

RESOLUTION NO. R-95- 1018

RESOLUTION APPROVING ZONING PETITION DOA77-133(E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CROSS COUNTY PARTNERS

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 DOA77-133(E) was presented to the Board of County Commissioners at a public hearing conducted on July 27, 1995; 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 exemption and therefore 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 DOA77-133(E), the petition of Cross County Partners, for a Development Order Amendment (DOA) to delete land area, amend the site plan, and delete Condition A.2 (parking) of Resolution R-93-895, previously approved 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 July 27, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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:

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Robert Alter*
COUNTY ATTORNEY

BY: *Lina M. Blair*
DEPUTY CLERK

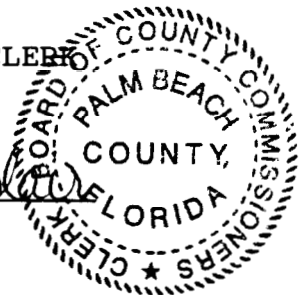


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 25. TOWNSHIP 43 SOUTH, RANGE 42 EAST. PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SAID NORTHEAST QUARTER; THENCE RUN S 00° 51' 26" W, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 51.01 FEET; THENCE RUN EAST, ALONG A LINE 66.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED ON THE PERPENDICULAR TO, THE BASELINE OF SURVEY FOR OKEECHOBEE BLVD., (STATE ROAD NO. 704) AS SHOWN ON THAT CERTAIN RIGHT-OF-WAY MAP, FILED IN ROAD PLAT BOOK 4 AT PAGES 216 THRU 221, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, FOR A DISTANCE OF 228.00 FEET, TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE FOR SAID STATE ROAD NO. 704, FOR A DISTANCE OF 220.77 FEET; THENCE RUN S 51° 34' 46" E, FOR A DISTANCE OF 31.97 FEET; THENCE RUN S 89° 28' 12" E, FOR A DISTANCE OF 73.17 FEET; THENCE RUN N 46° 18' 31" E, FOR A DISTANCE OF 30.43 FEET; THENCE RUN N 87° 23' 47" E, FOR A DISTANCE OF 33.26 FEET; THENCE RUN N 86° 45' 06" E, FOR A DISTANCE OF 21.64 FEET; THENCE RUN S 81° 54' 51" E, FOR A DISTANCE OF 61.06 FEET; THENCE RUN N 86° 45' 06" E, FOR A DISTANCE OF 76.00 FEET; THENCE RUN N 68° 22' 56" E, FOR A DISTANCE OF 38.08 FEET; THENCE RUN N 86° 45' 06" E, FOR A DISTANCE OF 192.02 FEET; THENCE RUN S 47° 42' 42" E, FOR A DISTANCE OF 28.11 FEET; THENCE RUN N 87° 49' 57" E, FOR A DISTANCE OF 74.86 FEET; THENCE RUN N 49° 18' 24" E, FOR A DISTANCE OF 31.74 FEET, TO THE BEGINNING OF A CIRCULAR CURVE, CONCAVE TO THE SOUTH; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 5664.08 FEET AND A CENTRAL ANGLE OF 1° 32' 14", FOR AN ARC DISTANCE OF 151.97 FEET, TO THE POINT OF TANGENCY, THENCE RUN EAST, FOR A DISTANCE OF 90.69 FEET; (SAID LAST FIFTEEN MENTIONED COURSES BEING COINCIDENT WITH THE SOUTHERLY RIGHT-OF-WAY LINE FOR STATE ROAD NO. 704, AS NOW LAID OUT AND IN USE, PER ORDER OF TAKING, FILED IN OFFICIAL RECORD BOOK 6499, PAGE 1751) THENCE RUN S 00° 53' 51" W, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SAID NORTHEAST QUARTER, FOR A DISTANCE OF 1288.19 FEET; THENCE RUN N 89° 44' 41" W, ALONG THE NORTH THE NORTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE, AS RECORDED IN ROAD PLAT BOOK 2, PAGE 205, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, (SAID LINE BEING 40.00 NORTH OF AND PARALLEL WITH, AS MEASURED ON THE PERPENDICULAR TO, THE SOUTH LINE OF THE SAID NORTHWEST QUARTER OF THE SAID NORTHEAST QUARTER) FOR A DISTANCE OF 1294.95 FEET; THENCE RUN N 00° 51' 26" E, ALONG A LINE 53.00 FEET EAST OF AND PARALLEL WITH AS MEASURED ON THE PERPENDICULAR TO, THE SAID WEST LINE OF THE NORTHEAST QUARTER, FOR A DISTANCE OF 33.41 FEET; THENCE RUN N 04° 21' 16" E, FOR A DISTANCE OF 180.34 FEET; THENCE RUN N 00° 51' 26" E, ALONG A LINE 64.00 FEET EAST OF AND PARALLEL WITH, AS MEASURED ON THE PERPENDICULAR TO, THE SAID WEST LINE, FOR A DISTANCE OF 300.00 FEET; THENCE RUN N 22° 46' 20" W, FOR A DISTANCE OF 17.46 FEET; THENCE RUN N 01° 33' 11" E, FOR A DISTANCE OF 247.02 FEET; THENCE RUN N 04° 30' 06" E, FOR A DISTANCE OF 157.32 FEET; THENCE RUN N 00° 51' 26" E, ALONG A LINE 70.00 FEET EAST OF AND PARALLEL WITH, AS MEASURED ON THE PERPENDICULAR TO, THE SAID WEST LINE, FOR A DISTANCE OF 149.74 FEET; (SAID LAST SEVEN MENTIONED COURSES, BEING COINCIDENT WITH THE EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, (STATE ROAD NO. 809) PER ORDER OF TAKING, FILED IN OFFICIAL RECORD BOOK 6499, PAGE 1751) THENCE RUN EAST, FOR A DISTANCE OF 158.00 FEET; THENCE RUN N 00° 51' 26" E, FOR A DISTANCE OF 169.00 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

THE SOUTHERLY 425.00 FEET OF THE FOLLOWING DESCRIPTION: THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS: THE NORTH 40 FEET THEREOF, FOR WESTGATE AVENUE, AS RECORDED IN ROAD PLAT BOOK 2 AT PAGE 205, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS: THE WEST 20 FEET THEREOF, FOR WESTGATE AVENUE OUTFALL, AS RECORDED IN ROAD PLAT BOOK 4 AT PAGE 52, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

CONTAINING IN ALL, 39.7277 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

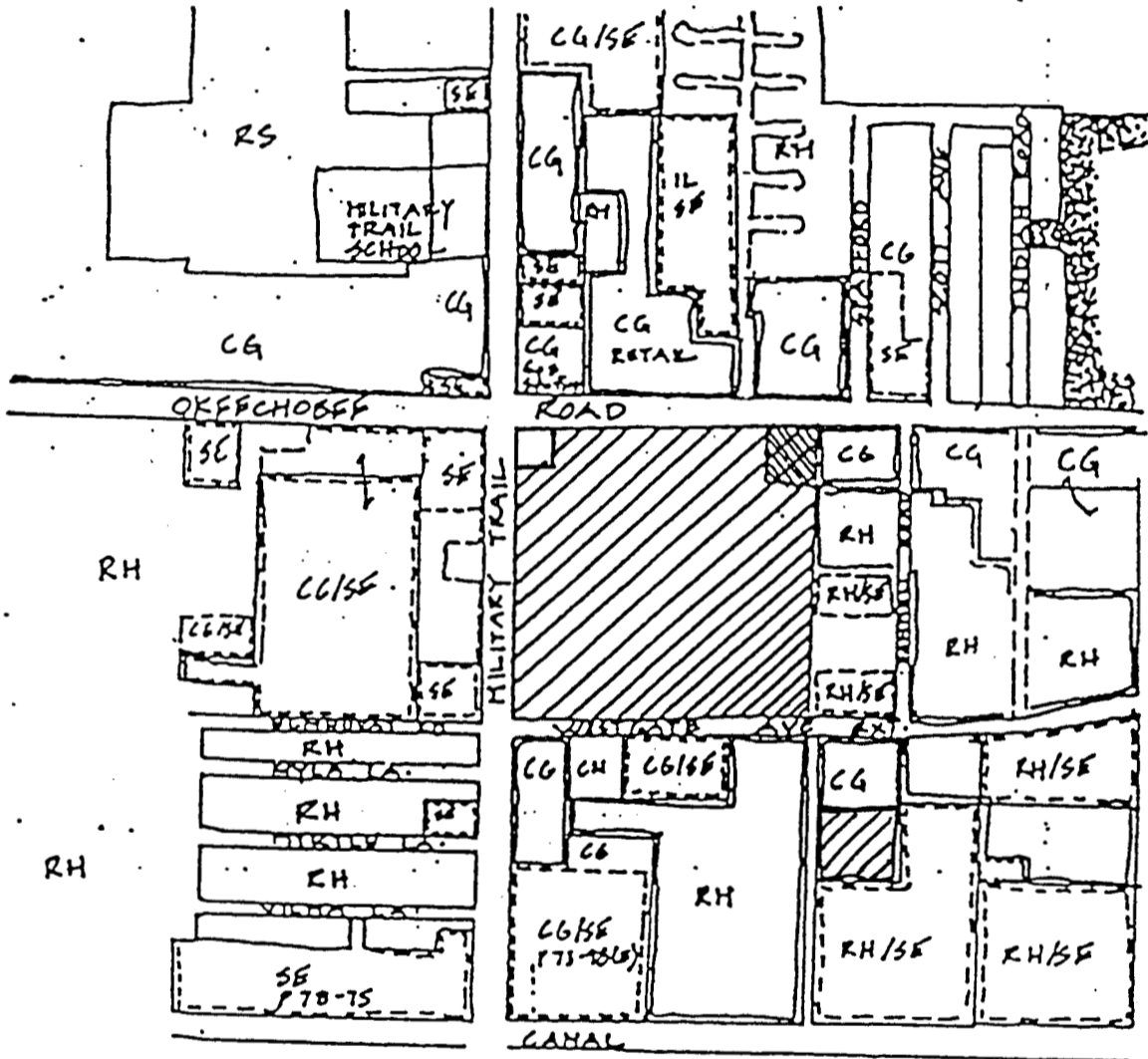


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Condition A.1 of Resolution No. R-93-895, Petition EAC77-133(D), which states:

All previous conditions of approval have been consolidated. The petitioner shall comply with all previous conditions of approval unless expressly modified herein. To ensure proper notification of existing conditions.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-77-1091 (Petition 77-133), R-78-606 (Petition 78-83), R-89-1314 (Petition 77-133B), R-90-1296 (Petition 77-133C), R-93-895 (Petition 77-133D), and R-94-943 (Status Report CR77-133D/A7) 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. (MONITORING)

B. BUILDING AND SITE DESIGN

1. Developer shall comply with the following conditions:

- a) Bring the existing building up to Fire Code standards prior to issuance of a Certificate of occupancy for the structure.
- b) Remove the overhead roller doors in the existing building's rear exit access and replace with swinging or side roller doors to comply with N.F.P.A. Fire Codes for this type of occupancy.
- c) Enclose the interior stairs of existing building in the rear exit access to comply with Fire Codes.
- d) The ceiling in the rear exit access of the existing building shall be enclosed to comply with Fire Codes.
- e) Properly rated fire doors shall be placed in the fire wall separating the general sales area from the stock area of the existing building.
- f) The fire hose connection throughout the existing building shall be repiped to meet Fire Code specifications.
- g) The sprinkler system inspection drains shall be repiped to discharge the water from these drains to the outside of the building, per Code. (Previously Condition A.17 of Resolution R-93-895, Petition EAC77-133D). (BUILDING-Fire)

2. All existing air conditioning and mechanical equipment, except within Parcel F, shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (BUILDING-Zoning)
3. All new air conditioning and mechanical 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 principle structure. (BUILDING-Zoning)

4. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be confined to the areas designated on the site plan. (BUILDING-Zoning)
5. Cross access shall be provided to abutting properties to the east. Possible cross access locations shall be indicated on the site plan. (ZONING)
6. Prior to certification by the Development Review Committee, the site plan and Alternative Landscape Betterment Plan shall be amended to reflect:
 - a. Required handicap parking spaces in the parking area adjacent to Parcel F;
 - b. Adequate delivery truck egress and circulation from Parcel F;
 - c. Existing perimeter configuration along Military Trail adjacent to Parcel F; and,
 - d. Existing gross building floor area consistent with a final survey of the project. (ZONING)

C. CONCURRENCY

1. The Concurrency Reservation shall be limited to a 38,200 square foot indoor theater with 2,144 seats, 15,499 square feet of freestanding restaurant uses, and 411,309 square feet of general retail or similar uses (Case No. 95-04-19-002-C). The Concurrency Reservation for 57,189 square feet of general retail or similar uses may be transferred to the land area deleted from the subject property, located on the south side of Westgate Avenue, by Petition 77-133 (E). (CONCURRENCY)

D. 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)~~ Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.** (Previously Condition A.44 of Resolution R-93-895, Petition EAC77-133D). (HEALTH)
2. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (Previously Condition A.45 of Resolution R-93-895, Petition EAC77-133D). (HEALTH)
3. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (Previously Condition A.46 of Resolution R-93-895, Petition EAC77-133D). (HEALTH)

E. ENGINEERING

1. Prior to September 1, 1995, or the issuance of the first building permit, whichever occurs first, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of an expanded intersection for Westgate Avenue and Military Trail. This right of way shall be in accordance with Palm Beach County's Expanded intersection details and shall extend a minimum of 100 feet east of the projects west entrance, **or** as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include ****CornerClips**** where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (MONITORING/BUILDING-Engineering)

2. The property owner shall fund the design revisions to incorporate:
 - a. A concrete median divider on Westgate Avenue from Military Trail east to a point 100 feet east of this project's west entrance onto Westgate Avenue.
 - b. A right turn lane east approach on Westgate Avenue at Military Trail. This right turn lane shall extend from Military Trail east to a point **100** feet east of this project's west entrance onto Westgate Avenue. (ENGINEERING)

3. The property owner shall fund construction of:
 - a. A concrete median divider on Westgate Avenue from Military Trail east to a point 100 feet east of this project's west entrance onto Westgate Avenue.
 - b. The right hand turn lane from the beginning of the taper (easternmost point) west to the projects west entrance.

Funding for construction of all required improvements shall be completed prior to October 1, 1995 and be based on 110% of a cost estimate by the developers engineer, as approved by the County Engineer. (MONITORING-Engineering)

4. LANDSCAPE WITHIN MEDIAN

- 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 all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department **of** Engineering and Public Works, 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. 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. (BUILDING-Engineering)
 - b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 on or before the issuance of a Certificate of Occupancy. (BUILDING-Engineering)
 - c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance **of** a Certificate of Occupancy to reflect this obligation. (BUILDING-CountyAttorney)
5. Prior to certification of the site plan by the DRC, the plan shall be amended to reflect that the projects west entrance onto Westgate Avenue shall not be constructed prior to the construction **of** the concrete median divider on Westgate Avenue by Palm Beach County. (ENGINEERING)

6. Adequate right-of-way at the intersection of Westgate Avenue and Military Trail shall be dedicated for a right turn lane from Westgate Avenue (westbound) onto Military Trail (northbound). Improvements are to be completed simultaneously with the 5-laning of Westgate Avenue. (ENGINEERING-WCRA)
7. **Developer shall modify the Master Site Plan to rechannel the ingress and egress from and to Okeechobee Boulevard via the Northwest entrance by the installation of landscape barriers.** (Previously Condition A.14 of Resolution R-93-895, Petition EAC77-133D). (ENGINEERING)
8. **Developer shall post a bond to insure proper aquatic weed control in all drainage and water management areas.** (Previously Condition A.16 of Resolution R-93-895, Petition EAC77-133D). (ENGINEERING)
9. Condition A.18 of Resolution R-93-895, which currently states:

Developer shall restripe and resign the south approach to the intersection of Military Trail and Okeechobee Boulevard to provide for a dual left turn lane.

Is hereby deleted. [REASON: Condition no longer necessary.]
10. Condition A.19 of Resolution R-93-895, which currently states:

Developer shall construct a continuous right turn lane along Okeechobee Boulevard from Military Trail easterly to the east entrance road.

Is hereby deleted. [REASON: Condition no longer necessary.]
11. Condition A.20 of Resolution R-93-895, which currently states:

Developer shall construct a third lane on Westgate Avenue from Military Trail to the development's east property line.

Is hereby deleted. [REASON: Condition completed.]
12. Condition A.21 of Resolution R-93-895, which currently states:

Developer shall lengthen the existing left turn lane on Military Trail at the development's entrance at such time as the actual demand requires it at the determination of the County Engineer. (Previously Condition A.21 of Resolution R-93-895, Petition EAC77-133D). (ENGINEERING)

Is hereby deleted. [REASON: Condition not necessary.]
13. Condition A.22 of Resolution R-93-895, which currently states:

Developer shall lengthen the existing right turn lane at the east approach on Okeechobee Boulevard from Zip Code Place to Military Trail.

Is hereby deleted. [REASON: Condition not necessary.]
14. Condition A.23 of Resolution R-93-895, which currently states:

Developer shall lengthen the existing left turn lane east approach on Okeechobee Boulevard and the development's east entrance to a total storage length of two hundred forty (240) feet.

Is hereby deleted. (REASON: Condition completed.)

15. Condition A.24 of Resolution R-93-895, which states:
- Developer shall lengthen the existing left turn lane east approach on Okeechobee Boulevard and the development's west entrance to a total storage length of two hundred forty (240) feet.**
- Is hereby deleted. [REASON: Condition completed.]
16. Condition A.25 of Resolution R-93-895, which states:
- Developer shall lengthen the existing left turn lane north approach on Military Trail and Westgate Avenue to a total storage length of two hundred (200) feet.**
- Is hereby deleted. [REASON: Condition completed.]
17. Condition A.26 of Resolution R-93-895, which currently states:
- Developer shall upgrade the existing two phase signal at the intersection of Westgate Avenue and Military Trail, when warranted, as determined by the County Engineer,**
- Is hereby deleted. [REASON: Condition completed.]
18. Condition A.27 of Resolution R-93-895, which currently states:
- Developer shall signalize the intersection at Okeechobee Boulevard and the east entrance, when needed, as determined by the County Engineer.**
- Is hereby deleted. [REASON: Condition completed.]
19. Condition A.29 of Resolution R-93-895, which currently states:
- Developer shall construct, on the south side of Westgate Avenue, an additional lane for Westgate Avenue along the frontage of the school property.**
- Is hereby deleted. [REASON: Condition completed.]
20. Condition A.30 of Resolution R-93-895, which currently states:
- Developer shall construct a bicycle path or sidewalk on the north side of Westgate Avenue, and striping for a cross walk to the school.**
- Is hereby deleted. [REASON: Condition completed.]
21. Condition A.47 of Resolution R-93-895, which currently states:
- 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 on site 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. (ENGINEERING)**
- Is hereby deleted. [REASON: Condition no longer necessary]

22. Prior to Site Plan approval the property owner shall enter into a written agreement with Palm Beach County for the reservation of additional right of way required by the Florida Department of Transportation for: (A) the eight (8) laning of Okeechobee Boulevard from the centerline of the eastern drive onto Okeechobee Boulevard to the west property line (maximum seventy (70) feet from centerline as identified in the thoroughfare right-of-way protection map); (B) the ultimate urban interchange from the centerline of the existing eastern drive onto Okeechobee Boulevard to the project's eastern property line (maximum eighty (80) feet from the centerline of Okeechobee Boulevard as identified in the thoroughfare right-of-way protection map). (Previously Condition A.48 of Resolution R-93-895, Petition EAC77-133D). (ENGINEERING)
23. 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 \$51,865.00 (943 trips X \$55.00 per trip). (Previously Condition A.49 of Resolution R-93-895, Petition EAC77-133D). (IMPACT FEE COORDINATOR)
24. Condition A.52 of Resolution R-93-895, which states:
Petitioner shall install crosswalks on Westgate Avenue.
 Is hereby deleted. [REASON: Condition completed.]

F. LANDSCAPING - GENERAL

1. Developer shall install landscape berms, plantings and sprinkler systems pursuant to the Palm Beach County Landscape Code. (Previously Condition A.4 of Resolution R-93-895, Petition EAC77-133D). (ZONING)
2. Developer shall provide a bond in a form acceptable to the Zoning Division and the County Attorney to guarantee the installation of all landscape areas in accordance with approved plans Exhibit (D), (Petition 77-133(D)), specifications and phasing schedule. Code Enforcement Board order. (Previously Condition A.6, Resolution R-93-895, Petition EAC77-133D). (ZONING/County Attorney)
3. Condition 2 of Resolution R-94-943, Status Report CR77-133D/A7, which currently states:
 Prior to July 1, 1995 the property owners shall remove all prohibited vegetation from site and install landscaping and site improvements for all phases pursuant to Exhibit (D), (Petition 77-133(D)), specifications. The dates for each phase shown on Exhibit D shall no longer apply.
 Is hereby deleted. [REASON: Condition superseded by new phasing schedule.]
4. Condition A.42 of Resolution R-93-895, Petition EAC77-133D), which currently states:
 When the right-of-way for Okeechobee Boulevard and Military Trail is constructed, the petitioner shall satisfy the minimum landscape requirements on the portion of the site affected by the right-of-way taking, to the maximum amount possible. This may require parking stalls along Okeechobee Boulevard and Military Trail to be redesigned to accommodate angle parking to provide the maximum landscaping possible.
 Is hereby deleted. [REASON: Taking has occurred. Buffer will be landscaped to maximum extent possible in accordance with an Alternative Landscape Betterment Plan.]

5. All 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. (ZONING)

6. Landscape islands shall be provided along the front and side facades of all proposed or new structures. The minimum width of these 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 every 20 feet on center and appropriate groundcover. (ZONING)

7. Landscaping, irrigation and site improvements required to implement the Alternative Landscape Betterment Plan approved by the Board of Adjustment on June 15, 1995 shall be installed and completed as follows:
 - a. Phase One: prior to January 31, 1996.
 - b. Phase Two: prior to November 30, 1996.
 - c. Phase Three: prior to December 31, 1997, or issuance of the last certificate of occupancy (C.O.) within the redeveloped portion of the shopping center, whichever occurs first. (MONITORING/BUILDING-Zoning)

G. LANDSCAPING - NORTH PROPERTY LINE

1. Prior to Site Plan Review, the petitioner shall amend the site plan to indicate:
 - A. A five (5) foot landscape buffer shall be installed along Okeechobee Boulevard to be supplemented with solid thirty-six (36) inch hedge material and native canopy trees twelve (12) feet in height at time of planting and to be planted thirty (30) feet on center.
 - B. The landscape strip separating the proposed restaurant parking from the existing access way off Okeechobee Boulevard shall be upgraded to include a solid twenty-four (24) inch hedge and native trees to be planted thirty (30) feet on center. (Previously Condition A.38 of Resolution R-93-895, Petition EAC77-133D). (ZONING)

H. LANDSCAPING - WEST PROPERTY LINE

1. Developer shall install seventy five (75) percent opaque landscaped screening behind the buildings on the western property line adjacent to Military Trail, to the maximum extent possible in accordance with the approved Alternative Landscape Betterment Plan. (Previously Condition A.9 of Resolution R-93-895, Petition EAC77-133D). (ZONING)

I. LANDSCAPING - EAST PROPERTY LINE

1. Condition A.10 of Resolution R-93-895, Petition EAC77-133D), which currently states:

Developer shall provide a six (6) foot high wood fence, with a landscape hedge adjacent to the inside of the fence along the east property line.

Is hereby deleted. [REASON: Wood fence replaced with concrete wall requirement below.]

2. **Developer shall preserve the existing tree coverage along the east property line.** (Previously Condition A.11 of Resolution R-93-895, Petition EAC77-133D). (ZONING/ERM)
3. **Within eight (8) months of Board of County Commission approval, the petitioner shall replace the existing wooden fence along the eastern property line with a six (6) foot concrete slat wall.** (Previously Condition A.56 of Resolution R-93-895, Petition EAC77-133D). [NOTE: Condition currently in compliance.]

J. LIGHTING

1. Condition A.53 of Resolution R-93-895, which states:

Petitioner shall install street lights at the crosswalk locations and shall enter into a maintenance agreement with Florida Power and Light Company for maintenance and lamping costs.

Is hereby deleted. [REASON: Crosswalks across Westgate Avenue no longer necessary.]

K. MAINTENANCE

1. **Developer shall keep all loading areas and berths in a clean, maintained and screened manner.** (Previously Condition A.8 of Resolution R-93-895, Petition EAC77-133D). (CODE ENFORCEMENT)
2. **No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the parking lots or access ways of the shopping center.** (Previously Condition A.41 of Resolution R-93-895, Petition EAC77-133D). (CODE ENFORCEMENT)
3. **Parcels of land along Westgate Avenue owned by the petitioner, including the land area deleted from the subject property and the Cross County Mall retention area (Parcel D), shall be maintained with the same frequency and integrity as the subject property. Maintenance shall include, but not be limited to, garbage collection, landscaping, and repairs to fences, gates, lighting and paved surfaces. Frequency of maintenance shall be 110 less than on a monthly basis.** (WCRA)

L. PARCEL D

1. **The use of the southerly 3.2 acres of the parcel located on the south side of Westgate Avenue shall be limited to retention and detention for water management and master drainage purposes.** (Previously Condition A.15 of Resolution R-93-895, Petition EAC77-133D). (CODE ENFORCEMENT-Zoning)
2. **Developer shall provide a chain link fence along the east and south property lines of the property lying south of Westgate Avenue.** (Previously Condition A.28 of Resolution R-93-895, Petition EAC77-133D). (CODE ENF)

3. Condition A.31 of Resolution R-93-895, Petition 77-133(D), which currently states:

Developer shall provide an umbrella liability and property damage insurance policy to include Mr. and Mrs. Jacob Solomon, abutting 4.2 acre parcel, adjacent to the 3.2 acre drainage area.

Is hereby deleted. [REASON: Requirement no longer necessary.]

M. PARKING

1. Condition A.2 of Resolution R-93-895, Petition EAC77-133(D), which states:

Developer shall provide surface parking required by Code for the total floor area or shall construct a parking deck providing spaces for employees.

Is hereby deleted. [REASON: Variance approved by Board.]

2. **Vehicular parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, rights-of-way, or interior drives. (Previously Condition A.40 of Resolution R-93-895, Petition EAC77-133D). (CODE ENF)**
3. All proposed or new delivery and/or loading areas shall be completely screened from view from any public right-of-way by a twelve (12) foot high wing wall, measured from finished grade to highest point, or equivalent landscape material. Wing walls shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (BUILDING-Zoning)
4. Overnight storage or parking of delivery vehicles, trucks or trailers shall not be permitted on site, except within designated loading and delivery areas. (CODE ENFORCEMENT)
5. Shopping cart storage corrals shall be provided in all parking areas adjacent to retail uses. (ZONING)

N. SIGNS

1. Condition A.12 of Resolution R-93-895, Petition EAC77-133(D), which states:

Developer shall redesign and/or replace all signs to meet the Palm Beach County Sign Code and provide for a uniform graphics program.

Is hereby deleted. [REASON: Requirement superseded by new condition.]

2. **All painted wall signs shall be removed. (Previously Condition A.13 of Resolution R-93-895, Petition EAC77-133D). (CODE ENFORCEMENT)**
3. **The petitioner shall install adequate signage in the parking lot to direct vehicular traffic. There shall be signage to identify designated parking areas for particular uses on site. (Previously Condition A.39 of Resolution R-93-895, Petition EAC77-133D). (ZONING)**
4. **No advertising flags, foreign flags, pennants, banners, streamers or balloons 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, or other than inside a**

window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards? etc., shall not be permitted on-site. (Previously Condition A.40 of Resolution R-93-895, Petition EAC77-133D). (CODE ENFORCEMENT)

5. Prior to site plan certification, the Master Sign Plan shall be revised to reflect the following:

a. Sign "A" shall be limited to:

- 1) Maximum sign height, measured from finished grade to highest point - forty (40) feet;
- 2) Maximum sign face area per side - 459 square feet;
- 3) Maximum number of signs - one (1) on Okeechobee Boulevard; and
- 4) Style - monument style only, as depicted on the sketch presented by the petitioner to the Board of County Commissioners. (BUILDG/ZONING)

b. Sign "F" shall be limited to:

- 1) Maximum sign height, measured from finished grade to highest point - fifty (50) feet;
- 2) Maximum sign face area per side - 529 square feet;
- 3) Maximum number of signs - one (1) on Military Trail; and
- 4) Style - monument style only, as depicted on the sketch presented by the petitioner to the Board of County Commissioners. (BUILDG/ZONING)

6. Replacement, relocation or renovation of all other existing freestanding signs ("B" through "E") shall be permitted in accordance with the ULDC. (BUILDING-Zoning)

7. No freestanding point of purchase signs shall be permitted along Westgate Avenue. (BUILDING-Zoning)

O. SOLID WASTE

1. Condition A.50 of Resolution R-93-895, Petition EAC77-133D), which currently states:

As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan approvable by the Solid Waste Authority or Palm Beach County or any other applicable regulatory agencies.

Is hereby deleted. [REASON: Not required/enforced by SWA]

P. UNITY OF CONTROL/TITLE

1. **Prior to site plan certification, the petitioner shall execute:**

a. **A Unity of Control covering the entire parcel located on the north side of Westgate Avenue, and, the southerly four hundred twenty five (425) feet of the parcel located on the south side of Westgate Avenue (3.09 acres), and the twenty (20) foot recorded access easement running south from Westgate Avenue to the southerly 425 feet of the**

parcel lying south of Westgate Avenue (0.10 acres), supporting the mall facility, outparcels and attendant parking. This Unity of Control shall grant appropriate cross access, parking, easements and maintenance agreements among all properties contained in the planned development.

- b. A Unity of Title on the parcel of land supporting the two buildings on the northwest portion of the site, Known as Parcel F. (Previously Condition A.33 of Resolution R-93-895, Petition EAC77-133;)). (COUNTY ATTORNEY)
2. Prior to obtaining approval of the Unity of Control from Palm Beach County Zoning Division and County Attorney's Office, a site plan shall be submitted to and approved by the Zoning Division indicating:
 - a. The location of all buildings, parking stalls, access points, an easements.
 - b. The boundary lines of each separately owned parcel.
 - c. The building square footage, lot coverage, parking required and parking provided for each individual parcel. (Previously Condition A.34 of Resolution R-93-895, Petition EAC77-133D). (ZONING)

Q. COMPLIANCE

1. 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; 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 condition;; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any 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)

**RESULTS LIST
DEVELOPMENT REVIEW COMMITTEE MEETING
AUGUST 25, 1999**



LISTED BY AGENDA ITEM NUMBER

DRC ITEMS

I. APPROVED

1. PDD95-087 Smith Dairy East, Revised Site Plan (Phase 1, Parcel B)
3. PDD97-084(A) Siesta Key PUD (aka: Stonybrook), Revised Overall Site Plan
4. PDD73-085(E) Boca Pointe PUD, Revised Site Plan (Pod F2)
5. PDD96-040(B) Wellington Green MUPD, Revised Preliminary Development Plan
7. PDD97-074 Millin Farms PUD, Revised Site Plan (Recreation Site 3)
8. PDD93-057(A) Polo Trace PUD, Revised Subdivision Plan
10. PDD74-104(C) Via Verde PUD, Revised Site Plan
11. 85-164(A) Riddle Road Office, Revised Site Plan
15. CA98-011(A) General GMC, Final Site Plan
18. PDD76-139(B) Sherbrooke Estates PUD, Revised Preliminary Development Plan
19. PDD99-006 Shoppes of Sherbrooke MUPD, Final Site Plan
20. DRC99-057 Lost Tree Chapel, Final Site Plan (Church)
22. CA99-031 Micosukee Estates, Final Site Plan (Agricultural Excavation)
25. CA99-017 Bethlehem Baptist Church, Final Site Plan (Church)
34. PDD89-127(C) Waterford Crossing MUPD, Revised Site Plan
36. PDD99-021 Via Addison MUPD, Final Site Plan (MUPD)
37. PDD97-074 Millin Farms PUD (aka: Valencia Isles), Revised Preliminary Development Plan
38. PDD97-074 Millin Farms PUD (aka: Valencia Isles), Final Subdivision Plan (Pods A, B1, B2)
39. PDD79-161(C) Abbey Park PUD, Revised Preliminary Development Plan
48. 80-070(A) Arvida Business Park, Revised Site Plan
49. DRC99-043 Supervisor of Elections Facility, Final Site Plan (Government Service)

II. NOT APPROVED 10 SEPTEMBER 8, 0999 DRC MEETING

2. PDD98-078(A) Shoppes of Madison PUD, Revised Site Plan
6. PDD84-071(H) Polo Club PUD, Revised Site Plan (Clubhouse)
9. PDD87-024(G) Lantana Road PCD, Revised Site/Subdivision Plan
12. MUPD-7-178 Lion Country RV Park, Revised Site Plan
13. PDD81-115(F) Nations Bank Plaza, Revised Preliminary Development Plan (MUPD)
14. DR196-040(B) Wellington Green, Revised Preliminary Development Plan
16. CA99-015 Croquet Foundation, Final Site Plan
17. PDD80-103(I) Sandalfoot Square, Revised Site Plan (MUPD)
21. PDD85-095(E) Bernstein MUPD, Revised Site Plan
23. CA98-080 Loxahatchee Road Vegetative Recycling & Nursery, Final Site Plan
24. CA78-039(A) St. Herman Orthodox Church, Revised Site Plan (Church)
28. DR196-040(B) Wellington Green DRI, Final Site Plan (MUPD A)
29. DR196-040(B) Wellington Green DRI, Final Site Plan (MUPD B)
30. DR196-040(B) Wellington Green DRI, Final Site Plan (MUPD C)
32. DRC99-054 Linton Landscape, Final Site Plan
35. CA98-061 Jupiter Farms Baptist Church, Final Site Plan (Church)
40. PDD79-161(C) Abbey Park PUD, Revised Site Plan (Section 3 - school bus parking lot)
41. PDD96-129 Winterplace PUD, Final Preliminary Development Plan
42. PDD96-129 Winterplace PUD, Final Overall Subdivision Plan
43. PDD99-115 Boynton Beach Estates II PUD, Revised Preliminary Development Plan
44. PDD99-115 Boynton Beach Estates II PUD, Revised Site Plan
45. CA81-05(A) Teddy Bear Day Care, Revised Site Plan
46. CA83-091(A) St. Lukes United Methodist Church, Final Site Plan (Church with accessory uses)
50. PDD92-005(A) Upton PUD, Final Subdivision Plan (Pod D, Phase 2)
51. CA97-063 Farmer's Daughter, Final Site Plan (Retail Nursery)
53. PDD99-116(A) Towne Park PUD, Final Preliminary Development/Regulating Plan
54. PDD99-116(A) Towne Park PUD, Final Subdivision Plan (Pod A)

ZONING REVIEW ITEMS

55. PDD95-116(A)	Towne Park PUD, Final Subdivision Plan (Pod G)
56. PDD95-116(A)	Towne Park PUD, Final Site Plan (Recreation Pod)
NOT APPROVED TO SEPTEMBER 22, 1999 DRC MEETING	
27. Z/DRC98-062	Weitz & Spurling Rezoning, Final Site Plan
NOT APPROVED TO OCTOBER 13, 1999 DRC MEETING	
47. DRC99-051	Arwen Joss Wholesale Nursery, Final Site Plan
NOT APPROVED TO NOVEMBER 22, 1999 DRC MEETING	
26. CA79-148(B)	Palm Beach Acura, Revised Site Plan
NOT APPROVED TO FEBRUARY 10, 2000 DRC MEETING	
33. DRC79-120	Atlas Peat & Soil, Revised Site Plan
WITHDRAWN	
31. DR196-040(B)	Wellington Green DRI, Final Site Plan (MUPD F)
52. PDD84-030(A)	Boca Rio Centre MUPD, Revised Site Plan

I. CERTIFIED

63. CB75-042(A)	Hillsboro Plaza II
67. PDD/DOA79-182(B)	Children's Home Society
69. Z/CA99-045	Gateway Community Church
71. Z/CA99-049	Celebration Church
73. Z99-038	Banyan Lakes Subdivision
74. CB95-017(E)	Addison Court Daycare
80. Z/COZ99-036	Military/Coconut Walgreens

II. NOT CERTIFIED TO SEPTEMBER 22, 1999 DRC MEETING

57. Z/CA99-055	Atlantis Auto
58. Z/CA99-056	Hess #09076
59. DOA83-190(C)	PBA
60. PDD99-058	Tivoli Reserve PUD
62. PDD99-059	Le Rivage PUD
64. Z99-060	Parcel 108
65. PDD99-061	Leider PUD
66. Z/CB77-022(A)	Pa-Ja Villas
68. Z/CA99-044	Purdy Lane Kingdom Hall
70. PDD99-047	Diamond Shamrock PUD
72. CB99-050	Englet Wholesale Nursery
75. Z99-041	The Enclave Shoppes
76. PDD/R99-042	Strata Devco
77. PDD77-021(E)	Royal Palm Polo
78. Z/CA/CB99-028	Belvedere Commerce Ctr.
79. CA99-030	P.B. Country Estates Pre-school
81. Z/CA99-022	Humphries Dental
82. DOA83-153(C)	Victoria Woods PUD
83. DOA83-002(B)	Bishop Property
84. Z/CA98-068	Addison Lakes
85. Z/CB99-011	Everglades Farm Equipment
86. PDD/R98-093	Southern Jog Shops
87. PDD/DCR97-121	Diamond "C" Ranch PUD

III. WITHDRAWN

61. DOA93-078(B)	The Shoppes of Madison
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