

RESOLUTION R-96-1195

RESOLUTION APPROVING ZONING PETITION PDD96-40
OFFICIAL ZONING MAP AMENDMENTS TO
ONE RESIDENTIAL PLANNED UNIT DEVELOPMENT
AND SEVEN MULTIPLE USE PLANNED DEVELOPMENTS
PETITION OF BREFRANK INC. BY HAROLD JACOBSON, AGENT
(WELLINGTON COMMONS DRI)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD96-40 was presented to the Board of County Commissioners at a public hearing conducted on August 26, 1996; and

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

WHEREAS, the Board of county Commissioners has considered and approved a resolution approving a Development of Regional Impact (DRI) Development Order (DO) for these properties; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. These official zoning map amendments (rezonings), as conditioned, are consistent with the Palm Beach County Comprehensive Plan;
2. These official zoning map amendments (rezonings), as conditioned, are consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. These official zoning map amendments (rezonings), as conditioned, are compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. These official zoning map amendments (rezonings), as conditioned, do not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. These official zoning map amendments (rezoning), as conditioned, will result in a logical and orderly development pattern;
6. These official zoning map amendments (rezonings), with the Public Facilities Agreement, comply with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,

7. These official zoning map amendments (rezonings) are consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD96-40, the petition of BreFrank Inc. by Harold Jacobsohn, agent, for an Official Zoning Map Amendment from the Agricultural Residential (AR) to Residential Planned Unit Development (PUD) Zoning District with a Congregate living facility, Type 3 (requested use) and seven (7) Official Zoning Map Amendments from the Agricultural Residential (AR) to the Multiple Use Planned Development (MUPD) Zoning District with one or more of the following requested uses: 1) building supplies, retail; 2) convenience store with gas sales/automotive service station/car wash/auto detailing; 3) hotel; 4) restaurant, fast food; 5) theater, indoor; 6) daycare, general; 7) entertainment, indoor; 8) entertainment, outdoor; 9) repair and maintenance, general; 10) financial institution, on eight (8) parcels of land legally described in EXHIBIT A. 1 through A.8, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 26, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

| | | |
|---------------------------|----|--------|
| Ken Foster, Chair | -- | Aye |
| Burt Aaronson, Vice Chair | -- | Aye |
| Maude Ford Lee | -- | Absent |
| Karen T. Marcus | -- | Aye |
| Mary McCarty | -- | Aye |
| Warren Newell | -- | Aye |
| Carol A. Roberts | -- | Absent |

The Chair thereupon declared that the resolution was duly passed and adopted on August 26, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A.1

LEGAL DESCRIPTION FOR PUD

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED **AS** FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13;

THENCE **S 87' 44' 41" E** ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 504.84 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE **S 87' 44' 41" E** ALONG SAID NORTH LINE A DISTANCE OF 80.00 FEET:

THENCE **S 02' 15' 00" W** A DISTANCE OF 235.66 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 37' 11' 06" AND A RADIUS OF 580.00 FEET FOR AN ARC DISTANCE OF 376.42 FEET TO A POINT OF TANGENCY;

THENCE **S 34' 56' 06" E** A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 28' 02' 52" AND A RADIUS OF 1340.00 FEET FOR AN ARC DISTANCE OF 655.97 FEET TO A POINT OF TANGENCY:

THENCE **S 06' 53' 14" E** A DISTANCE OF 103.78 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **S 23' 43' 32" W**

THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 71' 21' 30" AND A RADIUS OF 300.00 FEET FOR AN ARC DISTANCE OF 373.63 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTH;

THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE **TO** THE RIGHT HAVING A CENTRAL ANGLE OF **95' 46' 26"** AND A RADIUS OF 607.70 FEET FOR AN ARC DISTANCE OF 1015.81 FEET TO A POINT OF TANGENCY;

THENCE **S 41' 51' 32" E** A DISTANCE OF 288.19 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING **OF** N 88' 22' 02 W

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE **OF** 31' 15' 28" AND A RADIUS OF 1000.00 FEET FOR AN ARC DISTANCE **OF** 545.55 FEET TO A POINT OF TANGENCY;

THENCE **S 29' 37' 30" E** A DISTANCE OF 541.80 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE **OF** **58' 09' 47"** AND A RADIUS **OF** 1000.00 FEET FOR AN ARC DISTANCE OF 1015.14 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **S 02' 12' 42" W** A DISTANCE OF 138.03 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST:

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33' 10' 00" AND A RADIUS OF 765.76 FEET FOR AN ARC DISTANCE OF 443.27 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 32' 51' 53" AND A RADIUS OF 300.00 FEET **FOR** AN ARC DISTANCE **OF** 172.08 FEET **TO** A POINT **OF** TANGENCY;

LEGAL DESCRIPTION FOR PUD

THENCE S 01' 54' 35" W A DISTANCE OF 379.18 FEET;

THENCE S 88' 05' 25" E A DISTANCE OF 1160.31 FEET;

THENCE S 01' 53' 57" W A DISTANCE OF 95.00 FEET;

THENCE N 88' 05' 25" W A DISTANCE OF 5044.51 FEET TO THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 13;

THENCE N 01' 52' 58" E ALONG SAID WEST LINE A DISTANCE OF 1360.79 FEET TO THE NORTHWEST CORNER OF THE SAID SOUTHWEST ONE-QUARTER OF SECTION 13;

THENCE N 01' 54' 00" E ALONG THE WEST LINE OF THE SAID NORTHWEST ONE-QUARTER OF SECTION 13 A DISTANCE OF 2020.71 FEET;

THENCE S 88' 05' 59" E A DISTANCE OF 680.75 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N 56' 16' 04" E;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01' 12' 10" AND A RADIUS OF 1260.00 FEET FOR AN ARC DISTANCE OF 26.45 FEET TO A POINT OF TANGENCY;

THENCE N 34' 56' 06" W A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 37' 11' 06" AND A RADIUS OF 660.00 FEET FOR AN ARC DISTANCE OF 428.34 FEET TO A POINT OF TANGENCY;

THENCE N 02' 15' 00" E A DISTANCE OF 235.67 FEET TO THE POINT OF BEGINNING;

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING 224.85 ACRES MORE OR LESS.

EXHIBIT A.2

LEGAL DESCRIPTION FOR MUPD A

A PARCEL OF LAND LYING IN SECTION **13**, TOWNSHIP **44** SOUTH, RANGE **41** EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION **13**;

THENCE **S 87' 44' 41"** E ALONG THE NORTH LINE OF SAID SECTION **13** A DISTANCE OF **504.84** FEET;

THENCE **S 02' 15' 00"** W A DISTANCE OF **235.67** FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO M E LEFT HAVING A CENTRAL ANGLE OF **37' 11' 06"** AND A RADIUS OF **660.00** FEET FOR AN ARC DISTANCE OF **428.34** FEET TO A POINT OF TANGENCY;

THENCE **S 34' 56' 06"** E A DISTANCE OF **50.00** FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF **01' 12' 10"** AND A RADIUS OF **1260.00** FEET FOR AN ARC DISTANCE OF **26.45** FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **N 88' 05' 59"** W A DISTANCE OF **680.75** FEET TO THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW ?) OF SAID SECTION **13**;

THENCE **N 01' 54' 00"** E ALONG SAID WEST LINE A DISTANCE OF **699.84** FEET TO THE POINT OF BEGINNING;

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING **8.67** ACRES MORE OR LESS.

EXHIBIT A.3

LEGAL DESCRIPTION FOR MUPD B

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13;

THENCE S 87' 44' 41" E ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 584.84 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S 87' 44' 41" E ALONG SAID NORTH LINE A DISTANCE OF 1008.39 FEET;

THENCE S 02' 15' 17" W A DISTANCE OF 296.01 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 67' 13' 55" AND A RADIUS OF 590.00 FEET FOR AN ARC DISTANCE OF 692.32 FEET TO A POINT OF TANGENCY;

THENCE S 64' 58' 38" E A DISTANCE OF 594.29 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N 68' 18' 08" W

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20' 03' 55" AND A RADIUS OF 1000.00 FEET FOR AN ARC DISTANCE OF 350.20 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N 41' 51' 32" W A DISTANCE OF 288.19 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTH:

THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 95' 46' 26" AND A RADIUS OF 607.70 FEET FOR AN ARC DISTANCE OF 1015.81 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTH;

THENCE SOUTHWESTERLY, AND WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 71' 21' 30" AND A RADIUS OF 300.00 FEET FOR AN ARC DISTANCE OF 373.63 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N 06' 53' 14" W A DISTANCE OF 103.78 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 28' 02' 52" AND A RADIUS OF 1340.00 FEET FOR AN ARC DISTANCE OF 655.97 FEET TO A POINT OF TANGENCY;

THENCE N 34' 56' 06" W A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 37' 11' 06" AND A RADIUS OF 580.00 FEET FOR AN ARC DISTANCE OF 376.42 FEET TO A POINT OF TANGENCY;

THENCE N 02' 15' 00" E A DISTANCE OF 235.66 FEET TO THE POINT OF BEGINNING:

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING 29.78 ACRES MORE OR LESS.

EXHIBIT A.4

LEGAL DESCRIPTION FOR MUPD C

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13;

THENCE S 87' 44' 41" E ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 1683.23 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S 87' 44' 41" E ALONG SAID NORTH LINE A DISTANCE OF 1409.84 FEET;

THENCE S 02' 15' 17" W A DISTANCE OF 226.00 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE EAST;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15' 15' 43" AND A RADIUS OF 420.00 FEET FOR AN ARC DISTANCE OF 111.88 FEET TO A POINT OF TANGENCY;

THENCE S 13' 00' 26" E A DISTANCE OF 120.01 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N 15' 35' 11" W

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 47' 33' 25" AND A RADIUS OF 1000.00 FEET FOR AN ARC DISTANCE OF 830.03 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N 64' 58' 38" W A DISTANCE OF 593.11 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 67' 13' 55" AND A RADIUS OF 500.00 FEET FOR AN ARC DISTANCE OF 586.71 FEET TO A POINT OF TANGENCY;

THENCE N 02' 15' 17" E A DISTANCE OF 296.01 FEET TO THE POINT OF BEGINNING;

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING 23.92 ACRES MORE OR LESS

EXHIBIT A.5

LEGAL DESCRIPTION FOR MUPD D

A PARCEL OF LAND LYING IN SECTION **13**, TOWNSHIP **44** SOUTH, RANGE **41** EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION **13**;

THENCE **S 87' 44' 41"** E ALONG THE NORTH LINE OF SAID SECTION **13** A DISTANCE OF **3183.07** FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE **S 87' 44' 41"** E ALONG SAID NORTH LINE A DISTANCE OF **145.42** FEET;

THENCE SOUTH **02' 15' 17"** W A DISTANCE OF **27.00** FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **N 02' 15' 17"** E;

THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF **09' 33' 35"** AND A RADIUS OF **4443.66** FEET FOR AN ARC DISTANCE OF **741.42** FEET TO A POINT OF TANGENCY;

THENCE **S 78' 11' 08"** E A DISTANCE OF **217.67** FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTH;

THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF **10' 14' 28"** AND A RADIUS OF **2687.05** FEET FOR AN ARC DISTANCE OF **480.29** FEET TO A POINT OF TANGENCY;

THENCE **S 86' 25' 05"** E A DISTANCE OF **186.37** FEET;

THENCE **N 89' 02' 07"** E A DISTANCE OF **70.31** FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SR. **7/U.S. 441**;

THENCE **S 00' 21' 56"** E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF **474.39** FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **N 07' 29' 20"** E;

THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF **39' 25' 23"** AND A RADIUS OF **518.19** FEET FOR AN ARC DISTANCE OF **356.55** FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **S 31' 56' 04"** E A DISTANCE OF **24.89** FEET TO A POINT ON THE ARC ON A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **S 33' 09' 56"** E;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF **03' 56' 48"** AND A RADIUS OF **6168.57** FEET FOR AN ARC DISTANCE OF **424.90** FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **N 29' 37' 30"** W A DISTANCE OF **120.44** FEET A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF **70' 48' 10"** AND A RADIUS OF **1000.00** FEET FOR AN ARC DISTANCE OF **1235.74** FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **N 13' 00' 26"** W A DISTANCE OF **120.01** FEET A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF **15' 15' 43"** AND A RADIUS OF **330.00** FEET FOR AN ARC DISTANCE OF **87.90** FEET TO A POINT OF TANGENCY;

THENCE **N 02' 15' 17"** E A DISTANCE OF **226.00** FEET TO THE POINT OF BEGINNING;

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING **22.13** ACRES MORE OR LESS.

EXHIBIT A.6

LEGAL DESCRIPTION FOR MUPD E

A PARCEL OF LAND LYING IN SECTION **13**, TOWNSHIP **44** SOUTH, RANGE **41** EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION **13**;

THENCE **S 87' 44' 41"** E ALONG THE NORTH LINE OF SAID SECTION **13** A DISTANCE OF **3328.49** FEET;

THENCE **S 02' 15' 17"** W A DISTANCE OF **27.00** FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **N 02' 15' 17"** E;

THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF **09' 33' 35"** AND A RADIUS OF **4443.66** FEET FOR AN ARC DISTANCE OF **741.42** FEET TO A POINT OF TANGENCY;

THENCE **S 78' 11' 08"** E A DISTANCE OF **217.67** FEET TO A POINT OF CURVATURE OF TANGENT CURVE CONCAVE TO THE NORTH,

THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF **10' 14' 28"** AND A RADIUS OF **2687.05** FEET FOR AN ARC DISTANCE OF **480.29** FEET TO A POINT OF TANGENCY;

THENCE **S 86' 25' 05"** E A DISTANCE OF **186.37**;

THENCE **N 89' 02' 07"** E A DISTANCE OF **70.31** FEET TO A POINT ON **M E** WESTERLY RIGHT-OF-WAY LINE OF S.R. **7/U.S. 441**;

THENCE **S 00' 21' 56"** E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF **797.63** FEET;

THENCE **S 01' 58' 01"** W ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF **363.28** FEET;

THENCE **N 88' 19' 00"** W A DISTANCE OF **28.46** FEET;

THENCE **S 01' 57' 22"** W A DISTANCE OF **54.76** FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE **S 01' 57' 22"** W A DISTANCE OF **153.95** FEET;

THENCE **S 88' 18' 59"** E A DISTANCE OF **27.93** FEET:

THENCE **S 01' 53' 57"** W A DISTANCE OF **1053.81** FEET;

THENCE **N 88' 06' 03"** W A DISTANCE OF **232.54** FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF **38' 52' 55"** AND A RADIUS OF **330.00** FEET FOR AN ARC DISTANCE OF **223.94** FEET TO A POINT OF TANGENCY;

THENCE **N 49' 13' 07"** W A DISTANCE OF **101.35** FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST. A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **S 51' 47' 52"** E;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF **59' 54' 56"** AND A RADIUS OF **1000.00** FEET FOR AN ARC DISTANCE OF **1045.72** FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **N 65' 42' 27"** E A DISTANCE OF **101.04** FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTH;

THENCE NORTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF **26' 15' 33"** AND A RADIUS OF **330.00** FEET FOR AN ARC DISTANCE OF **151.24** FEET TO A POINT OF TANGENCY;

THENCE **S 88' 02' 00"** E A DISTANCE OF **143.75** FEET TO THE POINT OF BEGINNING;

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING 10.30 ACRES MORE OR LESS.

EXHIBIT A.7

LEGAL DESCRIPTION FOR MUPD F

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13;

THENCE S 87° 44' 41" E ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 3328.49 FEET;

THENCE S 02° 15' 17" W A DISTANCE OF 27.00 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N 02° 15' 17" E;

THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 09° 33' 35" AND A RADIUS OF 4443.66 FEET FOR AN ARC DISTANCE OF 741.42 FEET TO A POINT OF TANGENCY;

THENCE S 78° 11' 08" E A DISTANCE OF 217.67 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTH;

THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10° 14' 28" AND A RADIUS OF 2687.05 FEET FOR AN ARC DISTANCE OF 480.29 FEET TO A POINT ON A TANGENCY;

THENCE S 86° 25' 05" E A DISTANCE OF 186.37 FEET:

THENCE N 89° 02' 07" E A DISTANCE OF 70.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SR. 7/U.S. 441;

THENCE S 00° 21' 56" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 797.63 FEET;

THENCE S 01° 58' 01" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 363.28 FEET;

THENCE N 88° 19' 00" W A DISTANCE OF 28.46 FEET;

THENCE S 01° 57' 22" W A DISTANCE OF 208.71 FEET;

THENCE S 88° 18' 59" E A DISTANCE OF 27.93 FEET;

THENCE S 01° 53' 57" W A DISTANCE OF 1143.81 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S 01° 53' 57" W A DISTANCE OF 1281.02 FEET;

THENCE N 88° 05' 25" W A DISTANCE OF 1160.31 FEET;

THENCE N 01° 54' 35" E A DISTANCE OF 379.18 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 32° 51' 53" AND A RADIUS OF 300.00 FEET FOR AN ARC DISTANCE OF 172.08 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE EAST;

LEGAL DESCRIPTION FOR MUPD F

THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE ~~OF~~ 33' 10' 00" AND A RADIUS OF 765.76 FEET FOR AN ARC DISTANCE OF 443.27 FEET TO A POINT OF TANGENCY;

THENCE N 02' 12' 42" E A DISTANCE ~~OF~~ 138.03 FEET TO A POINT ON THE ARC ~~OF~~ A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST; A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N 02' 12' 42" E;

THENCE NORTHEASTERLY ALONG M E ARC ~~OF~~ SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 48' 51' 05" AND A RADIUS OF 1000.00 FEET FOR AN ARC DISTANCE OF 852.62 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE S 49' 13' 07" E A DISTANCE OF 101.35 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 38' 52' 55" AND A RADIUS OF 420.00 FEET FOR AN ARC DISTANCE OF 285.02 FEET TO A POINT OF TANGENCY;

THENCE S 88' 06' 03" E A DISTANCE OF 232.54 FEET TO M E POINT OF BEGINNING;

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING 35.74 ACRES MORE OR LESS.

EXHIBIT A.8

LEGAL DESCRIPTION FOR MUPD G

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE NORTHWEST CORNER **OF** SAID SECTION 13;

THENCE **S** 87' 44' 41" **E** ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 1593.23 FEET TO THE POINT OF BEGINNING;

THENCE **S** 02' 15' 17" **W** A DISTANCE OF 296.01 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 67' 13' 55" AND A RADIUS OF 590.00 FEET FOR AN ARC DISTANCE OF 692.32 FEET TO A POINT OF TANGENCY;

THENCE **S** 64' 58' 38" **E** A DISTANCE OF 594.29 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **N** 68' 18' 08" **W**

THENCE SOUTHWESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 51' 19' 23" AND A RADIUS OF 1000.00 FEET FOR AN ARC DISTANCE OF 895.75 FEET TO A POINT ON A TANGENCY;

THENCE **S** 29' 37' 30" **E** A DISTANCE OF 541.80 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTH;

THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 107' 00' 52" AND A RADIUS OF 1000.00 FEET FOR AN ARC DISTANCE OF 1867.76 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **S** 49' 13' 07" **E** A DISTANCE **OF** 101.35 FEET TO A POINT OF CURVATURE **OF** A TANGENT CURVE CONCAVE **TO** THE NORTHEAST;

THENCE SOUTHEASTERLY, AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 38' 52' 55" AND A RADIUS OF 420.00 FEET FOR AN ARC DISTANCE **OF** 285.02 FEET TO A POINT OF TANGENCY;

THENCE **S** 88' 06' 03" **E** A DISTANCE OF 232.54 FEET;

THENCE **N** 01' 53' 57" **E** A DISTANCE OF 90.00 FEET;

THENCE **N** 88' 06' 03" **W** A DISTANCE OF 232.54 FEET TO A POINT OF CURVATURE **OF** A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 38' 52' 55" AND A RADIUS OF 330.00 FEET FOR AN ARC DISTANCE **OF** 223.94 FEET TO A POINT OF TANGENCY;

THENCE **N** 49' 13' 07" **W** A DISTANCE OF 101.35 FEET A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **S** 51' 47' 52" **E**;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE **OF** 59' 54' 56" AND A RADIUS OF 1000.00 FEET **FOR** AN ARC DISTANCE **OF** 1045.72 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **N** 65' 42' 27" **E** A DISTANCE OF 101.04 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

LEGAL DESCRIPTION FOR MUPD G

THENCE NORTHEASTERLY, AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 26' 15' 33" AND A RADIUS OF 330.00 FEET FOR AN ARC DISTANCE OF 151.24 FEET TO A POINT OF TANGENCY;

THENCE S 88' 02' 00" E A DISTANCE OF 143.75 FEET;

THENCE N 01' 57' 22" E A DISTANCE OF 54.76 FEET;

THENCE S 88' 19' 00" E A DISTANCE OF 28.46 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF S.R. 7/U.S. 441;

THENCE N 01' 58' 01" E A DISTANCE OF 363.28 FEET;

THENCE N 00' 21' 56" W A DISTANCE OF 323.23 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N 07' 29' 20" E;

THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 39' 25' 23" AND A RADIUS OF 518.19 FEET FOR AN ARC DISTANCE OF 356.55 FEET TO A POINT ON AN NON-TANGENT

THENCE S 31' 56' 04" E A DISTANCE OF 24.89 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF S 33' 09' 56" E;

THENCE SOUTHWESTERLY ALONG M E ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03' 56' 48" AND A RADIUS OF 6168.57 FEET FOR AN ARC DISTANCE OF 424.90 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N 29' 37' 30" W A DISTANCE OF 120.44 FEET A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTH;

THENCE NORTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 70' 48' 10" AND A RADIUS OF 1000.00 FEET FOR AN ARC DISTANCE OF 1235.74 FEET TO A POINT ON A NON-TANGENT

THENCE N 13' 00' 26" W A DISTANCE OF 120.01 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 15' 15' 43" AND A RADIUS OF 330.00 FEET FOR AN ARC DISTANCE OF 87.90 FEET;

THENCE N 02' 15' 17" E A DISTANCE OF 226.00 FEET TO A POINT ON THE SAID NORTH LINE OF SECTION 13;

THENCE N 87' 44' 41" W ALONG SAID NORTH LINE A DISTANCE OF 90.00 FEET;

THENCE S 02' 15' 17" W A DISTANCE OF 226.00 FEET A TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE EAST;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15' 15' 43" AND A RADIUS OF 420.00 FEET FOR AN ARC DISTANCE OF 111.88 FEET TO A POINT OF TANGENCY;

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: Conditions which are not MUPD or PUD specific shall apply to the entire site.

A. BUILDING AND SITE DESIGN

- 1. Development of the site shall limited to the uses, access, acreage, and site design approved by the Board of County Commissioners (master preliminary development plan dated July 26, 1996, and regulating plan dated August 9, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are allowed by the ULDC. (ONGOING: ZONING)
- 2. The subject property shall be limited to a maximum of seven (7) MUPDs and one (1) PUD. (DRC: ZONING)
- 3. Prior to recordation of the first plat, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, project identification and signs in MUPDs A-G. The covenant shall be recorded in a form and manner acceptable to the County Attorney.

The covenant shall require the use of prevalent Mediterranean and/or Italian Renaissance architecture, including, but not limited to, such primary architectural elements as pastel colored stucco, masonry, stone, brick, classical features (columns, arches, medallions, bull’s eye windows, wrought iron, decorative tile, etc.), earth tone colored tile roof accents, and towers. Natural and sky lighting shall be encouraged. Architectural consistency shall be provided around all sides of all structures. (PLAT: ENG/ZONING - Co Att)

- 4. The maximum gross acreage and minimum/maximum gross square feet of floor area for MUPDs A-F shall be limited as follows:

| MUPD | ACREAGE ± | MINIMUM SF | MAXIMUM SF |
|-------|-----------|------------|------------|
| A | 8.67 | 79,000 | 120,000 |
| B | 29.78 | 87,000 | 163,000 |
| C | 23.92 | 87,000 | 163,000 |
| D | 22.13 | 80,000 | 148,000 |
| E | 10.30 | 41,000 | 75,000 |
| F | 35.74* | 98,000 | 182,000 |
| Total | | | 675,000 |

* Includes 2.0 acre civic parcel. (DRC: ZONING)

- 5. Total combined gross floor area for MUPDs A-F shall not exceed 675,000 square feet. This figure includes the 90,000 square foot hotel allowed by Condition I 1. (DRC: ZONING)
- 6. A combined minimum of 45,000 gross square feet of office use shall be provided in MUPDs A-F. Uses considered office shall be devoted exclusively to business, medical or professional services. Offices accessory to other principal uses shall not satisfy this requirement. (DRC: ZONING)

7. The maximum gross acreage, maximum gross leasable area, and maximum square feet of gross floor area for MUPD G (regional mall) shall be limited as follows:(DRC: ZONING)

| MUPD | ACREAGE ± | LEASABLE SF | GROSS SF |
|------|-----------|-------------|-----------|
| G | 111.08 | 1,445,000 | 1,776,000 |

8. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be screened from view and confined to the areas designated on the certified site plan. (DRC / ONGOING: ZONING / CODE ENF)
9. All roof mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure.(CO: BLDG)
10. All other *air* conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning)

B. CONVENIENCE STORE WITH GAS SALES/AUTO SERVICE STATION/CAR WASH & AUTO DETAILING

1. A maximum of one convenience store with gas sales, auto service station, car wash & auto detailing facility, or combination, limited to a maximum of 4,000 square feet of gross floor area, shall be permitted in MUPD F. (DRC: ZONING)
2. Automated car wash facilities shall utilize a 100% water recycling system. (BLDG PERMIT: BLDG)
3. Outdoor repair shall not be permitted. Vehicle/trailer rental shall not be permitted. (ONGOING: CODE ENF)
4. Outdoor storage or display of disassembled vehicles, parts, inventory, or merchandise shall not be permitted. (ONGOING: CODE ENF)
5. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. Air and water for minor vehicle maintenance shall be provided to the public at no charge. (DRC / ONGOING: ZONING / CODE ENF)

C. CROSS ACCESS

1. Prior to certification of the preliminary development plan by the DRC, the petitioner shall record in the public record their portion of a cross access easement to the property to the south in a manner and form approved by the County Attorney and in a location approved by the County Engineer. The location of the easement shall be indicated on the PDP. This requirement shall become null and void if the land directly south of the cross access point becomes Industrial land use in a Comprehensive Plan or development on the land directly south of the cross access point generates more traffic than the cross access intersection can accommodate, as determined by the County Engineer. ~~This~~ requirement may be deleted by the Board of County Commissioners subject to an amendment to the Development Order in accordance with the ULDC and Florida Statutes. (DRC: ZONING - Co Att / Engr)

2. The property owner to the south shall be required to reimburse this petitioner for a share of the cost of construction of the private road providing access to the property to the south within one year of completion of the cross access. The share of the cost of construction shall be determined by the County Engineer. (ONGOING: ENG)

D. DAY CARE

1. A maximum of three (3) general day care centers shall be permitted, limited to a combined total of 40,000 gross square feet of floor area and 600 children. The day care centers shall be permitted in MUPDs A,B,C,D or F only. (DRC: ZONING / HEALTH)

E. ENGINEERING

1. Many of the following Engineering conditions and Regional Transportation conditions in the DEI DO indicate that certain roadway improvements will be required when the project is to be issued building permits for certain amounts of retail space. The project consists of retail uses as well as residential, office and hotel uses. The roadway improvements are required when the project will generate certain amounts of external traffic. For monitoring purposes, the external traffic has been converted to square feet of gross leasable area of retail space. Additionally, the mall contains building area which is not included in the gross leasable floor area.

The developer, therefore, shall submit a trip generation analysis prior to requesting site plan approval for any other use than retail, showing an equivalent amount of gross leasable retail space based on external traffic. The trip generation analysis shall be based on the Phase 1 and Phase 2 trip generation rates utilized in the DEI traffic analysis, Tables 21-C-5 and 21-C-6 of the ADA, dated 12/4/95. The trip generation analysis shall be approved by the County Engineer prior to site plan certification by the DRC. (DRC: ENG)

2. A public facilities agreement, dated August 26, 1996, has been entered into by Palm Beach County and the developer. When the conditions conflict between the development order and the public facilities agreement, the more restrictive condition shall control. (ONGOING: ENG)
3. No building permits shall be issued until contracts have been let for the following roadway improvements:
 - a. Four lane of **SR 7** from Okeechobee Boulevard to Boynton Beach Boulevard.
 - b. Southern Boulevard (**SR 80**) and Big Blue Trace
 1. East Approach - 2nd left *turn* lane; and
 2. South Approach - right *turn* lane, separate left turn lane and receiving lanes. (BLDG PERMIT: MONITORING - Eng)
4. Surety shall be provided to **Palm** Beach County prior to February 24, 1997, sufficient to construct the following roadway improvements:
 - a. Southern Boulevard (SR 80) and Big Blue Trace
 1. East Approach - 2nd left *turn* lane. (DATE: MONITORING - Eng)
5. No building permits shall be issued for more than 2,025,000 square feet GLA of retail or after December 31, 2004, whichever occurs first, until contracts have been let for the following roadway improvement:

- a. Six lane of Southern Boulevard (SR 80) from SR 7 to Sansbury's Way. (BLDG PERMIT/DATE: MONITORING - Eng)
6. No building permits shall be issued for more than 1,740,000 square feet GLA of retail or after December 31, 2004, whichever shall first occur, until contracts have been let for the following roadway improvement:
 - a. Six lane of Southern Boulevard (SR 80) from Big Blue Trace to Forest Hill Boulevard. (BLDG PERMIT / DATE: MONITORING - Eng)
7. The project shall be phased according to the following schedule until the contract for the construction of Southern Boulevard (SR 80) from Royal Palm Beach Boulevard to SR 7 has been let:
 - a) up to October 31, 2001, no building permits for more than 1,820,000 square feet GLA of retail shall be issued.
 - b) after October 31, 2001, no building permits for more than 1,640,000 square feet GLA of retail shall be issued.
 - c) if building permits for more than 1,640,000 square feet GLA of retail are issued prior to October 31, 2001 then no further building permits shall be issued after October 31, 2001.
 - d) no building permits shall be issued after December 31, 2000 until surety for the construction of Southern Boulevard (SR 80) from Royal Palm Beach Boulevard to SR 7 has been posted.
 - e) no building permits shall be issued after December 31, 2004.
8. No building permits shall be issued for more than 1,195,000 square feet GLA, of retail until contracts have been let for the following roadway improvement:
 - a. Southern Boulevard (SR 80) and Forest Hill Boulevard
 1. South Approach - Second left turn lane, and Second and third thru lanes;
 2. North Approach - Second left turn lane, Second and third thru lanes, and Right turn lane; and
 3. West Approach - Second left turn lane. (BLDG PERMIT: MONITORING - Eng)
9. No building permits shall be issued for more than 1,800,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
 - a. Four lane Lantana Road from Lyons Road to Hagen Ranch. (BLDG PERMIT: MONITORING - Eng)
10. No building permits shall be issued for more than 1,890,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
 - a. Southern Boulevard (SR 80) and Jog Road
 1. All Approaches - Second left turn lanes. (BLDG PERMIT: MONITORING - Eng)

11. Surety shall be provided to Palm Beach County prior to December 31, 2000, for the following roadway improvement:
 - a. Southern Boulevard (SR 80) and Jog Road
 1. All Approaches - Second left ~~turn~~ lanes. (DATE: MONITORING - Eng)
12. No building permits shall be issued for more than 1,905,000 square feet GL 4 of retail until contracts have been let for the following roadway improvement:
 - a. Extend 2 lane Lake Worth Road from South Shore Boulevard to the existing pavement west of SR 7, or an acceptable alternative roadway adopted by the Palm Beach County Board of County Commissioners. (BLDG PERMIT: MONITORING - Eng)
13. No building **permits** shall be issued after January 1, 2008, until contracts have been let for the following roadway improvements:
 - a. Forest Hill Boulevard and Wellington Trace (South)
 1. North and South Approaches - Third **through** lanes matching six lane cross section on Forest Hill Boulevard at South Shore Boulevard.
 - b. Forest Hill Boulevard and Wellington Trace (North)
 1. West Approach - Second left turn Lane. (DATE: MONITORING - Eng)
14. Surety shall be provided to Palm Beach County prior to January 1, 2008, for the following roadway improvements:
 - a. Forest Hill Boulevard and Wellington Trace (South)
 1. North and South Approaches - Third through lanes matching six lane cross section on Forest Hill Boulevard at south Shore Boulevard.
 - b. Forest Hill Boulevard and Wellington Trace (North)
 1. West Approach - Second left turn lane. (DATE: MONITORING - Eng)
15. No building permits shall be issued for more than 1,930,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
 - a. Six lane SR 7 from SR 80 to Forest Hill Boulevard. (BLDG PERMIT: MONITORING - Eng)
16. No building permits shall be issued for more than 1,840,000 square feet GLA of retail until contracts have been let for the following roadway improvement:
 - a. Six lane SR 7 from Forest Hill Boulevard to Lake Worth Road. (BLDG PERMIT: MONITORING - Eng)
17. No building permits shall be issued for more ~~than~~ 2,095,000 square feet GLA of retail or after December 31, 2004, whichever shall first occur, until contracts have been let for the following roadway improvement:

- a. Eight lane Okeechobee Boulevard from Swallow Boulevard to SR 7. (BLDG PERMIT / DATE: MONITORING - Eng)
18. Surety shall be provided to Palm Beach County by December 31, 2000, sufficient to construct the following roadway improvement:
 - a. Eight lane Okeechobee Boulevard ~~from~~ Swallow Boulevard to SR 7. (DATE: MONITORING - Eng)
19. LANDSCAPE WITHIN MEDIAN
 - A. Prior to issuance of the first building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, 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 and shall be consistent with the landscaping theme adopted for this roadway.

All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
 - B. All required landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscape material shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. (ONGOING: ENG)
 - C. All landscape material shall be installed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
 - D. A Declaration of Covenants and Restriction Documents shall be established prior to issuance of the first Certificate of Occupancy to reflect this obligation. (CO: MONITORING - Eng)
20. Surety, for the purposes contained herein, shall be based on 110% of the certified cost estimate provided by the developers engineer, and approved by the County Engineer. (ONGOING - ENG)
21. Notwithstanding conditions requiring surety for traffic improvements, the County shall issue building permits and certificates of occupancy, ~~as~~ applicable, for 100% of the interior tenant space within the building GLA for which permits have previously been issued, whenever certificates of occupancy for interior tenant space have already been issued for at least 80% of the building GLA for which ~~permits~~ have previously been issued. (ONGOING: ENG)

F. ENTERTAINMENT. OUTDOOR

1. A maximum of 18 gross acres of private outdoor entertainment area, including water bodies and all required parking if part of the outdoor entertainment use, shall receive site plan approval by the Development Review Committee. (DRC: ZONING)
2. Motorized carts, motorized rides, boats or other similar outdoor entertainment uses requiring riding motorized equipment or vehicles shall be prohibited. (ONGOING: CODE ENF)

G. ERM

1. Prior to December 31, 1999, the petitioner shall implement a wetland mitigation plan for the wetland preserve areas which will address supplementing the wetland preserve areas, as needed, with suitably sized wetland species to:
 - a. eliminate any open areas resulting from the removal of Melaleuca, Brazilian Pepper, or other undesirable, invasive species; or
 - b. ensure compliance with the percent cover and/or canopy closure requirements of the Master Wetland Mitigation Plan required under Regional Development Order Condition 3 1A.

This condition shall not apply to the 1.1 acre upland hand fern preserve area. (DATE: MONITORING - ERM)

H. HEALTH

1. Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works is used by project tenants or owners generating such effluent. (ONGOING: HEALTH)

I. HOTEL

1. A maximum of one (1) 125 room hotel shall be permitted. The hotel may be permitted in MUPD A,B,C, or F only. The hotel and accessory uses shall be limited to a maximum of 75,000 gross square feet of floor area; ancillary uses shall be limited to a maximum of 15,000 gross square feet of floor area (90,000 gross square feet of floor area total). Ancillary uses may include, but not be limited to a restaurant, cocktail lounge, meeting rooms, or conference center open to the public. (DRC: ZONING)
2. The hotel and ancillary uses shall be constructed in one MUPD **only**. No transfer of a portion of the hotel or ancillary use square footage to any other MUPD shall be permitted. (DRC: ZONING)

J. LANDSCAPING - STANDARD

1. All trees required to be planted on the subject property by conditions of approval, except as required by Condition G.1 and within the ~~wetland~~ upland preserve area; 3, 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; and
 - 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. (C(): LANDSCAPE - Zoning)

2. All palms required to be planted on the subject property by conditions of approval, except as required by Condition G.1 and within the upland preserve area, shall meet the following minimum standards at time of installation:
 - a. Height: ten (10) feet grey wood or clear trunk, whichever is greater;
 - b. Clustered palms: staggered heights ten (10) to twelve (12) feet; and
 - c. Pruning: minimum six (6) fronds. (CO: LANDSCAPE - Zoning)
3. All landscape requirements contained herein may be altered by the Development Review Committee upon approval of an Alternative Landscape Betterment Plan (ALBP) except as follows: the ALBP shall maintain the tree and palm standards above (Conditions J.1 and J.2), the interior landscaping requirements below (Conditions K.1 thru K.6), the minimum width of the north and east perimeter buffers (Condition L.1), the minimum number of trees, palms and shrubs required in the north and east perimeter buffers (Condition L.1), all required berms, and all supplemental material required in preserve areas. (DRC: ZONING)

K. LANDSCAPING - INTERIOR

1. A minimum of one (1) interior landscape island shall be provided for every twelve (12) parking spaces in MUPDs A-F and the Residential PUD. The maximum spacing between landscape islands shall not exceed one hundred-twenty (120) linear feet. (DRC: ZONING)
2. A minimum of one interior grade level planting area (i.e. diamond), with a minimum planting area of 20 square feet and one tree/palm and appropriate ground cover, shall alternate with one interior landscape island for every twelve (12) parking spaces in MUPD G. The maximum spacing between diamonds/landscape islands shall not exceed one hundred twenty (120) linear feet. Interior landscape islands may be used in place of required diamonds. This requirement shall not apply to rows of abutting parking separated by a landscaped divider median. (DRC: ZONING)
3. All rows of parking shall end with a landscape island. (DRC: ZONING)
4. Landscaped divider medians, with at grade bicycle and pedestrian cuts as appropriate, shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to each MUPD or the PUD. The minimum length of this median shall be twenty five (25) feet. The minimum width of this median shall be six (6) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree or palm and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (CO: LANDSCAPE - Zoning)
5. Landscape planter areas shall be provided along the front and side facades of all structures. The minimum width of required landscape planter areas shall be five (5) feet. The combined length of the required landscape planter areas shall be no less than 40% of the total length of the applicable side of the structure. All required landscape planter areas shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (CO: LANDSCAPE - Zoning)
6. All required buffers internal to the project shall be supplemented with one (1) palm or pine tree for each thirty (30) linear feet of the buffer. (CO: LANDSCAPE - Zoning)

L. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ALONG FOREST HILL BOULEVARD AND SR7/US441)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. a minimum twenty five (25) foot wide landscape buffer strip;
 - b. an undulating berm having an average height of three (3) feet;
 - c. one (1) canopy tree for each twenty (20) linear feet of frontage, planted at a maximum of sixty (60) feet on center;
 - d. one (1) palm or pine tree for each twenty (20) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree; and
 - e. One (1) twenty four (24) inch high shrub, or equivalent ground cover approved by the Planning, Zoning and Building Department, for each four (4) linear feet, to be planted on top of the required berm and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE - Zoning)
2. A landscaped buffer along the north and east property lines shall not be required adjacent to preserve areas designated on the PDP. (CO: LANDSCAPE - Zoning)

M. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree; and
 - d. 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. (CO: LANDSCAPE - Zoning)

N. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of **low** intensity, shielded and directed away from adjacent properties and streets. (BLDG PERMIT/ONGOING; BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures in MUPDs A-F and the Residential PUD shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting fixtures in MUPD G shall not exceed fifty (50) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

O. MASS TRANSIT

1. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the bus stop to the use(s) it is intended to serve, and bicycle rack. (DRC: ZONING - School Board / Eng / Planning)

2. Printed and electronic advertising for the regional mall, where partial, shall contain information that mass transit service to the site is available. (ONGOING: PALM TRAN)

P. OUT PARCELS

1. The maximum number of freestanding buildings under 10,000 square feet of gross floor area in MUPDs A-F shall be limited to four (4) each. Structures in the 2.0 acre civic parcel in MUPD F shall not be considered freestanding buildings. (DRC: ZONING)
2. No freestanding buildings under 10,000 square feet of gross floor area shall be permitted in MUPD G. (DRC: ZONING)

Q. PARKING/STORAGE

1. All delivery and/or loading areas built to accommodate semi trucks, tractor trailers, moving vans, etc., or consisting of two or more loading spaces, shall be screened from view by a twelve (12) foot high wing wall, or eight (8) foot wing wall if the loading area is depressed, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except in designated loading and delivery areas. (ONGOING: CODE ENF)
3. Prior to certification of each site plan in MUPDs A-F by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas where appropriate. (DRC: ZONING)
4. Open storage of any material, refuse, equipment, inventory, merchandise or debris shall not be permitted. (ONGOING: CODE ENF)
5. A shared parking study shall not be used to reduced the required parking for restaurants in MUPDs A thru F. (DRC: ZONING)

R. PLANNING

1. The underlying land uses for the LS/MU designation for the subject property shall be follows: (DRC: PLANNING)

| PROPOSED LAND USES AND INTENSITIES | | |
|--|--------------------|--------------------|
| LAND USE | MINIMUM ACREAGE | MAXIMUM ACREAGE |
| Commercial High (CH) | 185 | 250 |
| Residential High (HR8) | 10 | 50 |
| Residential Medium (MR5) (CLF use only) | 35 | 60 |
| Wetland/Buffer | 28 | N/A |
| Active Park | 10 | N/A |
| Lakes/Drainage Control | 132 | N/A |

S. PUD

1. The PUD shall be limited to a maximum of 225 gross acres. (DRC: ZONING)
2. The CLF shall be limited to a maximum of 300 beds, 390 residents, and 300,000 square feet of gross floor area. (DRC: ZONING)
3. The CLF beds shall not be converted to multifamily or other housing type:, in accordance with the ULDC. (DRC: ZONING)
4. The multifamily portion of the PUD shall be limited to a maximum of 400 units, as follows: 200 one bedroom units, 150 two bedroom units, and 50 three bedroom units. The multifamily units may be converted to other housing types in accordance with the ULDC upon submittal of a Notice of Proposed Change (NOPC) and approval by the Board of County Commissioners. (DRC: ZONING)
5. Street lights internal to the PUD shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
6. Street trees internal to the PUD shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
7. A clearly delineated and distinct continuous bike path or bike lane, which may be constructed as part of the vehicular use area internal to the PUD, shall provide bike access to all mass transit stops, school bus pick up locations, and MUPD G. (DRC: ZONING)
8. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
9. All property included in the legal description of the PUD shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

T. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by December 1, 1998 for a net 2.0 acre Fire Rescue civic site, in a location and form acceptable to the Facilities, Development & Operations Department (FDO) and County Attorney's office. The petitioner shall plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance:
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the PUD, as it would apply to the civic site. If the County ever sells the site for a nonpublic use, the subsequent owner will be subject to the covenants and conditions of the applicable MUPD. The County will agree that the civic site will be subject to reasonable design controls to ensure compatibility of design and function of the facility within the overall development. However, any design changes beyond standard Fire Rescue Facility design shall be at the sole cost of the property owner.
 - b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of warranty deed.
 - d. Developer shall provide all detention required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water detention basins;
 - 2) As easement across Developer's property from the proposed civic site to the detention basins, if required; and
 - 3) Drainage conveyance system connection shall be provided to the property line by the property owner.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line.
 - h. Should the County decide to sell or transfer the proposed civic site for a nonpublic use, it will first offer the property to the developer at current market price before placing it on the general market. Should the County receive an acceptable bona-fide offer for the purchase of the property for a nonpublic use, the developer shall have a right of first refusal to match said offer.

1. Should the County decide not to use the proposed civic site as a Fire-Rescue station, the following alternative public uses shall be prohibited: incinerator, landfill, hazardous waste disposal, hazardous material storage, recycling center, transfer station or any other noxious refuse related use. (DATE: MONITORING - PREM)

2. The property owner shall provide the County with a certified survey of the proposed civic site by September 1, 1998. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 - a. The survey shall meet **Minimum** Technical Standards for a Boundary Survey as prescribed by F.A.C. Rule 61G17-6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include the location of any proposed water detention area that will border the civic site. Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by September 1, 1998. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property **and** identify the past and current land use. The assessment will include but not be limited to the following:
 - a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
 - b. Review of local, state, and federal regulatory agencies' enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

 - 1) EPA's National Priorities list (NPL);
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA); and
 - 3) Hazardous Waste Data Management System List (HWDMS).
 - c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d. The results of an on-site survey to describe site conditions and to identify potential areas of contamination.
 - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)

4. Prior to September 1, 1998, the petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above shall also apply. If the land off-site is of less cash value than the on-site

dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

- 5. The developer shall install appropriate safety signalization and turn lanes on all interior circulating access drives in a location and manner acceptable to Palm Beach County Fire Rescue when requested by Palm Beach County Fire Rescue. (ONGOING: PREM / FIRE)

U. REPAIR AND MAINTENANCE. GENERAL

- 1. All repair and maintenance shall be conducted indoors. There shall be no outdoor repair or maintenance of vehicles or parts. (ONGOING: CODE ENF)
- 2. Automatic car wash facilities shall utilize a 100% recycling system. (BLDG PERMIT - HEALTH)
- 3. Outdoor speaker or public address systems shall not be permitted. (BLDG PERMIT - BLDG)
- 4. Outdoor storage of disassembled vehicles, parts, inventory, or similar merchandise shall not be permitted. (ONGOING - CODE ENF)
- 5. Outdoor display of auto parts, auto accessories, tires, inventory, or similar merchandise shall not be permitted. (ONGOING: CODE ENF)
- 6. Vehicle/trailer rental shall not be permitted. (ONGOING: CODE ENF)
- 7. Bay doors shall not be oriented toward the east. (DRC - ZONING)

V. REQUESTED USES

- 1. The maximum number, location and maximum gross square feet of floor area for each requested use shall be limited as follows:

| REQUESTED USE | MAX NO. | MUPD LOCATION | MAX SF BY MUPD * | MAX COMBINED SF ** |
|---|---------|---------------|---|--------------------|
| Building supplies, retail | 5 | F | 150,000 in F | 150,000 |
| Convenience store with gas sales / auto service station / car wash & auto detailing | 1 | F | 4,000 in F | 4,000 |
| Day care, general *** | 3 | A,B,C,D,F | 30,000 in A; 15,000 in B,C,D; 25,000 in F | 40,000 |
| Entertainment, indoor | 8 | A,B,C,F | 30,000 in A,B; 60,000 in C; 150,000 in F | 150,000 |
| Entertainment, outdoor **** | 4 | A,F | 10,000 in A; 50,000 in F; | 50,000 |
| Financial Institution ***** | 10 | ALL | 10,000 in A,E; 30,000 in B,C; 20,000 in D,F | 100,000 |

| | | | | |
|---------------------------------|---|---------|----------------------------------|---------|
| Hotel | 1 | A,B,C,F | 90,000 in A,B,C,F | 90,000 |
| Repair and maintenance, general | 1 | E,F | 20,000 in E; 25,000 in F | 45,000 |
| Restaurant, fast food | 5 | B,F | 6,000 in B; 14,000 in F | 14,000 |
| Theater, indoor | 2 | C,F | 40,000 in C; 120,000 in F | 120,000 |

- * Maximum gross square feet of floor area per requested use permitted in each MUPD.
- ** Maximum combined gross square feet of floor area of use permitted (total).
- *** Combined enrollment limited to a maximum of 600 children total.
- **** 18 acres (gross) maximum.
- ***** Limitation applies to financial institutions over 10,000 square feet or with more than 3 drive up teller windows only. (DRC: ZONING)

- 2. Requested uses may be co-located on a single and/or combined out parcel if an acceptable traffic equivalency analysis and transfer of square footage is approved by the County Engineer and the DRC. (DRC: ZONING / ENG)

W. SCHOOL BOARD

- 1. The petitioner shall post in a clear and visible location in all sales/rental office: and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

X. SIGNS

- 1. One free standing primary site identification sign at the intersection of Forest Hill Boulevard and **SR7/US441** shall be permitted as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty five (25) feet;
 - b. Maximum sign width - nine (9) feet;
 - c. Maximum sign face area per side - **75** square feet;
 - d. Maximum number of signs - one (1);
 - e. Style - monument style or decorative tower only; and
 - F. Advertising - primary project identification only. (CO: BLDG - Zoning)
- 2. Median entry freestanding signs on **SR7/US441** shall be limited as follows:
 - a. Maximum sign height, measured from finish grade to highest point - **8' H x 10' W ;**
 - b. Maximum sign face area per side - **45** sq. ft.;
 - c. Maximum number of signs - two (**2**);
 - d. Style - monument style only; and
 - e. Advertising - regional mall name only. (CO: BLDG - Zoning)

- 3, Freestanding point of purchase signs fronting SR7/US441 shall be limited as follows:
 - a. Maximum sign height, measured from finish grade to highest point - 10' H x 8' W;
 - b. Maximum sign face area per side - 60 sq.ft.;
 - c. Maximum number of signs - two (2);
 - d. Style - monument style only; and
 - e. Advertising - primary identification for adjacent MUPD and maximum of four (4) tenants/users only. (CO:BLDG - Zoning)
4. Median entry freestanding signs on Forest Hill Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finish grade to highest point - 8' H x 10' W;
 - b. Maximum sign face area per side - 45 sq. ft.;
 - c. Maximum number of signs - two (2);
 - d. Style - monument style only; and
 - e. Advertising - regional mall name only. (CO: BLDG - Zoning)
5. Freestanding point of purchase signs fronting Forest Hill Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finish grade to highest point - 10' H x 8' W;
 - b. Maximum sign face area per side - 60 sq. ft.;
 - c. Maximum number of signs - four (4);
 - d. Style - monument style only; and
 - e. Advertising - primary identification for adjacent MUPD and maximum of four (4) tenants/users only. (CO: BLDG - Zoning)
6. MUPD C or F shall be permitted one additional freestanding point of purchase sign only fronting either Forest Hill Boulevard or SR7/US441, limited as follows:
 - a. Maximum sign height, measured from finish grade to highest point - 15' H x 10' W;
 - b. Maximum sign face area per side - 120 sq. ft.;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and
 - e. Advertising - theater use only. (CO: BLDG - Zoning)
7. PUD entrance wall signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign length - 40 feet;
 - c. Maximum sign face area - 40 square feet
 - d. Maximum number of signs - one (1) per entry; and
 - e. Style - monument style only. (CO: BLDG - Zoning)
8. Temporary balloon signs shall not be permitted. (ONGOING: ZONING)
9. Electronic message signs shall not be permitted. (BLDG PERMIT: BLDG - Zoning)
10. Flags, other than Federal, State or local government emblems, shall not be permitted. Flag poles shall be limited to a maximum height of thirty five (35) feet, measured from finished grade to highest point. A maximum of three (3) flag poles shall be permitted in each planned development. (BLDG PERMIT/ONGOING: BLDG/CODE ENF)

11. Outdoor display of equipment, inventory, merchandise or similar retail products shall not be permitted. (ONGOING: CODE ENF)

Y. UNITY

1. Prior to recordation of the first plat, the petitioner shall record in the public record a unity of control for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (PLAT: ENG - Zoning / Co Att)
2. Prior to recordation of the first plat, the petitioner shall record a covenant in the public record indicating that all structures, uses and parking areas within each MUPD and the PUD 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 County Attorney. (PLAT: ENG - Zoning / Co Att)

Z. COMPLIANCE

1. 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; 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

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. (MONITORING)

2. The County acknowledges that the petitioner is executing an agreement with the Village of Wellington addressing certain contributions and commitments to be made by the petitioner. This agreement, or its individual components, are not to be considered as conditions of approval and are not enforceable by the County (Monitoring Not Required)