

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: DOA/R-2013-01330
Application Name: Shoppes at Southern Palms
Control No.: 2007-00018
Applicant: Garrison West Palm Retail, LLC
Owners: Garrison West Palm Retail, LLC
Agent: Gentile Glas Holloway O'Mahoney & Assoc Inc. - Dodi Glas
Telephone No.: (561) 575-9557
Project Manager: Roger Ramdeen, Site Planner II

TITLE: a Development Order Amendment REQUEST: to reconfigure the Site Plan and add square footage
 TITLE: a Requested Use REQUEST: to allow a Type I Restaurant

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) and Requested Use for the Shoppes at Southern Palms development. The 24.35-acre site was last approved by the Board of County Commissioners (BCC) on October 25, 2007 for 222,985 square feet (sq.ft.) of General Retail and 9,400 sq.ft. of Financial Institution.

The applicant is requesting to reconfigure the Site Plan to add a 2,085 sq.ft. Type I Restaurant in the proposed Building F with a drive-thru, and a 9,770 sq.ft. Type II Restaurant in the proposed Building E. The subject property received approval (Resolution R-2007-1879) for a 14,400 sq. ft. Retail use in Building E and a 4,500 sq. ft. Bank in Building F which have not yet been constructed, therefore; the proposed Type I and Type II Restaurant uses will replace the Retail and Financial uses in the respective buildings. Currently on the site, there are a total of 1,057 parking spaces, the applicant proposes an additional 31 spaces for a total of 1,088 spaces on site. There are no proposed changes to the existing access to the site on Southern Boulevard (2) and Sansbury's Way (2).

SITE DATA:

Location:	Northeast corner of Southern Blvd and Sansbury's Way (Shoppes at Southern Palms)
Property Control Number(s)	00-42-43-32-11-001-0010; 00-42-43-32-11-001-0020; 00-42-43-32-11-001-0030; 00-42-43-32-11-001-0040
Existing Land Use Designation:	Commercial High, with an underlying Industrial(CH/IND)
Proposed Land Use Designation:	No change proposed
Existing Zoning District:	Multiple Use Planned Development (MUPD)
Proposed Zoning District:	No change proposed
Acreage:	24.35 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	City of Royal Palm Beach
Future Annexation Area	City of Royal Palm Beach

RECOMMENDATION: Staff recommends approval of the request(s), subject to 28 Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 0 contacts from the public regarding this project.

PROJECT HISTORY:

On October 25, 2007, the BCC approved PDD-2007-00055, an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multiple Use Planned Development (MUPD) Zoning District to allow for the development of General Retail and Financial Institutional uses (Resolution R-2007-1879).

On October 2, 2008, the Zoning Commission approved ZV-2008-01354, two Type II Variances to allow larger wall signs on the southern and western facades of the Retail use in Building C (Dick's Sporting Goods) (Resolution ZR 2008-0059).

SURROUNDING LAND USES:

NORTH:

FLU Designation: Industrial (IND)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Manufacturing and Processing (Palm Beach Post, Control No. 2004-00326)

SOUTH:

FLU Designation: Low Residential (LR-2)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential-Single family and Zero Lot Line (Diamond C Ranch, Control No. 1997-00121)

EAST:

FLU Designation: Industrial (IND)
Zoning District: Light Industrial/Special Exception (IL/SE)
Supporting: Industrial (Ponderosa Industrial Park, Control No. 1976-00134)

WEST:

FLU Designation: Industrial (IND)
Zoning District: Light Industrial District (IL)
Supporting: Industrial-Warehouse and Distribution (Ranger Construction, Control No. 2004-00588; R-3-AA-64)

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

- 1. Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

Prior Land Use Amendments: The subject 24.35-acre site is the eastern portion of a 33.52-acre Large Scale Land Use Amendment known as LGA 2004-007 Sansbury's / Southern Commercial, that was approved by the BCC, through Ordinance 2004-029. The request amended the land use from IND to CH/IND with 1 Condition of Approval that reads as follows:

“Development shall be limited to a 0.22 Floor Area Ratio (FAR) for a maximum 321,037 gross buildable square footage for this 33.52-acre site.”

Intensity: The site is limited to a FAR of 0.22 by condition of the above Land Use Amendment. The subject 24.35 acre site could develop with a maximum of 233,350 square feet (24.35 ac x 43,560 x .22 = 233,350 square feet maximum). The request for 219,233 square feet for the overall MUPD, equates to a FAR of approximately 0.21 (219,233 / 1,060,686 square feet or 24.35 acres = 0.206).

Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is not located within an Overlay or Neighborhood Planning Area identified within the Comprehensive Plan.

FINDINGS: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use. The request for reallocation of square footage is consistent with the CH/IND Land Use Designation.

- 2. Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed is an amendment to reconfigure the Site Plan and add square footage in order to develop Type I and Type II Restaurants. The proposed amendment and uses are consistent with the applicable standards and provisions of the Code for use, layout, function and general development characteristics. The proposed Type I Restaurant is consistent the use regulations of Article 4 of the ULDC, and meets the location criteria of Article 5 of the ULDC.

The proposed site configuration has been configured to reflect circulation on all 4 sides of the buildings thereby creating 2 “freestanding” buildings. A freestanding building is defined as building with continuous vehicular circulation on all four sides. Circulation shall mean any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, driveway, drive aisle, or other means of vehicular access located within 50 feet of building.

- 3. Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The shopping center was approved in 2007 and since has been constructed with four of the 7 buildings constructed. The affected area is located at the southwest corner of site and is currently vacant. The zoning was previously found to be compatible with the surrounding land uses. The location of the proposed development is on the southern side of the site, closest to Southern Boulevard. The proposed restaurants are compatible with the non-residential uses to the north, east and west. Southern Boulevard, the C-51 Canal, and the existing right-of-way landscape buffer provide sufficient buffering from the residential uses to the south. The request to modify the Site Plan to add a Type I Restaurant and a Type II Restaurant would not generate any negative impact to the existing Shoppes at Southern Palms or the adjacent surrounding uses.

- 4. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The design and layout of the site plan for the proposed Type I and Type II Restaurants will have minimal adverse effects on the surrounding properties, including visual impact and intensity of the proposed use on adjacent lands. Redevelopment of this vacant area will be a visual and functional improvement to the existing shopping center. The locations of the proposed buildings are in the same location of the previously approved retail and financial institution uses.

The design of the Type I Restaurant building has been reviewed pursuant to Article 5.C Design Standards to ensure compatibility. The proposed aesthetics of the building(s) will result in an architectural enhancement from that which currently exists (an unused parking lot). See Conditional of Approval in Exhibit C.

- 5. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property has been developed.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. Development Patterns – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed use will result in a logical, orderly, and timely development pattern. The proposed redevelopment of an unused vacant area is consistent with the development pattern for commercial parcels and is a continuation of commercial uses to the existing shopping center. The development was previously approved commercial uses in this location. The changes in uses do not modify the development pattern established for the lot. The addition of Type I and Type II Restaurants is logical and orderly at this intersection.

7. Adequate Public Facilities – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit. Prior to any new driveway connection or a modification to an existing driveway, the Property Owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Sansbury's Way and shall obtain a permit from FDOT for access onto Southern Boulevard.

TRAFFIC IMPACTS:

The Property Owner has estimated the build-out of the project to be December 31, 2017. Previously approved traffic from this project was 8001 trips per day, 788 trips in the PM peak hour. Additional traffic expected from the proposed project is 601 trips per day, 43 trips in the PM peak hour, for grand total impact of 8,602 daily and 831 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

The following roadway improvements are required for compliance with the Traffic Performance Standards:

a. Modify the intersection of Southern Blvd and Sansbury's Way as follows:

- i. North approach: add 1 through lane
- ii. South approach: add 1 left, 1 through, and 1 right turn lane
- iii. West approach: add 1 right turn lane
- iv. East approach: add 1 left turn lane

The Property Owner will be required to make a proportionate share payment of 7.54% of the total cost of the above improvements.

b. Restripe north approach of the intersection of Southern Blvd and Benoist Farms Rd to include 1 left turn lane and 1 shared left/through/right lane.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Southern Blvd from Sansbury's Way to Benoist Farms Rd

Existing count: East Bound=2,090, West Bound=3,348

Background growth: East Bound=373, West Bound=331

Project Trips: East Bound=22, West Bound=26

Total Traffic: East Bound=2,485, West Bound=3,705

Present laneage: East Bound=4 lanes, West Bound=4 lanes

Assured laneage: East Bound=4 lanes, West Bound=4 lanes

LOS "D" capacity: 3,940 vph (directional)

Projected level of service: East Bound=B, West Bound=C

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis.

SCHOOL IMPACTS: No Staff Review Analysis.

FIRE DEPARTMENT: No Staff Review Analysis.

PARKS AND RECREATION: No Staff Review and Analysis.

8. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The existing shopping center received BCC approval in 2007 with seven buildings, including Retail and Financial Institutions. The applicant has stated in the justification statement that there is a need for restaurants in this area since the closest restaurants are located along SR 7 and there is a lack of restaurants between this location and Florida Turnpike. As a MUPD, restaurants are typical uses in these developments. The closest restaurants for this area are more than a mile away. The provision of the use in this commercial development will provide the residents and people who work in the area, including this development, a place to eat.

CONCLUSION

Staff has evaluated the standards listed under Article 2.B.2.B 1-8 and determined that there is a balance between the need of change and the potential impacts generated by this change; therefore, staff is recommending approval of the DOA request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2007-1879 (Control No. 2007-00018), 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: MONITORING - Zoning)

2. Previous All Petitions Condition 1 of Resolution R-2007-1879 (Control No. 2007-00018), which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated September 28, 2007. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING- Zoning.)

Is hereby amended to read:

The approved Preliminary Site Plan is dated July 29, 2013. 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)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. (Previous All Petitions Condition 2 of R-2007-1879 (Control No. 2007-00018) (DRO: ZONING - Zoning) [Note: COMPLETED]

4. Prior to the issuance of a building permit, all easements that conflict with the location of a proposed structure or a landscape butter shall be abandoned or relocated. (Previous All Petitions Condition 3 of R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: BLDG - Zoning) [Note: COMPLETED]

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the architectural elevations for the development shall be submitted simultaneously with the site plan for final architectural review and approval. 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) (Previous Condition Architectural Review 1 of Resolution R-2007-01979, Control No. 2007-00018).

2. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW- Zoning) (Previous Condition Architectural Review 2 of R-2007-1879, Control No. 2007-00018)

3. Building F shall be generally consistent with the elevations received on June 24, 2013. Modifications to the elevations inconsistent with the Conditions of Approval, or changes 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)

ENGINEERING

1. Previous Condition E.1 of Resolution R-2007-1879, Control No. 2007-00018, 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 January 1, 2012. 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. (DATE: MONITORING-Eng)
- b. Building Permits for more than 6,800 square feet of gross leasable General Commercial floor area shall not be issued until the contract has been awarded for the following intersection improvements:
 - i. construction of dual left turn lanes north approach on Lyons Road at Forest Hill Blvd. plus the appropriate paved tapers and receiving lanes.
 - ii. construction of a right turn lane north approach on Sansbury's Way at Southern Blvd. plus the appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

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, 2017. 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. (DATE: MONITORING-Eng)

b. Building Permits for more than 6,800 square feet of gross leasable General Commercial floor area shall not be issued until the contract has been awarded for the following intersection improvements:

- i. construction of dual left turn lanes north approach on Lyons Road at Forest Hill Blvd. plus the appropriate paved tapers and receiving lanes.
- ii. construction of a right turn lane north approach on Sansbury's Way at Southern Blvd. plus the appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED]

c. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment in the amount of 7.54% of the total cost of the following improvements at the intersection of Southern Blvd. and Sansbury's Way:

- i. modify the north approach to make a total of two (2) left turn lanes, two (2) through lanes, and one (1) right turn lane,
- ii. modify the south approach to make a total of two (2) left turn lanes, two (2) through lanes, and two (2) right turn lanes,
- iii. modify the west approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane, and
- iv. modify the east approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane.

These modifications will also require widening of the Lyons Road bridge on the south approach to accommodate the receiving lanes as well as all necessary tapers. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer and/or the Florida Department of Transportation. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of payment. (BLDG PERMIT: MONITORING - Eng)

2. Acceptable surety required for the offsite intersection improvements as outlined in Engineering condition number 1.b above shall be posted with the Office of the Land Development Division on or before February 23, 2008. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng) (Previous Condition E.2 of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- Sansbury's Way 60 feet from centerline
- Expanded Intersection Detail along Sansbury's Way at Southern Boulevard, 64 feet from centerline plus the appropriate taper.

All right of way deed(s) and associated documents shall be provided and approved prior to January 1, 2008 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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. The Property Owner further warrants 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng) (Previous Condition E.3 of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

4. Prior to issuance of the first building permit, the Property Owner shall provide a temporary roadway construction easement along Sansbury's Way to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this Property Owner's entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches, and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng) (Previous Condition E.4 of Resolution R-2007-1879, Control No. 2007-00018) [Note:COMPLETED]

5. Prior to the issuance of a building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on:

- Sansbury's Way at the project's south entrance road.
- Southern Boulevard at the project's east entrance road.
- Southern Boulevard at the project's west entrance road.

This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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 Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches, and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG

PERMIT: MONITORING-Eng) (Previous Condition E.5 of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

6. The Property Owner shall construct:

i. a right turn lane east approach on Southern Boulevard at both the projects east and west entrance road

ii. a right turn lane south approach on Sansbury's Way at the projects south entrance road

iii. left turn lane north approach on Sansbury's Way at both the projects north and south entrance road

iv. 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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng) (Previous Condition E.6.e of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.6.f of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

7. On or before January 1, 2009, the Property Owner shall provide to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sansbury's Way along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches, and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (DATE:MONITORING-Eng) (Previous Condition E.7 of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

8. Landscape Within the Median of Southern Boulevard

a. The Property Owner shall design, install, and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below. (ONGOING: ENG-Eng) (Previous Condition E.8.a of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.8.b of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng) (Previous Condition E.8.c of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENG-Eng) (Previous Condition E.8.d of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Southern Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG-Eng) (Previous Condition E.8.e of Resolution R-2007-1879, Control No. 2007-00018) [Note: COMPLETED]

9. The Property Owner shall restripe the north approach of the intersection of Southern Blvd and Benoist Farms Rd to include one left turn lane and one shared left/through/right lane consistent with Palm Beach County standards within sixty (60) days notice from the County Engineer. Any and all costs associated with this work 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. (ONGOING:ENGINEERING-Eng)

LANDSCAPING-STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (Previous Landscape-Standard Condition 1 of R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: LANDSCAPE - Zoning)

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous Landscape-Standard Condition 2 of R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: LANDSCAPE - Zoning)

3. All palms required to be planted on the property by this approval 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. (Previous Landscape-Standard Condition 3 of Resolution R-2007-00018, Control No. 2007-00018) (BLDG PERMIT: LANDSCAPE - Zoning)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (Previous Landscape-Standard Condition 4 of Resolution R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING SOUTHERN BOULEVARD AND SANSBURY'S WAY)

5. In addition to code requirements, the landscape buffers along the south and west property lines shall be upgraded to include:

a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and,

b. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (Previous Landscaping along the South and West Property Lines Condition 5 of Resolution R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: LANDSCAPE- Zoning)

6. Prior to final approval by the Development Review Officer (DRO), the plan(s) shall be revised to show the following shade structures in each location:

a. a minimum of two (2) trellis along the western access driveway of Southern Boulevard and the southern access driveway of Sansbury's Way. These trellis structures shall be located both sides of the western access point of Southern Boulevard and both sides of the southern access point of Sansbury's Way. Trellis shall have a minimum of nine (9) feet in length and eleven (11) feet in width;

b. a minimum of two (2) trellis/gazebo along the western access driveway of Southern Boulevard. These trellis/gazebo structures shall be located adjacent to the north end of the main parking lot area. Trellis/ gazebo shall have a minimum dimension of nine (9) feet in length and twenty-nine (29) feet in width;

c. design/details of these structures shall be consistent with the structures as shown on the Regulating Plan dated September 19, 2007. (Previous Landscaping along the South and West Property Lines Condition 6 of Resolution R-2007-1879 (Control No. 2007-00018) (DRO:ZONING-Zoning)

7. Special planting treatment shall be provided in the following locations and shall include:

a. One (1) specimen Medjool or Canary Date Palm on both sides of each of the access points of Southern Boulevard and Sansbury's Way, and also on the southwest corner of Building F. (Previous Landscaping along the South and West Property Lines Condition 7 of Resolution R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: LANDSCAPE - Zoning)

8. Special planting treatment shall be provided in the following locations and shall include:

a. Royal Palms or a similar species acceptable to the Landscape Section shall be planted in the median of the access point of Sansbury's Way, and along both sides of the western access driveway of Southern Boulevard for a minimum length of three hundred and thirty (330) feet;

b. Each palm shall be planted at a maximum spacing of thirty (30) apart. Palms shall have a minimum height of twenty (20) feet with a minimum greywood of twelve (12) feet. (Previous Landscaping along the South and West Property Lines Condition 8 of Resolution R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT:LANDSCAPE -Zoning)

9. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a focal point in the midpoint of the western access driveway of Southern Boulevard. The focal point shall include, but not limited to, a fountain; a bell tower; a plaza or a decorative paving pattern that reflects the architectural theme of the principal structures. If a paving pattern is being provided, paving should consist of a minimum area of 1,960 square feet with a minimum radius of twenty-five

(25) feet. Details of this focal point shall be subject to the Architectural Review Section for review and approval. (Previous Landscaping along the South and West Property Lines Condition 9 of Resolution R-2007-01879, Control No. 2007-00018) (DRO:ARCH REVIEW-Zoning)

10. Decorative pavers or stamped concrete shall be provided along the internal driveway in areas where shown on the site plan dated September 28, 2007. The property owner shall also provide additional decorative paving in two other areas as follows:

- a. a minimum of 3,000 square feet at the Sansbury's Way access driveway; and,
- b. A minimum of 3,000 square feet at the drive aisle adjacent to the south entrance area of Building B. (Previous Landscaping along the South and West Property Lines Condition 10 of Resolution R-2007-01879, Control No. 2007-00018) (DRO: ZONING-Zoning)

11 . Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between each drive thru lane of Bank Building G, and as follows:

- a. a minimum width of five (5) feet, excluding curb;
- b. a minimum length of eighty (80) feet;
- c. each end of the median shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;
- d. one (1) palm tree with a minimum ten (10) feet of greywood and appropriate ground cover shall be installed in each planting area; and,
- e. the remaining portion of the median shall be paved with decorative paving such as precast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section. (Previous Landscaping along the South and West Property Lines Condition 11 of Resolution R-2007-1879, Control No. 2007-00018) (DRO:LANDSCAPE- Zoning)

12. The property owner may replace the tree diamonds that are adjacent to the pedestrian walkway located in the southeast parking lot. If any of the tree diamonds are eliminated, the property owner shall provide a minimum of two (2) trellis structures. The trellis dimensions shall be consistent and pursuant to Landscape Condition 6.a. Prior to final approval by the-Development Review Officer (DRO), the property owner may revise the site plan to reflect this option. (Previous Landscaping along the South and West Property Lines Condition 12 of Resolution R-2007-01879, Control No. 2007-00018) (DRO:LANDSCAPE - Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 11:30 p.m. excluding security lighting only. (Previous Lighting Condition 1 of Resolution R-2007-01879, Control No. 2007-00018) (ONGOING: CODE ENF- Zoning)

2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previous Lighting Condition 2 of Resolution R-2007-01879, Control No. 2007-00018) (ONGOING: CODE ENF- Zoning)

PLANNING

1. Per LGA 2004-007, Ordinance 2004-029, Development shall be limited to a 0.22 Floor Area Ratio (FAR) for a maximum 321,037 gross buildable square footage for this 33.52 acre site. (ONGOING:PLANNING-Planning)

SIGNS

1. Freestanding signs fronting on Southern Boulevard shall be limited as follows:

- a. maximum number of signs- three (3);
- b. location - shall be as shown on the approved site plan dated September 28, 2007; sign 'A' near the eastern property line, sign 'B' near the central entrance and sign 'C'- near the western property line.
- c. maximum sign height, measured from finished grade to highest point -shall be twelve (12) feet for sign 'A'; twelve (12) feet for sign 'B' and eight (8) feet for sign 'C';
- d. maximum sign face area per side - shall be eighty square feet (80) feet for sign 'C' and one hundred twenty square feet (120) feet for signs 'A' and 'B'; and

e. style - monument style only. (Previous Sign Condition 1 of R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: BLDG - Zoning)

2. Freestanding signs fronting on Sansbury's Way shall be limited as follows:

a. maximum number of signs- two (2);

b. location - shall be as shown on the approved site plan dated September 28, 2007; sign 'D' south of the entrance, sign 'E' north of the entrance.

c. maximum sign height, measured from finished grade to highest point - shall be twelve (12) feet for sign 'D' and eight (8) feet for signs 'E';

d. maximum sign face area per side - shall be one hundred twenty square feet (120) feet for sign 'D' and eighty square feet (80) feet for sign 'E'; and

e. style- monument style only. (Previous Sign Condition 2 of R-2007-1879 (Control No. 2007-00018) (BLDG PERMIT: BLDG- Zoning)

USE LIMITATIONS

1. Outdoor retail business activities shall not be allowed on the property, excluding activities approved by a Special Permit, deliveries and drive-thru activities only. (Previous Use Limitation Condition 1 of Resolution R-2007-01879, Control No. 2007-00018) (ONGOING: CODE ENF- Zoning)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (Previous Use Limitation Condition 2 of Resolution R-2007-01879, Control No. 2007-00018) (ONGOING: CODE ENF- Zoning)

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.

Figure 1 Land Use Map

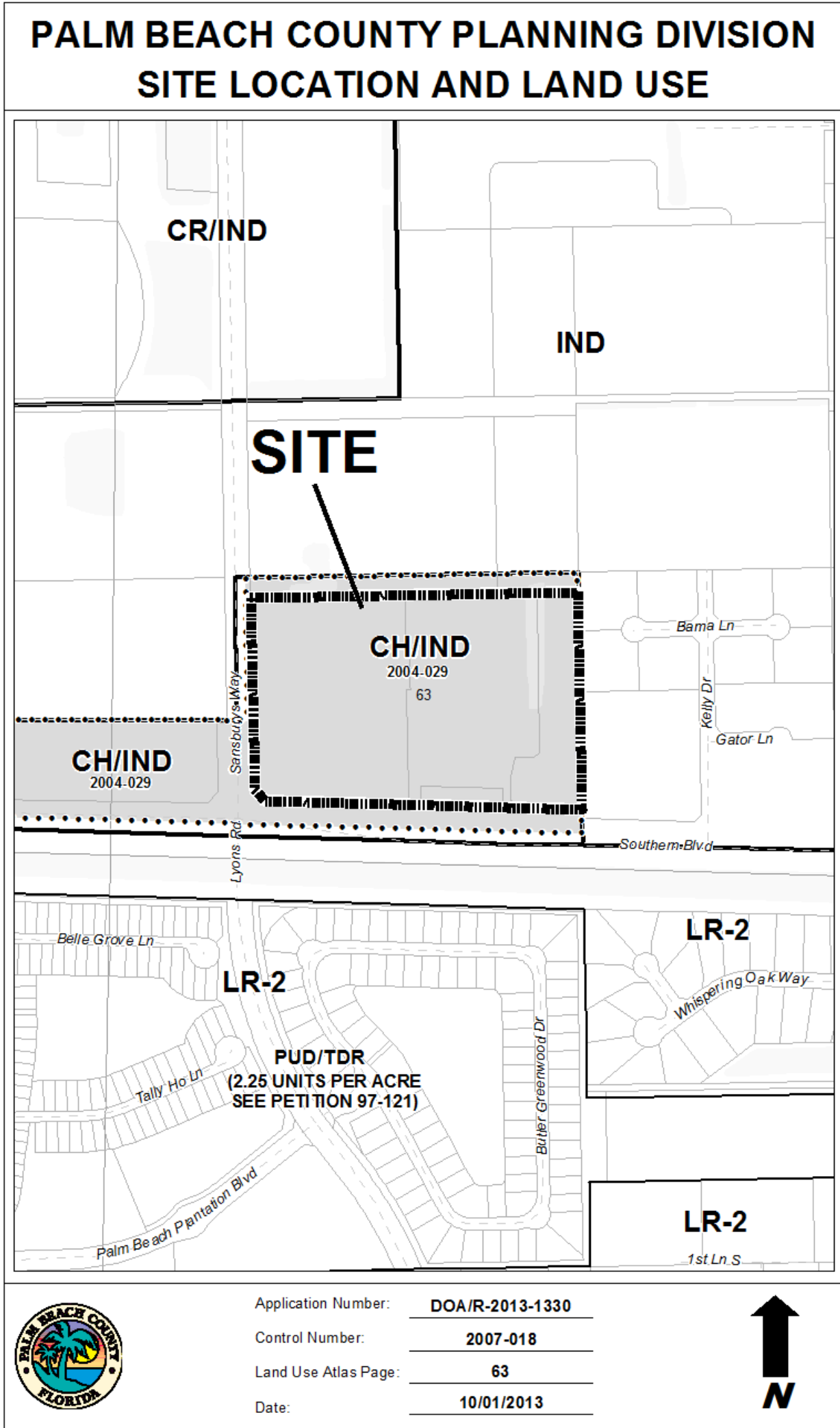


Figure 2 Zoning Map

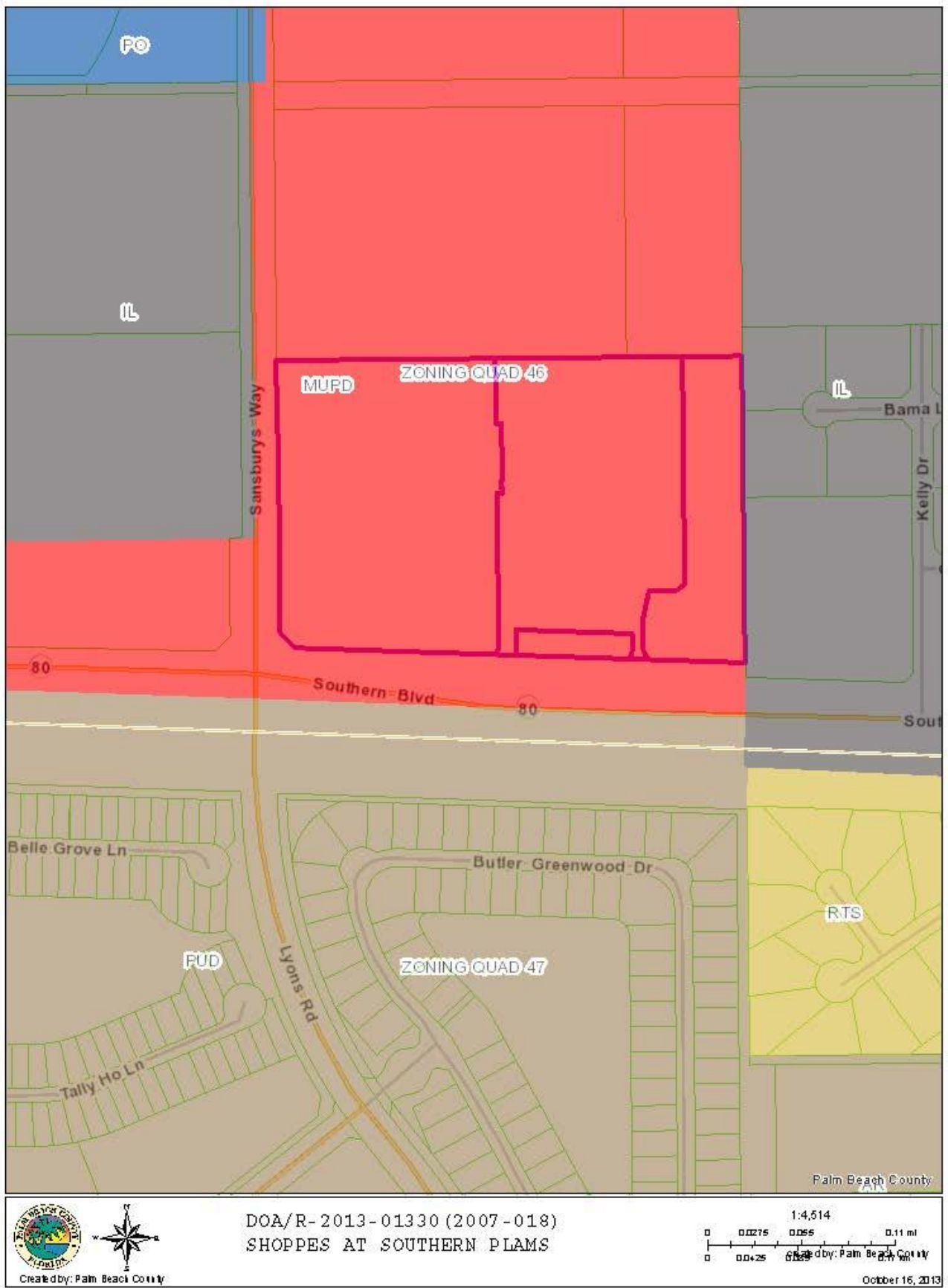


Figure 3 Aerial



Figure 6 Architectural Elevations not dated – received on 6/24/2013

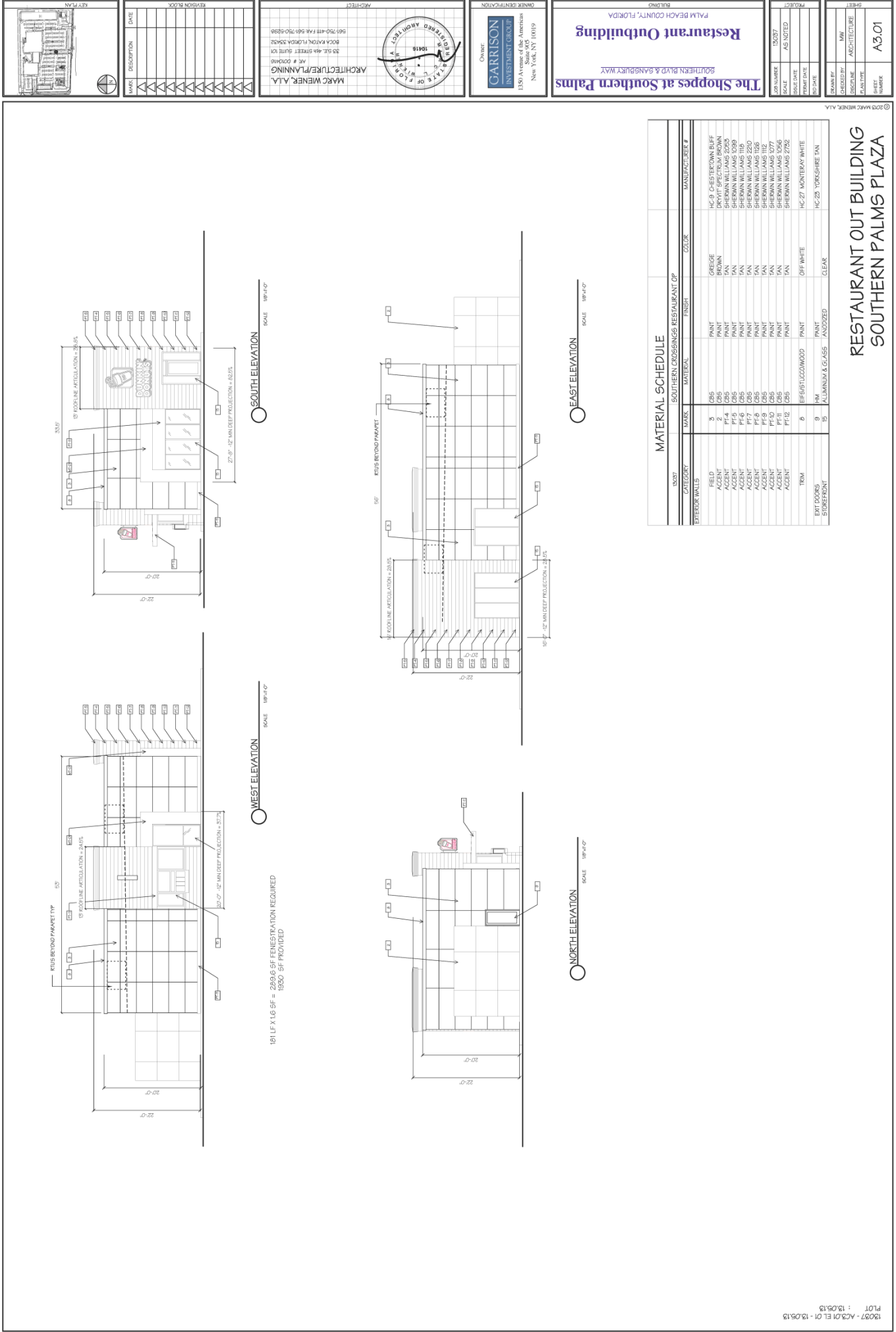


Exhibit D: Disclosures

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Julian Weldon, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or []Secretary _____ [position - e.g., president, partner, trustee] of Garrison West Palm Retail LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 1350 Avenue of the Americas 9th Floor New York New York 10019

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Julian Weldon _____, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Julian Weldon _____, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Notary Public

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"

PROPERTY

All of Tract A, Southern/Sansbury's MUPD recorded in Plat Book 111, Pages 66 and 67 in the Public Records of Palm Beach County, FL.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Garrison West Palm Retail, LLC 1350 Avenue of the Americas New York NY 10019 -

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Brian Chase, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or []CFO _____ [position - e.g., president, partner, trustee] of Garrison West Palm Retail LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 1350 Avenue of the Americas 9th Floor New York New York 10019

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

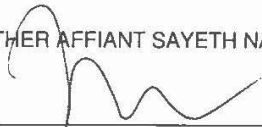
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

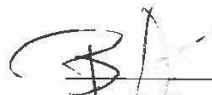
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Brian Chase, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15 day of May, 2013, by Brian Chase, [✓] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

Bradley Stuart Harris
(Print Notary Name)

NOTARY PUBLIC
State of ~~Florida~~ ^{New York} at Large
My Commission Expires: _____

BRADLEY STUART HARRIS
NOTARY PUBLIC-STATE OF NEW YORK
No. 02HA6219185
Qualified in Kings County
My Commission Expires March 22, 2014

EXHIBIT "A"
PROPERTY

All of Tract A, Southern/Sansbury's MUPD recorded in Plat Book 111, Pages 66 and 67 in the Public Records of Palm Beach County, FL

