

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

Application No.: DOA/R-2014-01874
Application Name: Pollo Tropical at Palmetto Park MUPD
Control No.: 1998-00079
Applicant: Lowes Home Centers Inc.
Owners: Lowes Home Centers Inc.
 Walgreen Co.
Agent: Dunay, Miskel, Backman and Blattner, LLP - Scott Backman
Telephone No.: (561) 405-3325
Project Manager: Melissa Matos, Site Planner II

TITLE: a Development Order Amendment REQUEST: to reconfigure the site plan, add square footage (3,505 sq. ft.), add a use, and modify and delete Conditions of Approval (Architectural Control; Lighting; and Building and Site Design). **TITLE:** a Requested Use REQUEST: to allow a Type I Restaurant.

APPLICATION SUMMARY: Proposed is a Development Order Amendment and Requested Use for the Palmetto Park Plaza. The 25.33-acre parcel was approved by the Board of County Commissioners (BCC) on May 27, 1999 to allow an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Multiple Planned Unit Development (MUPD) Zoning District to allow a 176,900 square foot (sq. ft.) commercial center.

The Applicant proposes to reconfigure the site plan to add a Requested Use for a 3,505 sq. ft. Type I Restaurant (Pollo Tropical) with a drive through lane, and 73 seats. The Preliminary Site Plan indicates two General Retail structures: a 15,660 square foot pharmacy (Walgreens) and a 160,520 square foot home improvement center (Lowes). The new total square footage will be 179,685 sq. ft. The Applicant also proposes to modify Conditions of Approval for Architecture, Lighting, and Building and Site Design to accommodate the request. A total of 719 parking spaces will be provided and access to the site will remain from Palmetto Park Road and US 441.

SITE DATA:

Location:	North of Palmetto Park Road on the East Side of South State Road 7. (Pollo Tropical at Palmetto Park MUPD)
Property Control Number(s)	00-42-47-19-31-001-0000, 00-42-47-19-31-002-0000, 00-42-47-19-31-003-0000, 00-42-47-19-31-004-0000, 00-42-47-19-31-005-0000, 00-42-47-19-31-006-0000, 00-42-47-19-31-009-0000, and 00-42-47-19-31-011-0000
Existing Land Use Designation:	Commercial High, with an underlying MR-5 (CH/5)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Proposed Zoning District:	No proposed change
Acreage:	25.28 acres
Tier:	Urban / Suburban (U/S) Tier
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	None
Future Annexation Area	None

RECOMMENDATION: Staff recommends approval of the requests subject to 55 Conditions of Approval as indicated in Exhibit C-1 and 1 Condition of Approval in Exhibit C-2.

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

PROJECT HISTORY:

On May 27, 1999, the BCC approved Application PDD-1998-0079 for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) Zoning District (Resolution R-1999-1138 and Corrective Resolution R-1999-1220) for a commercial shopping center.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Medium Residential 5 (MR5)
Zoning District: Planned Unit Development (PUD)
Supporting: Residential (Rainberry Park PUD, Control No. 1983-00057)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (HR/8)
Zoning District: General Commercial / Special Exception (CG/SE)
Supporting: Commercial (Walmart, Control No. 1991-00006)

EAST:

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)
Zoning District: Single Family Residential (RS)
Supporting: Residential (Vineyards PUD, Control No. 1983-00057)

WEST:

FLU Designation: Commercial Low Office, with an underlying LR-3 (CL-O/3)
Zoning District: Limited Office (LO)
Supporting: Commercial (Palmetto Medical Park, Control No. 1991-00054)

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 and 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 site was previously approved for 176,180 total square feet. The proposed 3,505 additional square feet would increase the total square footage for the MUPD to 179,685 square feet. The request for a total of 179,685 square feet equates to a FAR of approximately 0.16 (179,685 / 1,103,374.8 square feet or 25.33 acres = 0.162). The maximum Floor Area Ratio (FAR) of .50 is allowed for CH FLU designation in the Urban Suburban Tier (25.33 acres x 43,560 square feet x .50 maximum FAR = 551,687.4 square feet maximum).

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.

1. **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 amendment to reconfigure the Site Plan and add square footage in order to develop a Type I Restaurant is 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 with the use regulations of Article 4 of the ULDC, and meets the location criteria of Article 5 of the ULDC. There are no other Type I Restaurants with drive-through's within a 1000 feet of the intersection of US 441 and Palmetto Park Road, or within the 500' separation of the proposed restaurant.

o Parking

The site exists with 780 parking spaces, which exceeds the ULDC requirements. With the reconfiguration of the site plan the project proposes a total of 719 required parking spaces, while still maintaining PDD requirements.

o Landscaping

The Preliminary Site Plan indicates an existing 1.24 acre lake to the north, upland preserves to the east, wetland preserve to the south and a 20 foot right-of-way (ROW) buffer adjacent to a 100 foot ROW for the Lake Worth Drainage District (LWDD) Canal to the east. The proposed development will not impact these existing areas.

o Architecture

The applicant has requested review for compliance with Article 5.C for the Preliminary Architectural Elevations as shown in Figure 8. Staff has found the elevations meet the requirements of this section. The elevations proposed are consistent with the architectural character of the existing buildings. The proposed structure will have a height of 27 feet at the main entrance. Final Elevations will be submitted at time of Final DRO approval as indicated in the Conditions of Approval in Exhibit C.

o Signage

The Preliminary Master Sign Plan (Figures 6 and 7) provides the detail of the proposed signs and complies with the requirements of Article 8. The project proposes four wall mounted signs and a ground mounted Outparcel Identification sign adjacent to US 441. The Preliminary Elevations (Figure 8) also indicate the location of the proposed signs on the building.

2. **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 subject site consists of an approved shopping center, a home improvement center (Lowe's) and a pharmacy (Walgreens), totaling 176,900 square feet of General Retail. The properties located south and west of this MUPD are also developed as commercial shopping centers. The properties located north and east of the property are developed as single family residential neighborhoods. There is existing buffering with preserves, a lake and open space to mitigate any impacts to the residential properties.

The overall design of the shopping center, including site layout, landscaping, and buffering is consistent and compatible with adjacent development. The addition of the Requested Use will provide for a wider range of services to be provided to the residents and visitors of the surrounding area.

3. **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 Restaurant will have minimal adverse effects on the surrounding properties, including visual impact and intensity of the proposed use on adjacent lands. The design of the Type I Restaurant building has been reviewed pursuant to Article 5.C Design Standards to ensure compatibility. The parking is compliant to PDD standards of Article

3. The proposed inclusion of a Type I Restaurant within this MUPD will not cause adverse intensity to the intersection.
4. **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 previously been developed as a MUPD.

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.

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

The proposed project exists as a commercial development and is consistent with the development pattern for the area. Redevelopment of existing commercial development is encouraged by the Plan and Code. The parcel was approved for multiple uses within a development that would serve its local community. The addition of a Type I Restaurant within this shopping center would expand the available services provided for residents is logical and orderly at this intersection.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The project is expected to generate 887 net new daily trips, 81 a.m. and 59 and p.m. net new peak hour trips. This traffic is subject to review for compliance with Traffic Performance Standards (TPS). A 2019 buildout date was analyzed in the traffic study. There are no improvements to the roadway system required for compliance with TPS because this project has an insignificant impact on the surrounding roadway network; it contributes less than one percent of the adopted level of service on all links within the radius of development influence.

ADJACENT ROADWAYS LEVEL OF SERVICE (PM PEAK)

Segment: SR 7 from Palmetto Park Road to Glades Road
 Existing count: Northbound = 2211; Southbound = 2389
 Background growth: N/A
 Project Trips: Northbound = 4; Southbound = 5
 Total Traffic: N/A
 Present laneage: 6 Lanes
 Assured laneage: 6 Lanes
 LOS "D" capacity: 2940 vehicles per hour (directional)
 Projected level of service: "D" or better

Segment: Palmetto Park Road from Ponderosa Drive to SR 7
 Existing count: Eastbound = 649; Westbound = 1209
 Background growth: N/A
 Project Trips: Eastbound = 9; Westbound = 11
 Total Traffic: N/A
 Present laneage: 4 Lanes

Assured laneage: 4 Lanes
LOS "D" capacity: 1960 vehicles per hour (directional)
Projected level of service: "D" or better

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.

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

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

Type I Restaurants are typical uses within MUPD, developments. The Applicant states that the closest restaurants for this area are a mile away. The provision of this use in this commercial development will provide the residents and people who work in the area a restaurant within a closer proximity of the neighborhoods. They have demonstrated compliance with the requirements of Use and will allow for redevelopment/expansion of an existing commercial shopping center.

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 Exhibit C.

CONDITIONS OF APPROVAL

Exhibit C-1

Development Order Amendment

ALL PETITIONS

1. Previous A condition 1 of Resolution R-1999-1138, Control No.1998-00079, 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 May 19,1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

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 December 15, 2014. 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)

2. Previous A condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Prior to DRC final certification of the site plan, the petitioner shall revise the site plan to reflect the total floor area of 176,900 square feet. (DRC:ZONING)

Is hereby deleted. [REASON: Subject to All Petition Condition 1 for revised Preliminary Site Plan.]

ARCHITECTURAL REVIEW - BUILDING B ELEVATIONS DATED April 28, 1999

1. All buildings, accessory structures and signage shall be designed and constructed to be consistent with the facade elevations for the drugstore by Marc Wiener Architects dated April 28, 1999. Consistency shall include but is not limited to the building's color, materials, fenestration, architectural trims and details, and doors, windows and roof treatment. The following requirements shall also be included in the design of the buildings, accessory structures and/or signs: a. All exterior colors, excluding sign copy, are limited to earth or neutral tones; b. All roof top mechanical and electrical equipment and satellite dishes shall be screened from view on all four (4) sides by the parapet or pitched roof so as not to be visible from any property line; c. All blank wall areas greater than ten (10) feet in height by twenty (20) feet in length shall have additional vertical architectural treatment (ie. reveal, score lines, banding or other details acceptable to the Zoning Division) to reduce building mass and provide visual interest at pedestrian scale; and, d. Similar architectural treatment shall be provided on all sides of the building; e. Prior to the DRC final certification of the site plan, the petitioner shall revise the north (rear) architectural elevations to be consistent with the rest of the building facades and shall submit these architectural elevations to the Zoning Review Section for further review (ONGOING: BUILDING DIVISION - Zoning) (Previous B condition 1 of Resolution R-1999-1138, Control No.1998-00079)

ARCHITECTURAL REVIEW - BUILDING A ELEVATIONS DATED May 19, 1999

2. All buildings, accessory structures and signage for the home improvement center (Lowe's) shall be designed and constructed to be consistent with Condition B.I a through B.I .d. and the architectural elevations by Lowe's Companies Inc. dated May 19, 1999. Prior to the DRC final certification of the site plan, the petitioner shall submit revised architectural elevations for the right (south) elevation of the home improvement center to the Zoning Review Section for further review (ONGOING: BUILDING DIVISION - Zoning) (Previous B condition 2 of Resolution R-1999-1138, Control No.1998-00079)

ARCHITECTURAL REVIEW - BUILDING C ELEVATIONS DATED November 24, 2014

3. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type I Restaurant shall be submitted for review and approval by the Zoning Division. 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 24, 2014. 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)

ENGINEERING

1. The Property owner shall construct:

- a) Separate right turn lane on Palmetto Park Road at its intersection with Parkview Estates at Boca.
- b) Separate right turn lane on Palmetto Park Road at its intersection with Via Emilie;
- c) Separate right turn lane south approach on S.R. 7 at the projects south entrance road;
- d) left turn north approach on S.R. 7 at the projects north entrance road;
- e) left turn lane west approach including a directional median opening and a separate right turn lane east approach on Palmetto Park Road at the projects west entrance Road.
- f) pedestrian pathway along the north right of way of Palmetto Park Road from the west entrance to Veterans Park to SR 7. This construction shall include any required drainage improvements along Palmetto Park Road.
- g) an additional left-turn lane south approach (dual left turn lanes) on SR 7 at Oriole Country Road.
- h) an additional left-turn lane north approach (dual left turn lanes) on SR 7 at S.W.18th Street, including appropriate receiving lanes on SW 18th Street (minimum 28 feet in width), plus any appropriate tapers.
- i) lengthen the existing right-turn lane east approach at Palmetto Park Road and SR 7 as required by the County Engineer.

All 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.

Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.

Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 1 of Resolution R-1999-1220, Control No.1998-00079)

2. Previous E condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

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

- a. No building permits shall be issued until construction has begun for an additional left-turn lane south approach (dual left turn lanes) on S.R. 7 at Oriole Country Road
- b. Building Permits for no more than 551 50 square feet of gross leasable floor area (2,639 net new daily trips) shall not be issued until construction has begun for an additional left-turn lane north approach (dual left turn lanes) on S.R. 7 at S.W.18th Street, including appropriate receiving lanes on SW 18th Street (minimum 28 feet in width), plus any appropriate paved tapers
- c. Acceptable surety required for the offsite road improvements as outlined in Condition a and b above shall be posted with the Office of the Land Development Division on or before September 25, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer (TPS)
- d. The entire Center, including all out parcels, shall be built out with Certificates of Occupancy issued for not less than 80% of the approved square footage as defined in accordance with Article 15 of the ULDC prior to 12/31/2000. This date may be adjusted 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
- e. If 80% of the approved square footage as defined in accordance with Article 15 have not been obtained then no further Building permits or certificate of occupancy shall be issued after January 1,2001 until the following roadway improvements are under construction³
 1. Eight(8) laning of S.R. 7 from Palmetto Park Road to Oriole Country Road
 2. At the intersection of State Road 7 and Palmetto Park Road: an additional right-turn lane south approach (dual right turn lanes) will be required at the intersection of S.R.7 at the Palmetto Park Road;
 3. A separate right turn lane south approach will be required at the intersection of S.R. 7 at the S.W.18th Street

f. Acceptable surety required for the offsite road improvements as outlined in Condition E2e1, E2e2 and E2e3 shall be posted with the Land Development Division prior to the issuance of any further building permits or certificates of occupancy issued for the center after January 1,2001. Surety in the amount of 11 0% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Completion of these roadway improvements identified in E2e1 , E2e2 and E2e3 shall be completed within 12 months after the start of the construction. (TPS)

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. No building permits shall be issued until construction has begun for an additional left-turn lane south approach (dual left turn lanes) on S.R. 7 at Oriole Country Road (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Building Permits for no more than 551 50 square feet of gross leasable floor area (2,639 net new daily trips) shall not be issued until construction has begun for an additional left-turn lane north approach (dual left turn lanes) on S.R. 7 at S.W.18th Street, including appropriate receiving lanes on SW 18th Street (minimum 28 feet in width), plus any appropriate paved tapers (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

c. Acceptable surety required for the offsite road improvements as outlined in Condition a and b above shall be posted with the Office of the Land Development Division on or before September 25, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer (TPS) (DATE: MONITORING - Engineering) [Note: COMPLETED]

d. The entire Center, including all out parcels, shall be built out with Certificates of Occupancy issued for not less than 80% of the approved square footage as defined in accordance with Article 15 of the ULDC prior to 12/31/2000. This date may be adjusted 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 (DATE: MONITORING - Engineering) [Note: COMPLETED]

e. If 80% of the approved square footage as defined in accordance with Article 15 have not been obtained then no further Building permits or certificate of occupancy shall be issued after January 1,2001 until the following roadway improvements are under construction³

1. Eight(8) laning of S.R. 7 from Palmetto Park Road to Oriole Country Road

2. At the intersection of State Road 7 and Palmetto Park Road: an additional right-turn lane south approach (dual right turn lanes) will be required at the intersection of S.R.7 at the Palmetto Park Road;

3. A separate right turn lane south approach will be required at the intersection of S.R. 7 at the S.W.18th Street (DATE: MONITORING - Engineering) [Note: COMPLETED]

f. Acceptable surety required for the offsite road improvements as outlined in Condition E2e1, E2e2 and E2e3 shall be posted with the Land Development Division prior to the issuance of any further building permits or certificates of occupancy issued for the center after January 1,2001. Surety in the amount of 11 0% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Completion of these roadway improvements identified in E2e1 , E2e2 and E2e3 shall be completed within 12 months after the start of the construction. (TPS) (DATE: LAND DEVELOPMENT - Land Development) [Note: COMPLETED]

g. 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/ONGOING: MONITORING - Engineering)

3. The Property Owner shall fund the cost of signal installation prior to December 1 , 1999 as determined by the County Engineer or as directed by the Board of County Commissioners at: Veterans Park and Palmetto Park Road. If required, this signal shall include a "U" turn signal for east bound "U" turn traffic (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF PALMETTO PARK ROAD

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide for landscape cutouts within the concrete median of Palmetto Park Road Rights-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material and paver block shall be funded at the property owners expense. All new landscape material and paver block shall also be the perpetual maintenance obligation of the petitioner and its successors, or assignees or duly established Property Owner's Association Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit, (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 4 of Resolution R-1999-1220, Control No.1998-00079)

5. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Road Right-of- Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 5 of Resolution R-1999-1138, Control No.1998-00079)

6. Property owner shall fund a no "U" turn sign at the next adjacent median opening to the east on Palmetto Park Road if warranted as determined by the County Engineer. Funding shall be completed prior to the issuance of the first building permit (BLDGPMT: MONITORING - Engineering) (Previous E condition 6 of Resolution R-1999-1138, Control No.1998-00079)

ENVIRONMENTAL RESOURCE MANAGEMENT

1. A tree survey of existing native specimen sized trees shall be completed and submitted to ERM prior to DRC site plan submittal. [Note: COMPLETED] (Previous D condition 1 of Resolution R-1999-1138, Control No.1998-00079)
2. The final size and location of the upland preserve areas shall be reviewed and approved by ERM prior to DRC Site Plan certification [Note: COMPLETED] (Previous D condition 2 of Resolution R-1999-1138, Control No.1998-00079)
3. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. [Note: COMPLETED] (Previous D condition 3 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - GENERAL

1. Previous F condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

All canopy trees required to be planted on the perimeter buffer by this approval shall meet the following minimum standards at installation: a. Tree height: fourteen (14) feet; b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and, d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements.

Is hereby amended to read:

All canopy trees required to be planted on the perimeter buffer by this approval shall meet the following minimum standards at installation: a. Tree height: fourteen (14) feet. (ONGOING: ZONING - Landscape)

2. Previous F condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

All palms required to be planted on the perimeter buffer 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 c. Credit may be given for existing or relocated palms provided they (12) feet; and, meet current ULDC requirements.

Is hereby amended to read:

All palms required to be planted on the perimeter buffer 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. (ONGOING: ZONING - Landscape)

LANDSCAPE - INTERIOR-ALONG THE PAVED VEHICULAR AREA

3. Landscaping and buffering along the easterly edge of the paved vehicular area a. A minimum width of ten (10) feet; b. An eight (8) foot high opaque concrete wall or screen panel. Both sides of the wall shall be given a finished architectural treatment. (ONGOING: ZONING - Landscape) [Note: COMPLETED] (Previous H condition 1 of Resolution R-1999-1138, Control No.1998-00079)

4. Previous H condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

The following landscaping requirements shall be installed on the interior side of the required wall: a. One (1) canopy tree planted twenty (20) feet on center (except adjacent to Lowe's outdoor storage area); b. One (1) canopy tree planted fifteen (15) feet on center in area adjacent to Lowe's outdoor storage area; c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches.

Is hereby amended to read:

The following landscaping requirements shall be installed on the interior side of the required wall: a. One (1) canopy tree planted twenty (20) feet on center (except adjacent to Lowe's outdoor storage area); b. One (1) canopy tree planted fifteen (15) feet on center in area adjacent to Lowe's outdoor storage area; c. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation. (ONGOING: ZONING - Landscape)

5. Previous H condition 3 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall: a. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches.

Is hereby amended to read:

The following landscaping requirements shall be installed on the exterior side of the required wall: a. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation. (ONGOING: ZONING - Landscape)

6. This required wall shall be connected to the wall as described in Condition G.I. The wall shall also extend along the entire length of the easterly edge of the paved vehicular area. (ONGOING: ZONING - Landscape) [Note: COMPLETED] (Previous H condition 4 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - INTERIOR- ALONG THE PAVED VEHICULAR AREA

7. Previous H condition 5 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Prior to the issuance of the Certificate of Occupancy of the first building on the property, the above required landscaping shall be completed. (ONGOING: ZONING - Landscape)

Is hereby deleted. [REASON: Subject to Landscape General Conditions]

LANDSCAPE - INTERIOR

8. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner may apply for an Alternative Landscape Plan to relocate interior islands/ divider medians to obtain maximum tree preservation on the site. (ONGOING: ZONING - Landscape) [Note: COMPLETED] (Previous I condition 1 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE – INTERIOR - BUILDINGS A AND B

9. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following: a. The minimum width of the required landscape areas shall be five (5) feet; b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and, c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO/ONGOING: ZONING - Landscape) (Previous I condition 2 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - INTERIOR

10. Prior to final DRC approval of the site plan, the petitioner shall submit a Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to the ULDC requirements for vegetation preservation and shall also provide the required intersection planting on Palmetto Park Road and SR 7/US 441. The intersection planting shall be consistent to the existing planting on the commercial developments located at the northwest, southeast and southwest corners of Palmetto Park Road and SR 7/US 441. (ONGOING: ZONING - Landscape) (Previous I condition 3 of Resolution R-1999-1138, Control No.1998-00079)

LANDSCAPE - PERIMETER-ALONG THE WEST 730 FEET OF NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

11. Landscaping and buffering along the above property line shall include: a. A minimum fifteen (15) foot wide landscape buffer strip; b. A minimum two foot high continuous berm feet measured from top

of curb; c. An eight (8) foot high opaque concrete wall to be placed at the plateau of the berm. The wall shall begin at the west corner of the north property line and shall extend easterly measuring 690 feet in length, the wall shall continue southerly measuring eighty (80) feet in length and to be connected to the wall as described in Condition H.I .b; d. Both sides of the wall shall be given a finished architectural treatment. (ONGOING: ZONING - Landscape) (Previous G condition 1 of Resolution R-1999-1138, Control No.1998-00079)

12. Previous G condition 4 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Prior to the issuance of the Certificate of Occupancy of the first building on the property, the above required landscaping shall be completed (ONGOING: ZONING - Landscape)

Is hereby deleted. [REASON: Subject to Landscape General Conditions]

13. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches (ONGOING: ZONING - Landscape) (Previous G condition 3 of Resolution R-1999-1138, Control No.1998-00079)

14. Previous G condition 2 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

The following landscaping requirements shall be installed alternating on both sides of the required wall: a. One (1) canopy tree planted twenty (20) feet on center; b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches

Is hereby amended to read:

The following landscaping requirements shall be installed alternating on both sides of the required wall: a. One (1) canopy tree planted twenty (20) feet on center; b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and c. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation. (ONGOING: ZONING - Landscape)

15. Previous G condition 5 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Should the thirty (30) foot road reservation along the north property line be abandoned, the south fifteen (15) feet of this right-of-way shall be added to the north buffer and landscaped pursuant to Conditions G.2 and G.3 where applicable

Is hereby amended to read:

Should the thirty (30) foot road reservation along the north property line be abandoned, the south fifteen (15) feet of this right-of-way shall be added to the north buffer and landscaped pursuant to applicable Perimeter Landscape Conditions. (ONGOING: ZONING - Landscape)

LANDSCAPE - PERIMETER-ALONG WEST PROPERTY LINE (ABUTTING US441/SR7)

16. Previous J condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Landscaping and buffering along the above property line shall include: a. A minimum twenty (20) foot wide landscape buffer strip; b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb; c. One (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center; d. One (1) palm

for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches.

Is hereby amended to read:

Landscaping and buffering along the above property line shall include: a. A minimum twenty (20) foot wide landscape buffer strip; b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb; c. One (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center; d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and e. Thirty-six (36) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center. (ONGOING: ZONING - Landscape)

17. Prior to the issuance of the Certificate of Occupancy of the first building on the property, the above required landscaping shall be completed. [Note: COMPLETED] (Previous J condition 2 of Resolution R-1999-1138, Control No.1998-00079)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning) (Previous K condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point and shall be setback a minimum of fifty (50) feet from residential property lines. (ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous K condition 2 of Resolution R-1999-1138, Control No.1998-00079)

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 - Code Enforcement) (Previous K condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. Previous K condition 4 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Freestanding lighting for the entire site (except in areas adjacent to Building 1, drugstore facility) shall be extinguished no later than 10:30 p.m. daily

Is hereby deleted. [REASON: Current code applies.]

PALM TRAN - MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right of- way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. [Note: COMPLETED] (Previous L condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM-TRAN - Palm-Tran) (Previous L condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM-TRAN - Palm-Tran) (Previous L condition 3 of Resolution R-1999-1138, Control No.1998-00079)

PLANNED DEVELOPMENT - MUPD

1. Previous M condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

To ensure consistency with the site plan dated May 19, 1999 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered.

Is hereby amended to read:

To ensure consistency with the site plan presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (ONGOING: ZONING - Zoning)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. [Note: COMPLETED] (Previous M condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. [Note: COMPLETED] (Previous M condition 3 of Resolution R-1999-1138, Control No.1998-00079)

SIGNS

1. Freestanding point of purchase signs on US441/SR7 shall be limited as follows: a. Maximum sign height, measured from finished grade to highest point - ten (10) feet; b. Maximum sign face area per side - 100 square feet; c. Maximum number of signs - two; d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. Freestanding point of purchase signs on Palmetto Park Road shall be limited as follows: a. Maximum sign height, measured from finished grade to highest point - ten (10) feet; b. Maximum sign face area per side - 100 square feet; c. Maximum number of signs -one; d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. No signs shall be permitted at the intersection of Palmetto Park Road and SR7/US441 (ONGOING: BUILDING DIVISION - Zoning) (Previous N condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING: CODE ENF - Zoning) (Previous N condition 4 of Resolution R-1999-1138, Control No.1998-00079)

SITE DESIGN

1. Previous C condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Proposed buildings on the property are limited to a total gross floor area of 176,900 square feet and broken down into the following uses: a. A 16,380 square foot pharmacy; and, b. A 160,520 square foot general retail building; and, Total gross floor area shall be limited to a maximum increase of 1,000 square feet and is subject to approval from the Traffic Division

Is hereby deleted. [REASON: Subject to All Petition Condition 1 for revised Preliminary Site Plan.]

SITE DESIGN - BUILDING A

2. The maximum height for the Lowe's building excluding the front entrance facade (inclusive of all AC/mechanical equipment and satellite dishes) measured from finished grade to highest point of the parapet , shall not exceed thirty-five (35) feet. The decorative entry feature of the home improvement center shall not exceed fifty (50) feet in height, measured from finished grade of the building to the highest point. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous C condition 2 of Resolution R-1999-1138, Control No.1998-00079)

SITE DESIGN - BUILDING B

3. The maximum height for the Walgreen's building excluding the decorative entry feature (inclusive of all AC/mechanical equipment and satellite dishes) measured from finished grade to highest point of the parapet , shall not exceed twenty-eight (28) feet. The decorative entry feature of the pharmacy building may exceed the twenty-eight (28) feet height limitation up to a maximum height of thirty-five (35) feet, measured from finished grade to the highest point (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous C condition 3 of Resolution R-1999-1138, Control No.1998-00079)

SITE DESIGN

4. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the buildings' architecture. (BLDGPM/ONGOING: MONITORING - Building Division) (Previous C condition 4 of Resolution R-1999-1138, Control No.1998-00079)

5. All areas or receptacles for the storage and disposal of trash, garbage or vegetation (i.e. dumpsters) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure, opaque gate. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) (Previous C condition 5 of Resolution R-1999-1138, Control No.1998-00079)

6. Previous C condition 6 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

To ensure compliance with the requirements of the ULDC, the petitioner shall, prior to final site plan certification by the Development Review Committee (DRC), delete all excess parking above the minimum amount required under MUPD parking reduction bonus for the proposed uses

Is hereby deleted. [REASON: Current code applies.]

USE LIMITATIONS

1. Previous O condition 1 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility except in designated areas as indicated on the site plan dated May 19, 1999. (ONGOING: CODE ENF - Zoning) (Previous O condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. No outdoor unenclosed business activities, or display or storage of retail materials, shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous O condition 2 of Resolution R-1999-1138, Control No.1998-00079)

3. Hours of business operation including deliveries for the drugstore including the drive thrus may be open 24 hours daily. Should the drugstore be converted to retail or other permitted uses, the hours of operation shall be consistent with Condition 0.5. (ONGOING: CODE ENF - Zoning) (Previous O condition 3 of Resolution R-1999-1138, Control No.1998-00079)

4. Alcohol sales within the drugstore shall be limited to 7:00 a.m. to 6:00 p.m. daily. (ONGOING: CODE ENF - Code Enforcement) (Previous O condition 4 of Resolution R-1999-1138, Control No.1998-00079)

5. Hours of business operation for the home improvement center shall be limited to the following: 7:00 a.m. to 10.00 p.m. Monday to Saturday, 8:00 a.m. to 6:00 p.m. on Sunday. Deliveries and loading: 7:00 am to 9:00 p.m. Monday to Saturday; 9:00 a.m. to 6:00 p.m. on Sunday. (ONGOING: CODE ENF - Code Enforcement) (Previous O condition 5 of Resolution R-1999-1138, Control No.1998-00079)

6. Previous O condition 6 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading spaces located as shown on the site plan dated May 19,1999. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Current code applies.]

7. Previous O condition 7 of Resolution R-1999-1138, Control No.1998-00079, which currently states:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas for the home improvement center and as indicated on the site plan dated May 19, 1999.

Is hereby amended to read:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas for Building A as indicated on the approved Site Plan. (ONGOING: CODE ENF - Code Enforcement)

8. 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 8 of Resolution R-1999-1138, Control No.1998-00079)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous P condition 1 of Resolution R-1999-1138, Control No.1998-00079)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in: a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or c. A requirement of the development to conform with the standards of the

ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or d. Referral to code enforcement; and/or e. Imposition of entitlement density or intensity. Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit (ONGOING: MONITORING - Monitoring) (Previous P condition 2 of Resolution R-1999-1138, Control No.1998-00079)

DISCLOSURE

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

CONDITIONS OF APPROVAL

Exhibit C-2 Request Use

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

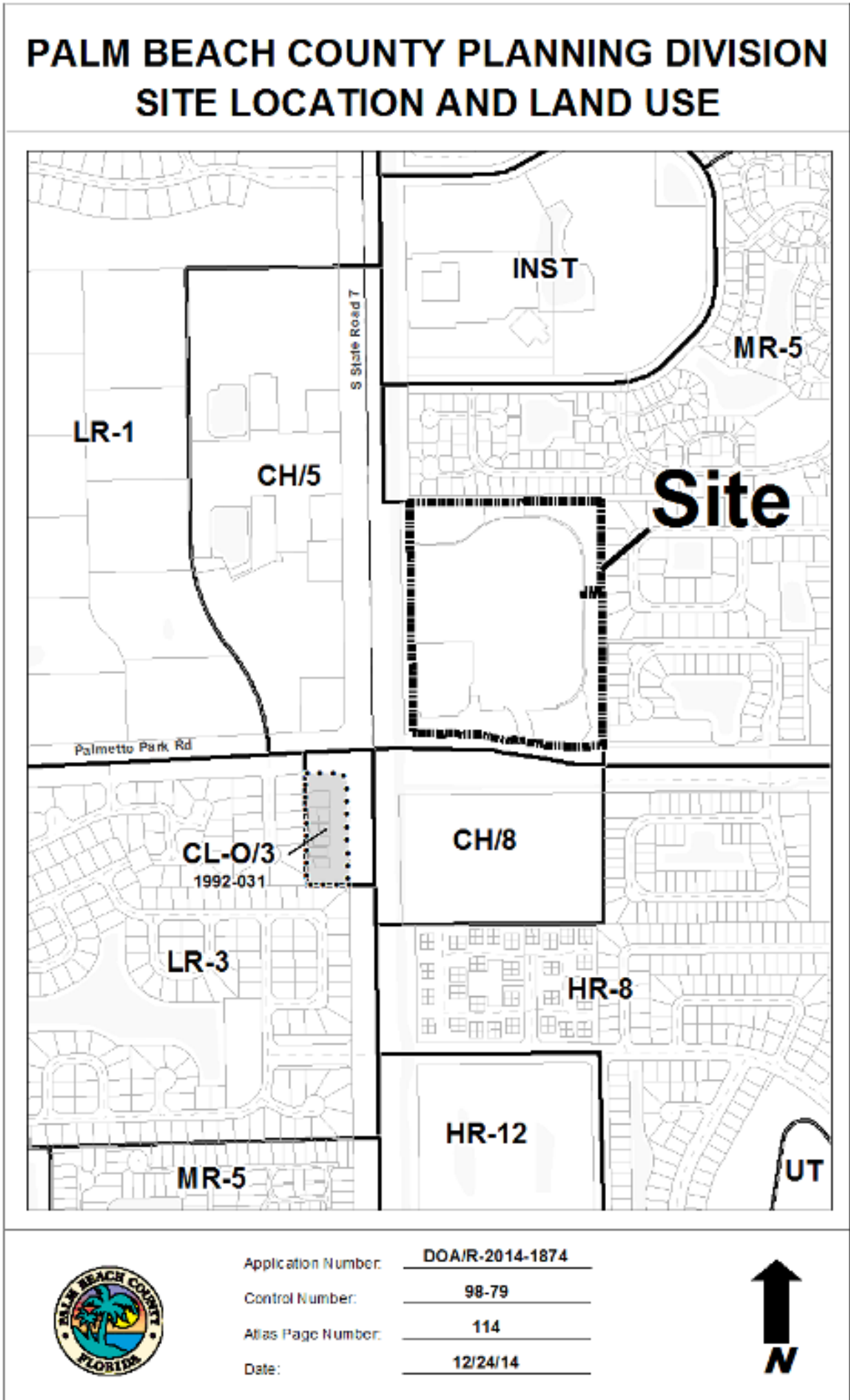


Figure 2 - Zoning Map

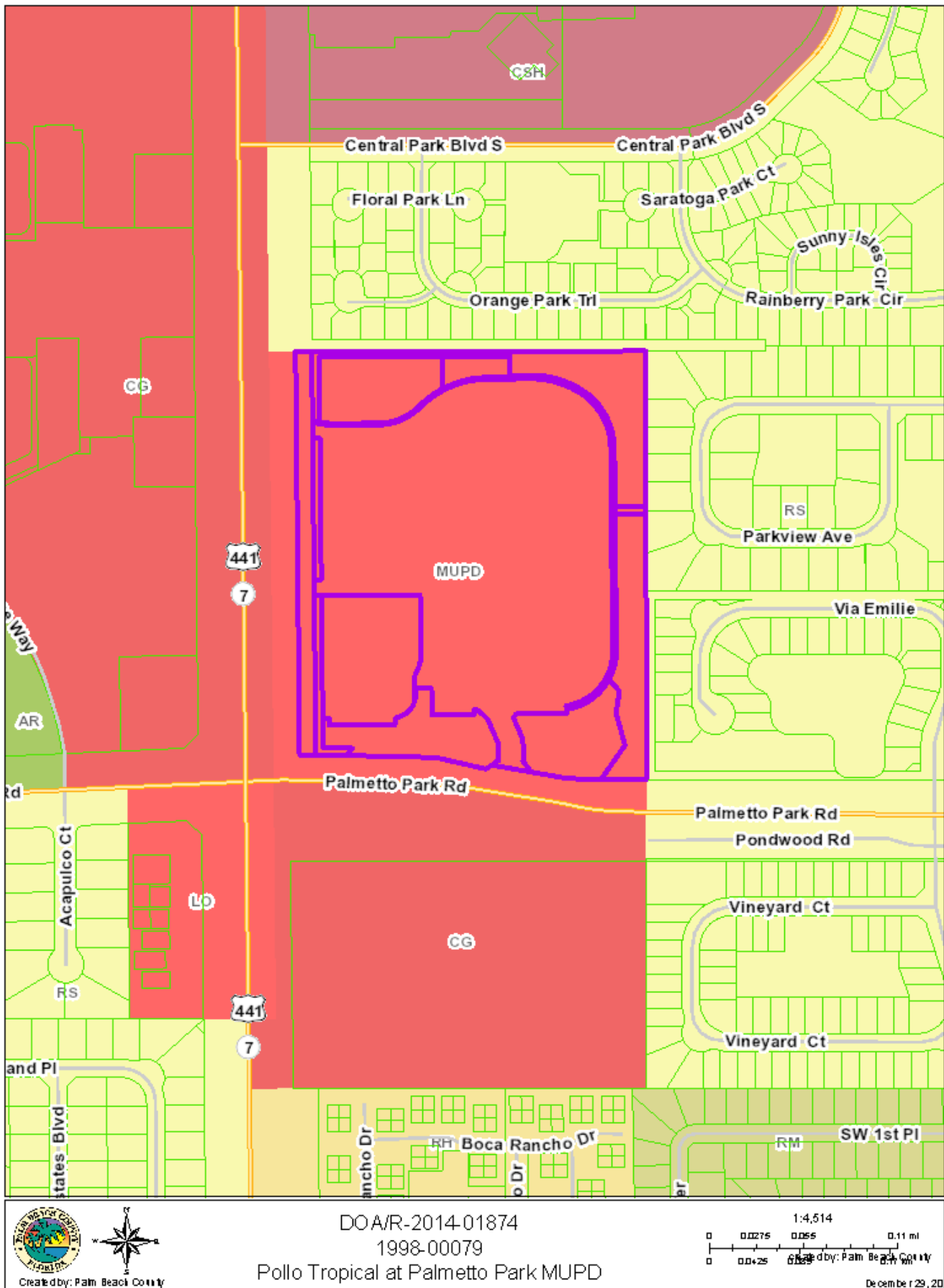


Figure 3 - Aerial

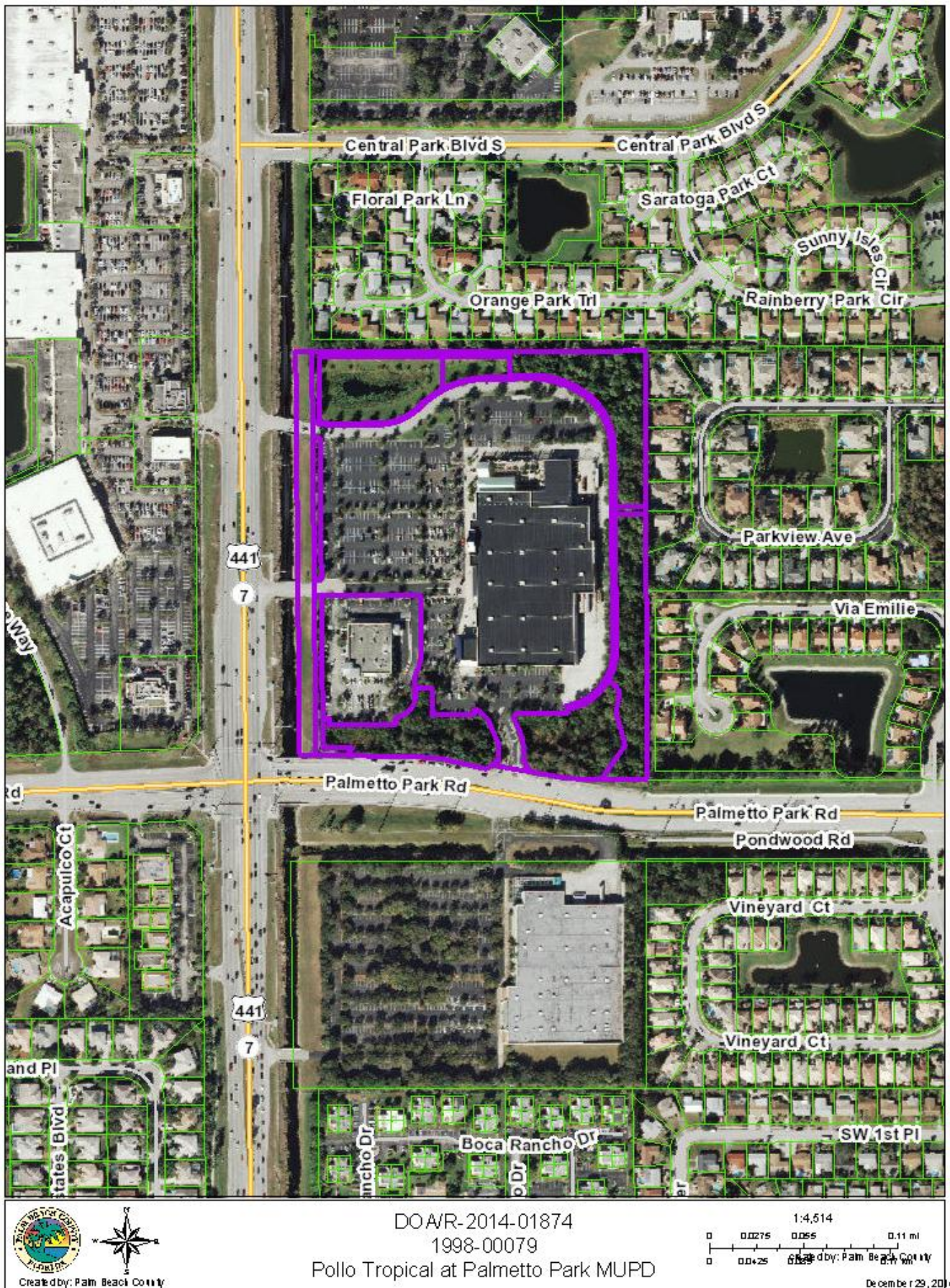
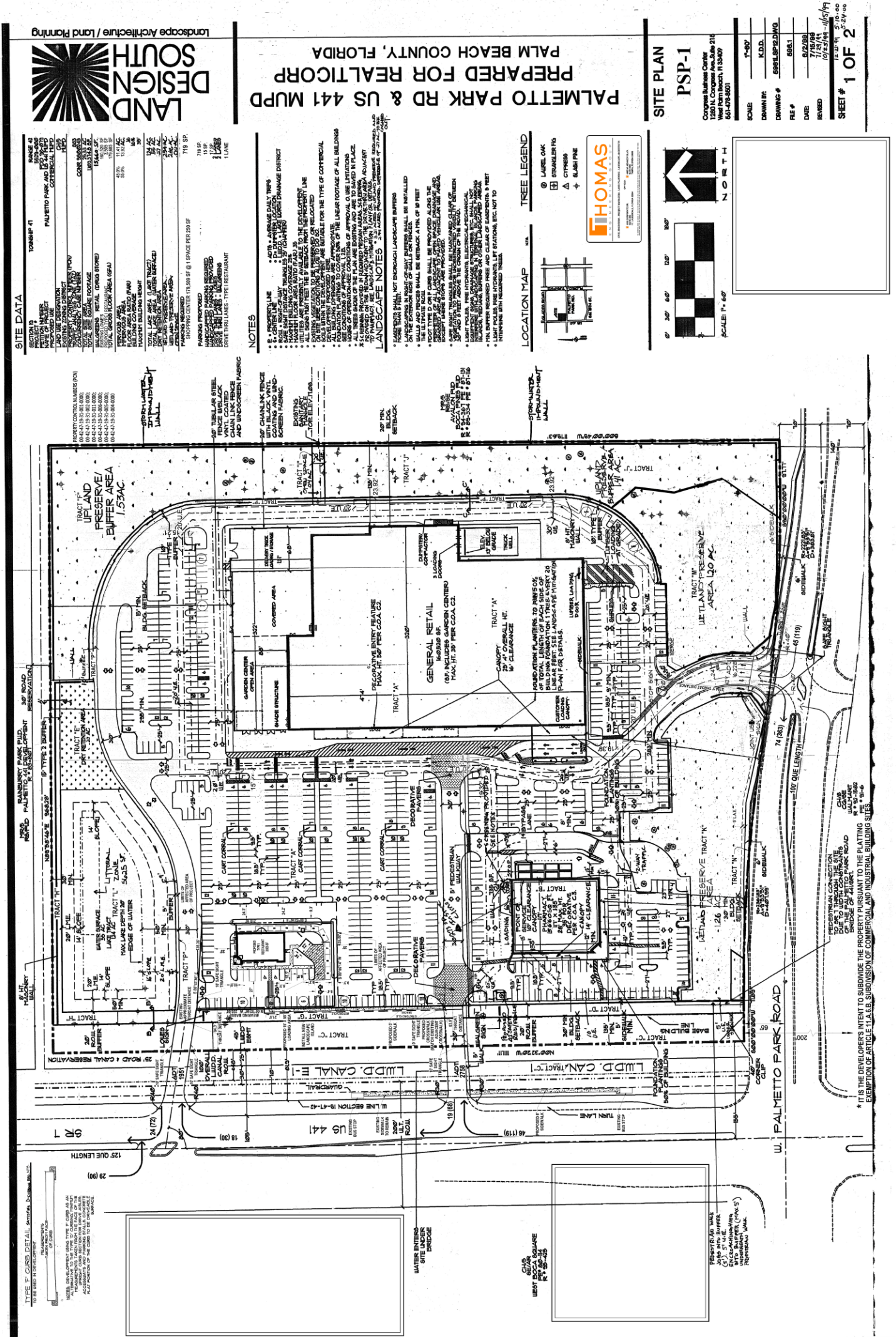


Figure 4 - Preliminary Site Plan dated December 15, 2014



LAND DESIGN SOUTH
Landscape Architecture / Land Planning

PALMETTO PARK RD & US 441 MUPD
PREPARED FOR REALTICORP
PALM BEACH COUNTY, FLORIDA

SITE DATA	
SECTION 7	TRACT 7
SECTION 8	TRACT 8
SECTION 9	TRACT 9
SECTION 10	TRACT 10
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NOTES

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95. CENTER LINE
96. CENTER LINE
97. CENTER LINE
98. CENTER LINE
99. CENTER LINE
100. CENTER LINE

SITE PLAN PSP-1

Thomas
Landscape Architecture, Inc.

1280 N. Congress Ave., Suite 216
Palm Beach, FL 33407
561-840-4800

SCALE: 1"=80'

DRAWN BY: K.D.D.

DRAWING #: 0811SP1210

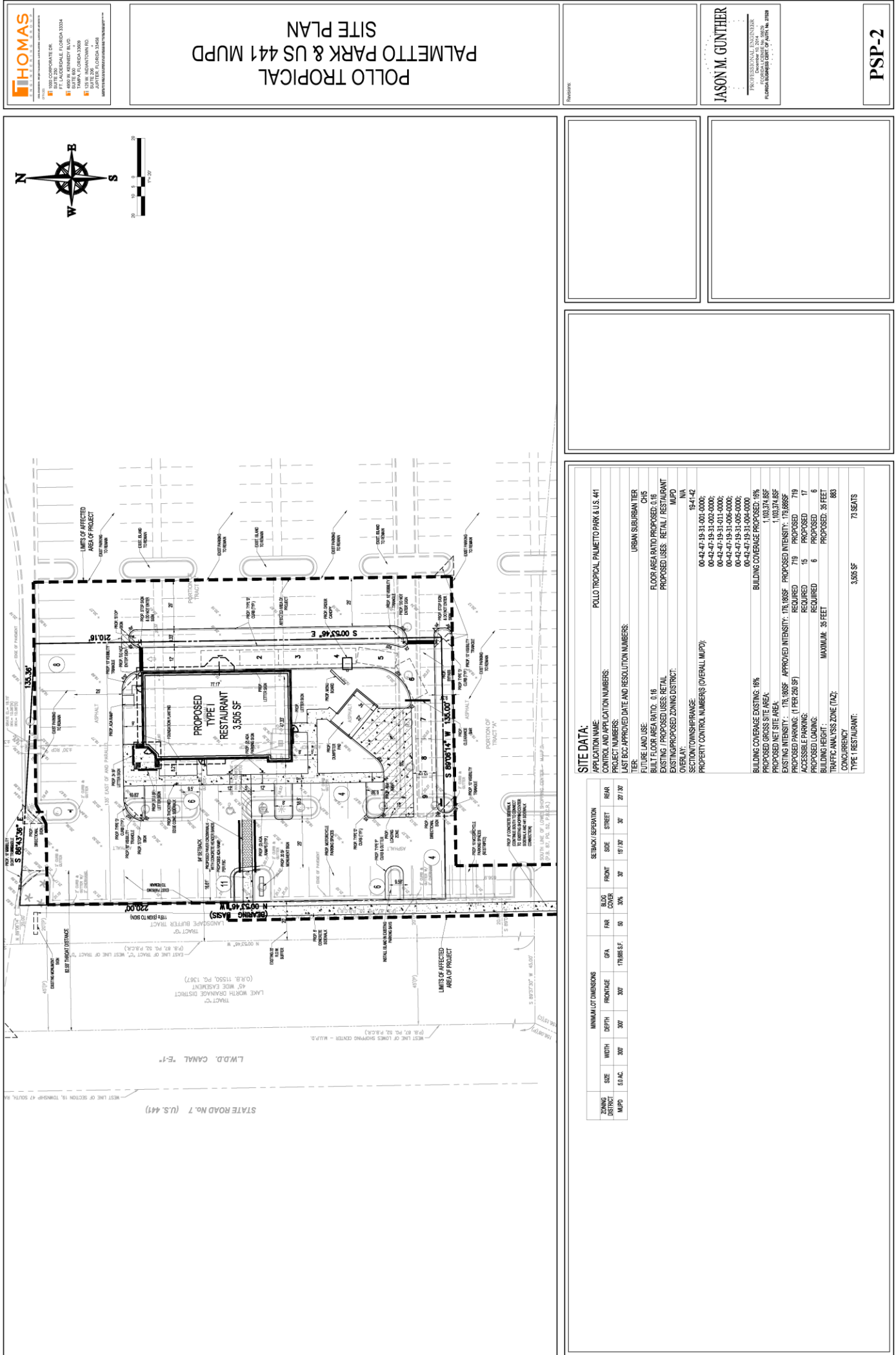
REV #: 0811

DATE: 8/22/09

REVISIONS: 7/19/09, 10/25/11, 11/15/11

SHEET # 1 OF 2

Figure 5 - Preliminary Site Plan – Detail of Type I Restaurant dated December 11, 2014



HOMAS
 ENGINEERS & ARCHITECTS
 1100 CORPORATE DR.
 FT. LAUDERDALE, FLORIDA 33324
 754-937-1100
 1100 CORPORATE DR.
 FT. LAUDERDALE, FLORIDA 33324
 754-937-1100
 1100 CORPORATE DR.
 FT. LAUDERDALE, FLORIDA 33324
 754-937-1100

POLO TROPICAL
 SITE PLAN
 PALMETTO PARK & US 441 MUPD

JASON M. GUNTHER
 PROFESSIONAL ENGINEER
 LICENSE NO. 12000
 1100 CORPORATE DR., SUITE 200
 FT. LAUDERDALE, FLORIDA 33324

PSP-2

SITE DATA:

APPLICATION NAME:	POLO TROPICAL, PALMETTO PARK & U.S. 441
CONTROL AND APPLICATION NUMBERS:	
PROJECT NUMBERS:	
LAST BCC APPROVED DATE AND RESOLUTION NUMBERS:	
USE:	URBAN SUBURBAN TIER 2 USE
ELITE USE AND USE:	CUIS
BUILT FLOOR AREA RATIO:	0.18
FLOOR AREA RATIO PROPOSED:	0.18
EXISTING / PROPOSED USES:	RETAIL / RESTAURANT
EXISTING PROPOSED ZONING DISTRICT:	MUPD
OVERLAY:	N/A
SECTION/TOWNSHIP/RANGE:	18-41-42
PROPERTY CONTROL NUMBERS (OVERALL, MUPD):	00-42-47-19-31-001-0000; 00-42-47-19-31-002-0000; 00-42-47-19-31-011-0000; 00-42-47-19-31-006-0000; 00-42-47-19-31-007-0000; 00-42-47-19-31-004-0000
BUILDING COVERAGE EXISTING:	18%
PROPOSED GROSS SITE AREA:	1,103.374.65SF
PROPOSED NET SITE AREA:	1,103.374.65SF
EXISTING INTENSITY:	178,180SF APPROVED INTENSITY: 178,180SF
PROPOSED INTENSITY:	178,180SF
ACCESSIBLE PARKING:	REQUIRED 719
PROPOSED PARKING:	REQUIRED 15
PROPOSED LOADING:	REQUIRED 6
BUILDING HEIGHT:	MAXIMUM 35 FEET
TRAFFIC ANALYSIS ZONE (TAZ):	883
CONCURRENCY:	73 SEATS
TYPE:	RESTAURANT
CONCURRENCY:	3,506 SF

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 Tim L. Cooksey, 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 [] Vice President _____ [position - e.g., president, partner, trustee] of Lowe's Home Centers, 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: 1605 Curtis Bridge Road, Wilkesboro, NC 28697

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.

[Signature]
Tim L. Cooksey, Affiant
(Print Affiant Name) *REP was made me*

The foregoing instrument was acknowledged before me this 1st day of September 20 14, by Tim L. Cooksey, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Tanya C. Benfield
Notary Public
Surry County, NC
Commission Expires October 9, 2016

[Signature]
Notary Public

Tanya C. Benfield
(Print Notary Name)

NOTARY PUBLIC

State of ~~Florida or Large~~ NORTH CAROLINA

My Commission Expires: _____

EXHIBIT "A"
PROPERTY

Lowes Shopping Center – M.U.P.D. as recorded in plat book 87, pages 52-55 in the public records of Palm Beach County, Florida.

