half feet undulating berm with an average height of three (3.0) feet measured from top of curb;
 - c. Two (2) double rows of canopy trees each planted thirty (30) feet on center. The second row of trees may be planted in a naturalistic pattern within the grassed outdoor vehicle display area;
 - d. One (1) palm or pine for each twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Two rows of shrub or hedge material installed twenty four **(24)** inches on center. 50% of the shrub or hedge material shall be installed at a minimum height of thirty-six (36) inches and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

N. LANDSCAPING ALONG SOUTH PROPERTY LINE (OVERALL MUPD)

- 1. Landscaping and buffering along the south property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip along the south property line (including a five (5) foot overlap within the 50' Platted Ingress/Egress Easement);
 - b. Continuous two **(2)** foot high berm measured from top of curb with a six (6) foot high vinyl coated chain link fence;
 - c. Equivalent of one (1) canopy tree planted every twenty **(20)** feet of linear property line;
 - d. Equivalent of one (1) palm to be located on the exterior side of the fence for each twenty-five (25) linear feet of property line, with a maximum spacing of fifty (50) feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty-four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of seventy-two **(72)** inches on the plateau of the berm. (Previously Condition J.1 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: LANDSCAPE)

O. LANDSCAPING ALONG EAST PROPERTY LINE (OVERALL MUPD)

- 1. Condition K.1 of Resolution R-99-0708, Petition DOA76-007(C), which currently states:

Landscaping and buffering along the east property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. Continuous two foot high berm measured from top of curb;
- c. Equivalent of one (1) canopy tree planted every twenty **(20)** feet of linear property line;
- d. Equivalent of one (1) palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of fifty (50) feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and

- e. **Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches on the plateau of the berm.**

Is hereby amended to read:

Landscaping and buffering along the east property line, adjacent to the L-1 canal, shall be upgraded to include:

- a. A minimum eight (8) foot wide landscape buffer strip;
- b. An eight (8) foot high black vinyl coated chain link fence;
- c. One (1) row of canopy trees thirty (30) feet on center on the exterior side of the fence;
- d. One (1) palm or pine for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters on the exterior side of the fence; and,
- e. Thirty-six (36) inch high shrub or hedge material installed twenty four (24) inches on center, on the exterior side of the fence, and maintained at a minimum height of seventy-two (72) inches.
- f. Two interior landscape islands, each a minimum thirty-six (36) feet wide to be located opposite the overhead doors facing the east property line.
- g. Eight (8) feet high solid screen panel walls minimum thirty (30) feet in length to be installed within the eight foot buffer opposite the overhead doors.
- h. Landscaping to be installed on both sides of the walls in accordance with the above requirements. (CO: LANDSCAPE)

P. LANDSCAPING BETWEEN CLF AND VEHICLE SALES (PODS A and B)

- 1. Landscaping and buffering between the congregate living facility (Pod A) and the vehicle sales facility (Pod B) shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip;
 - b. A six (6) foot high black vinyl coated chain link fence on the plateau of a two (2) foot high continuous berm;
 - c. One (1) canopy tree twenty (20) feet on center on each side of the wall;
 - d. One (1) palm or pine for each twenty (20) linear feet with a maximum spacing of 60 feet between clusters on each side of the wall; and,
 - e. Twenty-four (24) inch high shrub or hedge material installed twenty four (24) inches on center on each side of the wall and maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE)

Q. LANDSCAPING ALONG WEST SIDE OF VEHICLES SALES (POD B)

- 1. The right-of-way buffer along the west side of the vehicle sales facility (Pod B), adjacent to Wekiva Way, shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous minimum two (2) foot high berm;
 - c. One (1) canopy tree twenty (20) feet on center;
 - d. One (1) palm or pine for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Two rows of shrub or hedge material installed twenty four (24) inches on center. 50% of the shrub or hedge material shall be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

R. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Building Security Code, shielded and directed down and away from adjacent properties and streets. (Previously Condition M.1 of Resolution R-99-0708, Petition DOA76-007(B)) (CO/ONGOING: BLDG/CODE ENF - Zoning)

2. Condition M.2 of Resolution R-99-0708, Petition DOA76-007(C), which currently states:

All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point.

Is hereby amended to read:

All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. The vehicle sales and service facility (Pod B) shall be permitted twenty-five (25) foot high lights for the display and inventory storage areas only provided lighting is baffled and facing inward. (CO: BLDG - Zoning)

3. Condition M.3 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

All outdoor lighting fixtures shall be set back a minimum of fifty feet from the east and south property lines. (CO: BLDG - Zoning)

Is hereby amended to read:

All outdoor lighting fixtures shall be set back a minimum of fifty feet from the east and south property lines of the overall MUPD. (CO: BLDG - Zoning)

4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after the hours of operation, excluding security lighting only. (ONGOING: CODE ENF) (Previously Condition M.4 of Resolution R-99-0708, Petition DOA76-007(C))

5. The lighting conditions above shall not apply to proposed security or low voltage **landscape/accent** type lights used to emphasize plant material. (Previously Condition M.5 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: CODE ENF)

6. Condition M.6 of Resolution R-99-0708, Petition DOA76-007(C), which currently states:

Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition M.1 above

Is hereby amended to read:

Low level lighting shall be provided to mark all perimeter driveways and accessways and shall comply with the conditions above. (CO/ONGOING: BLDG/CODE ENF - Zoning)

S. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the 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 the Palm Beach County School Board and/or the County Engineer. (Previously Condition N.1.A of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ZONING)

2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to 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. (Previously Condition N.1.B of Resolution R-99-0708, Petition DOA76-007(C)) (BLDG PERMIT: MONITORING - Eng)
3. 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. (Previously Condition N.2 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: PALM TRAN)
4. Commercial locations which are open to the public shall not restrict public mass transit access. (Previously Condition N.3 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: PALM TRAN)

T. MUPD

1. Condition 0.1 of Resolution R-99-0708, Petition DOA76-007(C) which states:

Total gross floor area shall be limited to a maximum of 148,250 square feet with maximum one thousand **(1,000)** square feet increase to any combination of office, retail and financial type permitted uses if approved by the Traffic Division. All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated March **19, 1999**).

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

2. 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 and roof materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. 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. (Previously Condition 0.2 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ZONING - Co Att)
3. 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. (Previously Condition 0.3 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ZONING - Co Att)

4. The required storm water management lake for the overall MUPD is to be located between the congregate living facility (CLF) and the vehicle sales and service facility to maximize the physical separation of the two uses. The lake shall be recorded as part of the overall plat for the Okeechobee Boulevard MUPD. The configuration of the CLF building shall be subject to further review by the Board of County Commissioners, once the lake location has been platted. (DRC/PLAT: ZONING)

U. PARKING/DISPLAY

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading, dispatch and delivery areas. (Previously Condition P.1 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: CODE ENF)
2. Loading shall not be permitted within forty (40) feet of the south and east property lines. (Previously Condition P.2 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC/ONGOING: ZONING/CODE ENF)
3. Prior to final site plan certification by the Development Review Committee, the parking data on the site plan shall be revised to reflect the correct required and proposed parking totals for the MUPD and justification of the differences between the required and proposed parking based on Section 7.2.C.l.g of the ULDC. (Previously Condition P.3 of Resolution R-99-0708, Petition DOA76-007(C)) (DRC: ZONING)
4. Inventory storage shall be limited to a maximum of thirty-eight (38) spaces located on west property line along Wekiva Way. (ONGOING: CODE ENF)
5. A maximum of thirty-two (32) vehicles may be displayed in the grassed outdoor vehicle display area along Okeechobee Boulevard. Each vehicle shall be displayed on a grassed or paver brick surface, however, the remainder of the display area shall be left as landscaped/pervious open space. (ONGOING: CODE ENF)
6. Outdoor display/inventory vehicles shall not be parked in the Vehicle Demonstration Capability Area. (ONGOING: CODE ENF)

V. PLANNING

1. Prior to final site plan approval by the DRC, the site plan shall be amended to include the existing or proposed future location of sidewalks along Okeechobee Boulevard since this site is within two (2) miles of a school. (DRC: PLANNING)

W. SIGNS

1. Previously Condition Q.1 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Freestanding point of purchase sign, Sign A, fronting on Okeechobee Blvd 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); and
 - d. Style - monument style only.

Is hereby amended to read:

Freestanding point of purchase sign, Sign A (vehicle sales), fronting on Okeechobee Blvd shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point—ten (10) feet;
 - b. Maximum sign face area per side – one hundred (100) square feet;
 - c. Maximum number of signs – one (1); and
 - d. Style – monument style only. (CO: BLDG)
2. Freestanding point of purchase sign, Sign B, fronting on Okeechobee Blvd 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 - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style **only**. (Previously Condition Q.2 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: BLDG)
3. Entry Wall Sign for POD D (**office/retail** commercial plaza) fronting on Okeechobee Blvd shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area - 60 square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - entry wall only. (Previously Condition Q.3 of Resolution R-99-0708, Petition DOA76-007(C)) (CO: BLDG)
4. The existing freestanding point of purchase sign, fronting on Okeechobee Blvd, in front of the existing bank, shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point - twenty-two (22) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1). (Previously Condition **Q.4** of Resolution R-99-0708, Petition DOA76-007(C)) (CO: BLDG)
5. Wall signage for the proposed buildings and canopies shall be limited to the north facades facing Okeechobee Boulevard. (Previously Condition Q.5 of Resolution R-99-0708, Petition DOA76-007(C)) (BLDG PERMIT: BLDG - Zoning)
6. Freestanding point of purchase signs for the CLF shall be limited as follow:
- a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area - 32 square feet total (single-face only);
 - c. Maximum number of signs - one (1) located on Pod A only; and
 - d. Style - monument style only. (CO: BLDG)
7. Condition R.5 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Advertising for the Indoor Entertainment (Planet Ice) shall not promote advertising for concessions and retail sales within the facility. (ONGOING: CODE ENF)

Is hereby deleted. [REASON: Planet Ice condition no longer required]

X. USE LIMITATIONS

1. Previously Condition C.3 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Total gross floor area shall be limited to 148,250 square feet with maximum one thousand (1,000) square feet increase to any combination of office, retail and financial type uses if approved by the Traffic Division.

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

2. Condition R.1 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated March 19, 1999:

- a. Office - 44,500 sq. ft.;
- b. **Retail** - 28,850 sq. ft.;
- c. Convenience store with gas sales - 2,520 sq. ft. and 6 pumps (maximum/12 fueling stations) and accessory car wash 900 sq. ft.;
- d. Dispatching office - 4,800 sq. ft.;
- e. Indoor Entertainment - 65,000 sq. ft.;
- f. Financial Institution - 1,680 sq. ft. (existing); and,
- g. Total gross floor area shall be limited to a maximum of 148,250 square feet with maximum one thousand (1,000) square feet increase to any combination of office, retail and financial type permitted uses if approved by the Traffic Division.

Is hereby amended to read:

The site shall be limited to the following uses and maximum intensities unless additional square footage approved by the Traffic Division:

- a. Office - 31,500 sq. ft.
- b. Retail - 15,850 sq. ft.
- C Convenience store with gas sales - 3,400 sf and 6 pumps (maximum 12 fueling stations)
- d. Dispatching office - 4,800 sq. ft.
- e. Vehicle Sales - 35,775 sq. ft. (10,496 sq. ft. showroom and 25,279 sq. ft. service building with 32 bays)
- f. Financial Institution - 1,680 sf (existing)
- g. Congregate Living Facility, Type III - 135 residents/103 beds; 60,000 sq. ft.
- h. Total gross floor area shall be limited to a maximum of 153,005 square feet. All requested uses shall remain in the location indicated on the site plan approved by the Board of County Commissioners dated September 17, 2001. (DRC: ZONING)

3. Condition R.2 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

Indoor entertainment shall be limited to ice skating and accessory uses for concessions and retail sales as shown on the floor plan for Planet Ice prepared by Raymond Berry dated April 7, 1999. (ONGOING: CODE ENF/ZONING)

Is hereby deleted. [REASON: No longer required]

4. Condition R.4 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

The petitioner shall provide a uniformed security guard for the ice skating facility from dusk to thirty (30) minutes after closing, to ensure that after each skating session no loitering is permitted in the parking lot. (ONGOING: CODE ENF)

Is hereby deleted. [REASON: No longer required]

5. Condition R.8 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

The car wash facility shall utilize a 100% water recycling system. (BLDG PERMIT: BLDG)

Is hereby deleted. [REASON: Car wash eliminated from site plan]

6. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (Previously Condition R.9 of Resolution R-99-0708, Petition DOA76-007(C)) (ONGOING: CODE ENF)

7. Condition R.10 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

There shall be no outdoor repair or storage of vehicles or parts on site.

Is hereby amended to read:

There shall be no outdoor repair of vehicles or storage of hazardous materials, chemicals, or pesticides on site. (ONGOING: CODE ENF)

8. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (Previously Condition R.11 of Resolution R-99-0708, Petition DOA76-007(C)). (DRC/ONGOING: ZONING/CODE ENF)

9. Condition R.12 of Resolution R-99-0708, Petition DOA76-007(C), which currently states:

There will be no mixing of chemicals or pesticide products on-site. The products used will be mixed at the site being serviced.

Is hereby amended to state:

There shall be no mixing of chemicals, pesticides or hazardous materials on site. (ONGOING: CODE ENF)

Y. COMPLIANCE

1. Condition S.1 of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

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.

Is hereby amended to read:

In granting this approval, the Board of County Commissioners relied on the oral and written representations of the petitioner both on the record and in the application. Violation of any representation shall cause the approval to be presented to the Board of County Commissioners for review under Section 5.8 of the ULDC. (ONGOING: MONITORING - Zoning)

2. Condition **S.2** of Resolution R-99-0708, Petition DOA76-007(C) which currently states:

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; 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 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.

Is hereby amended to read:

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; 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 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 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 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)