

RESOLUTION NO. R-2015- 1353

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2015-00326  
(CONTROL NO. 1986-00150)  
a Development Order Amendment  
APPLICATION OF Lakeside Dev Corp  
BY Urban Design Kilday Studios, AGENT  
(Lakeside Centre )

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, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2015-00326 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2015;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment ; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/DOA/R-2015-00326, the application of Lakeside Dev Corp, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Site Plan, modify and delete Conditions of Approval (Signage), and add two Requested Uses., 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 24, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	- Absent
Commissioner Mary Lou Berger, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Absent
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2015.

Filed with the Clerk of the Board of County Commissioners on September 29th, 2015

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A TRACT OF LAND LYING IN THE PALM BEACH COUNTY, FLORIDA BEING PORTIONS OF TRACTS 67, 68, 69, 70, 71, 93, 94, 95 AND 96 OF BLOCK 76 OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD (S.R. 808) AND THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE (SAID POINT BEING 40.00 FEET FROM THE CENTERLINE OF S.R. 808);

THENCE RUN DUE WEST WITH AN ASSUMED BEARING, ALONG SAID SOUTHERLY LINE 60.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SHELL PIT ROAD (ALSO KNOWN AS BOCA RIO ROAD)(A 60 FOOT ROAD RIGHT-OF-WAY);

THENCE S00 DEGREE 43'00"E, ALONG SAID WESTERLY LINE 235.00 FEET;

THENCE S90 DEGREE 00'00"W, 20.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SHELL PIT ROAD (BOCA RIO ROAD) AND THE POINT OF BEGINNING;

THENCE S00 DEGREE 43'00"E, ALONG SAID WESTERLY LINE, 840.09 FEET;

THENCE N90 DEGREE 00'00"W 330.00 FEET;

THENCE N00 DEGREE 00'00"W 100.00 FEET;

THENCE N90 DEGREE 00'00"W 98.10 FEET TO THE POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 65.00 FEET;

THENCE FROM A TANGENT BEARING N43 DEGREE 48'47"W, RUN NORTHWESTERLY ALONG SAID CURVE 26.74 FEET THROUGH A CENTRAL ANGLE OF 23E34'01";

THENCE DUE NORTH 85.00 FEET;

THENCE S90 DEGREE 00'00"W 185.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 145.00 FEET;

THENCE RUN SOUTHWESTERLY ALONG SAID CURVE 213.82 FEET, THROUGH A CENTRAL ANGLE OF 84 DEGREE 29'28" TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95 DEGREE 30'32" A DISTANCE OF 33.34 FEET;

THENCE N90 DEGREE 00'00"E 59.42 FEET;

THENCE S00 DEGREE 00'00"E 47.00 FEET;

THENCE S90 DEGREE 00'00"W 2.29 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 200.00 FEET;

THENCE RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREE 00'00" A DISTANCE OF 314.16 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 420.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07 DEGREE 07'18" A DISTANCE OF 52.20 FEET;

THENCE N82 DEGREE 52'42"E RADIAL TO THE PREVIOUS CURVE, 53.19 FEET;

THENCE N64 DEGREE 30'43"E, 95.00 FEET;

THENCE N25 DEGREE 29'17"W, 40.00 FEET;

THENCE N00 DEGREE 43'00"W, 106.72 FEET;

THENCE S89 DEGREE 17'00"W, 77.90 FEET;

THENCE N30 DEGREE 10'50"W, 22.04 FEET;

THENCE S59 DEGREE 49'10"W, 98.00 FEET TO THE POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 420.00 FEET;

THENCE FROM A TANGENT BEARING OF N30 DEGREE 10'50"W, RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 59 DEGREE 08'05" A DISTANCE OF 433.48 FEET;

THENCE N00 DEGREE 00'00"E 390.01 FEET;

THENCE N45 DEGREE 00'00"E 35.36 FEET TO A POINT OF INTERSECTION WITH THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD, SAID POINT BEING 80.00 FEET SOUTH OF THE EXISTING CENTERLINE OF SAID ROAD;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE: N90 DEGREE 00'00"E 405.25 FEET;

THENCE S86 DEGREE 11'09"E 165.37 FEET;

THENCE N90 DEGREE 00'00"E 127.76 FEET;

THENCE N00 DEGREE 00'00"W 11.00 FEET;

THENCE N90 DEGREE 00'00"E 43.00 FEET;

THENCE S00 DEGREE 00'00"E 0.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 205.06 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41 DEGREE 33'43" A DISTANCE OF 148.75 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 115.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREE 16'40" A DISTANCE OF 84.86 FEET, THE POINT OF TANGENCY OF SAID CURVE;

THENCE S00 DEGREE 43'00"E A DISTANCE OF 43.54 FEET;

THENCE N89 DEGREE 17'00"E A DISTANCE OF 186.52 FEET;

THENCE S00 DEGREE 43'00"E A DISTANCE OF 104.10 FEET;

THENCE N89 DEGREE 17'00"E A DISTANCE OF 175.00 FEET;

THENCE N00 DEGREE 43'00"W A DISTANCE OF 153.59 FEET;

THENCE N89 DEGREE 17'00"E A DISTANCE OF 80.02 FEET;

THENCE N00 DEGREE 43'00"W A DISTANCE OF 7.50 FEET;

THENCE N90 DEGREE 00'00"E A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 878,393 SQUARE FEET (20.165 ACRES), MORE OR LESS.

TOGETHER WITH:

PARCEL 2:

A TRACT OF LAND LYING IN THE PALM BEACH COUNTY, FLORIDA BEING PORTIONS OF TRACTS 67, 68, AND 69 OF BLOCK 76 OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Application No. ZV/DOA/R-2015-00326

Control No. 1986-00150

Project No 05000-187

COMMENCE AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD (S.R. 808) AND THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE (SAID POINT BEING 40.00 FEET FROM THE CENTERLINE OF S.R. 808);

THENCE RUN DUE WEST WITH AN ASSUMED BEARING ALONG SAID SOUTHERLY LINE 60.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SHELL PIT ROAD (ALSO KNOWN AS BOCA RIO ROAD)(A 60 FOOT ROAD RIGHT-OF-WAY);

THENCE S00 DEGREE 43'00"E, ALONG SAID WESTERLY LINE 235.00 FEET;

THENCE S90 DEGREE 00'00"W A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL:

RUN THENCE N00 DEGREE 43'00"W A DISTANCE OF 184.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD, SAID POINT BEING 91.00 FEET SOUTH OF THE EXISTING CENTERLINE OF SAID ROAD;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE, N88 DEGREE 05'30"W A DISTANCE OF 330.32 FEET;

THENCE N90 DEGREE 00'00"W, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, 28.34 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN S00 DEGREE 00'00"E A DISTANCE OF 0.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 205.06 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41 DEGREE 33'40", A DISTANCE OF 148.75 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 115.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREE 16'40" A DISTANCE OF 84.86 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

THENCE S00 DEGREE 43'00"E, A DISTANCE OF 43.54 FEET;

THENCE N89 DEGREE 17'00"E, A DISTANCE OF 186.52 FEET;

THENCE S00 DEGREE 43'00"E, A DISTANCE OF 104.10 FEET;

THENCE N89 DEGREE 17'00"E, A DISTANCE OF 175.00 FEET;

THENCE N00 DEGREE 43'00"W, A DISTANCE OF 153.59 FEET;

THENCE N89 DEGREE 17'00"E, A DISTANCE OF 80.02 FEET;

THENCE N00 DEGREE 43'00"W, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 114,775 SQUARE FEET (2.635 ACRES), MORE OR LESS.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A CALCULATED NET AREA OF 993,605 SQUARE FEET (22.810 ACRES), MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

EXHIBIT B

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**PALM BEACH COUNTY  
VICINITY SKETCH / ZONING**

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LOCATION MAP

The location map shows a grid of roads. Boca Rio Road is on the left, Florida Turnpike is in the center, and Interstate 95 is on the right. Glades Road runs horizontally across the top. A small rectangular box labeled 'SITE LOCATION' is positioned at the intersection of Boca Rio Road and Florida Turnpike. A north arrow is located in the bottom left corner of the map area, with the text 'N.T.S.' below it.

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	<p>Control No.: <u>1986-150</u></p> <p>Zoning Quad Page: <u>53</u></p> <p>Date: <u>February 18, 2015</u></p>	 <p>North</p>
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## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Section 5.8 of the ULDC compliance, as amended, unless expressly modified. Is hereby amended to read: All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-1371 (Petition 86-1 50A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

##### Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2002-1959, (Control No.1986- 150(A) and have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous A Condition 2 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 13, 2002. 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:

The approved Preliminary Site Plan is dated July 9, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. The rear facade(s) of the shopping center shall be given architectural treatment compatible with the front of the center. The design will avoid an incompatible industrial appearance. (ONGOING: ZONING - Zoning) (Previous B Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

2. Previous B Condition 3 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

To ensure consistency with the architectural style of the surrounding area. The architectural treatments shall be identical to the 'Wellington Style' store used in the Wellington PUD.

**Is hereby deleted.** [REASON: Architectural review is now subject to ULDC Article 5.C.]

## **ENGINEERING**

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement for Boca Rio Road to Palm Beach County along the entire frontage of Boca Rio Shops. 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. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Boca Rio Road, 80 feet west of the existing east right of way line of Boca Rio Road. This additional right of way shall be conveyed on or before December 1, 2003 or prior to the issuance of the Building Permit for the site previously occupied by the Checkers Fast Food Restaurant, whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and 'Corner Clips'. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2002-1959, Control No.1986-00150)

3. The property owner shall construct an eight (8) foot bike path along Boca Rio Road as outlined in condition Nos. 11 and 12 above. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2002-1959, Control No.1986-00150)

4. The developer shall retain 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 85% of the storm water runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. 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 reviewed by the Code Enforcement Board for enforcement. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2002-1959, Control No.1986-00150)

5. The property owner shall convey for the ultimate right-of-way for:

- a. Glades Road, 80 feet from centerline
- b. Boca Rio Road, 80 feet west of the existing east right of way line of Boca Rio Road
- c. the construction of a right turn lane, west approach on Glades Road at the project's main entrance road All within 90 days of the approval of the Resolution approving this project. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2002-1959, Control No.1986-00150)

6. Previous ENGINEERING Condition 6 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

Concurrent with onsite paving and drainage improvements, or concurrent with the widening of Glades Road under the Florida Turnpike, whichever shall first occur, the property owner shall construct:

- a. a right turn lane, west approach on Glades Road at the project's main entrance road; and,
- b. Boca Rio Road as a 5 lane undivided section from Glades Road to the project's middle entrance plus the appropriate tapers and any turn lanes. Plan for this section of road shall be submitted to the office of the County Engineer prior to the letting of the contract for the Glades Road underpass.

**Is hereby amended to read:**



Concurrent with onsite paving and drainage improvements, or concurrent with the widening of Glades Road under the Florida Turnpike, whichever shall first occur, the property owner shall construct:

a. Boca Rio Road as a 5 lane undivided section from Glades Road to the project's middle entrance plus the appropriate tapers and any turn lanes. Plan for this section of road shall be submitted to the office of the County Engineer prior to the letting of the contract for the Glades Road underpass. [Note: COMPLETED] (ONGOING: ENGINEERING - Engineering)

7. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Boca Rio Road along the property frontage along Boca Rio Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. Additionally, this property owner shall accommodate to the extent possible, based on a drainage study provided by the adjacent trailer park and approved by the county engineer, the ability of the adjacent trailer park to drain through this proposed project's drainage system. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2002-1959, Control No.1986-00150)

8. Previous ENGINEERING Condition 8 of Resolution R-2002-1959, Control No.1986-00150, which 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 proposed Checkers 9. I O . 11. 12. Restaurant at the time of the Building Permit presently is \$22,248.00 (809 external trips X \$27.50 per trip)

**Is hereby deleted.** [REASON: Code Requirement]

9. In order to comply with the mandatory traffic performance standards, the property owner shall be issued no building permits until:

a. Palmetto Park Road is open to traffic from SR 7 to Powerline Road (including the Turnpike overpass),

b. Twelve (12) months after the construction has begun for the Glades Road/Turnpike interchange Conditions No. 16 a) and 16 b) shall also be deed restricted prior to site plan certification. Once the roads are constructed in accordance with Conditions 16 a) and 16 b), a document evidencing satisfaction of the conditions may be executed by the Executive Director of the Palm Beach County Planning, Zoning and Building Department and may be recorded. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2002-1959, Control No.1986-00150)

10. The property owner shall install signalization if warranted as determined by the County Engineer at:

a. project's entrance and Boca Rio Road

b. project's entrance and Glades Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2002-1959, Control No.1986-00150)

11. If valet or other limited access parking is to be provided for the hotel, it shall be restricted to the parking spaces in excess of the minimum required by Section 7.2 of the PBC ULDC. (ZONING/CODE ENFORCEMENT) (Previous Condition E. 10 of Resolution R-93-1371) (ONGOING: ZONING - Code Enforcement) (Previous ENGINEERING Condition 11 of Resolution R-2002-1959, Control No.1986-00150)

12. Prior to site plan certification, the developer shall revise the subject site plan to align the parking aisles in the southeast corner of the site in accordance with the County

Engineer's approval to provide for a smooth traffic flow. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2002-1959, Control No.1986-00150)

13. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

14. Prior to issuance of the first building permit, the Property Owner shall abandon all easements in conflict with existing and proposed buildings. (BLDGPM: MONITORING - Engineering)

15. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

16. The Property Owner shall construct a right turn lane, west approach on Glades Road at the west access point. The right turn lane shall have a minimum of 280 foot storage length plus a 50 foot taper length, or as approved by the County Engineer.

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.

a. Prior to the issuance of the first building permit, permits required from Palm Beach County for this construction shall be obtained. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (BLDGPM/CO: MONITORING - Engineering)

## **HEALTH**

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-1. (Previous Condition D.1 of Resolution R-2002-1959) (Previous HEALTH Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ERC-1. (Previous Condition D.2 of Resolution R-2002-1959) (Previous HEALTH Condition 2 of Resolution R-2002-1959, Control No.1986-00150)

## **LANDSCAPE - GENERAL**

1. Previous G Condition 1 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

Fifty-percent (50%) of all replacement trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards: a. Tree height: Fourteen (14) feet; b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade; c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and, Credit may be given for existing or relocated trees provided they meet ULDC requirements.

**Is hereby amended to read:**

Fifty-percent (50%) of all replacement trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation: a. Tree height: Fourteen (14) feet; and, b. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning)

2. All new or replacement palms required to be planted on site by this approval shall meet the following minimum standards at installation: a. b. c. Palm heights: twelve (12) feet clear trunk; Clusters: staggered heights twelve (12) to eighteen (18) feet; and, Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previous G Condition 2 of Resolution R-2002-1959, Control No.1986-00150)

3. The petitioner shall supplement the existing landscape along the entire rear of the center in a manner and form acceptable to the Zoning Division. [Note: COMPLETED] (Previous H Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

#### **LANDSCAPE - INTERIOR**

4. Previous I Condition 1 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces in the parking lot north of the proposed 6,000 square foot retail facility. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet.

#### **Is hereby amended to read:**

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces in the parking area north of the 6,000 square foot retail facility (Building I). The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (ONGOING: ZONING - Zoning)

#### **LANDSCAPE - PERIMETER**

5. Previous I Condition 2 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

Foundation planting or grade level planters along the front and side facades of the proposed 6,000 square foot retail facility shall be upgraded to include: a. b. The minimum width of the required landscape areas along the side facades shall be eight (8) feet; The length of the required landscaped areas shall be no less than 50% of the total length of the front and side facades of the structure; and One (1) canopy tree or cluster of palms for each twenty (20) linear feet of building facade; and One (1) shrub for each two (2) linear feet of building facade and appropriate ground cover. Shrub to be planted at a minimum height of eighteen (18) inches at installation, and shall be maintained at a height of thirty-six (36) inches.

#### **Is hereby amended to read:**

Foundation planting or grade level planters along the front and side facades of the 6,000 square foot retail facility (Building I) shall be upgraded to include:

- a. The minimum width of the required landscape areas along the side facades shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of the front and side facades of the structure;
- c. One (1) canopy tree or cluster of palms for each twenty (20) linear feet of building facade; and
- d. One (1) shrub for each two (2) linear feet of building facade and appropriate ground cover. Shrub to be planted at a minimum height of eighteen (18) inches at installation, and shall be maintained at a height of thirty-six (36) inches. (ONGOING: ZONING - Zoning)

#### **SIGNS**

1. No exterior neon style signage shall be permitted on the site. (ONGOING: ZONING - Zoning) (Previous K Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

2. Prior to site plan certification by the Development Review Committee, the petitioner shall submit a detailed master signage program demonstrating compliance to Section 7.14 (Signage) of ULDC. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 2 of Resolution R-2002-1959, Control No.1986-00150)

3. Previous K Condition 3 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

No new freestanding point of purchase signs shall be permitted.

**Is hereby amended to read:**

No new Freestanding Signs shall be permitted. Outparcel signs may be permitted in accordance with Unified Land Development Code Table 8.G.2.B. - Freestanding Outparcel Identification Signs. (ONGOING: ZONING - Zoning)

**SITE DESIGN**

1. Prior to site plan approval, petitioner shall record a Unity of Title Agreement covering the entire site. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 3 of Resolution R-2002-1959, Control No.1986-00150)

2. Previous B Condition 2 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

All mechanical and air conditioning equipment shall be roof mounted and architecturally screened or be contained within the enclosed loading and service area.

**Is hereby deleted.** [REASON: ULDC Article 5.B.1.A.19. requires screening of mechanical equipment.]

3. Prior to site plan certification, the site plan shall be amended to reflect the following: a) The correct loading space requirement in the site data tabular. b) The elimination and relocation of the two (2) handicap parking stalls immediately west of the four (4) story hotel. c) The required number of handicap spaces. d) Relocation of the southeastern most parking stall out of the 25 foot landscape buffer and 20 foot required backup distance maneuvering area along the eastern property line. e) A 25 foot landscape buffer along the western property line on West Lake Boulevard. [Note: COMPLETED] (Previous C Condition 2 of Resolution R-2002-1959, Control No.1986-00150)

4. Previous J Condition 1 of Resolution R-2002-1959, Control No.1986-00150, which currently states:

Security lighting shall be low intensity in nature and directed away from nearby residences. (Previous Condition A.12 of Resolution R-93-1371)

**Is hereby deleted.** [REASON: ULDC Article 5.D.4.E. addresses security lighting.]

**USE LIMITATIONS**

1. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m. (ONGOING: ZONING - Zoning) (Previous L Condition 1 of Resolution R-2002-1959, Control No.1986-00150)

2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center. (ONGOING: ZONING - Zoning) (Previous L Condition 2 of Resolution R-2002-1959, Control No.1986-00150)

3. No parking of any vehicle shall be permitted along the rear of the shopping center except in designated spaces or unloading areas. (ONGOING: ZONING - Zoning) (Previous L Condition 3 of Resolution R-2002-1959, Control No.1986-00150)

## **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

## **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.