

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

Application No.: DOA/R-2014-00649
Application Name: Turnpike/Exit 93 MUPD
Control No.: 2003-00025
Applicant: Turnpike Realty, Inc
Owners: Turnpike Realty, Inc.
Agent: Jon E Schmidt & Associates - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Joyce Lawrence, Site Planner II

TITLE: a Development Order Amendment REQUEST: to reconfigure the Site Plan; add a Requested Use; and, to modify/delete Conditions of Approval (Engineering, Landscaping, and Sign). **TITLE:** a Requested Use REQUEST: to allow a Type I Restaurant.

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for the Turnpike/Exit 93 LLC Multiple Use Planned Development (MUPD). The 4.47-acre site was last approved by the Board of County Commissioners (BCC) on October 23, 2003 for a rezoning from the General Commercial (CG) Zoning District to the MUPD Zoning District to allow a Convenience Store with Gas Sales; a Hotel; and a-4000 square foot Restaurant with no drive through lane, granted under Resolution Number R-2003-1768.

The Applicant is proposing to reconfigure the Site Plan to redevelop the existing Type II Restaurant Use with a Requested Use for a Type I Restaurant with a drive through lane and 31 seats, and General Retail uses; and modify and delete Conditions of Approval (Engineering, Landscape, and Sign). The Preliminary Site Plan indicates 2,800 square feet (sq. ft.) of Convenience Store with 10 fueling positions; a 540-sq. ft. Car Wash; a 53,856 sq. ft. Hotel with 104 rooms; a 2,034 sq. ft. Type I Restaurant with a drive through lane, and 31 seats; and 1,796 sq. ft. of General Retail use for a total of 61,026 sq. ft. A total of 178 parking spaces are provided and 1 access point to the site will remain from Lake Worth Road.

SITE DATA:

Location:	Northwest corner of Florida's Turnpike and Lake Worth Road. (Turnpike/Exit 93 MUPD)
Property Control Number(s)	00-42-44-20-08-002-0000 00-42-44-20-08-001-0020 00-42-44-20-08-001-0010
Existing Land Use Designation:	Commercial High, with an underlying LR-2 (CH/2)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Proposed Zoning District:	No proposed change
Acreage:	4.47 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Lake Worth Road Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	City of Greenacres and the Village of Wellington.

RECOMMENDATION: Staff recommends approval of the request subject to 48 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contact from the public regarding this project.

PROJECT HISTORY:

The subject site had prior approvals for 2 separate Planned Commercial Developments (Control Numbers 1989-00053 and 1989-00054). See below the following table that summarizes the history:

Application No./ Control Number	Request	Approval Date	Resolution
SE-1989-053	A Special Exception (SE) for a Planned Commercial Development (PCD) to include an auto service Station (no repairs); and a Car Wash, which extinguishes a portion of a SE for a Telephone Exchange and S Substation approved under Petition No. 1985-00057.	July 27, 1989	R-1990-63
1989-054	BCC approved through Resolution R-1990-64 for a Rezoning from the Agricultural Residential (AR) Zoning District to the General Commercial (CG) Zoning District	July 27, 1989	R-1990-64
1989-054	A SE for a Hotel; and an existing Public and Private Utility Service - (Telephone Exchange Building and Substation which extinguishes a portion of the SE for a Telephone Exchange and Substation (Petition No. 1985-00057).	July 27, 1989	R-1990-65
SE-1989-053	Approval to revoke Resolution R-1990-63.	September 17, 2003	R-2003-1766
SE-1989-054	Approval to revoke Resolution R-1990-65.	September 17, 2003	R-2003-1767
PDD-2003-00025	An official Zoning Map Amendment to rezone the parcel of land from the CG Zoning District to the MUPD Zoning District to allow a Convenience Store with Gas Sales, a Hotel, and a Restaurant with no drive through lane. The request for the Fast Food Restaurant (Type I) was denied. See the summary of the Minutes below for more detail.	October 23, 2003	R-2003-1768
PDD-2003-00025	Resolution correcting Resolution R-2003-1768 for an Engineering Condition.	February 26, 2004	R-2004-0395

Project History - Summary from the September 17, 2003 and October 23, 2003 BCC Hearings:

The request was postponed from the September 2003 BCC hearing to allow an additional 30 days for the Applicant to meet with the residents of the Summer Chase residential development. Summer Chase is located approximately 1,100 feet west of the MUPD entrance and on the north side of Lake Worth Road.

This item was heard at the October 23, 2003 BCC Hearing to allow further discussion of the application. The primary concern of the Summer Chase residents was the increase in traffic due to the site's proximity to the Turnpike and the residents have concerns about the U-Turn traffic that heads back east to the Turnpike. The entrance to the MUPD is from Lake Worth Road which is a right of way regulated by the FDOT. The BCC discussed the possibility of an additional entrance or an additional traffic light at the entrance of Summer Chase or slightly to the east of this development. However, a traffic light was not a possibility due to the FDOT's decisions and lack of jurisdiction by the County. Therefore, the BCC focused their discussion on the traffic affiliated with the Fast Food Restaurants (Type I), and determined that there were sufficient Type I Restaurants on Lake Worth Road. As a result of that determination, the BCC voted for the project but against a Fast Food (Type I) Restaurant.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Commercial Low, with an underlying LR-3 (CL/3)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Self-Service Storage Facility; Caretakers' Quarter; General Retail; Office; Indoor Entertainment (Control No 1996-00004)

SOUTH:

FLU Designation: Commercial Low-Office (CL-O)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Polo Lakes Office Park MUPD (Control No 2001-0140)

EAST:

FLU Designation: Utilities and Transportation (U/T)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Turnpike

WEST:

FLU Designation: Commercial Low, with an underlying LR-3 (CL/3)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Self-Service Storage Facility; Caretakers' Quarter; General Retail; Office; Indoor Entertainment (Control No 1996-00004)

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.*

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.

Intensity: The request is for the reallocation of existing square footage. The previously approved total 61,026 sq. ft. equates to a Floor Area Ratio (FAR) of approximately 0.31 (61,026 / 194,840 sq. ft. or 4.47 acres = 0.313). The maximum FAR of 0.50 (for Planned Development District) is allowed for a non-residential project with a CH FLU designation in the Urban/Suburban Tier (4.47 acres x 43,560 sq. ft. x 0.50 maximum FAR; therefore the calculation for the maximum FAR is 97,356.6 sq. ft.).

Special Overlay District/ Neighborhood Plan/Planning Study Area: The property is located within the West Lake Worth Road Neighborhood Plan. The request is not inconsistent with the neighborhood plan. The applicant met with the Lake Worth Road Coalition June 18, 2014. The Coalition provided a letter of support dated June 24, 2014. See Exhibit E.

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 request to redevelop the site to replace the approved Type II Restaurant with a Type I Restaurant with a drive through lane, and the General Retail uses comply with all relevant and appropriate portions of ULDC Article 4.B, Supplemental Use Regulations. In addition, Staff notes that the character of the land surrounding and in the vicinity of the land proposed for redevelopment is predominantly surrounded by commercial land and the ultimate right-of-way for Florida's Turnpike.

Access: The site has a cross access agreement recorded under OR10720/1733 to allow perpetual access to this development from the western MUPD. Application BA-2003-00828 approved on December 18, 2003 by the Board of Adjustment, which allowed the egress through the easement. This is due to FDOT's access restriction onto Lake Worth Road. The change in use will increase the trips; however, it was determined by the Traffic Division that the proposed changes are in compliance with Traffic Concurrency (Standard 7, Adequate Public Facilities).

Parking: The prior approval required 181 spaces, the approved Plan showed 183 spaces. With the proposed reconfiguration and change in uses, a total of 176 parking spaces is required and the Applicant is providing 178 spaces. Even though there is a reduction of spaces from the prior approval; however, because the subject property is an MUPD, the ULDC allows a range of parking spaces from 4 spaces/1000 sq. ft. to 6 spaces/1000 sq. ft. The current proposal meets the ULDC requirements.

Loading: At time of submittal for final Site Plan approval by the Development Review Officer (DRO), the Applicant will be requesting a Type I Waiver to reduce the dimensions of the loading area. Pursuant to the ULDC, Article 6.B.1.H, Dimensional Standards, the required loading space shall be a minimum width of 15 feet and minimum length of 55 feet. The Applicant is proposing a reduction to a dimension of 13 feet x 26 feet, and is seeking approval through the DRO process.

Landscaping: In accordance with ULDC, Article 7.D.11, the Applicant is proposing to relocate the required Foundation Planting from the west façade of the Restaurant to the entire east façade. However, Staff is recommending that, at time of submittal for Final Site Plan Approval by the DRO, the Applicant shall revise the plan to relocate the required (40% at a minimum of 8 feet wide) Foundation Planting for the west facade to the north facade of the building. No change is proposed to the existing perimeter buffers. The 20-foot wide Right-of-way Buffer has an existing 5-foot Utility Easement encroachment, but and is addressed under Non-Conformities chart on the Preliminary Site Plan.

Architecture: The proposed redevelopment is subject to Architectural Guidelines. The Applicant submitted Architectural Elevations dated June 23, 2014 but Staff have found these elevations not in compliance with Article 5.C.

Staff recommends a Condition of Approval that at time of final approval by the Building Department, Architectural Elevations shall be revised and submitted for review and approval. See Architectural Review Condition1.

Signage: Staff recommends that at time of submittal for Final Site Plan Approval by the DRO, the Applicant shall revise the Site and Master Sign Plans to indicate the location of the On-Site Directional and the "Do Not Enter" Signs. The signs are to show directions and facility information including on-site services and to ensure safety of the patrons.

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 Applicant is proposing to redevelop the Type II Restaurant to support a Type I Restaurant, and a permitted General Retail use in an existing building. The proposed amendment makes use of an existing structure so in terms of development there are no new structures to be built nor will this amendment impact the development pattern in the immediate vicinity.

The Site is completely surrounded by existing non-residential uses to the north, south and west, and the Turnpike is located to its east. The proposed amendment should not create any new compatibility issues with the surrounding lands. Any incompatibility issues beyond ULDC considerations have been addressed by landscape buffers and other applicable Conditions of Approval.

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 Applicant is proposing to redesign the site by reconfiguring the parking area to accommodate a drive through lane for the proposed Type I Restaurant. The proposal should not create any additional adverse effects, including visual impact and intensity of the use on adjacent lands.

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 site 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 Type I Restaurant will slightly alter the existing development pattern of commercial uses. The proposal will replace a Restaurant use within an established developed area with no new structure proposed within the development. The proposed amendment makes use of an existing structure within the shopping center; however, the pattern of development will change to provide a different user.

In addition, the Applicant states that the Turnpike's exit at Lake Worth Road was reconfigured a few years ago and it was aligned with the traffic light at the entrance to the development along with the Self-storage Facility and the Skating Rinks uses, which all share the access drive. This alignment eliminates the concerns of patrons making a U-turn to travel east to the Turnpike as the traffic light allows for a full signalized intersection supporting a left turning movement to access the northbound turnpike entrance.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The Property Owner has estimated the build-out of the project to be December 31, 2019. Previously approved traffic from this project was 2,831 trips per day, 223 trips in the PM peak hour. Additional traffic expected from the proposed project is 498 trips per day, 21 trips in the PM peak hour, for grand total impact of 3,329 daily and 244 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment:	Lake Worth Rd from Lyons Rd to FL Turnpike
Existing count:	Eastbound=1523, Westbound=2141
Background growth:	Eastbound=335, Westbound=367
Project Trips:	Eastbound=6, Westbound=5

Total Traffic: Eastbound=1864, Westbound=2513
Present laneage: 6
Assured laneage: 6
LOS "D" capacity: 2680 vehicles per hour (directional)
Projected level of service: LOS D or better

DRAINAGE IMPACTS:

The Property Owner shall apply for and obtain Drainage Review approval prior to issuance of a building permit for additional impervious area.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis.

FIRE PROTECTION: No Staff Review Analysis.

SCHOOL IMPACTS: No Staff Review Analysis.

PARKS AND RECREATION: No Staff Review Analysis.

CONCURRENCY: Concurrency is approved for an overall 61,026 sq. ft. of mixed commercial uses including the proposed 2,034 sq. ft. Type 1 Restaurant.

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

The Applicant states that the Turnpike's exit at Lake Worth Road was reconfigured a few years ago and it was aligned with the traffic light at the entrance to this development along with the Self-storage and Skating Rinks uses, which all share the access drive. This alignment eliminates the concerns of patrons making a U-turn to travel east to the Turnpike as the traffic light allows for a full signalized intersection supporting a left turning movement to access the northbound turnpike entrance.

The approved rezoning to a MUPD with the additional request to allow a Convenience Store with Gas sales, a Hotel and a Fast Food Restaurant was initially heard by the BCC on September 17, 2003. The subject site had previous approvals for 2 separate Planned Commercial Developments which allowed for an Auto Service Station with Carwash, a Hotel and a Restaurant. The Applicant indicated that the 2003 request for a redesign of the site was necessary to address Florida Department of Transportation (FDOT) access requirements, and that the previously approved building configurations and uses were outdated.

The request was postponed from the September 2003 BCC hearing to allow an additional 30 days for the Applicant to meet with the residents of the Summer Chase residential development. Summer Chase is located approximately 1,100 feet west of the MUPD entrance and on the north side of Lake Worth Road.

This item was on the regular agenda at the October 23, 2003 BCC Hearing to allow further discussion of the application. The primary concern of the Summer Chase residents was the increase in traffic due to the close proximity to the Turnpike and patrons of the MUPD needing to make a U-Turn to head back east to the Turnpike. The entrance to the MUPD is from Lake Worth Road which is a right of way regulated by the FDOT. The Commissioners discussed the possibility of an additional entrance or an additional traffic light at the entrance of Summer Chase or slightly to the east of this development. However, a traffic light was not a possibility due to the FDOT decisions and lack of jurisdiction by the County. Therefore the BCC focused their discussion on Fast Food Restaurants (Type I) and the amount of traffic this type of use generates and determined that there were sufficient Type I Restaurants on Lake Worth Road. As a result the BCC voted for the project but against a Fast Food (Type I) Restaurant.

The request for the Type I Restaurant, will be in an existing building which previously supported a Type II Restaurant use. The Applicant states in the Justification Statement that the prior use has had several failed establishments due to the type of use, and also not having a drive-thru, and ease of access. The Applicant is reconfiguring the site to align the Turnpike Exit Ramp and Toll with the entrance to provide a more convenient ingress/egress to the site. The Applicant maintains that with

the proposed revision the request would provide an opportunity for a successful and needed service to the surrounding commercial and residential uses.

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 for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the 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 Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

Exhibit C-1

Development Order Amendment

ALL PETITIONS

1. Previous A condition 1 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 9, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved Preliminary Site Plan is dated August 19, 2014. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2003-1768, and R-2004-0395, (Control 2003-00025), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous C condition 1 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

At time of submittal for final Development Review Committee (DRC) approval, the architectural elevations shall be submitted for architectural review and approval. Elevations and the site plan shall be designed to be consistent with Section 6.6. E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan.

Is hereby amended to read:

At time of submittal for Building Permit, the Architectural Elevations shall be submitted for review and approval by the Building Department. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

2. All dumpster enclosures shall be enclosed with a concrete wall on three (3) sides. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. All service openings and doorways shall be completely screened with opaque decorative gates. (BLDGPM: BUILDING DIVISION - Zoning) (Previous C condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

3. Gas station canopies shall be designed consistent with the following standards:

- a. A maximum height of twenty-five (25) feet. The roof shall have a minimum slope of 5:12. No flat roof shall be permitted;
- b. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and
- c. Lighting for the gas station canopy shall be flush mounted or recessed. (BLDGPM: BUILDING DIVISION - Zoning) (Previous C condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

ENGINEERING

1. Previous E condition 1 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. Building Permits for more than the following uses shall not be issued until the contract has been let for a north approach and south approach right turn lane at the intersection of Lake Worth Road and Lyons Road.

- one gas station with a maximum 10 vehicle fueling position,
- one car wash,
- 2,800 square foot convenience store
- 2,600 square foot general commercial.

These uses have been determined to generate 1,449 daily external trips per day.

b. Building Permits for more than the following uses shall not be issued until the contract has been let for a three left turn lanes north approach at the intersection of Lake Worth Road and the Florida Turnpike. Construction shall also include the widening of the west bound through lanes in accordance with the approval of the Florida Department of Transportation.

- one gas station with a maximum 10 vehicle fueling positions,
- one car wash;
- 2,800 square foot convenience store;
- 2,600 square feet of general retail;
- hotel with a maximum of 114 rooms.

These uses have been determined to generate 2,328 external trips per day. The mix of all allowable uses listed in a) and b) above may be adjusted by the County Engineer, as permitted by the Zoning Division, based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

c. No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code.

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. Building Permits for more than the following uses shall not be issued until the contract has been let for a north approach and south approach right turn lane at the intersection of Lake Worth Road and Lyons Road.

- one gas station with a maximum 10 vehicle fueling position;
- one car wash;
- 2,800 square foot convenience store;
- 2,600 square foot general commercial.

These uses have been determined to generate 1,449 daily external trips per day. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Building Permits for more than the following uses shall not be issued until the contract has been let for a three left turn lanes north approach at the intersection of Lake Worth Road and the Florida

Turnpike. Construction shall also include the widening of the west bound through lanes in accordance with the approval of the Florida Department of Transportation.

- one gas station with a maximum 10 vehicle fueling positions;
- one car wash;
- 2,800 square foot convenience store;
- 2,600 square feet of general retail;
- hotel with a maximum of 114 rooms.

These uses have been determined to generate 2,328 external trips per day. The mix of all allowable uses listed in a) and b) above may be adjusted by the County Engineer, as permitted by the Zoning Division, based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

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

2. Acceptable surety required for the offsite road improvements as outlined in Condition E.1.a, and E.1.b, above shall be posted with the Land Development Division on or before March 18, 2004. Surety shall be in the amount of 110% and shall be based upon a certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE: ENGINEERING - Engineering) (Previous E condition 2 of Resolution R-2003-1768, Control No.2003-00025)

3. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering) (Previous E condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

4. LANDSCAPE WITHIN THE MEDIAN OF LAKE WORTH ROAD

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of the abutting right of way of Lake Worth Road. 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 petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in sub paragraph d below. (ONGOING: ENGINEERING - Engineering) [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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner 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 petitioner. The petitioner 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 Petitioner. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner 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 Lake Worth Road. 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. (BLDGPM: ENGINEERING - Engineering) (Previous E condition 4 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

5. Previous E condition 5 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

The Property Owner shall construct a right turn lane east approach on Lake Worth Road at both project entrances.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
- b. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit.
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy

Is hereby amended to read:

The Property Owner shall extend the existing right turn lane east approach on Lake Worth Road servicing both project entrances by 130 feet or as otherwise approved by the County Engineer and the Florida Department of Transportation.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Prior to issuance of the first building permit, the Property Owner shall obtain all necessary permits for this right turn lane extension. (BLDGPM/ONGOING: MONITORING - Engineering)
- b. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall complete this construction. (BLDGPM/CO: MONITORING - Engineering)

6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engi

neering) (Previous E condition 6 of Resolution R-2003-1768, Control No.2003-00025)

7. Prior to approval of the Preliminary Development Plan by the Development Review Committee the Property Owner shall convey an access easement to the Property Owner to the west. Location of the access easement shall be approved by the County Engineer with the form of the easement approved by the County Attorney's Office. (DRO: ENGINEERING - Engineering) (Previous E condition 7 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: Environmental Research Management - Environmental Research Management) (Previous D condition 1 of Resolution R-2003-1768, Control No.2003-00025)

LANDSCAPE - GENERAL

1. Fifty (50%) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;

- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

2. All palms required to be planted on site 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. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches - large shrub; and
- d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence or wall. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

4. All trees and palms shall be planted in a meandering and naturalistic pattern, with exception to five (5) foot wide buffers. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 4 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: LANDSCAPE - Zoning) (Previous F condition 5 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

6. Prior to final DRC approval of the site plan, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning) (Previous F condition 6 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

LANDSCAPE - PERIMETER

7. Landscaping along the south property line abutting Lake Worth Road shall be upgraded to include:

- a. A minimum twenty (20) foot wide right-of-way buffer strip. No width reduction shall be permitted. Easement encroachment shall be permitted for the restaurant only;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) foot measured from top of curb;
- c. One (1) canopy tree for each thirty (30) linear feet of property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of property line, to be planted in groups of five (5);
- e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. One (1) medium shrub (saw palmetto, seagrape or pampas grass) for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous G condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

8. Landscaping along the east property line abutting the Lake Worth Drainage District E-2-W Canal and Florida's Turnpike, shall be upgraded to include:

- a. A minimum twenty (20) foot wide right-of-way buffer strip. Fifty (50) percent width reduction shall be permitted pursuant to ULDC width reduction requirements. No easement encroachment shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of property line;
- c. One (1) palm or pine tree for each thirty (30) linear feet of property line, to be planted in groups of five (5);
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub (saw palmetto, seagrape or pampas grass) for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous H condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

9. Landscaping along the south 250 feet of the west property line abutting the Lake Worth Road Storage MUPD, shall be upgraded to include:

- a. A minimum five (5) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line; and
- c. One (1) medium shrub (saw palmetto, seagrape or pampas grass) for each two (2) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous I condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

LANDSCAPE - INTERIOR

10. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. Landscaping for terminal islands in the parking area shall consist of the following:

- a. One (1) canopy tree for each island; and,
- b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 1 of Resolution R-2003-1768, Control No.2003-00025)

11. Landscaped diamonds shall be provided between every row of abutting parking for the hotel. The minimum width and length of this diamond shall be eight (8) feet excluding curb. One tree shall be planted for every other diamond with a minimum spacing of twenty (20) feet on center, and appropriate ground cover shall be planted for each diamond. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

12. Landscaping in the eight (8) foot wide landscape buffer between the Hotel and C-store/Restaurant, and the divider median to the north of the hotel shall be upgraded as follows:

- a. One (1) canopy or flowering tree for each twenty (20) linear feet; and
- b. One (1) medium shrub for each two (2) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

13. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to provide a focal point on the south side of the hotel fronting the access way. (DRO: LANDSCAPE - Zoning) (Previous J condition 4 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

14. Previous J condition 5 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

Foundation planting or grade level planters shall be upgraded along the south, east and west facades of the convenience store, the south and west facades of the restaurant, and all sides of the hotel, to consist of the following:

- a. The minimum width of the required landscape areas shall be increased to eight (8) feet for the south, east and west sides of the convenience store, south and west sides of the restaurant, and the north, south and east sides of the hotel;
- b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure;
- c. Minimum equivalent of one (1) canopy, flowering or palm tree for each twenty (20) linear feet of building facade;
- d. One (1) small shrub for each two (2) linear feet, to be installed at a minimum height of eighteen (18) inches; and, e. One (1) medium shrub for each four (4) linear feet, to be installed at a minimum height of twenty-four (24) inches.

Is hereby amended to read:

Foundation planting or grade level planters shall be upgraded along the south, east and west facades of the convenience store, the south facades of the restaurant, and all sides of the hotel, to consist of the following:

- a. The minimum width of the required landscape areas shall be increased to eight (8) feet for the south, east and west sides of the convenience store, south and east sides of the restaurant building, and the north, south and east sides of the hotel;
- b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure;
- c. Minimum equivalent of one (1) canopy, flowering or palm tree for each twenty (20) linear feet of building facade;
- d. One (1) small shrub for each two (2) linear feet, to be installed at a minimum height of eighteen (18) inches; and,
- e. One (1) medium shrub for each four (4) linear feet, to be installed at a minimum height of twenty-four (24) inches. (BLDGPM: LANDSCAPE - Zoning)

15. Special planting treatment shall be provided on both sides of the southern and western access points. Planting shall consist of the following:

- a. A minimum of three (3) Royal Palms, or other specimen trees subject to Zoning approval. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 6 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

16. Landscaping shall be provided along the south and west sides of the utility facility located at the northeast corner of the subject site, to include the following:

- a. One (1) canopy tree for each twenty (20) linear feet of property line;
- b. One (1) medium shrub for each four (4) linear feet, to be installed at a minimum height of twenty-four (24) inches; and
- c. One (1) large shrub for each two (2) linear feet, to be installed at a minimum height of thirty (30) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 7 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

17. Decorative brick pavers shall be provided at the three-way intersection on the south side of the hotel, for all vehicular access points and where pedestrian walkways cross an access way. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 8 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

18. Special planting treatment shall be provided on both sides of the projects main vehicular corridor and the divider median to the south of the restaurant. Planting shall consist of the following:

- a. One (1) Royal Palm, or other specimen trees subject to Zoning approval, for each thirty (30) linear feet; and,

b. One (1) medium shrub for each two (2) linear feet, to be installed at a minimum height of twenty-four (24) inches. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 9 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: BUILDING DIVISION - Zoning) (Previous K condition 1 of Resolution R-2003-1768, Control No.2003-00025)

2. All outdoor, freestanding lighting fixtures shall not exceed thirty (30) feet in height measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous K condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

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 K condition 3 of Resolution R-2003-1768, Control No.2003-00025)

PLANNED DEVELOPMENT - MUPD

1. Prior to approval of the site 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, rooflines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: COUNTY ATTORNEY - Zoning) (Previous L condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

2. 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: COUNTY ATTORNEY - Zoning) (Previous L condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

PLANNING

1. Prior to the issuance of a certificate of occupancy, the petitioner shall pave the two (2) vehicular cross access points to the edge of the western property line at the locations shown on the final approved site plan. (CO: MONITORING - Planning) (Previous M condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

SIGNS

1. Freestanding point of purchase signs shall be limited as follows:

a. Maximum sign height: twelve (12) feet;

b. Maximum number of signs: two (2);

c. Maximum sign face area per side: sign A - seventy (70) square feet, and sign B - one-hundred (100) square feet;

d. Use: sign A shall be limited to the convenience store with gas sales, and sign B shall be divided equally between the hotel and restaurant.

e. Location: sign A - within fifty (50) feet of the Lake Worth Road entrance (distance shall be measured from the centerline of the access drive), and sign B - within fifty (50) feet of southeast corner;

f. Style: monument; and

g. Signs shall be limited to project identification. (BLDGPM: BUILDING DIVISION - Zoning) (Previous N condition 1 of Resolution R-2003-1768, Control No.2003-00025)

2. Previous N condition 2 of Resolution R-2003-1768, Control No.2003-00025, which currently states:

Wall signs shall be limited to south facades of the convenience store and restaurant buildings, and any facade of the hotel. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

Is hereby deleted. [REASON: Code Requirements.]

3. Signs on gas canopy shall be limited to south and east facades of the canopy. Lettering size shall be limited to eighteen (18) inches high. Canopy signs shall be limited to identification of tenants only. (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 3 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

SITE DESIGN

1. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to comply with legal access requirements or obtain variance relief. (DRO: ZONING - Zoning) (Previous B condition 1 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

2. A five (5) foot wide sidewalk shall be provided along the south 250 feet of the west property line abutting the Lake Worth Storage MUPD. (BLDG/PMT/DRO: BUILDING DIVISION - Zoning) (Previous B condition 2 of Resolution R-2003-1768, Control No.2003-00025) [Note: COMPLETED]

USE LIMITATIONS

1. No outdoor business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF - Zoning) (Previous O condition 1 of Resolution R-2003-1768, Control No.2003-00025)

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous O condition 2 of Resolution R-2003-1768, Control No.2003-00025)

3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous O condition 3 of Resolution R-2003-1768, Control No.2003-00025)

4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous O condition 4 of Resolution R-2003-1768, Control No.2003-00025)

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 Voluntary Commitments 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 Voluntary Commitments; 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 Voluntary Commitment of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

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

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 19, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

2. At time of Building Permit Approval, the Architectural Elevations for the proposed Type I Restaurant Building shall be revised and submitted for review and approval by the Building Department. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated November 17, 2005. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDG PERMIT: BUILDING DIVISION - Zoning)

LANDSCAPE - INTERIOR-FOUNDATION PLANTING ALONG THE NORTH SIDE OF THE TYPE I RESTAURANT BUILDING

1. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be revised to indicate the following:

- a. a minimum of eight (8) feet wide foundation planting along the north side of the Type I Restaurant Building; and
- b. the length shall be no less than forty (40) percent of the total length of the north side of the Type I Restaurant Building. (DRO: LANDSCAPE - 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: ZONING - Zoning)

2. Failure to comply with any of the Voluntary Commitments 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 Voluntary Commitments; 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 Voluntary Commitment of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

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

Figure 1 - Land Use Map

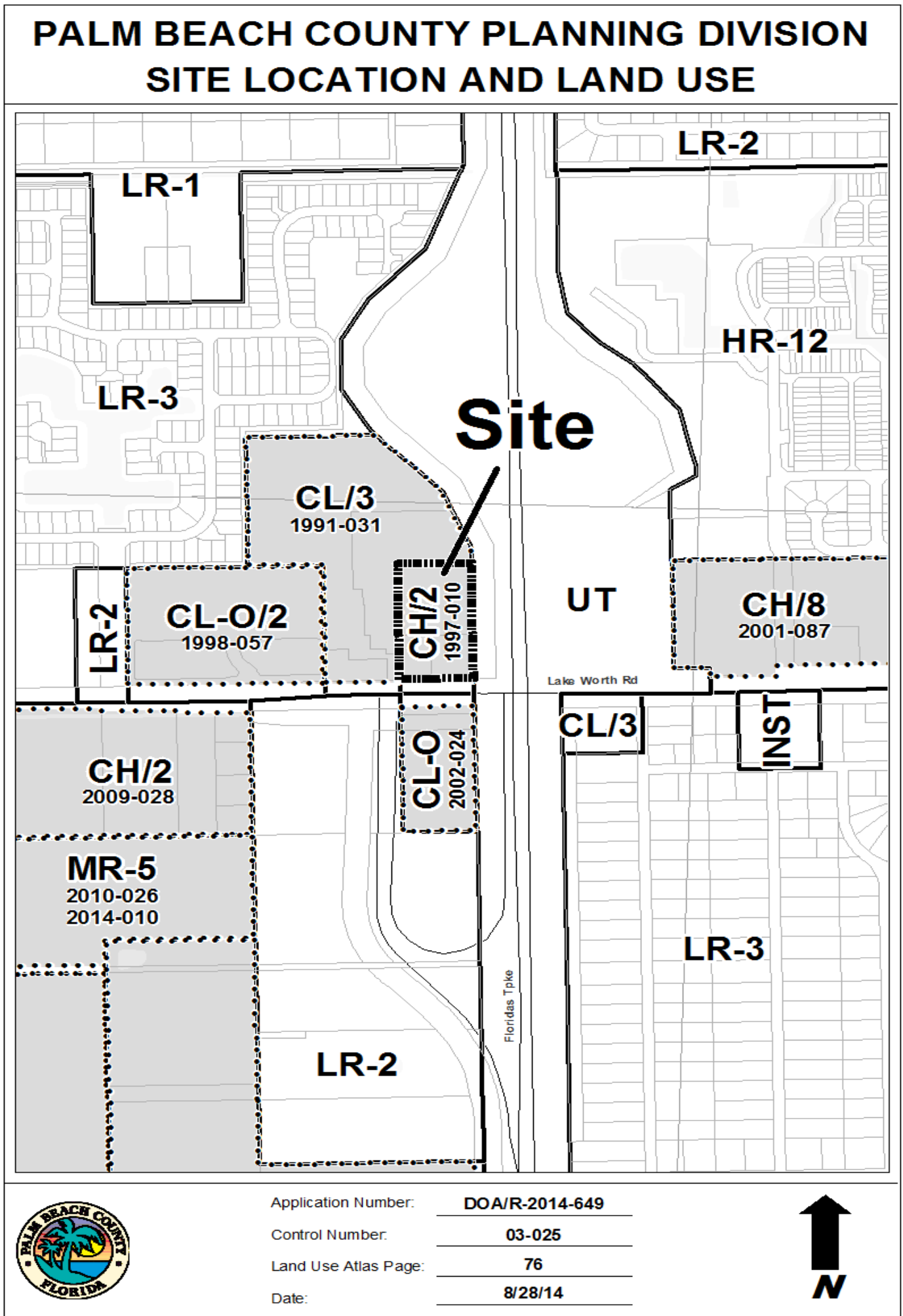


Figure 2 - Zoning Map

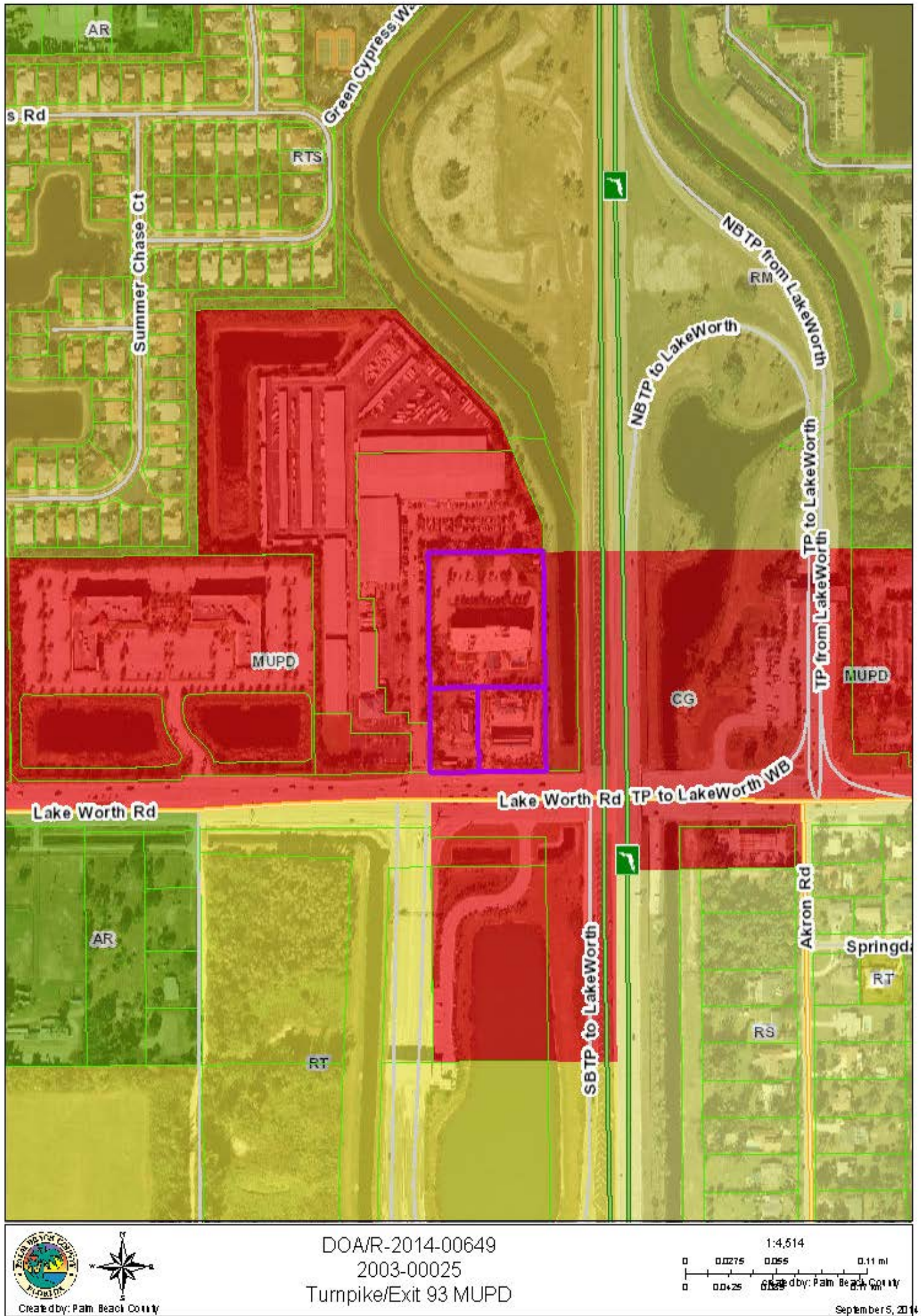


Figure 3 - Aerial

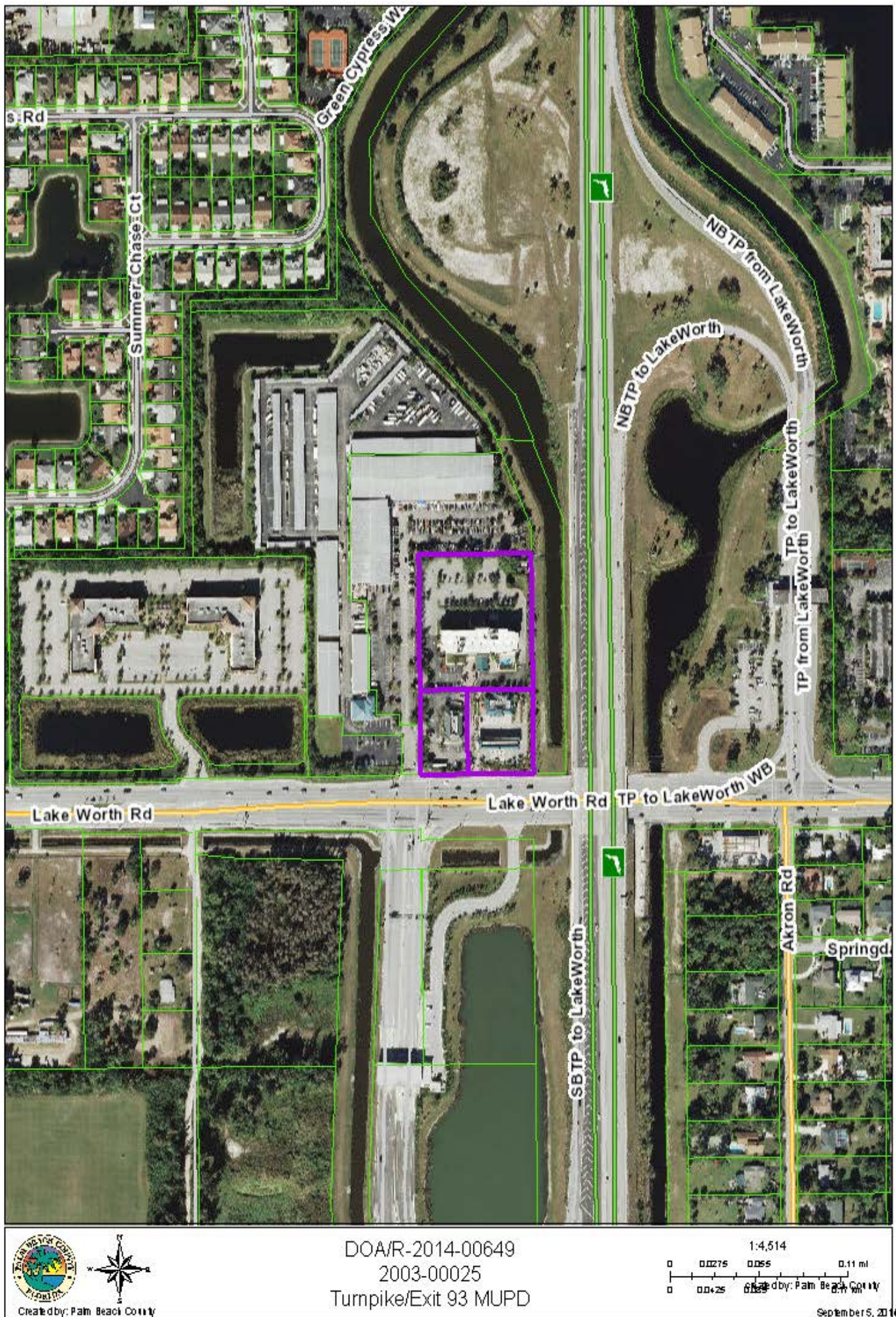


Figure 4 - Preliminary Site Plan dated August 19, 2014

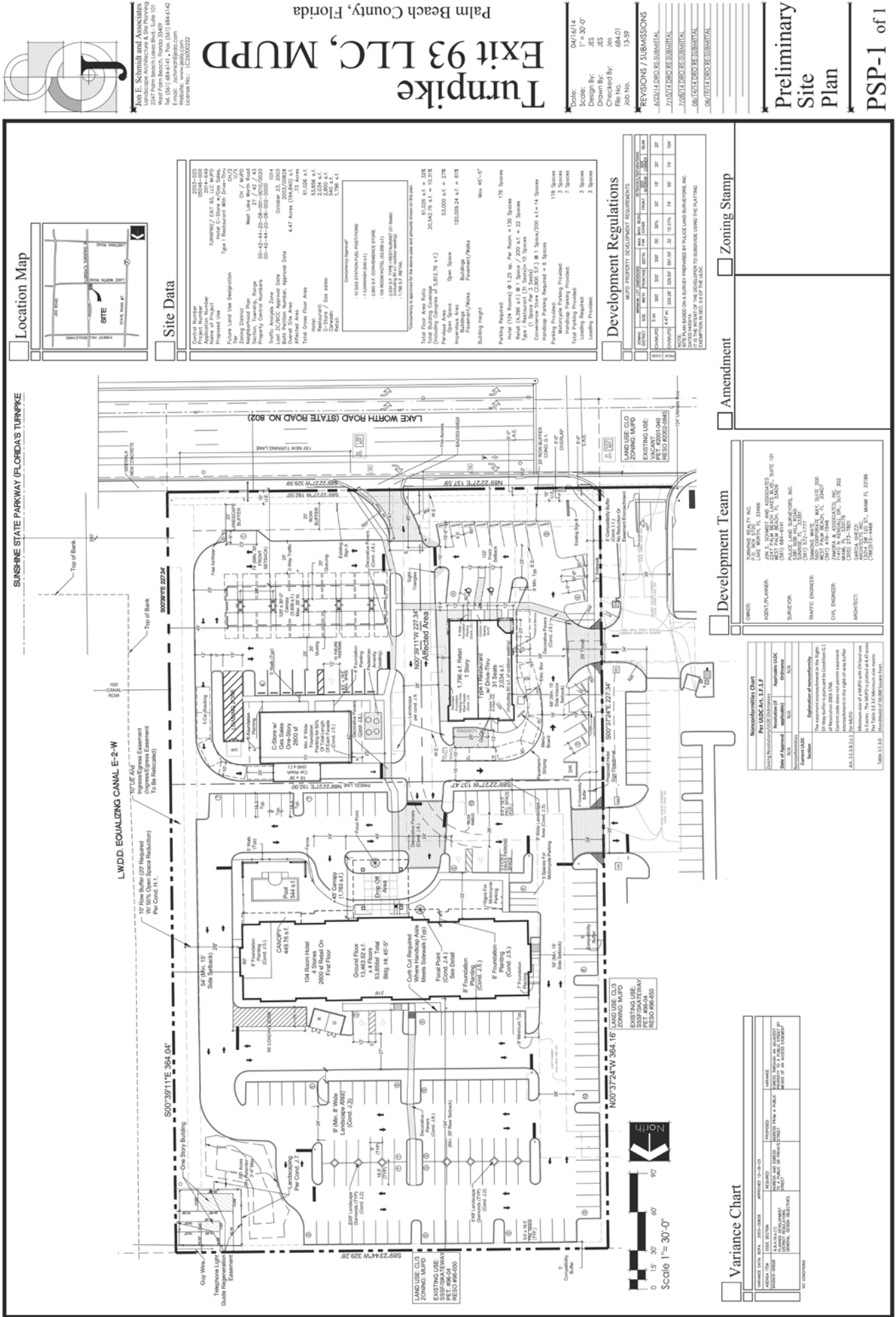
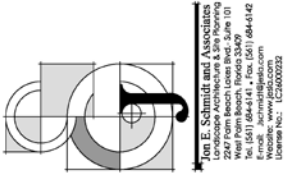


Figure 5 - Preliminary Regulating Plan dated August 14, 2014



Palm Beach County, Florida

Turnpike Exit 93 LLC, MUPD

Date: 04/16/14
Scale: NTS
Design By: JES
Drawn By: JES
Checked By: JES
File No: 684.01
Job No.: 13-59

REVISIONS / SUBMISSIONS
6/24/14 DRG RESUBMITAL
7/10/14 DRG RESUBMITAL
08/14/14 DRG RESUBMITAL

Preliminary
Regulating
Plan

PRP-1 of 1

Landscape Requirements

TREE #	TREE TYPE	SIZE (DBH)	REPLACEMENT #	STATUS
1	SLASH PINE	12"	NA	PRESERVE
2	SLASH PINE	12"	5	REMOVE
3	SLASH PINE	12"	5	REMOVE
4	RUBBER TREE	36"	NA	REMOVE
5	RUBBER TREE	36"	NA	REMOVE
6	SLASH PINE	12"	4	RELOCATE
7	SLASH PINE	20"	4	RELOCATE
8	CABRAGE PALM	18"	NA	RELOCATE
9	CABRAGE PALM	18"	NA	RELOCATE
10	ROYAL PONCANA	12"	NA	RELOCATE
11	ROYAL PONCANA	12"	NA	REMOVE
12	ROYAL PONCANA	12"	NA	REMOVE
13	ROYAL PONCANA	12"	NA	REMOVE
14	ROYAL PONCANA	12"	NA	REMOVE
15	ROYAL PONCANA	12"	NA	REMOVE
16	ROYAL PONCANA	12"	NA	REMOVE
17	ROYAL PONCANA	12"	NA	REMOVE
18	STRAWBERRY TOG	7"	2	REMOVE
19	STRAWBERRY TOG	7"	2	REMOVE
20	ROYAL PONCANA	12"	NA	REMOVE
21	MANGO TREE	20"	NA	REMOVE
22	CABRAGE PALM	18"	NA	RELOCATE
23	CABRAGE PALM	18"	NA	RELOCATE
24	ROYAL PONCANA	60"	NA	REMOVE
25	ROYAL PONCANA	60"	NA	REMOVE
26	ROYAL PONCANA	12"	NA	RELOCATE
27	CABRAGE PALM	18"	NA	RELOCATE
28	CABRAGE PALM	18"	NA	RELOCATE
29	CABRAGE PALM	18"	NA	RELOCATE
30	CABRAGE PALM	18"	NA	RELOCATE
31	CABRAGE PALM	18"	NA	RELOCATE
32	CABRAGE PALM	18"	NA	RELOCATE
33	CABRAGE PALM	18"	NA	RELOCATE
34	CABRAGE PALM	18"	NA	RELOCATE
35	SLASH PINE	12"	NA	RELOCATE
36	SLASH PINE	12"	NA	RELOCATE
37	SLASH PINE	12"	NA	RELOCATE
38	SLASH PINE	12"	NA	RELOCATE
39	SLASH PINE	12"	NA	RELOCATE
40	SLASH PINE	12"	NA	RELOCATE
41	SLASH PINE	12"	NA	RELOCATE
42	SLASH PINE	12"	NA	RELOCATE
43	SLASH PINE	12"	NA	RELOCATE
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85	SLASH PINE	12"	NA	RELOCATE
86	SLASH PINE	12"	NA	RELOCATE
87	SLASH PINE	12"	NA	RELOCATE
88	SLASH PINE	12"	NA	RELOCATE
89	SLASH PINE	12"	NA	RELOCATE
90	SLASH PINE	12"	NA	RELOCATE
91	SLASH PINE	12"	NA	RELOCATE
92	SLASH PINE	12"	NA	RELOCATE
93	SLASH PINE	12"	NA	RELOCATE
94	SLASH PINE	12"	NA	RELOCATE
95	SLASH PINE	12"	NA	RELOCATE
96	SLASH PINE	12"	NA	RELOCATE
97	SLASH PINE	12"	NA	RELOCATE
98	SLASH PINE	12"	NA	RELOCATE
99	SLASH PINE	12"	NA	RELOCATE
100	SLASH PINE	12"	NA	RELOCATE

TOTAL NUMBER OF NATIVE TREES TO BE REMOVED = 5
TOTAL NUMBER OF NATIVE TREES REQUIRED FOR REPLACEMENT = 26

COMMERCIAL LANDSCAPE REQUIREMENTS

CATEGORY	CONDITION	REQUIRED	PROVIDED
INTERIOR VEGETATION	10000 SF	79	79
TREES (MIN 10% NATIVE)	300,000 SF	237	237
SHRUBS			
NORTH AND WEST PERIMETER			
TREES	30' O.C.	22	22
EAST PERIMETER	24' O.C.	335	335
TREES & PALM OR PINE	100 LF	2050	2050
SHRUBS 18" HT.	100 LF	200	200
SHRUBS 24" HT.	100 LF	140	140
SHRUBS 30" HT.	100 LF	60	60
SOUTH PERIMETER			
TREES & PALM OR PINE	100 LF	1111	1111
SHRUBS 18" HT.	100 LF	165	165
SHRUBS 24" HT.	100 LF	82	82
SHRUBS 30" HT.	100 LF	55	55
WEST PERIMETER			
TREES	100 LF	13	13
SHRUBS 24" O.C. 24" HT.	100 LF	135	135
TOTAL TREES		178	178

REQUIRED NUMBER OF SPECIES PER TABLE 7.6A, LDC-6

Master Sign Program

Wall Sign Detail

Wall Sign

Notes:
 • Pursuant to Table 8.G.1.A
 • Allowable facades: Front & Sides
 • Max Sign Area:
 # Front: 1.0 s.f. per l.f. of facade
 # Sides: 0.5 s.f. (.025 when facing residential zoning district).

Freestanding Point of Purchase Signs

Sign A (Cont. N1)
 C-Store
 Max. 12' height
 Max. 70 s.f. Sign Facade Area Per Side
 Sign B (Cont. N1)
 Restaurant Sign 50 s.f.
 Hotel Sign 50 s.f.
 Max. 100 s.f. Sign Facade Area Per Side
 Max. 12' height

Landscape Buffer Details

Landscape Buffer Along South Property Line (Adjacent To The Gas Station/Convenience Store) Cont. G.1
 Not To Scale

Landscape Buffer Along South 250' Of West Property Line Cont. L.1
 Not To Scale

Landscape Buffer Along South 250' Of West Property Line Cont. L.1
 Not To Scale

Landscape Buffer Along East Property Line With 50% Reduction Cont. H.1
 Not To Scale

Landscape Buffer Along South Property Line (Adjacent To Restaurant Parcel) Cont. G.1
 Not To Scale

Focal Point Planter Detail

Pedestrian Amenity Detail

Picnic table w/umbrella on brick pavers

Parking and Striping

Parking and 90° Striping Detail

Parking and 80° Striping Detail

Parking and 60° Striping Detail

Dumpster Recycling Detail (Cont. C.2)

Amendment

Zoning Stamp

Figure 6 - Approved Site Plan dated January 28, 2004

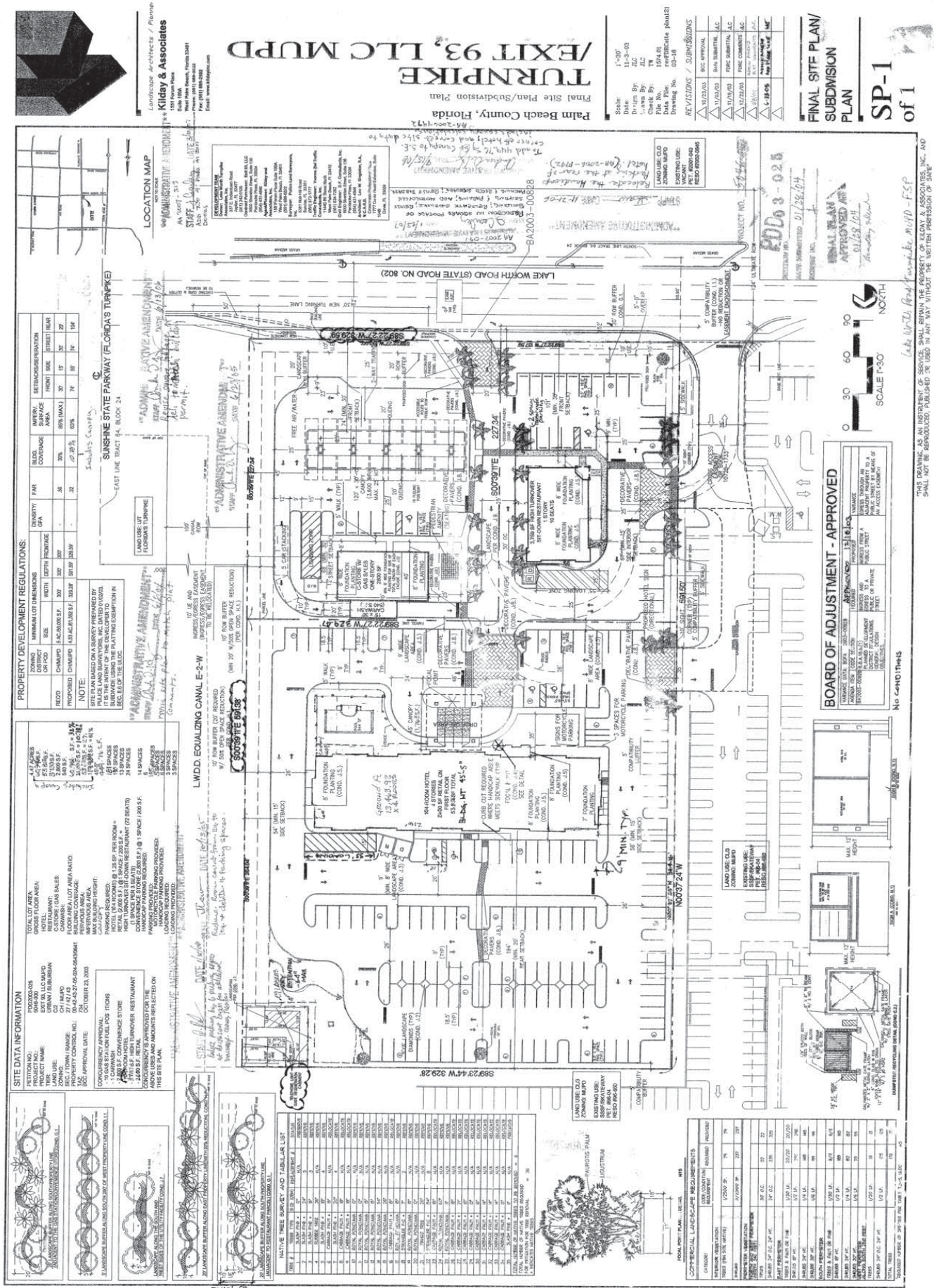
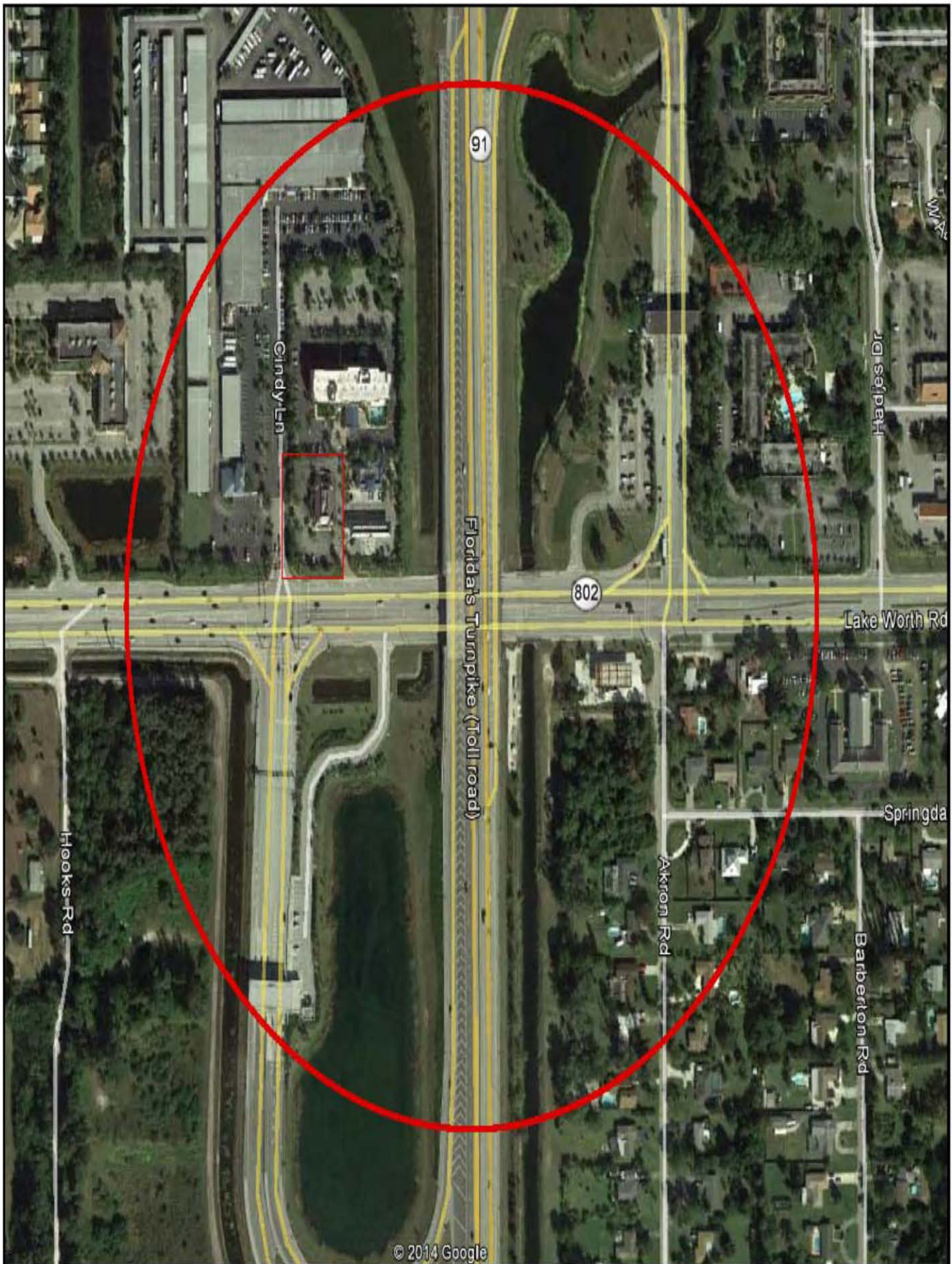


Figure 7 - Map of similar uses within 1000 Feet of the intersection



1,000 ft. Radius
No Type 1 Restaurants with Drive-Through

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 Patricia Nardone, President, Turnpike Realty Inc., 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 [] Patricia Nardone, President [position - e.g., *president, partner, trustee*] of Turnpike Realty Inc. [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: P.O. Box 5720, Lake Worth, FL 33466

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.

Patricia Nardone

Patricia Nardone, President, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 31st day of March, 2014, by Patricia Nardone, [x] who is personally known to me or [] who has produced as identification and who did take an oath.

Tamatha D Culpepper

Notary Public

Tamatha D Culpepper

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 7/4/17

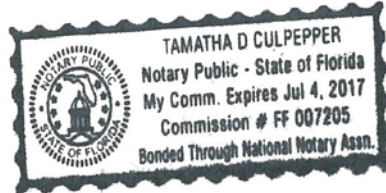


EXHIBIT "A"
PROPERTY

PROPERTY CONTROL NUMBERS
00-42-44-20-08-001-0020

LEGAL DESCRIPTION

A PORTION OF PARCEL "A" OF "EXIT 93 LLC M.U.P.D." ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGES 160, 161, 162, AND 163 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF PARCEL "B" OF AFORESAID PLAT; THENCE SOUTH 89°22'27" WEST FOR 137.47 FEET TO THE WEST LINE OF SAID PARCEL "A"; THENCE SOUTH 00°37'24" EAST ALONG THE WEST LINE OF SAID PARCEL "A" FOR 227.34 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 89°22'27" EAST ALONG THE SOUTH LINE OF SAID PARCEL "A" FOR 137.59 FEET TO A SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE NORTH 00°39'11" WEST ALONG AN EAST LINE OF SAID PARCEL "A" ALSO BEING THE WEST LINE OF SAID PARCEL "B" FOR 227.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,266 SQUARE FEET, 0.7178 ACRES.

OVERALL MUPD

PROPERTY CONTROL NUMBERS
00-42-44-20-08-001-0010; 00-42-44-20-002-0000; 00-42-44-20-08-001-0020

LEGAL DESCRIPTION

PARCEL A AND PARCEL B OF "EXIT 93, LLC M.U.P.D." AS RECORDED IN PLAT BOOK 104 AT PAGES 160, 161, 162 AND 163 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

CONTAINING 194,840 SQUARE FEET, 4.4729 ACRES.

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	
Patricia Nardone, President	P.O. Box 5720, Lake Worth, FL 33466	100%

LAKE WORTH ROAD COALITION, INC.
8335 Lake Cypress Road
Lake Worth, Florida 33467

June 24, 2014

Mr. Josh Nichols
Jon E. Schmidt and Associates
2247 Palm Beach Lakes Blvd., #101
West Palm Beach, FL 33405

RE: Turnpike Exit 93 MUPD (2003-025) –Development Order Amendment

Dear Josh:

This letter is to verify that representatives of your firm and your client met with our coalition representatives on June 18, 2014 to present your proposed Development Order Amendment Application. You are requesting use approval for a Type 1 Restaurant with a drive-thru, as well as to modify/delete conditions of approval and reconfigure the site plan for the affected area, and seek a Type 1 Waiver for a reduced loading zone size.

As this particular structure has had three (3) unsuccessful restaurants/markets since it was built, we are pleased that Dunkin Donuts, a nationally known and successful business, is interested in opening up a store in this location and we are in favor of approval by the County.

It is our understanding that your client would open the business initially without the drive-thru, and add that operation after approval from the County. As we do not have the expertise to determine if there is adequate space for a drive-thru operation, we must rely on County Staff to determine the feasibility and would accept the County's decision.

Sincerely,

Gerald Bank
Gerald Bank, President
Lake Worth Road Coalition, Inc.