

RESOLUTION NO. R-2026-0351

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2025-00404
(CONTROL NO. 1981-00152)
a Development Order Amendment
APPLICATION OF Racetrac, Inc., Boynton Trail Shopping Centre, LLC
BY Insite Studio, Inc., AGENT
(Boynton Trail Centre - Racetrac)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2025-00404 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 2026;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA/CA-2025-00404, the Application of Racetrac, Inc., Boynton Trail Shopping Centre, LLC, by Insite Studio, Inc., Agent, for a Development Order Amendment to amend the overall MUPD Site Plan, modify an unbuilt outparcel to amend the use, decrease the square footage for the outparcel and the overall square footage of the MUPD, and modify Conditions of Approval on 24.70 acres, on a parcel of land generally described as shown on the legal description 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 March 26, 2026, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Sara Baxter, Mayor	- Aye
Commissioner Marci Woodward, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Joel G. Flores	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell, Jr.	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 26, 2026.

Filed with the Clerk of the Board of County Commissioners on March 26, 2026.

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

MICHAEL A. CARUSO
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

TRACTS A-1, A-2, L-1, L-2 AS SHOWN ON THE PLAT OF BOYNTON TRAIL CENTRE MUPD REPLAT RECORDED IN PLAT BOOK 132, PAGES 96-99, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 24.70 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

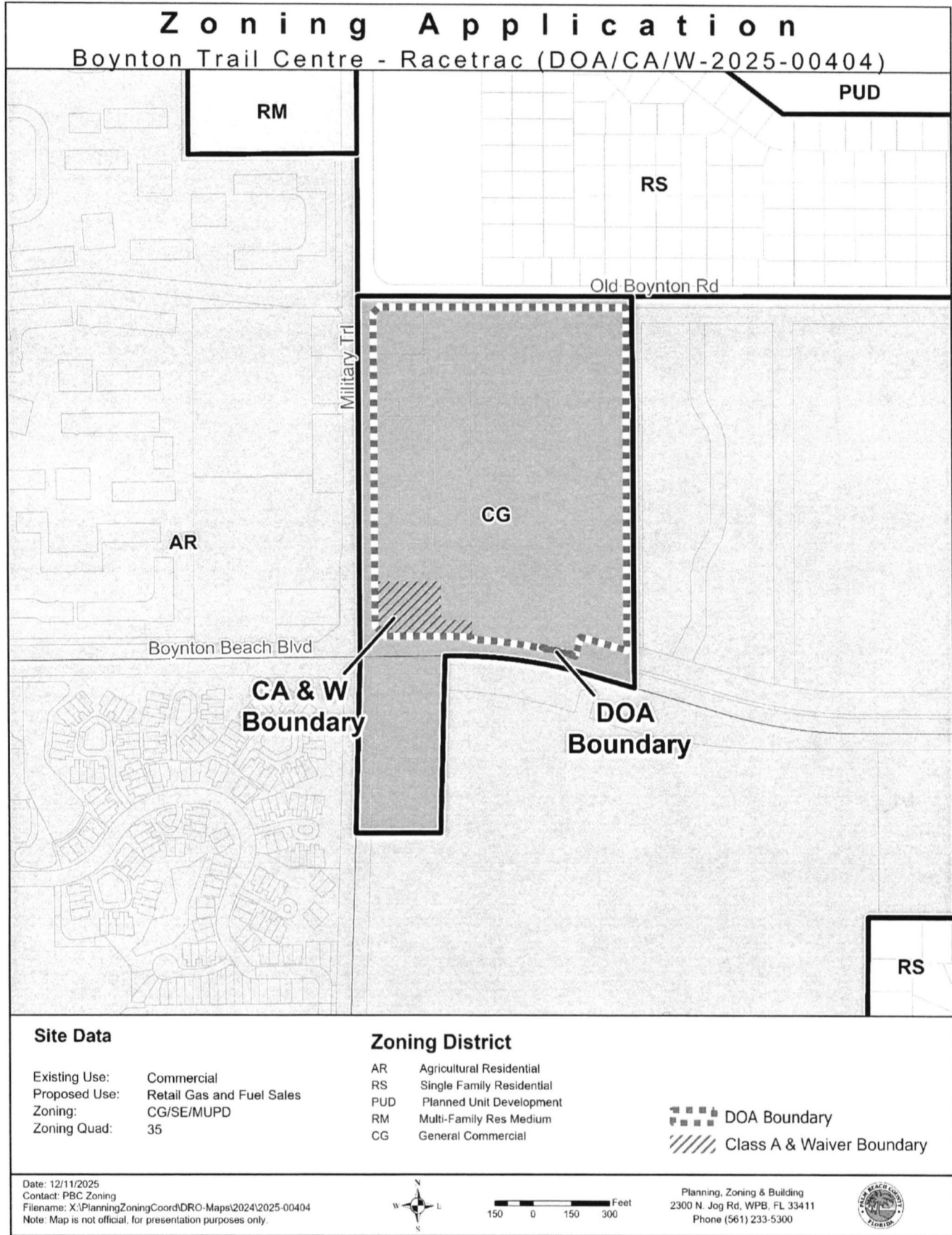


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment-Overall MUPD

ALL PETITIONS

1. Previous ALL PETITIONS Condition 4 of Resolution R-2007-1034, Control No.1981-00152, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-1217 (Petition 81-152), R-90-811 (Petition 81-152(A)), R-90-1894 (Petition 81-152(B)), and R-98-1317 (Petition 1981-152(D)) 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-20071034 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. The approved site plan is dated December 22, 2025. 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. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 5 of Resolution R-2007-1034, Control No.1981-00152)

3. Commencement of this Development Order shall be no later than December 31 ,2028. (DATE: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval for each outparcel, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. This condition shall apply to all undeveloped and redeveloped parcels meeting the substantial renovation criteria. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning) (DRO/ONGOING: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2007-1034, Control No.1981-00152)

2. Building A (Theatre/Retail building) shall be constructed to be consistent with the facade elevations by Boca Architects Collaborative, Inc. dated November 19, 1997. (BLDGPM/TC: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2007-1034, Control No.1981-00152)

3. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof treatment, shall be provided on the all facades of Building A and the 11,200 square foot retail building at the southwest corner of the site. This architectural character and treatment shall also be compatible with the facades of the main portion of the shopping center (Buildings B-L). (BLDGPM/TC: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2007-1034, Control No.1981-00152)

4. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDGPM/TC: MONITORING - Building Division) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2007-1034, Control No.1981-00152)

5. The maximum height for all new or renovated structures within the affected areas of Petition 81-152(D), including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDGPM/TC: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2007-1034, Control No.1981-00152)

6. All new or renovated air conditioning and mechanical equipment within the affected areas of Petition 81-152(D) 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. (BLDGPM: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 6 of Resolution R-2007-1034, Control No.1981-00152)

7. Air conditioning and exhaust equipment shall be roof-mounted and screened from the east with solid barriers extending above the height of such equipment. (Previous Condition 13 of Resolution R-1981-1317, Petition 1981-152 (D)) [NOTE: COMPLETED] (BLDGPM: BUILDING DIVISION - Zoning)

8. 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 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. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 8 of Resolution R-2007-1034, Control No.1981-00152)

9. 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. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 9 of Resolution R-2007-1034, Control No.1981-00152)

ENGINEERING

1. Prior to July 1, 1999 or prior to the issuance of the first Building Permit, (excluding interior or exterior improvements to existing structures) whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Military Trail at Boynton Beach Boulevard, 64 feet from centerline,
- b) Boynton Beach Boulevard at Military Trail, 76 feet from centerline,

This additional right of way shall be in accordance with Palm Beach County's expanded intersection details and shall be free of all encumbrances and encroachments. The 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDGPM/DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2007-1034, Control No.1981-00152)

2. Prior to issuance of a building permit (excluding interior or exterior improvements to existing structures) the property owner shall convey a drainage easement minimum 20 feet in width which shall provide legal positive outfall to the adjacent LWDD Canal as shown on the March 16, 1998 Master Plan prepared by David L. Carpenter and Associates. Construction by the Applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final recordation. (BLDGPM/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2007-1034, Control No.1981-00152)

3. Previous ENGINEERING Condition 3 of Resolution R-2007-1034, Control No.1981-00152, which currently states:

The Property owner shall construct a within this proposed drainage easement a closed piping system, appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of this drainage system shall be approved by the County Engineer.

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 the maintenance of the existing drainage system for the adjacent roadways until the new system has been constructed.

B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit (excluding interior or exterior improvements to existing structures). (BLDG PERMIT: Monitoring - Eng) [Note: COMPLETED]

C) Construction shall be completed prior to the issuance of the certificate of occupancy for the 11,200 retail structure to be located in the northeast corner of the intersection of Military Trail and Boynton Beach Boulevard. (CO: ENGINEERING - Engineering)

Is hereby deleted. [REASON: A new condition will be given that supersedes these requirements.]

4. Prior to issuance of a building permit (excluding interior or exterior improvements to existing structures) the property owner shall convey a temporary roadway construction easement along Boynton Beach Boulevard, Military Trail and Old Boynton Road to Palm Beach County. The geometrics for the temporary roadway construction easement shall be in accordance with Palm Beach County's expanded intersection details. Construction within this easements by the Applicant 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. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2007-1034, Control No.1981-00152)

5. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

a. Prior to issuance of a building permit (excluding interior or exterior improvements to existing structures), the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting Florida Department of Transportation Road 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. (BLDG PERMIT: MONITORING - 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 periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. If certificates of occupancy are requested prior to road construction along Boynton Beach Boulevard, surety to satisfy Condition 5.B shall be posted in a manner acceptable to the County Engineer and County Attorney. (CO: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit (excluding interior or exterior improvements to existing structures). (BLDGPMT: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2007-1034, Control No.1981-00152)

6. Previous ENGINEERING Condition 6 of Resolution R-2007-1034, Control No.1981-00152, which currently states:

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 June 28, 2010. 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 Article 2, Section E of the Unified Land Development Code.

Is hereby amended to read:

Pursuant to the Traffic Analysis, the Buildout Date is 2029. No Building Permits for the site may be issued after December 31, 2029. 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)

7. Petitioner shall construct as a 4-lane, median-divided section prior to the issuance of a Certificate of Occupancy:

- a. Military Trail from Boynton West Road to Old Boynton West Road
- b. Boynton West Road from Military Trail to the project's east property line.

(CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2007-1034, Control No.1981-00152)

8. Petitioner shall construct at the intersection of Military Trail and Boynton West Road prior to the issuance of a Certificate of Occupancy:

- a. left turn lane, north approach
- b. left turn lane, south approach
- c. left turn lane, east approach
- d. left turn lane, west approach

(CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2007-1034, Control No.1981-00152)

9. Petitioner shall construct at both of the project's entrances onto Military Trail prior to the issuance of a Certificate of Occupancy:

- a. left turn lane, north approach
- b. left turn lane, south approach

(CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2007-1034, Control No.1981-00152)

10. Petitioner shall only be permitted one median Opening on Boynton West Road, a minimum distance of 600 feet east of Military Trail. (CO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2007-1034, Control No.1981-00152)

11. Petitioner shall construct at the project's entrance and Boynton West Road prior to the issuance of a Certificate of Occupancy a left turn lane, west approach.

(CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2007-1034, Control No.1981-00152)

12. Petitioner shall construct at the intersection of Military Trail and Old Boynton Road prior to the issuance of a Certificate of Occupancy:

- a. left turn lane, east approach

(CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2007-1034, Control No.1981-00152)

13. Signalization when warranted, as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final Certificate of Occupancy at the intersection of Military Trail and Old Boynton Road.

(CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2007-1034, Control No.1981-00152)

14. Petitioner shall construct Old Boynton West Road to a 3-lane section prior to the issuance of a Certificate of Occupancy from Military Trail to the project's east entrance.

(CO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2007-1034, Control No.1981-00152)

15. Deleted by Resolution R-2007-1034. (Previous ENGINEERING Condition 15 of Resolution R-2007-1034, Control No. 1981-00152)

16. Deleted by Resolution R-2007-1034. (Previous ENGINEERING Condition 16 of Resolution

R-2007-1034, Control No.1981-00152)

17. Deleted by Resolution R-2007-1034 (Previous ENGINEERING Condition 17 of Resolution R-2007-1034, Control No.1981-00152)

18. Deleted by Resolution R-2007-1034
(Previous ENGINEERING Condition 18 of Resolution R-2007-1034, Control No.1981-00152)

19. Deleted by Resolution R-2007-1034 (Previous ENGINEERING Condition 19 of Resolution R-2007-1034, Control No.1981-00152)

20. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Military Trail at the project's entrance road. This right of way shall be a minimum of 142 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

21. The property owner shall construct the storm water management system prior to filling in the pond in Tract A-2. Any and all costs associated with the construction shall be paid by the Property Owner.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for Building T, located at the southwest corner of the site. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

22. The Property Owner shall construct right turn lane south approach on Military Trail at the project's new right-in/right-out entrance (southernmost), 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. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for the proposed gas station. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the gas station. (BLDGPM/CO: MONITORING - Engineering)

23. Prior to the issuance of the first building permit, the Property Owner shall coordinate any necessary removal or modification of the existing guardrail along the east approach right turn lane on the north side of Boynton Beach Blvd for efficient fuel delivery truck movements.

a. Prior to obtaining the first building permit for the site, a written correspondence shall be submitted to the Traffic Division regarding the FDOT's determination (BLDGPM: MONITORING - Engineering)

b. Any necessary guardrail modifications, if required by the FDOT, shall be completed prior to the issuance of the first Certificate of Occupancy for Building T, located at the southwest corner of the site. (BLDGPM/CO: MONITORING - Engineering)

24. Prior to final approval of the Site Plan by the DRO, the Property Owner shall add the 20-foot drainage easement (recorded in Plat Book 132 Pages 96-99) to the Final Site Plan. (DRO: ENGINEERING - Engineering)

25. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMPT: MONITORING - Engineering)

26. The Property Owner shall construct within the 20-foot drainage easement (recorded PB 132 PG 96-99) a minimum of 24-inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. The design of the entire drainage system shall be approved by the County Engineer.

a. Permits required by Palm Beach County for the construction shall be obtained prior to the issuance of the first Building Permit for Building T, located on the south-west corner of the site. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Building T, located on the southwest corner of the site. (CO: MONITORING - Engineering)

ZONING - LANDSCAPING-STANDARD

1. All canopy trees required to be planted on site by this approval, Petition 81-152(D), 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. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2007-1034, Control No.1981-00152)

2. All palms required to be planted on site by this approval, Petition 81-152(D), shall meet the following minimum standards at installation:

a. Palm heights: Twelve (12) feet clear trunk;

b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,

c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2007-1034, Control No.1981-00152)

3. A group of three or more palm or pine trees may supersede the requirement for a perimeter canopy tree in that location. Only fifty (50) percent of the required canopy trees may be replaced by the clustered palm or pine trees within each required buffer. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2007-1034, Control No.1981-00152)

ZONING - LANDSCAPING

4. Prior to the issuance of the Certificate of Occupancy for the 11,200 square foot retail building at the southwest corner of the site, the petitioner shall provide additional landscaping along the perimeter of the lake. The landscaping materials shall be a minimum of one (1) twelve (12) foot high canopy tree every forty (40) feet on center. A cluster of three (3) palm or pine trees may replace a required canopy tree. (BLDGPMPT/CO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2007-1034, Control No.1981-00152)

ZONING - LANDSCAPING-INTERIOR

5. Foundation plantings or grade level planters shall be provided along the north (Old Boynton Road frontage), east (Military Trail frontage) and west facades of Building A (Theatre/Retail building) and along the south and west facades of the 11,200 square foot retail building at the southwest corner of the site. The required plantings shall 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 50% of the total length of the applicable exterior side of the structure; and,

c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2007-1034, Control No.1981-00152)

6. Prior to final site plan approval, the site plan shall provide for shade trees, at one per every thirty (30) linear feet, in the landscape median strips in the parking area. The trees shall have a

minimum 3" trunk diameter and be in accordance with Section 7.3.G.2.c of the ULDC. The trees shall be installed prior to the issuance of the Certificate of Occupancy for the 11,200 square foot building at the southwest corner of the site. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2007-1034, Control No.1981-00152)

ZONING - LANDSCAPING-ALONG THE EAST PROPERTY LINE (ADJACENT TO RESIDENTIAL)

7. Opaque screening at least six (6) feet in height shall be established along the eastern boundary. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2007-1034, Control No.1981-00152)

LANDSCAPE - PRESERVATION OF VEGETATION-ALONG SOUTH AND WEST PROPERTY LINES (ADJACENT TO BOYNTON BEACH BOULEVARD AND MILITARY TRAIL)

8. Landscaping and buffering along the affected southernmost 220' of the west property line and westernmost 380' of the south property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters;
- d. A minimum one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,
- e. 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 thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 8 of Resolution R-2007-1034, Control No.1981-00152)

LIGHTING

1. All outdoor lighting fixtures within the affected area of Petition 81-152(D) shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO/TC: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 2 of Resolution R-2007-1034, Control No.1981-00152)

2. All outdoor lighting for the theatre use shall be extinguished daily no later than thirty (30) minutes after the end of the last show. (ONGOING: CODE ENF - Code Enforcement) (Previous LIGHTING Condition 3 of Resolution R-2007-1034, Control No.1981-00152)

3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2007-1034, Control No.1981-00152)

PHASING

1. Prior to final approval by the Development Review Officer, the Applicant shall submit and receive Final approval of a Phasing Plan. (DRO: ZONING - Zoning)

PARKING

1. Prior to issuance of the building permit for the interior renovation of Building A or the 11,200 square foot freestanding retail building at the southwest corner of the site, copies of the recorded approved Shared Parking Agreement shall be submitted the Zoning Division and the Building Division. (BLDG/TC: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous PARKING Condition 1 of Resolution R-2007-1034, Control No.1981-00152)

SIGNS

1. Previous SIGNS Condition 2 of Resolution R-2007-1034, Control No.1981-00152, which currently states:

New freestanding signs or replacement of existing freestanding signs permitted after August 6, 1998, including entrance wall, point of purchase and directional signs, fronting on Military Trail shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;
- b. Maximum sign face area per side - 150 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (CO: BLDG - Zoning) (Previous condition L.1 of Resolution R-1998-1317, Petition 1981-152(D))

Is hereby amended to read:

New freestanding signs or replacement of existing freestanding signs permitted after March 26, 2026, including entrance wall, point of purchase and directional signs, fronting on Military Trail shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;
- b. Maximum sign face area per side - 200 square feet;
- c. Maximum number of signs - three (3); and
- d. Style - monument style only.
(ONGOING: BUILDING DIVISION - Zoning)

2. Previous SIGNS Condition 3 of Resolution R-2007-1034, Control No.1981-00152, which currently states:

New freestanding signs or replacement of existing freestanding signs permitted after August 6, 1998, including entrance wall, point of purchase and directional signs, fronting on Old Boynton Road 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. (CO: BLDG - Zoning)) (Previous condition L.2 of Resolution R-1998-1317, Petition 1981-152(D))

Is hereby amended to read:

New freestanding signs or replacement of existing freestanding signs permitted after March 26, 2026, including entrance wall, point of purchase and directional signs, fronting on Old Boynton Road 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 - three (3); and
- d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning)

3. New wall signs or replacement of existing signs mounted on the facades of Building A (Theatre/Retail building) or the 11,200 square foot retail building at the southwest corner of the site, permitted after August 6, 1998, shall be limited to the following:

- a. Maximum sign face area - 100 square feet total for signs on the north facade of Building A (Theatre/Retail building) and 120 square feet total, not to exceed 60 square feet per sign, for signs on the west facade of Building A (Theatre/Retail building) and 50 square feet for each sign for 11,200 square feet Retail Building at the southwest corner of the site; and,
- b. Maximum number of signs - Two (2) for north facade and (3) for west facade (Military Trail and Old Boynton Road frontages) for Building A (Theatre/Retail building); One (1) west facade (Military Trail frontage) and one (1) for south facade (Boynton Beach Blvd. frontages) for 11,200 square foot retail building at the southwest corner of the site.
(ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 4 of Resolution R-2007-1034, Control No.1981-00152)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2007-1034, Control No.1981-00152, which currently states:

Total gross floor area shall be limited to a maximum of 272,824 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DR): ZONING-Zoning)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 254,650 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (ONGOING: ZONING - Zoning)

2. Previous SITE DESIGN Condition 3 of Resolution R-2007-1034, Control No.1981-00152, which currently states:

All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (site plan dated April 13, 2007). (DRO: ZONING

- Zoning)

Is hereby amended to read:

All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (site plan dated December 22, 2025). (ONGOING: ZONING - Zoning)

3. Loading areas and service courts along the eastern portion of the property shall be enclosed with wing wall of at least ten (10) feet in height. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 4 of Resolution R-2007-1034, Control No.1981-00152)

4. The parking lot in the vicinity of the "fast food restaurant" area shall be redesigned to eliminate back-out parking into the internal access road. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 5 of Resolution R-2007-1034, Control No.1981-00152)

5. Petitioner shall abandon the platted setback, which is currently in effect on the subject property. (PLAT: ENGINEERING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 6 of Resolution R-2007-1034, Control No.1981-00152)

6. Petitioner shall indicate the location of the lift station prior to Site Plan Review Committee meeting. (DRO: PBC WATER UTILITIES - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 7 of Resolution R-2007-1034, Control No.1981-00152)

7. All areas or receptacles for the storage and disposal of trash for Building A (Theatre/Retail building), garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within 150 feet of the east property line and shall be confined to the areas designated on the site plan dated July 8, 1998. (ONGOING: CODE ENF - Zoning) (Previous SITE DESIGN Condition 10 of Resolution R-2007-1034, Control No.1981-00152)

8. Loading areas and service courts along the eastern portion of the property shall be enclosed with wing wall of at least ten (10) feet in height. (BLDGPM: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 9 of Resolution R-2007-1034, Control No.1981-00152)

USE LIMITATIONS

1. There shall be no outdoor storage of materials or equipment, nor storage of disassembled or inoperative vehicles on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2007-1034, Control No.1981-00152)

2. Use of Building A shall be limited to a 33,011 square foot, 8 screen, 1,575 seat theatre and 16,426 square foot of retail floor area. If the uses of Building A is replaced by permitted uses within the MUPD district, the permitted uses must have equivalent or less traffic generation and each tenant shall not exceed 5,000 square feet in floor area. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2007-1034, Control No.1981-00152)

3. Daily hours of operation for the theatre use shall be limited from 10:00 a.m. to the end of the last show, with the last show to commence no later than 10:30 p.m. (ONGOING: CODE ENF - Code Enforcement) (Previous USE LIMITATIONS Condition 3 of Resolution R-2007-1034, Control No.1981-00152)

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: 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; 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: MONITORING - Zoning)

DISCLOSURE

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