

RESOLUTION NO. R-97- 1292

RESOLUTION APPROVING ZONING PETITION SA92-23(A)
REINSTATEMENT OF DEVELOPMENT ORDER AND
DEVELOPMENT ORDER AMENDMENT PETITION OF
BELVEDERE MILITARY CORP.; GENE BARBATO, TR.; H.W.
AND JANICE BERRYMAN; STEVE CRAIG, TR.; SCHOOLEY
CADILLAC, INC.; ROBERT G. SCRANTON, JR.; SPEARS
CORP.; TOWN OF GOLFVIEW; AND PALM BEACH COUNTY
BY KIERAN KILDAY, AGENT
(BMC MUPD) 25/43/42

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 SA92-23(A) was presented to the Board of County Commissioners at a public hearing conducted on September 2, 1997; 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 Reinstated Development Order and Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Reinstated Development Order and 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 Reinstated Development Order and Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Reinstated Development Order and 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 Reinstated Development Order and 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 Reinstated Development Order and Development Order Amendment meets applicable local land development regulations.

7. **This** Reinstated Development Order and Development Order Amendment, with conditions as adopted, minimizes adverse effects, **including** visual **impact** and intensity of the proposed **use** on adjacent lands.
8. This Reinstated Development Order and 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** Reinstated Development Order and 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 Reinstated Development Order and 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 SA92-23(A), the **petition** of Belvedere Military Corp.; Gene Barbato, Tr.; H.W. and Janice Berryman; Steve Craig, Tr.; **Schooley** Cadillac, Inc.; Robert G. Scranton, Jr.; Spears Corp.; Town of Golfview; and Palm Beach County, by Kieran Kilday, agent, to reinstate the previously approved development order (Resolution R-93-509) and for a development **order amendment** to redesign the site plan and modify conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and as shown on a site plan approved by the Board of County Commissioners attached as EXHIBIT B, **attached** hereto and made a part hereof, **was** approved on September 2, 1997, **subject** to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair **thereupon** declared that **the** resolution was duly passed and adopted on September 25, 1997.

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

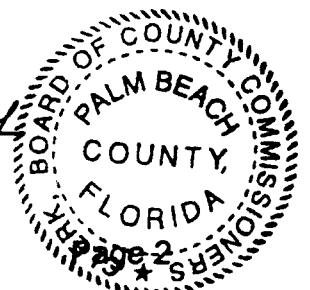


EXHIBIT A

REVISED LEGAL DESCRIPTION TO MATCH REDESIGNED SITE PLAN

LEGAL DESCRIPTION FOR: LOWES

The Southwest **1/4** of the Southeast **1/4** of Section 25, Township **43** South, Range 42 East, Palm Beach County, Florida, LESS:

1. The North **1/2** of the Northwest **1/4** of the Southwest **1/4** of the Southeast **1/4** of Section 25, Township **43** South, Range **42** East, Palm Beach County, Florida; and LESS
2. The North 65 feet of the West 228 feet of the North **1/2** of the South **1/2** of the Northwest **1/4** of the Southwest **1/4** of the Southeast **1/4** of Section 25, Township **43** South, Range 42 East, and LESS
3. Rights of Way for Military Trail and Country Club Road, as now laid out and in use, and LESS
4. That portion thereof lying South of the North Right of Way line of Belvedere Road, as now laid out and in use, and LESS
5. The North **1/2** of the Northeast **1/4** of the Southwest **1/4** of the Southeast **1/4** of Section 25, Township **43** South, Range 42 East, Palm Beach County, Florida; and **LESS**
6. The West 150 feet of the South 103 feet of the North **1/2** of the South **1/2** of the Northwest **1/4** of the Southwest **1/4** of the Southeast **1/4** of Section 25, Township **43** South, Range 42 East, Palm Beach County, Florida, **LESS** the following described property:
That part of the West **53** feet of the North **1/2** of the South **1/2** of the Northwest **1/4** of the Southwest **1/4** of the Southeast **1/4**, LESS the North 65 feet of the West 228 feet thereof, of Section 25, Township **43** South, Range **42** East, which lies Easterly of the existing 66 foot Right of Way for State Road 809 (Military Trail).

Containing 25.2 acres, more or less.

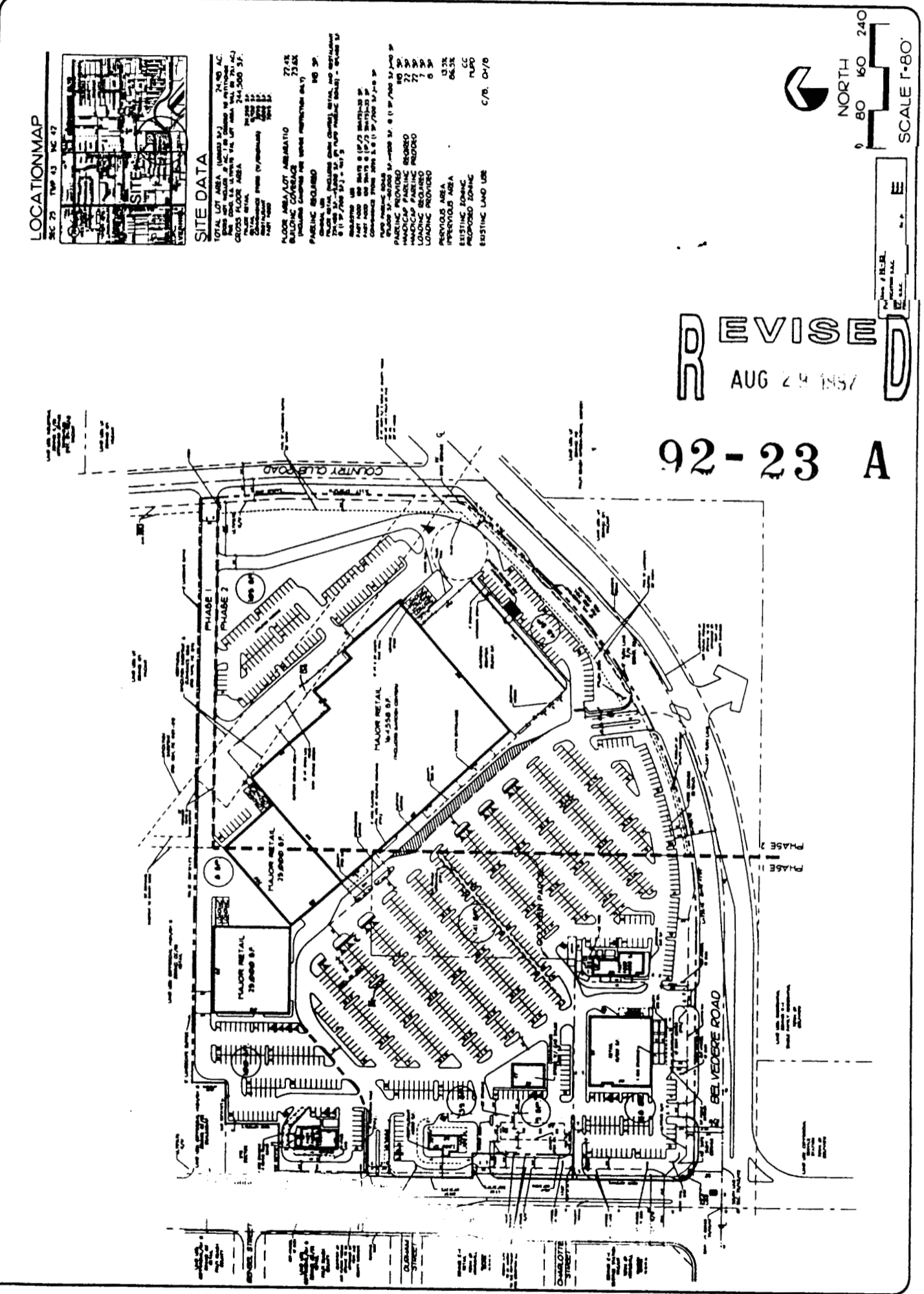
EXHIBIT B

REDESIGNED SITE PLAN

Proposed Development
 Palm Beach County, Florida
 Conceptual Site Plan

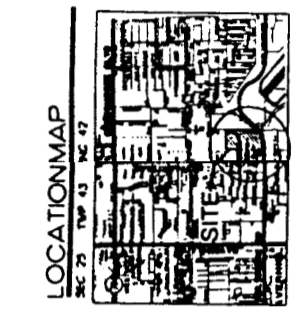
Scale: 1"=80'
 Date: 08/24/87
 Drawn By: DAT
 File No.: 92-23
 Planning
 Planning No.: 92-23
 Planning No.: 92-23
 Planning No.: 92-23

Kilday & Associates
 Landscape Architects/Planners
 1551 Forum Place
 West Palm Beach, Florida 33401
 (561) 689-5522 • Fax: (561) 689-2592



REVISED
 AUG 24 1987

92-23 A



SITE DATA

TOTAL LOT AREA (UNDIVIDED) 24.08 AC.
 TOTAL LOT AREA (DIVIDED) 24.08 AC.
 GROSS FLOOR AREA 77,242 SF
 GROSS FLOOR AREA (RETAIL) 77,242 SF
 FLOOR AREA (RETAIL) 77,242 SF
 FLOOR AREA (OFFICE) 0 SF
 FLOOR AREA (RESIDENTIAL) 0 SF
 FLOOR AREA (INDUSTRIAL) 0 SF
 FLOOR AREA (RECREATION) 0 SF
 FLOOR AREA (OTHER) 0 SF
 FLOOR AREA (TOTAL) 77,242 SF

FLOOR AREA/LOT AREA RATIO 3.21
 BUILDING COVERAGE 31.6%

PAVING REQUIRED 110,000 SF
 PAVING PROVIDED 110,000 SF

PARKING PROVIDED 110 SP
 HANDICAP PARKING REQUIRED 22 SP
 HANDICAP PARKING PROVIDED 22 SP
 LOADING REQUIRED 0 SP
 LOADING PROVIDED 0 SP

PREVIOUS ZONING R-10
 PROPOSED ZONING C/R, C-1/B



EXHIBIT C

CONDITIONS OF APPROVAL

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

A ALL PETITIONS

1. Resolutions R-94-1316 and R-94-1317 are hereby revoked. Resolution R-93-509 **is** hereby reinstated. (ONGOING: CT ATTY)
2. **All** previous conditions of approval applicable to ~~the subject~~ property, as contained **in Resolution R-93-509** (Petition 92-23), have been consolidated **as contained** herein. The ~~petitioner~~ shall comply with all previous conditions of approval and unless expressly modified. (ONGOING: MONITORING)
3. Development of ~~the~~ site is limited to the uses and site design approved by the **Board of** County Commissioners. The approved site plan is dated August 29, 1997. **All** modifications must **be** approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
4. Condition A.1 of Resolution R-93-509, Petition 92-23, ~~which~~ currently states:

The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Development Review Committee on **or** before January **31, 1993**.

~~Is~~ hereby deleted. [REASON: **no** longer applicable]
5. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations, land development requirements of Palm Beach County and all conditions of approval. (Previously Condition A.2 of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)
6. Prior to site plan certification, the site plan shall be amended to indicate all phases of development. Each phase shall comply with all minimum property development regulations **and** land development requirements of Palm Beach County and all conditions of approval. (Previously Condition A 3 of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)
7. **Condition A4** of Resolution R-93-509, Petition 92-23, ~~with~~ currently states:

Prior to April 30, 1993, the Developer shall plat the subject property in accordance with provisions of the Palm Beach County Subdivision Ordinance (Ord. **No. 73-4**), **as** amended.

~~Is~~ hereby deleted. [REASON: **no** longer applicable]

8. **Condition A5** of Resolution R-93-509, Petition **92-23**, ~~which~~ currently states:

A Prior to site plan certification by the Development Review Committee, the petitioner shall obtain approval from the Town of Haverhill ~~for a~~ Comprehensive Streetscape Plan for both sides of Belvedere Road between Military Trail and Haverhill Road and both sides ~~of~~ Haverhill Road between Belvedere Road and the northernmost corporate ~~limits of~~ the Town ~~of~~ Haverhill. The petitioner shall also submit ~~a true~~ copy of the approved Streetscape Plan to the Palm Beach County Zoning Division in conjunction with the submittal ~~for~~ site plan certification.

At ~~a~~ minimum, the Comprehensive Streetscape Plan shall include:

- a) a minimum of five **(5)** foot continuous landscape strip planted with ~~a minimum of~~ one native canopy tree every twenty **(20)** feet consistent with the requirements of condition **L3**. All tree planting shall be in a manner ~~so as~~ not ~~to~~ create a conflict with any aboveground or underground utility.
- b) the required landscape strip shall be planed with a ground cover acceptable to the Town of Haverhill.

B. Prior to issuance of the first building permit or December **31, 1993**, whichever occurs first, the petitioner shall, in cooperation ~~with~~ the Town of Haverhill, obtain consent for the installation of all required improvements indicated in the approved Streetscape Plan that are located on private property or obtain all necessary easements ~~for~~ the benefit of the Town of Haverhill and the intended purpose ~~of~~ installing the approved Streetscape Plan. In the event that ~~a~~ property ~~owner~~ refuses to grant consent ~~and/or an~~ easement, the petitioner shall deposit in an escrow account, in the form and manner accept to the Town of Haverhill, funds equal ~~to~~ the cost of the required improvements indicated in the affected portion of the approved Streetscape Plan. ~~All~~ consent ~~and/or~~ easements shall be over property free of any existing encumbrance that prohibits ~~or~~ restricts the installation of the required improvement.

C. Prior to issuance of the first certificate of occupancy **(CO)**, ~~or~~ the first certification of completion **(CC)**, ~~or~~ December **31, 1994**, whichever occurs first, the petitioner shall have completed the installation of all required improvements indicate in the approved Streetscape Plan and permitted by the Palm Beach County Engineer. The perpetual maintenance ~~of~~ the required improvements shall ~~be~~ the responsibility ~~of~~ the Town ~~of~~ Haverhill ~~and/or~~ the petitioner ~~at~~ their discretion. Palm Beach County shall not ~~be~~ responsible ~~for~~ the maintenance, repair, replacement, monitoring, service, ~~or~~ any liability that may arise from the ~~required~~ improvements. There shall be no administrative time extensions granted to this condition.

~~Is~~ hereby amended to read:

- A. Prior to issuance of the first building permit, the petitioner shall deposit **\$50,000.00** in an escrow account approved by the County Attorney to **be drawn** upon by the Town of Haverhill **for use in creating a streetscape** program along Belvedere Road and Haverhill Road, **or other** designated public purpose determined by the Town Council. (BLDG PERMIT: MONITORING - Ct Atty)
 - B. Any landscaping proposed within the rights-of-way of Palm Beach County shall **be** subject to approval by the County Engineer. (ONGOING: ENG)
 - C. Concurrent with Condition 8.A. above, the petitioner shall **submit to the Town of Haverhill the proposed streetscape plan** for both sides of Belvedere Road between Military Trail and Haverhill Road, and the **northernmost** corporate limits of the Town of Haverhill, **which** were prepared by Kilday and Associates, Inc. (Drawing #92-20, dated 3/25/93). (BLDG PERMIT: MONITORING - Ct Atty)
9. Condition **A6** of Resolution R-93-509, Petition 92-23, which currently states:
- In the event staff, ~~the~~ petitioner or the representative of the Town of Haverhill ~~are~~ unable to reach agreement regarding a certified site plan, **staff** shall schedule **this** petition for a Board of County Commissioners agenda to receive a final determination regarding consistency of the site plan with conditions of approval.
- ~~Is hereby deleted.~~
10. Building permits in accordance with Exhibit **No. 27** of Petition **No. 92-23** shall not be issued (Previously Condition **A.7** of Resolution R-93-509, Petition 92-23.) (BLDG PERMIT: BLDG/ZONING)

B. AIRPORTS

- 1. Prior to site plan certification, the petitioner shall amend the site plan to be in full compliance with **FAA** Advisory Circular **150/5300-13**, Section **212** Runway Protection Zone (RPZ) issued September **29, 1989**, **FAA** Regulation, **Part 77**, and submit documentation to the Department of Airports, Zoning Division and County Attorney which **competently** and substantially demonstrates that the proposed facility **does** not violate **FAA** Advisory Circular or any **Airport** Zoning regulations **that** are in effect at that **time**. (Previously Condition B.1 of R-93-509, Petition 92-23.) (DRC: AIRPORTS)

C. BUILDING AND SITE DESIGN

- 1. Condition **C.1** of Resolution R-93-509, Petition 92-23, ~~which~~ currently states:
- The **maximum height, from** grade to **roof** line, for all structures shall not exceed **thirty-five (35)** feet.
- ~~Is hereby amended to read:~~
- The **maximum height for all structures**, measured from finished grade to **highest** point, **shall be** in compliance with **FAA** Regulation Part 77 and the ULDC. (BLDG PERMIT: BLDG)
- 2. Similar **architectural** character and treatment which is compatible and harmonious shall **be** provided on all sides of all structures and buildings. (Previously Condition C.2 of Resolution R-93-509, Petition 92-23.) (BLDG PERMIT: BLDG/ZONING)

3. **All air** conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the **architecture, color** and character **of** the principle structure **or equivalent** landscape material acceptable to **the** Zoning Division. (Previously **Condition C. 3 of R-93-509**, Petition 92-23.) (BLDG PERMIT: BLDG)
4. **Prior** to site plan certification, the site plan shall be amended to **reflect** the location of shopping cart storage and retrieval areas within all **parking** areas adjacent to the shopping center. (Previously **Condition C.4 of Resolution R-93-509**, Petition 92-23.) (DRC: ZONING)
5. Prior to site plan certification, **the** site plan shall be **amended** to indicate **drop-off** areas in the adjacent parking **area**. Each drop-off area shall be **a** minimum of twelve **(12)** feet in width by twenty **(20)** feet in length (**Previously Cond. C.5 of R-93-509**, Petition 92-23.) (DRC: ZONING)
6. **Prior** to site plan certification, the petitioner shall provide, in a manner and **form** acceptable to the County Attorney and the Zoning Director, sufficient evidence that the right-of-way for **Grow** Street has **been** abandoned **or** incorporated into the projects design. (Previously **Condition C.6 of R-93-509**, Petition 92-23.) (DRC: ZONING/CO ATT'Y)
7. **Condition C.7 of Resolution R-93-509**, Petition 92-23, **which** currently states:

Prior to site plan certification, the petitioner shall amend the site plan to remove any structure **or** building within **the** aviation easement as described in the easement deed recorded in **OR Book 1664, PG 1709** of the Official Records of Palm Beach County. Use **of** the portion of the subject site encumbered by the aviation easement shall be limited to parking, access, water management tracts and landscape areas or **such** other uses as may be acceptable to the Division of **Airports** and the Federal Aviation Administration.

Is hereby amended to read:

Prior to site plan certification, the petitioner shall amend the site plan to **remove** any structure **or** building within the aviation easement as described in the easement deed recorded in **OR Book 1664, PG 1709** of the Official Records of Palm Beach County. Use of the portion of the subject site **encumbered** by **the** aviation easement shall **be** limited to parking, access, or **such** other uses as may **be** acceptable to the Division of Airports and the **Federal** Aviation Administration. (DRC: AIRPORTS)

8. **No outdoor** speaker **or** public address systems which are audible **off-site** **shall be permitted**. (Previously **Condition C.8 of Resolution R-93-509**, Petition 92-23) (ONGOING: CODE ENF)

D. **COWENIENCE STORE WITH GAS SALES**

1. **Condition D.1 of Resolution R-93-509**, Petition 92-23, **which** currently states:

The convenience store shall be limited to a maximum of **1,000** square feet **in total gross floor** area.

Is hereby deleted. [REASON: no longer necessary]

2. **There shall be** no repair **or** maintenance **of** vehicles on site. (Previously **Condition D.2 of R-93-509**, Petition 92-23.) (ONGOING: CODE ENF)
3. **No outside** storage **of disassembled vehicles**, **or** parts thereof, shall be permitted on site. (Previously **Condition D.3 of Resolution R-93-509**, Petition 92-23.) (ONGOING: **CODE ENF**)

4. **Prior** to site plan certification, the site plan shall **be** amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The **owner of** the service station facility **shall** provide air and water for minor vehicle maintenance to the public at no charge. (Previously Condition **0.4 of** R-93-509, Petition 92-23.) (DRC: ZONING)

5. Condition D.5 of ~~Resolution R-93-509~~, Petition 92-23, ~~which~~ currently states:

Prior to site plan certification, the plan shall be amended to eliminate **all** direct ingress and egress to the auto service station from Country Club Road.

~~Is~~ hereby deleted. [REASON: no longer applicable]

6. Condition D.6 of ~~Resolution R-93-509~~, Petition 92-23, which currently states:

The car wash facility shall utilize a **100%** water recycling system.

~~Is~~ hereby deleted. (REASON: no longer applicable)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with **all** applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain **onsite** the **stormwater** runoff generated by a three (3) **year-one (1)** hour **storm** with a total rainfall of **3** inches as required by the Permit Section, Land Development Division. In the event that the subject site **abuts** a Department **of** Transportation maintained roadway, concurrent approval from the **Florida** Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by **the** County Engineer. ~~In the~~ event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for **enforcement**. (Previously Condition **E.1 of** Resolution ~~R-E3-509~~, Petition 92-23.) (ONGOING: ENG)

2. Condition E.2 of ~~Resolution R-93-509~~, Petition 92-23, ~~which~~ currently states:

Prior to May **1, 1993**, ~~or~~ prior to the issuance of the **first** Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage **easement(s)** through the project's internal surface water management system to provide legal positive outfall for all **runoff** from those segments on Military Trail required for the expanded intersection at Belvedere Road. Said easements shall be no less than **20** feet in width. The drainage system within **the** project shall have sufficient **retention/detention** capacity to meet the storm water **discharge** and treatment requirements **of** the applicable County Water Control **District** and **South Florida Water** Management **for the** combined **runoff** from the project and the **110-foot** expanded **intersection** cross-section. If required and **approved** by the County Engineer the property owner shall construct within **the** proposed drainage easements a minimum of **24** inch closed piping **system** and appropriate wingwall ~~or~~ other **structures**. Elevation and location of all construction shall be approved by the County Engineer. **Any** and all excess fill material from excavation within said easements shall become the property **of** Palm Beach County which at ~~is~~ discretion **may** use this **fill** material.

Is hereby amended to read:

Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments on Military Trail required for the expanded intersection at Belvedere Road. Said easements shall be no less than twenty (20) feet in width. The expanded intersection right-of-way referenced herein is exclusive of the intersection right-of-way currently proposed to be purchased as part of County Road Project 9312. (DATE: MONITORING - Eng)

3. Condition E.3 of Resolution R-93-509, Petition 92-23, which currently states:

Prior to May 1, 1993, or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Belvedere Road, along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Belvedere Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County which at its discretion may use this fill material.

Is hereby deleted.

4. Condition E.4 of Resolution R-93-509, Petition 92-23, which currently states:

Prior to May 1, 1993, or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Country Club Road, along the property frontage and for a maximum 400 ft. distance north of the Project's north property line. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County which at its discretion may use this fill material.

Is hereby amended to read:

Prior to the issuance of building permits for the big-box store, the property owner shall submit road construction plans to Palm Beach County Engineering for construction of Country Club Road as a three lane section. The property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoffs from those segments of Country Club Road, along the property frontage and for a maximum four hundred (400) feet distance north of the project's north property line. Said drainage easements shall be no less than twenty (20) feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet stormwater discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and the ultimate Thoroughfare Plan Road section(s) of the included segment. If required and approved by the County Engineer, the property owner shall construct within the proposed easements, a minimum of twenty-four (24) inches closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (ONGOING: ENG)

5. Condition E.5 of Resolution R-93-509, Petition 92-23, which currently states:

Prior to May 1, 1993 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Belvedere Road, sufficient right-of-way to provide for a 110 foot expanded intersection on an alignment approved by the County Engineer. The County acknowledges that the service station on the northeast corner of the intersection of Belvedere Road and Military Trail is not part of this project. This right-of-way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

Is hereby amended to read:

Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Belvedere Road, sufficient right-of-way along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded intersection, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, on an alignment approved by the County Engineer. This right-of-way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (DATE: MONITORING- Eng)

6. **Condition E.6 of Resolution R-93-509, Petition 92-23**, which currently states:

Prior to May 1, 1993 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail to provide for a 110-foot expanded intersection on an alignment approved by the County Engineer. The County agrees to abandon any right-of-way for Military Trail on the subject site not required for the expanded intersection. The cost of abandoning this right-of-way shall be borne by the Developer. The County acknowledges that the ~~service~~ station on the northeast corner of the intersection of Belvedere Road and Military Trail is not part of this project. **This** right of way conveyance shall be free of all encumbrances and encroachments; provide the property owner shall **be permitted** to leave the existing **Bar-B-Q Ben's** sign until such time as the contract is let, at which time property owner shall move the sign to the east **off** the right-of-way, subject to appropriate **removal** and hold **harmless** agreements with Palm Beach County. Property owner shall **provide** Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

Is hereby amended to read:

A Within ninety (90) days of approval of the Settlement Agreement for this property, **or** prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail sufficient right-of-way along the ~~frontage~~ owned by ~~the~~ petitioner to provide for a one hundred ten (110) foot ~~expanded intersection~~ alignment, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, approved by the County Engineer. This ~~r-o-w~~ conveyance shall be free of all encumbrances and encroachments; providing the property owner shall be permitted to leave the existing Bar-B-Q Ben's sign until such time as the ~~contract~~ for construction of the expanded intersection is let, at ~~which~~ time property ~~owner~~ shall move ~~the~~ sign to the east **of** the right-of-way, subject to appropriate removal and hold harmless agreements with Palm Beach County. Property **owner** shall provide Palm Beach County with sufficient ~~documentation~~ acceptable to ~~the~~ Right-of-way Acquisition Section to ensure the property is free of all encumbrances **and** encroachments. (DATE: MONITORING - Eng)

B. Prior to site plan certification, the County agrees to convey to the petitioner any right-of-way for Military Trail adjacent to the subject site not required for the expanded intersection. The cost (without privilege fee) of abandoning this right-of-way shall be borne by the Developer. **(DRC: ENG)**

7. *condition* **E.7 of Resolution R-93-509, Petition 92 - 23**, which currently states:

Prior to May 1, 1993 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of **a right turn lane** on Belvedere Road, **at the project's main entrance road**. This right-of-way conveyance shall be a minimum of **150 feet** in storage length, twelve feet **in width and a taper length of 180 feet**. The right-of-way dedication **shall be** in excess of the dedication required in Condition **E5**. The right-of-way conveyance shall be free of **all** encumbrances and encroachments. Property **owner shall** provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

Is hereby amended to read:

Prior to the issuance of building permits for the big box or in-line store, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of a right turn lane on Belvedere Road, at the project's main entrance road. This right turn lane conveyance shall be a minimum of three hundred twenty (320) feet in storage length and twelve (12) feet in width and a taper length of fifty (50) feet. This right-of-way dedication shall be in excess of the dedication required in Condition E.5. This right-of-way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng)

8. Condition E.8 of Resolution R-93-509, Petition 92-23, which currently states:

Prior to May 1, 1993 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Country Club Road, forty (40) feet from centerline. The right-of-way conveyance shall be free of all encumbrances; and encroachments. Property 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.

Is hereby amended to read:

Within sixty (60) days from the time the petitioner obtains title to the Phase 2 property as shown on the site plan, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Country Club Road, forty (40) feet from centerline. The right-of-way conveyance shall be free of all encumbrances and encroachments. Property 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. (ONGOING: ENG)

9. Condition E.9 of Resolution R-93-509, Petition 92-23, which currently states:

The Property owner shall construct Country Club Road as a three (3) lane section from Belvedere Road to the project's north access. The construction shall be concurrent with the construction of paving and drainage improvements for the site for Phase 2. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit, and construction shall be completed prior to the issuance of the first Certificate of Occupancy.

Is hereby amended to read:

At such time that a permit is issued for the big box or in-line store construction, the property owners shall simultaneously obtain permits to connect its project to Country Club Road, the property owner shall construct Country Club Road as a three (3) lane section from Belvedere Road to the project's north access. Construction of Country Club Road shall be completed prior to the issuance of Certificates of Occupancy for the above uses. (ONGOING: Eng)

10. **Condition E.10** of Resolution R-93-509, Petition 92-23, which currently states:

For Phase 1, the Property owner shall be limited to a single entrance/exit onto Belvedere Road at the existing Grow Street. **If** the project has not commenced Phase 2 by February 1, 1994, then at the County Engineer's option the median opening on Belvedere Road serving Phase 1 may be modified or closed. **For Phase 2**, the Grow Street entrance shall be closed and relocated to a point where it aligns with the existing Country Club Road entrance to the Town of Golfview. At this main entrance, the property owners shall construct a left turn lane west approach and a tight turn lane, east approach on Belvedere Road. The construction shall be concurrent with the construction of paving and drainage improvements for the site for Phase 2. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 2, and construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2.

For phase 2, the property owner shall reconstruct the median at Belvedere Road and the project's main entrance to provide for a directional median opening. This directional median opening shall be constructed to permit only left turns into the project, and shall be so constructed as to prohibit left turns out of the project for eastbound movements onto Belvedere Road. Access to the Town of Golfview shall be accomplished in one of the following ways:

- 1) **If** the Golfview Town Council concurs, consideration shall be given to relocating the existing Country Club Road entrance south of Belvedere Road to align with Country Club Road north of Belvedere Road. Developer shall prepare plans for and construct the relocated roadway. The plans and the right-of-way for the roadway shall be subject to approval by the County Engineer and the County Department of Airports.
- 2) **If** the Golfview Town Council does not concur or plans and right-of-way for relocated Country Club Road are not approved, then the existing Country Club Road entrance south of Belvedere Road shall remain for Phase 2. Developer shall construct a left turn lane, east approach and directional median opening on Belvedere Road in such a manner as to only limit left turn movements into Country Club Road entrance to Golfview. Left turns from Country Club Road to westbound Belvedere Road shall be accomplished by means of a U-turn at the intersection of Country Club Road north of Belvedere Road.

All of the above Phase 2 construction shall be concurrent with the construction of paving and drainage improvements for the site for Phase 2. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the Building Permit for Phase 2, and construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2.

For Phase 2, two other entrances/exits shall also be permitted from the property to Belvedere Road. A right turn in/right turn out driveway shall be permitted at a point about 400 hundred feet east of the Belvedere Road/Military Trail intersection. In addition, a right turn in/right turn out driveway shall be permitted at a location acceptable to the County Engineer for the proposed gasoline station on the northwest corner of Country Club Road and Belvedere Road. Permits required by Palm Beach County for this construction shall be obtained by the Developer.

It is hereby amended to read:

- A. At the project's main entrance onto Belvedere Road, ~~the~~ property owner shall **construct** a left turn lane, west approach, **and** a right turn lane, east approach, onto Belvedere Road. Permits required by Palm Beach County for ~~this construction~~ shall **be** obtained prior to issuance of ~~the first~~ building permit for the big box or in-line store construction. (BLDG PERMIT: MONITORING - Eng)
- B. Construction of ~~the~~ above requirement shall be completed prior to issuance of the ~~certificate~~ of occupancy (CO) for the big box or in-line store construction. (CO: MONITORING - Eng)
- C. Simultaneous with the construction of B. above, the property owner shall **reconstruct** ~~the~~ median at Belvedere Road and the project's main entrance to provide for a directional median opening. The directional median opening shall **be** constructed to permit **only** left turns into the **project** and shall be **so** constructed as **to prohibit** left turns out of the project for eastbound movements onto Belvedere Road. (CO: MONITORING - Eng)

11. Condition E.11 of Resolution R-93-509, Petition 92-23, ~~with~~ currently states:

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 **\$597,905. (10,871 trips X \$55.00 per trip)** and is paid at the time of the Building Permit.

It is hereby amended to read:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "**Fair Share Contribution for Road Improvements Ordinance**" as it presently exists or as it may from time to time **be** amended. The Fair Share Fee for this project presently is Four Hundred and Nine-thousand Five Hundred Dollars (**\$507,595.00**) (9,229 trips X **\$55.00** per trip) and is paid at ~~the~~ time of the applicable building permit. Credits for in-kind contributions shall **be** provided in accordance with the Fair Share Contribution for Road Improvements Ordinance. (BLDG PERMIT: IMPACT FEE COORD)

12. Condition E.12 of Resolution R-93-509, Petition 92-23, which currently states:

In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a) **No Building Permits** shall be issued until the contract is let for construction of Belvedere Road from Congress Avenue to Military Trail as a **6-lane** divided section. **Prior** to any building permits being issued and no later **than 6 months after** the issuance of ~~this~~ Site Specific Development Order, ~~the Developer~~ shall post Performance Security in the amount of **\$1.325 million**.
- b) **Building permits** for development generating more than **6,371** trips per day (**162,624** square feet) shall not be issued until the contract is let for the construction of Haverhill Road from Okeechobee Boulevard to Belvedere Road as a **5-lane** section.
- c) **Building permits** for development generating more than **6,771** trips per day (**172,838** square feet) shall not be issued until the contract is let for construction of Belvedere Road from Military Trail to Haverhill Road as a **5-lane** section.

Is hereby amended to read:

In order to comply with the mandatory traffic performance standard, the Developer shall be restricted to a total trip generation of 9,229 net external trips per day. (ONGOING: ENG)

13. The Developer shall fund the installation of signalization if wanted as determined by the County Engineer, at the intersection of Country Club Road and Belvedere Road. Should signalization not be wanted **12 months** after the final Certificate of Occupancy for this property is issued, the owner shall be relieved from this condition. (Previously Condition E.13 of Resolution R-93-509, Petition 92-23.) (ONGOING: ENG)
14. Condition E.14 of Resolution R-93-509, Petition 92-23, which currently states:

Prior to Site Plan Certification by the Development Review Committee, the Site Plan (including the portion within the Town of Golfview) shall be revised to reflect only **two (2) entrances/exits** onto Country Club Road; one main entrance and **two** right turn in and right turn out entrances on Belvedere Road). The entrances/exits are subject to the approval of the County Engineer.

Is hereby amend to read:

Prior to site plan certification, the site plan (including the portion within the Town of Golfview) shall be revised to reflect only one (1) entrance/ex t onto Country Club Road; one main entrance and **two** right turn in and right turn out entrances on Belvedere Road. The entrances/exits are subject to the approval of the County Engineer. (DRC: ENG)

15. Condition E.15 of Resolution R-93-509, Petition 92-23, which currently states:

A separate driveway for the proposed gas station shall be eliminated from Country Club Road. Access to the gas station shall be integrated into the overall circulation for the entire center.

Is hereby deleted.

16. Condition E.16 of Resolution R-93-509, Petition 92-23, which currently states:

Prior to February **1, 1993** or prior to site plan certification, whichever shall first occur, the property owner shall enter into a Roadway Agreement with Palm Beach County enumerating the property owner's and Palm Beach County's obligations. In addition, developer shall provide **\$1,325,000 in an** escrow account as required in Condition **12A**. These funds shall be used by Palm Beach County to accomplish the following:

- A) **1)** advance the construction of Belvedere Road from Congress Avenue to Military Trail to a **6-lane** divided section. This road improvement is currently scheduled for the **1993-94** fiscal year. It is **the** intent that **this** construction be accomplished by the County as soon as practical; upon the establishment of the escrow account.

- 2) Prepare plans for the construction of Belvedere Road from Military Trail to Haverhill Road as a 5-lane section with the appropriate approved tapers. Funding of these construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate pave configuration.
 - 3) Prepare plans for the construction of Haverhill Road from Okeechobee Blvd to Belvedere Road as a 5-lane section with the appropriate paved tapers. Funding of these construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossing (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration.
 - 4) Prepare all necessary right-of-way acquisition documents required for the construction of Belvedere Road from Military Trail to Haverhill Road and Haverhill Road from Belvedere Road to Okeechobee Blvd. subject to the approval of the County Engineer.
- B) An Escrow Agreement shall be established in a bank which meets County standards for Letter of Credit acceptance and which will provide:
- 1) the County has irrevocable control of the funds;
 - 2) the County may draw the funds periodically upon presentation of proper invoices prior to October 1, 1993;
 - 3) interest shall accrue to the account;
 - 4) an accounting of funds shall be provided; and
 - 5) Should the total funds drawn by Palm Beach County be less than \$1 million by October 1, 1993, then Palm Beach County shall draw additional funds which would result in a total of \$1 million prior to November 30, 1993.
 - 6) Should the total funds drawn by Palm Beach County be more than \$1 million by October 1, 1993, then Palm Beach County shall refund the amount in excess of \$1 million to the Developer. This reimbursement shall be provided from the construction funds in the County 5-Year Road Program for the construction of Belvedere Road as a 6-lane section from Military Trail to Congress Avenue scheduled for the 1993-94 fiscal year.
- C) Palm Beach County shall reassign the funds originally scheduled for the Belvedere Road construction from Military Trail to Congress Avenue (less any reimbursement as required by Condition 16.B.6 above) to construct the following roadway improvements:
- 1) Belvedere Road from Military Trail to Haverhill Road as a 5-lane section;
 - 2) Haverhill Road from Okeechobee Road to Military Trail as a 5-lane section;
 - 3) Construction shall commence as soon as practicable for the roadway improvements in 1 and 2.
 - 4) any funds left over from the design, right of way acquisition, or construction as set forth in condition numbers E.16.A.2, E.16.A.3, E.16.A.4, E.16.C.1 and E.16.C.2 shall be used toward improving the intersection of Military Trail and Belvedere Road.

- 5) at the option of the County Engineer, the funds for the above mentioned Haverhill Road improvements may be applied toward intersection improvements at **Belvedere** Road and Haverhill Road and/or Belvedere Road and **Military** Trail to achieve the adopted level of service necessary to meet the County Wide Traffic Standards. In the event the County Engineer so elects, the project shall not be phased to the construction of Haverhill Road between Belvedere Road and Okeechobee **Boulevard**.
- 6) Credit for all contributions toward road improvements shall be given against the Fair Share **Contribution** Fees (Road Impact Fees).

~~Is~~ hereby deleted.

17. Condition **E.17** of Resolution R-93-509, Petition 92-23, ~~which~~ currently states:

Petitioner shall contribute \$100,000 toward intersection improvements to the intersection of **Military** Trail and Belvedere Road (the extent to be determined by the County Engineer) which at a minimum shall **construct** a right turn lane on the south approach. Any residual funds remaining as addressed in conditions E.16.C.4 shall be applied toward this \$100,000. Surety for this \$100,000 shall be posted at the same time as the Performance Security is posted as addressed in E.12a. Palm Beach County shall **establish** an account to fund the intersection construction using residual funds which were budgeted for **Northlake Boulevard** from **Seminole Pratt Whitney** Road to Coconut Road, and let the project as soon as practical.

Is hereby amended to read:

Prior to issuance of the first building permit, the petitioner shall contribute \$100,000 toward intersection improvements to the intersection of **Military** Trail and Belvedere Road. This contribution shall not be creditable against the project's fair share road impact fee. (BLDG PERMIT: MONITORING - Eng)

10. Prior to site plan certification, the petitioner shall resolve the survey considerations involving the west right-of-way of Country Club Road and the hiatus between the **Wilson** Parcel and Plat **Book** 32 Page 145. (DRC: ENG)

F. CONCURRENCY

1. Prior to site plan certification, the petitioner shall amend the **Concurrency** Reservation for the site (Case # **92-04-27-001-C**) to reflect any reduction in square footage. (Previously Condition **F.1** of Resolution R-93-509, Petition 92-23) (DRC: ZONING)

G. DUMPSTER

1. ~~condition~~ **G.1** of Resolution R-93-509, Petition 92-23, ~~which~~ currently states:

~~All~~ areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within seventy five (75) feet of the east, south and west property lines; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

Is hereby amended to read:

All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within seventy five (75) feet of the east, south and west ultimate right-of-way lines; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ONGOING: CODE ENF)

2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation. Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to tier containers provided for the convenience of pedestrians. (Previously Condition G.2 of Resolution R-93-509, Petition 92-23.) (CO: LANDSCAPE)
3. Prior to site plan certification, the site plan shall be amended to indicate all dumpster and compactor locations. (Previously Condition G.3 of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)

H. ERM

1. Secondary containment for stored regulated substances, including but not limited to fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (Previously Condition H.1 of R-93-509, Petition 92-23.) (ONGOING: ERM)
2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (Previously Condition H.2 of Resolution R-93-509, Petition 92-23.) (BLDG PERMIT: ERM)
3. Condition H.3 of Resolution R-93-509, Petition 92-23, which currently states:

All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be, at a minimum, an area equivalent to eight (8) square feet per linear foot of shoreline. Any areas of planted littoral zone shall not be steeper than six (6) feet horizontal to one (1) foot vertical. The maximum depth of the planted area shall be minus three (-3) feet from OHW. The littoral zone shall be provided with a minimum of three (3) inches of topsoil to promote vegetative growth. The littoral zone shall be planted with appropriate native wetland vegetation, spaced not more than three (3) feet on center or as approved by ERM.

- a. A littoral shelf planting plan and maintenance plan shall be submitted to the Dept. of Environmental Resources Management concurrent with DRC Final Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. (ERM)
- b. Prior to the issuance of a Certificate of Occupancy and within three working days of the completion of littoral plantings ERM shall be notified. This planting shall not be credited as compensation required by wetland permits.

Is hereby deleted.

I. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are **constructed** and used by project tenants **or** owners generating such **effluents**. (Previously Condition 1.1 of Resolution R-93-509, Petition 92-23.) (ONGOING: HEALTH)
2. Water service and sewer service are available to the **property**. ~~There be~~ **no** potable well and/or on-site sewage disposal **system** must **be submitted** to the Health Unit prior to site plan approval. (Previously **Condition 12** of Resolution R-93-509, Petition 92-23.) (ONGOING: HEALTH)
3. The owner occupant, **or** tenant of the facility shall participate in **an oil** recycling program which ensures proper **re-use or** disposal ~~of~~ the waste oil. (Previously Condition 13 of Resolution R-93-509, Petition 92-23.) (ONGOING: HEALTH)

J. TOWN OF GOLFVIEW INTER-LOCAL AGREEMENT

1. Condition J.1 of Resolution R-93-509, Petition 92-23, **which** currently states:

Prior to site plan certification, the petitioner shall obtain **appropriate** approvals from the Town of Golfview, which ensures that the parking requirements of Palm Beach County are met. Any approval the petitioner receives from Golfview must be in compliance with Traffic performance Standards. The Town of Golfview approval **shall** be substantially the **same** as the Palm Beach County approved master site development plan. In addition, the petitioner shall secure a fully executed interlocal agreement by and between the Town of **Golfview** and Palm Beach County which, at a minimum, shall **incorporate** the following:

- a. The Town of Golfview shall agree to make **no** alterations to the final approved master site development plan (Exhibit #32) which would violate the other jurisdictions, Comprehensive Plan, and Development Regulations or conditions of development approval;
- b. The Town **of** Golfview and Palm Beach County shall join **in** the approval of the required plat, in a manner and form which meets State, County and Town requirements;
- c. The Town of Golfview and Palm Beach County shall, as appropriate, consider the abandonment of publicly **dedicated** rights-of-way within the subject property; and,
- d. **The** Town of Golfview shall approve a site plan consistent with **the County's** requirements at the intersection of Military Trail and Belvedere Road (Special intersection Treatment) for a one hundred ten foot (**110'**) urban intersection; and,
- e. **Prior to** any change in site plan, approved master plan **or** any **other** development order, the receiving jurisdiction shall **require** **the** developer to notify and receive confirmation from the **other** jurisdiction that **its** comprehensive plan, land **Development** Regulations **or** conditions of development approval will **not be** violated. **If** no response is received **within 60** days from the date of notification, the receiving jurisdiction may take final action.

Is hereby amended to read:

Prior to site plan certification, **the** petitioner shall obtain the appropriate approvals from the **Town of Golfview** which ensure the parking requirements of Palm Beach County **are** met. Any approval the petitioner receives from Golfview must **be** in compliance with the Countywide Traffic Performance Standards. The Town of Golfview approval **shall be** in conformance with the County approved site plan. In addition, the petitioner shall secure a fully executed inter-local agreement by and between the Town of Golfview and Palm Beach County which, at a minimum, incorporates the following:

- a. The Town of Golfview and Palm Beach County shall agree to make no alterations to the final approved site plan which would violate the other jurisdictions Comprehensive Plan, Land Development Regulations or conditions of development approval;
- b. The Town of Golfview and Palm Beach County shall join in the approval of a plat, if required, in a manner and form which meets State, County and Town requirements;
- c. The Town of Golfview and Palm Beach County shall, as appropriate, consider the abandonment of publicly dedicated rights-of-way within the subject property;
- d. The Town of Golfview shall approve a site plan consistent with the County's requirements at the intersection of Military Trail and Belvedere Road (Special Intersection Treatment) for a one hundred ten foot (110) urban intersection; and,
- e. Prior to any change in the site plan, the receiving jurisdiction shall require the developer to notify and receive confirmation from the other jurisdiction that its comprehensive plan, land development regulations or conditions of development approval will not be violated. If no response is received within 30 days from the date of notification, the receiving jurisdiction may take final action. (DRC: CO ATTY)

K. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (Previously Condition K.1 of Resolution R-93-509, Petition 92-23.) (ONGOING: UTILITIES)

L. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements, all landscape and vegetation preservation conditions of approval. (Previously Condition L.1 of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)
2. Condition L.2 of Resolution R-93-509, Petition 92-23, which currently states:

A minimum twenty five (25) foot landscaped buffer strip within the County jurisdictional portions of the subject site and a minimum fifteen (15) foot landscaped buffer strip within the Town of Golfview municipal boundary lines of the subject site shall be provided along the entire east, south and west perimeter of the subject property.

Is hereby amended to read:

A minimum twenty (20) foot wide landscape **buffer** strip shall be provided along the entire south, east and west perimeters of the subject property. (DRC: ZONING)

3. All required **trees** to be planted on site shall meet the **following** minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (Previously Condition L.3 of Resolution R-93-509, Petition 92-23.) (CO: LANDSCAPE)
4. Landscaping in the RPZ required by the conditions of approval or ULD() may be altered subject to approval of an Alternative Landscape Betterment Plan by the Department of Airports and DRC. (ONGOING: ZONING)

M. LANDSCAPING - INTERIOR

1. Condition M.1 of Resolution R-93-509, Petition 92-23, which currently states:

One landscape island, a minimum of six (6) feet wide, shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred twenty linear feet.

Is hereby amended to read:

One landscape island, a minimum of six (6) feet wide, shall be provide for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)

2. Condition M.2 of Resolution R-93-509, Petition 92-23, which currently states:

At grade level planters shall be installed every third parking space. Each required island shall be a minimum of five (5) feet by five (5) feet square (25 square feet). One native canopy tree and appropriate ground cover shall be planted in each required island.

Is hereby deleted. [REASON: no longer necessary w/other upgrade.]

3. Prior to site plan certification, the site plan shall be amended to indicate typical landscape islands and planting details, subject to approval by the Zoning Division. (Previously Condition M.3 of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)

4. Condition M.4 of Resolution R-93-509, Petition 92-23, which currently states:

Landscaping along all interior vehicular use drives shall include native trees planted a minimum of twenty (20) feet on center and a continuous opaque hedge twenty-four (24) inches in height planted twenty-four (24) inches on center at installation.

Is hereby amended to read:

Landscaping along all interior vehicular use drives shall include native canopy trees planted a minimum of twenty-five (25) feet on center. (CO: LANDSCAPE)

5. Condition M.5 of Resolution R-93-509, Petition 92-23, which currently states:

Prior to site plan certification, the petitioner shall amend ~~the site~~ plan to include a **minimum five (5) foot wide landscape strip** along the south and west facades of ~~the structure(s)~~. The required **landscape** strip shall be placed between the structure and any vehicular space. At a minimum, it shall be planted with one **(1) native canopy tree** for every twenty **(20) linear feet of building facade** and appropriate ground cover, subject to approval by the Zoning Division.

Is hereby amended to read:

Landscape ~~islands~~ shall be provided **along the front and side facades of all new buildings**. The minimum width of the required landscape ~~islands~~ shall be **five (5) feet**. The **combined length of the required landscape islands** shall be **no less than 40% of the total length of the applicable side of the structure**. All required landscape islands shall be planted with a minimum of one **(1) tree or palm every 20 feet on center** and appropriate ground cover. (DRC: ZONING /CO: LANDSCAPE)

6. Landscaped divider medians with at grade bicycle and **pedestrian** cuts shall be provided in the center of all driveways over thirty **(30) feet** in width providing ingress and egress to the site. The minimum width of this median shall be **six (6) feet**. The minimum length of this median shall be **twenty five (25) feet**. A minimum width of **five (5) feet** of landscaped area shall be provided. One native canopy tree **or** native palm tree and appropriate ground cover shall be planted **for** each twenty **(20) linear feet** of the divider median. (Previously Condition M.6 of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)

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

1. Landscaping within the required buffer along Country Club Road, Belvedere Road and Military Trail shall be upgraded to include:
- One **(1) native canopy tree** planted every twenty **(20) feet** on center;
 - One **(1) native palm tree** for each thirty **(30) linear feet** of frontage. A group of three **or** more palm trees may **supersede** the requirement for a native canopy tree in that location; **and**,
 - Thirty **(30) inch high shrub or hedge material** spaced **twenty-four (24) inches** on center at installation. (Previously Condition N.1 of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)

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

1. Condition 0.1 of Resolution R-93-509, Petition 92-23, which currently states:

Landscaping and buffering along the north property line shall be installed in accordance **with** the Landscape Code, the WCRA **overlay** district requirements **and** applicable conditions of approval.

Is hereby amended to read:

Landscaping and **buffering** along the north property line shall be installed in **accordance** with an **Alternative Landscape Betterment Plan** approved by the WCRA and DRC. (DRC: ZONING/CO: LANDSCAPE)

P. LANDSCAPE WITHIN MEDIAN

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

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

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

- A) All plants shall be container grown or field collected and transplanted from the project site.
- B) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (Previously Condition F.1 of Resolution R-93-509, Petition 92-23.) (BLDG PERMIT: MONITORING - Eng)

Q. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. All outdoor lighting shall comply with the requirements of the WCRA Overlay District, aviation easement, the Palm Beach County Department of Airports, the Federal Aviation Administration design guidelines, standards, advisory circulars or other requirements deemed necessary by the Director of Airports. (Previously Condition Q.1 of Resolution R-93-509, Petition 92-23.) (BLDG PERMIT: MONITORING - Bldg/Airports)

R. MASS TRANSIT ACCESS/PARKING

1. Condition R.1 of Resolution R-93309, Petition 92-23, which currently states:

A maximum of 1,349 parking spaces shall be permitted on-site.

Is hereby amended to read:

A maximum of 1118 parking spaces shall be permitted. Additional spaces may be permitted in accordance with Condition W.1. (DRC: ZONING)

2. Condition R.2 of Resolution R-93-509, Petition 92-23, which currently states:

All delivery and/or loading areas along the east property line shall be screened from view by a twelve (12) foot high wing wall consistent with the color and character of the principle structure or alternative landscaping acceptable to the Zoning Division.

Is hereby amended to read:

All delivery and/or loading areas shall be screened from view from Military Trail, Belvedere Road and Country Club Road by twelve (12) foot high wing walls consistent with the color and character of the attached structure or through the use of berms and landscape material to be submitted to and approved by the Zoning Division. (CO: MONITORING - Zoning)

3. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within areas designated on the certified site plan as loading areas. (Previously Condition R.3 of Resolution R-93-509, Petition 92-23.) (ONGOING: CODE ENF)**
4. Prior to site plan certification, ~~the~~ petitioner shall amend the site plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by Palm Tran and/or the County Engineer. (DRC: ZONING)
5. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran, the County Engineer and Department of Airports prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (LDG PERMIT: MONITORING - Eng/Airports)
6. **All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)**
7. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

S. RECYCLE SOLID WASTE

1. ~~As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan to be approved by the Solid Waste Authority of Palm Beach County. (Previously Condition S.1 of R-93-509, Petition 92-23.) (ONGOING: SWA)~~

T. RESTRICTIVE COVENANT

1. ~~Condition T.1 of Resolution R-93-509, Petition 92-23, which currently states:~~

~~Prior to site plan certification, the petitioner shall record a copy of a **Restrictive** Covenant in the public record indicating that all **structures and uses within the PGCD are part of a** single unified planned development, regardless of ownership. **This** covenant shall not be removed, altered, changed or amended without written approval from the County and shall be in a form acceptable to the County Attorney.~~

~~Is hereby deleted. [REASON: same as Condition V.1]~~

U. SIGNS

1. ~~Condition U.1 of Resolution R-93-509, Petition 92-23, which currently states:~~

~~**All** new or replaced point of purchase signs shall be limited as follows:~~

- a. ~~Maximum sign height, measured from finished grade - ten (10) feet;~~
- b. ~~Maximum sign face area per side - 100 square feet;~~
- c. ~~Maximum number of signs - one (1) each on Military Trail and Belvedere Road.~~
- d. ~~Secondary signs shall be limited to one (1) monument sign no larger than twenty (20) square feet and five (5) feet in height for each out-parcel.~~

~~Is hereby amended to read:~~

~~All new or replaced freestanding point of purchase signs shall be limited as follows:~~

- a. ~~Maximum sign height, measured from finished grade to highest point - Belvedere Road: fifteen (15) feet, Military Trail: twenty (20) feet;~~
 - b. ~~Maximum sign face area per side - Belvedere Road: 150 square feet, Military Trail: 200 square feet;~~
 - c. ~~Maximum number of signs - one (1) each on Military Trail and Belvedere Road; and~~
 - d. ~~Style - monument style only.~~
 - e. ~~**Out parcel** identification signs shall be limited to one (1) monument sign no larger than twenty (20) square feet in face area per side and five (5) feet in height, except the convenience store with gas sales.~~
 - f. ~~**Convenience store with gas sales - out parcel** identification signs shall be limited to one (1) monument sign no larger than sixty (60) square feet in face area per side and eight (8) feet in height.~~
 - g. ~~Maximum number of out parcel identification signs - one for each out parcel. (BLDG PERMIT: MONITORING - Bldg)~~
2. ~~Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (Previously Condition U.2 of R-93-509, Petition 92-23.) (DRC: ZONING)~~

V. UNITY OF CONTROL

1. Prior to site plan certification, petitioner shall record in the public record a **Unity of Control** for the entire subject property in a form acceptable to the County Attorney. This Unity of Control **may** be discharged with the approval of the Executive Director of Planning, Zoning and Building and the County Engineer. (Previously Condition V.1 of Resolution R-93-509, Petition 92-23.) (DRC: CO ATTY)
2. There shall **be no** modification to ~~the~~ site plan approved in connection with ~~the~~ reinstated development order, nor any building ~~permits issued~~ for the site until ~~the~~ releases have been disbursed from escrow **per** the **Settlement Agreement** dated September 2, 1997. (BLDG PERMIT: MONITORING-PRM)
3. **Prior to** certification ~~of the~~ site plan, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Atty)

W. USE LIMITATION

1. Condition W.1 of Resolution R-93-509, Petition 92-23, which currently states:

Use of the entire subject property including the portion within the municipal ~~limits~~ of the Town of Golfview town limits shall be limited to a maximum of **315,972** square feet (GFA) of Planned General Commercial Development including:
 - a) **294,972** square feet of general retail and three out parcels totaling **7,200** square feet within unincorporated Palm Beach County; and,
 - b) three **out** parcels totaling **13,800** square feet within the municipal limits of the Town of Golfview.

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 244,588 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less, provided parking requirements are met pursuant to the ULDC. (DRC: ZONING)

2. Condition W.2 of Resolution R-93-509, Petition 92-23, which currently states:

The three major retail areas shall be limited to one story retail with a maximum of **263,313** gross leasable square foot (GLSF).

~~Is~~ hereby deleted. [REASON: no longer required]

3. **Condition W.3 of Resolution R-93-509, Petition 92-23, which currently states:**

No storage or placement of any material, refuse, equipment or debris shall be permitted on site.

Is hereby amended to read:

Outdoor storage or placement of any material, refuse or equipment shall be screened from view in accordance with the ULDC. (ONGOING: CODE ENF)

4. **No more than** twenty-five (25) percent of ~~the~~ total approved square footage ~~or other area~~ indicated as being covered by structures shall **be relocated** to portions of the site not ~~previously~~ covered. (DRC: ZONING)

X. VEGETATION PRESERVATION

1. The petitioner shall preserve or relocate on site the existing **native sabal palms** and incorporate them into the project design. (Previously Condition **X.1** of Resolution R-93-509, Petition 92-23.) (DRC: ERM)
2. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:
 - a. All **sabal** palms to be relocated or preserved shall be **identified** in the field, tagged and numbered.
 - b. The **sabal palms** shall receive appropriate protection **during** site development. **No** clearing shall commence until all **protection** devices are installed by the petitioner, and inspected **and** approved by the Zoning Division. (Previously Condition **X.2** of Resolution R-93-509, Petition 92-23.) (VRP: ERM)

Y. WESTGATE CRA CONDITIONS

1. This site **lies within** the Westgate Community Redevelopment Area and **is subject** to the provisions of Zoning Code Section **627** (Westgate CRA Overlay District), in addition to other applicable zoning district, **special** exception and land development regulations. (Previously Condition **Y.1** of Resolution R-93-509, Petition 92-23.) (DRC: ZONING)
2. Prior to site plan certification, the petitioner shall submit **conceptual** elevations with all materials and **colors** specified, including but not limited to, **roof**, trim, awnings, walls, signs, fences and **screening** of mechanical equipment, utility structures and trash receptacles. (Previously Condition **Y.2** of R-93-509, Petition 92-23.) (DRC: ZONING)
3. **No** advertising flags, foreign flags, pennants, banners, **streamers**, balloons, flashing signs, electronic message boards, etc., shall be permitted on site. **No** gimmicks or advertising designed to **attract** the public's attention off-site **shall** be displayed outdoors or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code. (Previously Condition **Y.3** of Resolution R-93-509, Petition 92-23.) (ONGOING: CODE ENF)
4. **Signage**, subject to approval by the County Engineer, shall be installed at all points of egress from the loading areas that require all **service** and delivery vehicles to turn right only onto Country Club Road. (Previously Condition **Y.4** of Resolution R-93-509, Petition 92-23.) (CO: MONITORING - Eng)
5. A minimum of **two** signs, subject to approval by the County Engineer, shall be installed on Cherty Road east of the intersection of **Country Club Road and Cherry Road** restricting **truck traffic** east of **this intersection** (Previously Condition **Y.5** of Resolution R-93-509, Petition 92-23.) (CO: MONITORING - Eng)
6. Prior to **site** plan certification, the petitioner shall fund a one time **clean-out** of the **existing** section of the **L-2B Canal** between the **L-2 Canal and Belvedere Road**. The **total** expenditure **shall** not exceed **\$8,500.00**. (Previously Condition **Y.6** of Resolution R-93-509, Petition 92-23.) (DRC: ZONING - WCRA)

Z. COMPLIANCE

1. **Conditions Z.1 and 2.2** of Resolution R-93-509, Petition 92-23, which currently **state**:

As provided in Zoning Code Sections 400.2 and 4026, failure to comply with any of these conditions of approval at any time may result in one or more of the following:

- a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any special exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code.
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Are hereby amended to read:

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 stopwork order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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