

RESOLUTION NO. R-99- 708

RESOLUTION APPROVING ZONING PETITION DOA76-007(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PLANET FITNESS INC.
BY SARA LOCKHART, AGENT
(OKEECHOBEE BOULEVARD MUPD)

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

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

WHEREAS, Zoning Petition DOA76-007(C) was presented to the Board of County Commissioners at a public hearing conducted on April 22, 1999; and

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

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

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

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



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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA76-007(C), the petition of Planet Fitness Inc., by Sara Lockhart, agent, for a Development Order Amendment (DOA) to reconfigure the master plan, add building square footage and modify conditions of approval in Resolution R-98-2043 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 April 22, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

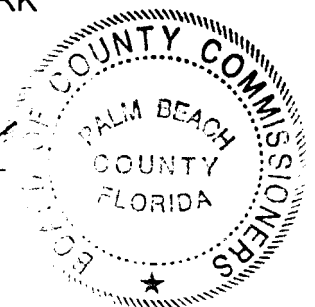


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN PARCEL 4 ACCORDING TO THE PLAT OF GOLDEN LAKES OFFICE PARK AND GOLDEN LAKES PLAZA AS RECORDED IN PLAT BOOK 34, PAGES 178 THROUGH 180, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID PARCEL 4; THENCE SOUTH 00°00'14" WEST ALONG THE EAST LINE OF SAID PARCEL 4, A DISTANCE OF 395.61 FEET; THENCE SOUTH 88°15'51" WEST, ALONG A SOUTHERLY LINE OF SAID PARCEL 4 AND ITS EASTERLY EXTENSION, A DISTANCE OF 1881.27 FEET; THENCE NORTH 00°00'00" EAST, 384.50 FEET; THENCE NORTH 46°05'40" EAST ALONG THE NORTHWEST LINE OF SAID PARCEL 4, DISTANCE OF 36.02 FEET; THENCE SOUTH 87°48'41" EAST, A DISTANCE OF 1753.86 FEET, THENCE SOUTH 87°49'14" EAST, A DISTANCE OF 101.97 FEET TO THE POINT OF BEGINNING, THE LAST FOUR DESCRIBED COURSES BEING COINCIDENT WITH THE BOUNDARY OF SAID PARCEL FOUR.

CONTAINING 17.391 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

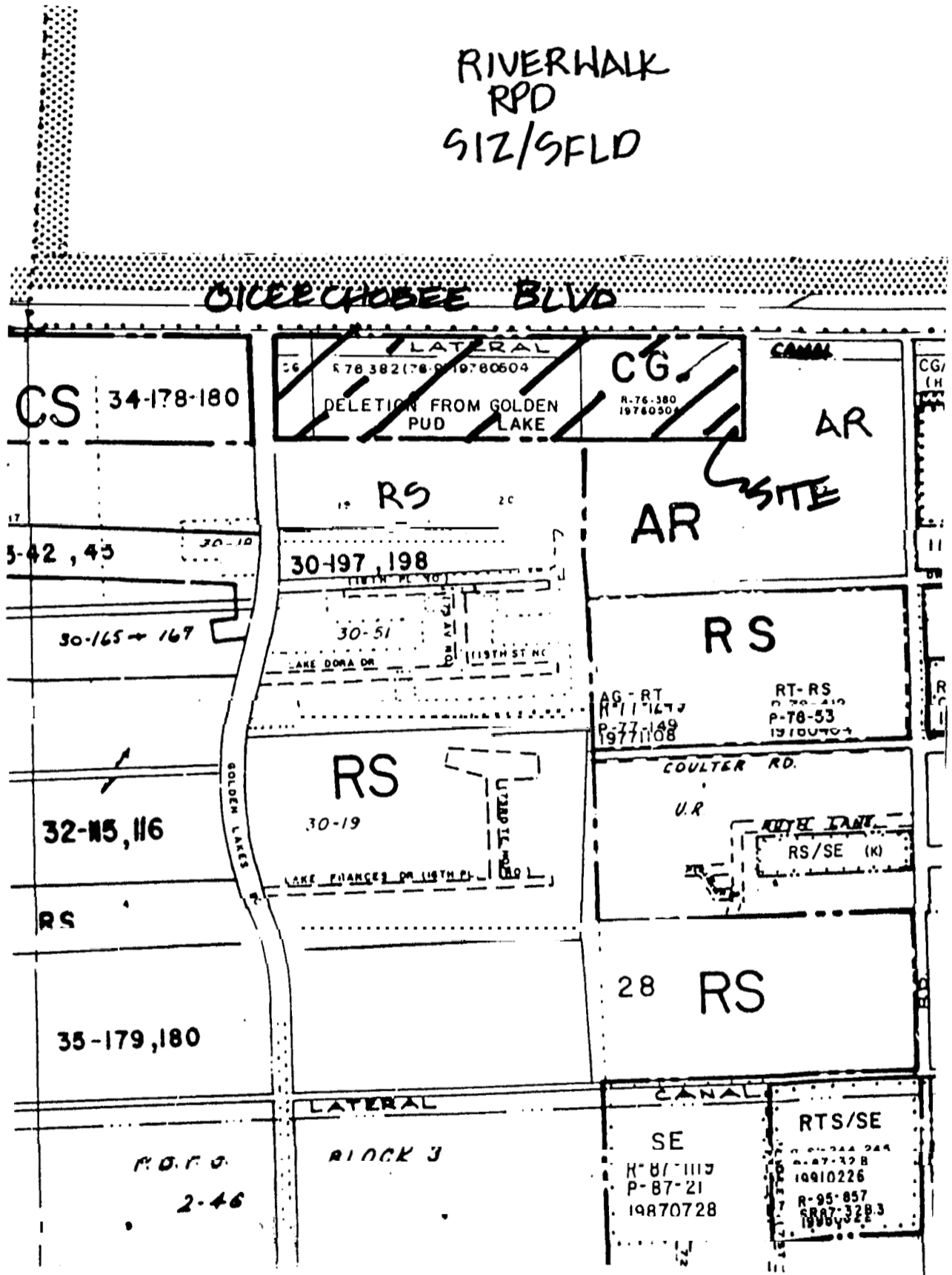


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Previously Condition A.1 of Resolution R-98-2043, petition DOA76-007(B) which currently states:

All previous conditions of approval applicable to the subject property, **as** contained in **Resolutions R-76-380** (Petition 76-007), **have been** consolidated herein. The petitioner shall comply with **all previous conditions of** approval and deadlines previously established by Section **5.8 of the** ULDC and the Board of County Commissioners, **unless** expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-2043 (Petition 76-007(B)), 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. (ONGOING: MONITORING - Zoning)

2. Previously Condition A.2 of Resolution R-98-2043, petition DOA76-007(B) which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated **September 24, 1998**. **All** modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

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

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, building materials, fenestration and roof lines, shall be provided **on** all sides of the buildings. Previously Condition B.1 of Resolution R-98-2043, petition DOA76-007(B)) (BLDG PERMIT: BLDG - Zoning)
2. Previously Condition B.2 of Resolution R-98-2043, petition DOA76-007(B) which currently states:

The proposed Planet Ice building shall be designed and constructed to be consistent with the floor plans prepared by Raymond Berry dated **October 27, 1998** and the facade elevations prepared by Raymond Berry dated November 18, 1998. The Hulett Environmental Services office building shall be designed and constructed to be consistent with the facade elevations prepared by Robert Bell dated November 18, 1998.

Is hereby amended to read:

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

C. BUILDING AND SITE DESIGN

1. Developer shall provide a guardhouse at his expense, south of the Commercial Area, for Golden Lakes Village Condominium. (Previously Condition C.1 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) [NOTE: Has been completed]
2. Developer shall delete the 6.51 acre area projecting southerly from the proposed CG-General Commercial Planned Commercial Development. (Previously Condition C.2 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) [NOTE: Has been completed]
3. Previously Condition C.3 of Resolution R-98-2043, Petition DOA76-007(B) which currently states:

Total gross floor area shall be limited to **115,015** square feet with maximum one thousand (1,000) square feet increase to any combination of office, retail and financial type uses if approved by the Traffic Division.

Is hereby amended to read:

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

4. The minimum setback for all structures adjacent to the east property line shall be thirty-five (**35**) feet. (Previously Condition C.4 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC: ZONING)
5. Previously Condition C.5 of Resolution R-98-2043, Petition DOA76-007(B), which currently states:

The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (**30**) feet. The accessory Gas station canopy shall be limited to a maximum of twenty-five (**25**) feet in height to include attached outdoor lighting fixtures with shielded lighting.

Is hereby amended to read:

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

6. Condition C.6 of Resolution R-98-2043, Petition DOA76-007(B) which currently states:

Public entry/exits to the Indoor Entertainment building shall be limited to the one central door on the north facade as shown on the Floor Plan prepared by Raymond Berry dated October 27, 1998. This condition shall not be applied for required Emergency exits.

Is hereby amended to read:

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

7. **All air conditioning/compressor** equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (Previously Condition C.7 of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: BLDG - Zoning)
8. The area of the site to be used for the dispatching office shall be enclosed by a six (6) foot high concrete wall and/or eight (8) foot high chain link fence with gates locked when the facility is closed. (Previously Condition C.8 of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT/ONGOING: BLDG/CODE ENF - Zoning)
9. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated March 19, 1999. (DRC: ZONING)

D. DUMPSTERS

1. **All** areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within thirty (30) feet of any property line and shall be confined to the areas designated on the site plan. (Previously Condition D.1 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC/ONGOING: ZONING/CODE ENF)

E. ENGINEERING

1. Developer shall construct the following at Okeechobee Boulevard and the eastern most North entrance:
 - a. Left turn lane from the east approach, Stage 2 (Complete)
 - b. Right turn lane from the west approach, Stage 3
(Delete: Duplicate condition)
 - c. Signalization of the intersection, Stage 4, or earlier as warranted.
(Delete: Duplicate condition) (Previously Condition E.1 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG)

2. Developer shall construct the following at the intersection of Okeechobee Boulevard and Golden Lakes Boulevard:
 - a. Right turn lane from the west approach, Stage 2
(Delete: Duplicate condition)
 - b. Signalization of the intersection, Stage 3, or earlier as warranted (Complete)
 - c. Additional left turn lane from the east approach, Stage 4. (Delete: duplicate condition) (Previously Condition E.2 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG)

3. Developer shall construct the following at Golden Lakes Boulevard and the Marginal Access Road:
 - a. Left turn lane from the north approach, Stage 3 (Complete)
 - b. Through-right turn lane from the south approach, Stage 3 (Complete)
 - c. Additional right turn lane from the south approach, Stage 4 (Complete)
 - d. Right turn lane from the east approach, Stage 3 (Delete traffic impact study identifies this turn lane no longer required.)
 - e. Through-left turn lane from the east approach, Stage 3 (Delete: Duplicate Condition)
 - f. Additional left turn lane from the east approach, Stage 4 (Delete: Duplicate Condition)
 - g. Signalization of the intersection, Stage 3, or earlier as warranted. (Delete traffic impact study identifies this condition is no longer required.) (Previously Condition E.3 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG)

4. Prior to the issuance of any building permits the Developer shall **convey** to Palm Beach County, the additional right-of-way required for the ultimate right-of-way for Okeechobee Boulevard. (Previously Condition E.4 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) (Complete)

5. Prior to the issuance of any building permits the Developer shall **convey** the right-of-way for Benoist Farms Road. (Previously Condition E.5 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) (Complete)

6. Developer shall bond the construction of Benoit Farms Road, which shall be constructed by the Developer as a **two (2)** lane paved facility from Okeechobee Boulevard to Belvedere Road. Said construction to be concurrent with the construction of Stage 4. (Previously Condition E.6 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) (Complete)
7. Developer shall plat the development in accordance with the Subdivision and Platting Regulations. (Previously Condition E.7 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) (Complete, however new conditions will require the replatting of Parcel 4)
8. Developer shall enter into a joint application with Golden Lakes Village Condominium to request the reversion of Golden Lakes Boulevard and Golden River Drive from ~~eighty (80)~~ foot publically dedicated collectors, as they effect the condominium area of Golden Lakes Village. (Previously Condition E.8 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) [NOTE: Completed]
9. Developer will provide for all inner roads in the condominium area of Golden Lakes Village to become private. (Previously Condition E.3 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) [NOTE: Completed]
10. Developer shall provide a control mechanism at the construction entrance at the south end of the project to insure that all construction vehicles will be instructed to use this entrance. A gate system shall be placed across the roadway when there is no construction activity. (Previously Condition E.10 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG) [NOTE: Completed]
11. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (Previously Condition E.11 of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: MONITORING - Eng)
12. The Property owner shall construct concurrent with paving and drainage improvements for Parcel C:
 - a. Right turn lane west approach on Okeechobee Boulevard at the entrance to Parcel "C".
 - b. Right turn lane west approach on Okeechobee Boulevard at its intersection with Golden Lakes Boulevard.
 - c. A left turn lane east approach, and a separate thorough/right turn lane east approach at Golden Lakes Boulevard and the Marginal Access Road:

1) All construction shall be concurrent with the paving and drainage improvements for Parcel "C". Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

2) Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for Parcel "C". (ENG)

3) Construction shall be completed prior to the issuance of the Certificate of Occupancy for Parcel "C". (Previously Condition E. 12 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: MONITOR NG-Eng)

13. Prior to the issuance of a Building Permit the developer shall replat Parcel 4 in accordance with provisions of the Unified Land Development Code. Replat. (Previously Condition E. 13 of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: MONITORING - Eng)

14. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Okeechobee Boulevard Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (Previously Condition E.14.A of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: ENG)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance

- includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during period!; of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of Certificate of Occupancy. (Previously Condition E.14.B of Resolution R-98-2043, Petition DOA76-007(B)) (CO: MONITORING-Eng)
- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (Previously Condition E.14.C of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: MONITORING - Eng)
15. Prior to the site plan approval by the Development Review Committee, the property owner shall amend the site plan to provide for a minimum code required access to the parcel south of Parcel C. This parcel is identified as "MR/5 AR Vacant" shown on the site plan dated 7/6/98. (Previously Condition E.15 of Resolution R-98-2043, Petition DOA76-007 (B)) (DRC APPROVAL: ENG)
16. The Property Owner shall fund the cost of signal installation if and when warranted as determined by the County Engineer and the Florida Department of Transportation at the project east entrance and Okeechobee Boulevard. (Previously Condition E.16 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG).
17. The Property Owner shall construct an additional left turn lane east approach on Okeechobee Boulevard at Golden Lakes Boulevard if and when warranted as determined by the County Engineer and the Florida Department of Transportation.
- A. Any and all costs associated with the construction shall be funded by the property owner. These costs shall include, but are not limited to, utility relocations and signal modifications.
- B. Permits required by the Florida Department of Transportation for this construction shall be obtained within 90 days notification by either the Florida DOT or the County Engineer. (ONGOING: ENG)
- C. Construction shall be completed within 6 months after permit approval by the Florida Department of Transportation. (Previously Condition E.17 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: ENG)
18. Property owner shall request a conceptual permit for a full median opening on Okeechobee Boulevard from the Florida DOT prior to site plan approval. (Previously Condition E.18 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC APPROVAL: ENG)
19. Construction by the property owner of the full median opening, if approved, shall be completed prior to the issuance of a CO for Planet Ice. (Previously Condition E.19 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: MONITORING - Eng)

20. The indoor entertainment use shall be restricted to two (2) ice skating rinks. The indoor entertainment use pro shop shall operate as an accessory use. (ONGOING: ENG)
21. Developer shall install traffic calming devices on the marginal access road which parallels Okeechobee Boulevard from Golden Lakes Boulevard east to the ice skating rink subject to the approval of the County Engineer. These shall consist of a minimum of two (2) traffic calming devices, one in advance of the Golden Lakes Boulevard stop sign at the marginal access road, (west bound traffic), the second traffic calming device shall be located midway between the skating rink and Golden Lakes Boulevard. These devices shall be installed prior to the issuance of a Certificate of Occupancy for the second rink. CO: MONITORING - Eng)
22. Developer shall install a pedestrian pathway along the marginal access road from Golden Lakes Boulevard to the skating rink, subject to the approval of the County Engineer. This shall be installed prior to the issuance of the Certificate of Occupancy for the second rink. (CO: MONITORING - Eng)
23. The Developer will contribute its pro rata share of maintenance costs for that portion of Golden Lakes Boulevard right-of-way abutting the commercial property. The extent of the contribution will be determined by execution of a written agreement between the Golden Lakes Village Association, Inc. and the Developer which provide essentially as follows:
 - a. The Association will identify the current maintenance costs for this segment of roadway;
 - b. The Developer will provide a traffic analysis to the satisfaction of the County Engineer that identifies the relative contribution to total traffic on the roadway link attributable to each project that uses the roadway for ingress and egress. Based on this traffic study, a percentage of contribution will be determined which is proportionate to each property owner's share of the total traffic; and,
 - c. The Developer's cash contribution to the Association's maintenance costs will be determined by multiplying its proportionate share by the current maintenance cost. The agreed contribution will be increased annually at the rate of three (3) percent. (ONGOING: ENG)
24. The Property owner shall construct a right turn lane west approach on Okeechobee Boulevard at Golden Lakes Boulevard.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way; (ENG)
 - b. Permits required by Florida Department of Transportation for this construction shall be obtained prior to the issuance of the building permit for the ice skating rink building. (BLDG PERMIT: Monitoring- Eng); and,
 - c. Construction shall be completed prior to the issuance of Certificate of Occupancy for the ice skating rink building. (CO: MONITORING- Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification.** (Previously Condition F.1 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC: EfRM)

G. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities; are constructed and used by project tenants or owners generating such effluent. (Previously Condition G. 1 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (Previously Condition G.2 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: HEALTH/CODE ENF)

H. LANDSCAPING - STANDARD

1. Fifty (**50%**) percent of all canopy trees required to be planted on site by this approval, shall meet the following minimum standards; at installation:
 - a. Tree height: Fourteen (**14**) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: Seven (**7**) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previously Condition H.1 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, shall meet the following minimum standards at installation and shall not include the use of Sabal Palms in the Landscape Plan:
 - a. Palm heights: Twelve (**12**) feet clear trunk;
 - b. Clusters: Staggered height twelve (**12**) to eighteen (**18**) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previously Condition H.2 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (Previously Condition H.3 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD FRONTAGE)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty (**20**) foot wide landscape buffer strip;

- b. A minimum two to three foot high undulating berm with an average height of two and one-half **(2.5)** feet measured from top of curb;
- c. Equivalent of one **(1)** canopy tree planted every twenty **(20)** Feet of linear property line;
- d. Equivalent of one **(1)** palm for each twenty-five **(25)** linear feet of frontage with a maximum spacing of fifty **(50)** feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and
- e. Twenty-four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (Previously Condition 1.1 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE)

J. LANDSCAPING ALONG SOUTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall include:
 - a. A minimum fifteen **(15)** foot wide landscape buffer strip along the south property line (including a five **(5)** foot overlap within the **50'** Platted Ingress/Egress Easement);
 - b. Continuous two **(2)** foot high berm measured from top of curb with a six **(6)** foot high vinyl coated chain link fence;
 - c. Equivalent of one **(1)** canopy tree planted every twenty **(20)** feet of linear property line;
 - d. Equivalent of one **(1)** palm to be located on the exterior side of the fence for each twenty-five **(25)** linear feet of property line, with a maximum spacing of fifty **(50)** feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty-four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of seventy-two **(72)** inches on the plateau of the berm. (Previously Condition J.1 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE)

K. LANDSCAPING ALONG EAST PROPERTY LINE (ACROSS FROM R.V. Park)

- 1. Landscaping and buffering along the east property line shall include:
 - a. A minimum fifteen **(15)** foot wide landscape buffer strip;
 - b. Continuous two foot high berm measured from top of curb;
 - c. Equivalent of one **(1)** canopy tree planted every twenty **(20)** feet of linear property line;
 - d. Equivalent of one **(1)** palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of fifty **(50)** feet on center between clusters. A group of three or more palm may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty-four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches on the plateau of the berm. (Previously Condition K.1 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE)

L. LANDSCAPING - INTERIOR

1. Condition L.1 of Resolution R-98-2043, Petition DOA76-007(B) which currently states:

Landscaped divider medians shall be installed as shown on the Preliminary Development Plan dated September **24, 1998**.

Is hereby amended to read:

Landscaped divider medians shall be installed as shown on the Preliminary Development Plan dated March 19, 1999. (DRC: ZONING)

2. Landscaped divider medians with at grade bicycle and pedestrian **cuts** shall be provided in the center of all driveways over thirty **(30) feet** in width providing ingress or egress to the site. The minimum width of this median shall be six **(6) feet**. The minimum length of this median shall be twenty five **(25) feet**. A minimum width of five **(5) feet** of landscaped **area** shall be provided. One tree and appropriate ground cover shall be planted for each twenty **(20)** linear feet of the divider median. (Previously Condition L.2 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC: ZONING)
3. Foundation planters shall be provided along all facades (**except** dispatch loading area) of all structures to consist of the following:
- a. The minimum width of the required landscape areas shall be five **(5) feet**;
 - b. The length of the required landscaped areas shall be no less than **75%** of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one **(1)** tree or palm for each twenty **(20)** linear foot of **building** facade and appropriate ground cover. (Previously Condition L.3 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC/ CO: ZONING/ LANDSCAPE)
4. Landscaping along the Hulett parking/dispatch area shall include the following:
- a. The minimum width of the required landscape area shall be Five **(5) feet**. (Previously Condition L.4 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE - Zoning)
5. Landscaping along the east and south property line of the Hulett parking/dispatch area shall include:
- a. A eight **(8)** foot high vinyl coated chain link fence. (Previously Condition L.5 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE)
6. The following landscaping requirements shall be installed on the exterior perimeter of the Hulett parking/dispatch area:
- a. a minimum ten **(10)** foot wide landscape strip along the north side of the **50'** Platted Ingress/Egress Easement;
 - b. One **(1)** canopy tree planted every twenty **(20)** feet on center:

- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (Previously Condition L.6 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: LANDSCAPE)

M. LIGHTING

1. Condition M.1 of Resolution R-98-2043, Petition DOA76-007(B), which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Building Security Code, shielded and directed down and away from adjacent properties and streets. (ONGOING: BLDG/CODE ENF - Zoning)

2. **All** outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (Previously Condition M.2 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: BLDG - Zoning)
3. **All** outdoor lighting fixtures shall be set back a minimum of fifty feet from the east and south property lines. (Previously Condition M.3 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: BLDG - Zoning)
4. **All** outdoor lighting shall be extinguished no later than thirty (30) minutes after the hours of operation, excluding security lighting only. (Previously Condition M.4 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF)
5. The lighting conditions above shall not apply to proposed security or low voltage landscaped accent type lights used to emphasize plant material. (Previously Condition M.5 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF)
6. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition M.1 above. (CO/ONGOING: BLDG/CODE ENF - Zoning)

N. MASS TRANSIT

1. **A.** Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (Previously Condition N.1.A of Resolution R-98-2043, Petition DOA76-007(B)) (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Previously Condition N.1.B of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: MONITORING - Eng)

2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (Previously Condition N.2 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: PALM TRAN)

3. Commercial locations which are open to the public shall not restrict public mass transit access. (Previously Condition N.3 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: PALM TRAN)

O. MUPD

1. Condition 0.1 of Resolution R-98-2038, Petition DOA76-007(B)

Total gross floor area shall be limited to a maximum of **115,015** square feet with maximum one thousand (**1,000**) square feet increase to any combination of office, retail and financial type permitted uses if approved by the Traffic Division. All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated September 24, 1998).

Is hereby amended to read:

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

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building and roof materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from

the Zoning Director. (Previously Condition 0.2 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC: ZONING - Co Att)

3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be **recorded** in the public record in a manner and form acceptable to the **County** Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition 0.3 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC: ZONING - Co Att)

4. Condition 0.4 of Resolution R-98-2043, Petition DOA76-007(B) which currently states:

All roofs shall be either mansard or pitched style with barrel tile, cement tile or stand seams on all four **(4)** sides.

Is hereby amended to read:

All roofs shall be either mansard or pitched style or have different height elevations on the same building to reduce the appearance of blank or monotonous walls. Roof material shall be barrel tile, cement tile, or stand seams on all four (4) sides. (BLDG PERMIT: BLDG - Zoning)

P. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading, dispatch and delivery areas. (Previously Condition P.1 of Resolution R-98-2038, Petition DOA76-007(B)) (ONGOING: CODE ENF)

2. Condition P.2 of Resolution R-98-2043, Petition DOA76-007(B) which currently states:

Parking or loading shall not be permitted within forty **(40)** feet of the south and east property lines.

Is hereby amended to read:

Loading shall not be permitted within forty (40) feet of the south and east property lines. (DRC/ONGOING: ZONING/CODE ENF)

3. Prior to final site plan certification by the Development Review Committee, the parking data on the site plan shall be revised to reflect the correct required and proposed parking totals for the MUPD and justification of the differences between the required and proposed parking based on Section 7.2.C.1.g of the ULDC. (DRC: ZONING)

Q. SIGNS

1. Freestanding point of purchase sign, Sign A, fronting on Okeechobee Blvd shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (Previously Condition Q.1 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: BLDG)
2. Freestanding point of purchase sign, Sign B, fronting on Okeechobee Blvd shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (Previously Condition Q.2 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: BLDG)
 3. Entry Wall Sign for **POD I** (office/retail commercial plaza) fronting on Okeechobee Blvd shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area - 60 square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - entry wall only. (Previously Condition Q.3 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: BLDG)
 4. The existing freestanding point of purchase sign, fronting on Okeechobee Blvd, in front of the existing bank, shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty-two (22) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1). (Previously Condition Q.4 of Resolution R-98-2043, Petition DOA76-007(B)) (CO: BLDG)
 5. Wall signage for the proposed buildings and canopies shall be limited to the north facades facing Okeechobee Boulevard. (Previously Condition Q.5 of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: BLDG - Zoning)

R. USE LIMITATIONS

1. Condition R.1 of Resolution R-98-2038, Petition DOA76-007(B)

Use of the site shall be limited to the following uses and in the locations as indicated on the site plan dated September 24, 1998:

- a. Office - 41,265 sq. ft.;
- b. Retail - 25,150 sq. ft.;
- c. Convenience store with gas sales - 2,520 sq. ft. and 6 pumps (maximum/12 fueling stations) and accessory car wash 900 sq. ft.;
- d. Dispatching office - 4,800 sq. ft.;

- e. Indoor Entertainment - 38,700 sq. ft.; and
- f. Financial Institution - 1,680 sq. ft. (existing).
- g. Total gross floor area shall be limited to a maximum of **115 015** square feet with maximum one thousand (1,000) square Feet increase to any combination of office, retail and financial **type** permitted uses if approved by the Traffic Division.

Is hereby amended to read:

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

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

2. Condition R.2 of Resolution R-98-2043, Petition DOA76-007(B)

Indoor entertainment shall be limited to ice skating and accessory **uses** for concessions and retail sales as shown **on** the floor plan for Planet Ice prepared by Raymond Berry dated October 27, 1998.

Is hereby amended to read:

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

3. Condition R.3 of Resolution R-98-2043, Petition DOA76-007(B)

The ice skating rinks may be open to the public from 8:00 a.m. to 10:00 p.m. Sunday thru Thursday and 8:00 a.m. **to** 12:00 a.m. Friday **and** Saturdays.

Is hereby amended to read:

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

4. The petitioner shall provide a uniformed security guard for the ice skating facility from dusk to thirty (30) minutes after closing, to **ensure** that after each skating session no loitering is permitted in the parking lot. (Previously Condition R.4 of Resolution R-98-2043, Petition DOA 76-007(B)) (ONGOING: CODE ENF)

5. Advertising for the Indoor Entertainment (Planet Ice) shall not promote advertising for concessions and retail sales within the facility. (Previously Condition R.5 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF)
6. Retail business activity shall not be allowed on site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. daily. (Previously Condition R.6 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF - Zoning)
7. Hours of operation for the proposed uses shall be as follows: the office/retail hours of operation shall be limited from 6:00 a.m. to 10:00 p.m. daily. This condition shall not apply to the Convenience store with gas sales facility or the ice skating rink. (Previously Condition R.7 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF)
8. The car wash facility shall utilize a 100% water recycling system. (Previously Condition R.8 of Resolution R-98-2043, Petition DOA76-007(B)) (BLDG PERMIT: BLDG)
9. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (Previously Condition R.9 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF)
10. There shall be no outdoor repair or storage of vehicles or parts on site. (Previously Condition R.10 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF)
11. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (Previously Condition R.11 of Resolution R-98-2043, Petition DOA76-007(B)) (DRC/ONGOING: ZONING/CODE ENF)
12. There will be no mixing of chemicals or pesticide products on-site. The products used will be mixed at the site being serviced. (Previously Condition R.12 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: CODE ENF)

S. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (Previously Condition S.1 of Resolution R-98-2043, Petition DOA76-007(B)) (ONGOING: MONITORING-Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of

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

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provision 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. (Previously Condition S.2 of Resolution R-98-2043, Petition DOA76-007(B)) (MONITORING)