

**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: February 2, 2012
Resolution 15, 2012**


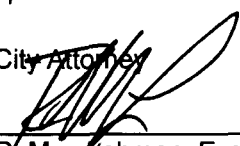
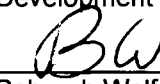


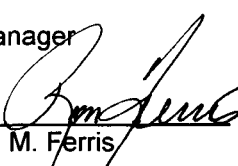
Subject/Agenda Item:

Resolution 15, 2012 – LA Fitness Plaza PUD Major Site Plan Amendment

Consideration for Approval: A request by DIV Palm Beach Gardens, LLC for approval of a site plan amendment to the LA Fitness Plaza to allow the construction of a 968-square-foot car wash. The car wash will be located on a 0.84-acre parcel within the LA Fitness Plaza, which is located on the southeast corner of Fairway Drive and Fairway Lane, approximately 300 feet south of PGA Boulevard.

Recommendation to APPROVE with Three (3) Waivers

Recommendation to DENY

<p>Reviewed by: Director of Planning & Zoning  Natalie M. Crowley, AICP</p> <p>City Attorney:  R/Max Lohman, Esq.</p> <p>Development Compliance:  Bahareh Wolfs, AICP</p>	<p>Originating Dept.: Planning & Zoning: Project Manager  Kathryn DeWitt, AICP Sr. Planner</p> <p><input checked="" type="checkbox"/> Quasi – Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Public Hearing</p> <p>Advertised: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 01.18.2012 Paper: Palm Beach Post</p>	<p>Finance: Accountant  Sarah Varga</p> <p>Fees Paid: <u>Yes</u></p> <p>Funding Source: <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u></p> <p>Budget Acct.#: <u>N/A</u></p> <p>Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p>	<p>Council Action: <input type="checkbox"/> Rec. Approval <input type="checkbox"/> Rec. Approval w/ Conditions. <input type="checkbox"/> Rec. Denial <input type="checkbox"/> Continued to: _____</p> <p>Attachments:</p> <ul style="list-style-type: none"> • Location Map • Project Narrative • Development Application • Traffic Concurrency Approval Letters • Resolution 1, 1986 • Resolution 4, 2009 • Resolution 15, 2012
<p>Approved By: City Manager  Ronald M. Ferris</p>	<p>Affected parties: <input checked="" type="checkbox"/> Notified <input type="checkbox"/> Not Required</p>		

BACKGROUND

City Council approved the PGA National Resort Community, a Planned Community Development (PCD), with the adoption of Ordinance 34, 1978 and Resolution 43, 1978.

Subsequently, the site plan for Shoppes on the Green was approved by the City Council as a Planned Unit Development (PUD) through the adoption of Resolution 1, 1986 (*see attached*) for a 16.55-acre parcel consisting of 76,280 square feet of retail, a 41,255-square-foot supermarket, and a 13,054-square-foot drugstore.

On August 19, 1986, Resolution 37, 1986 was adopted, which approved the architectural elevations and color treatments for all buildings in the Shoppes on the Green PUD.

On September 15, 2008, staff approved an Administrative Amendment (ADMN-08-06-000238) to allow minor changes to the building exterior and minor landscaping modifications to accommodate the plaza's current principal tenant, LA Fitness. The tenant space was previously occupied by Publix grocery store.

On October 9, 2008, the Addressing Committee approved a request to change the plaza name from Shoppes on the Green to LA Fitness Plaza, and LA Fitness became the anchor tenant in the previous Publix space.

Resolution 4, 2009 approved an amendment to modify the exterior façade of the LA Fitness Plaza. The modifications provided updated exterior paint colors, materials, signage, and landscaping throughout the plaza.

Resolution 5, 2009 approved the modification of an existing monument sign located within the median of the Fairway Drive right-of-way (ROW). The modification allowed a face change of the sign to reflect the plaza's new name.

On October 31, 2011, the Development Review Committee (DRC) approved a minor conditional use for the car wash to locate within the LA Fitness Plaza (Petition CUMN-11-09-000022).

The subject petition proposes a 968-square-foot car wash to be located on the vacant northeast portion of the LA Fitness Plaza. There is existing vegetation on the south and east sides of the parcel. The proposed building is two (2) stories and includes an office, storage, and a waiting room. The car wash will provide hand washing and auto detailing. Three (3) waivers are being requested with the subject petition.

LAND USE & ZONING

The LA Fitness Plaza is located within the PGA National Development of Regional Impact (DRI) and the PGA National Resort Planned Community Development (PCD). The Plaza has a PUD zoning overlay with an underlying zoning of Commercial (CG-1). The future land-use designation of the site is Commercial (C). The proposed use is consistent with both the zoning district and the future land use.

Table 1. Existing Zoning Land Use Designations

EXISTING USE	ZONING	LAND USE
<u>Subject Property</u> LA Fitness Plaza	PCD Overlay / PUD Overlay / CG-1	Commercial (C)
<u>North</u> Mirasol Walk	PUD Overlay / CG-1	Commercial (C)
<u>South</u> PGA National	PCD Overlay	Residential Medium (RM)
<u>East</u> Ballenises	PCD Overlay	Residential Medium (RM) / Residential Low (RL) / Golf
<u>West</u> PGA National	PCD Overlay	Commercial (C)

TRAFFIC CONCURRENCY

The subject site was deemed built out as part of the overall PGA National Development of Regional Impact (DRI) in August 2005 per Resolution 107, 2005. The Applicant submitted a traffic analysis with the petition which has been reviewed and approved by the City's Traffic Consultant and Palm Beach County Traffic Division (*see attached approval letters*).

PROJECT DETAILS

Site Details

The LA Fitness Plaza is 16.55 acres and is bordered by Fairway Drive on the west, Fairway lane on the north, the Florida Turnpike on the east, and 180-foot wide canal to the south. The affected portion of the plaza where the car wash is proposed to be located is at the northeast portion of the site. The affected area is approximately 0.84 acres in size. The plaza has three (3) points of access from Fairway Drive and one (1) point of access from Fairway Lane. The Applicant is proposing two (2) additional access points along Fairway Lane, one (1) of which will be an exit-only lane.

Proposed Improvements

The car wash will contain a 968-square-foot, two- (2) story building and two (2) auto detailing bays. The enclosed building will contain the office waiting area. An outdoor storage building will be constructed adjacent to the enclosed building and will be built to match the architecture of the main structure.

Parking

The retail plaza is parked at a ratio of 4.9 cars / 1,000 square feet, which requires 699 spaces; 712 spaces are provided. The car wash use requires 1 space / 250 square feet plus 1 space / bay, which equates to 6 spaces. All of the parking stalls provided are standard size spaces (10' x 18.5').

Architecture

The proposed buildings have been designed to match the style and colors of the main plaza. The main structure and the storage building both have peaked roof elements at differing heights creating variety in the roof line. Window treatments have been included on all sides of the building. The two- (2) story building has windows at both the first- and second-floor elevations. Lastly, ornate gate features are proposed along the west, east, and north elevations at the entrance and exit ways. The proposed building will be only partially visible from PGA Boulevard. The subject parcel is located on the south side of the old Fire Station building (a.k.a. Gardens Shul) and southeast of the existing 7-Eleven gas station, which location will help to screen the majority of the building from the right-of-way.

Signage

The Applicant is proposing one (1) principal tenant sign to be located on the west elevation. Per Section 78-285 of the City's Land Development Regulations, one (1) additional tenant sign would be permitted on the elevation that faces the Florida Turnpike. At this time, the Applicant is not requesting the Turnpike sign. All signage will be consistent with the font, style, and color of the plaza signs.

Landscaping

The Applicant is proposing a landscape palette that includes double Alexander Palms around the buildings, Live Oaks along the northern and eastern property lines, and ground shrubs throughout the site. The Applicant is requesting three (3) waivers related to landscaping due to site constraints. The first is for a reduced landscape buffer along the Florida Turnpike, the second would allow a 15-foot utility easement overlap into the landscape buffer, and the third is to not allow berm along the adjacent public right-of-ways (see Waiver section).

Phasing

The improvements will be completed in one (1) phase.

Drainage

No modifications to the existing drainage system are proposed with the subject petition.

Public Notice

The subject petition complied with the public notice requirements of the City's Land Development Regulations and State Statute. All property owners within 500 feet of the subject property received mailed notices, the appropriate property signs were posted on the property, and a newspaper ad was displayed in *The Palm Beach Post* newspaper. In addition, the proposed modifications are supported by the PGA National Property Owner's Association.

Waiver Requests

The Applicant is requesting three (3) waivers with this petition.

	Code Section	Requirement	Proposal	Waiver	Staff Support & Discussion
1	78-319(a)(3) Min. Buffer Required	25-foot landscape buffer along Turnpike	15-foot	10 feet	Approval
2	78-306(d) Easement Encroachment	Max. 5-foot utility easement overlap into landscape buffer	15-foot overlap	10 feet	Approval
3	78-315(f) Hedges and Berms	3-foot meandering berm along ROW	No berm	3-foot berm	Approval

- 1) The Applicant is requesting a waiver from City Code Section 78-319(a)(3), *Minimum buffer required*, to allow a 15-foot-wide landscape buffer along the Florida Turnpike rather than the 25 feet that is required. The existing landscape buffer on site maintains a 15-foot-wide buffer, so the proposed buffer is consistent with the existing condition. The reduced buffer width will provide more area on the subject site to provide additional landscaping, parking spaces at standard lengths, and drive aisles at the required width. Staff supports this waiver request.
- 2) The Applicant is requesting a waiver from City Code Section 78-306(d), *Easements encroachment*, to allow a 15-foot encroachment for a utility easement within the landscape buffer. There is an existing 15-foot wide FPL easement and a 12-foot-wide utility easement along the east side of the property which overlap the proposed 15-foot-wide landscape buffer. This condition exists throughout the plaza and a similar waiver was granted for the Gardens Home Management site to the north of the affected site. If any trees or vegetation planted in the buffer are removed, the Landscape Plan is an enforceable means to require their replacement. Staff supports this waiver request.
- 3) The Applicant is requesting a waiver from City Code Section 78-315(f), *Hedges and berms*, which requires a continuous berm and hedge along the perimeter of vehicular use areas abutting public rights-of-way. In this case, the berm and hedge are required along the east property line. The Applicant has provided a continuous hedge; however, the berm has not been incorporated into the site's design. The Applicant is requesting to not provide a berm along the eastern property line. The intent of this Code Section is to screen the parking lot area from public view.

However, in this situation, the right-of-way in question is the Florida Turnpike, which is at a much higher elevation than the subject site. Therefore, for this site, the three-(3) foot berm would not help provide the desired screening. Due to the constricted nature of the site and the intent of the Code, staff supports this waiver request.

COMMENTS FROM THE DEVELOPMENT REVIEW COMMITTEE (DRC)

On October 24, 2011, the subject petition was reviewed by the Development Review Committee (DRC). At this time, all certification issues have been satisfied.

PLANNING, ZONING, AND APPEALS BOARD (PZAB)

On January 10, 2012, the PZAB recommended approval of the subject petition with a vote of 7-0.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Resolution 15, 2012 as presented.

Location Map

LA Fitness Plaza
7100 Fairway Drive



NARRATIVE

Green Turtle Car Wash at LA Fitness Plaza in PGA National

~~September 6, 2011~~
~~November 10, 2011~~
December 12, 2011

Request/Location

On behalf of the applicant, Gentile Holloway O'Mahoney & Associates, Inc., acting as agent, is submitting an application for a Site Plan Amendment with three (3) waivers. The proposed Green Turtle Car Wash will be located on a parcel of land that is part of the LA Fitness Plaza formerly the Shoppes on the Green located within the commercial center within the PGA National DRI.

Proposed Development:

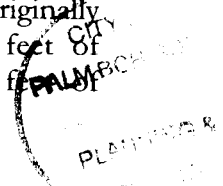
The proposed plan is for a 968 square foot 2 story building that will be the office and waiting area for the operation an outdoor storage shed will be built to match architecture. Additionally, there is an screened area for professional hand washing and auto detailing bays for finish work. This car wash offers 100% hand car washing and detailing with no tunnels, and no automated assembly. Hours of operation will be 8am to 6pm 7 days a week. The architecture for the proposed car wash will incorporate some of the features and materials as well as the colors of the existing center.

The applicant is also requesting three (3) waivers from the City code as follows:

Section 78-319(a)(3) and Section 78-319(f) – Minimum landscape buffer and planting requirements and Section 78-306(d) – Easement Overlap. The applicant is requesting waivers from these sections based on current conditions that exist and where approved with this shopping center when it was originally approved in 1996. The existing center abuts the Florida Turnpike along the centers eastern property and was platted on November 4, 2004. There is landscaping that currently exists that is within the easements that have been in existence since the property was approved and the plat recorded. The applicant is requesting the waivers be approved to remain consistent with the approved shopping center plan.

History: LA Fitness Plaza formerly known as Shoppes on the Green was originally approved by Resolution 1, 1986 and is vested for a total of 150,000 square feet of commercial use. The existing approved site plan is for 146,589 gross square feet of commercial space and provides 699 parking spaces.

Gentile Holloway O'Mahoney & Associates, Inc.
1907 Commerce Lane, Suite 101
Jupiter, FL 33458
561-575-9557- 561-575-5260 fax
I.C.-0000177



Parking: The parking required for this use is 14 spaces, proposed are 32 spaces including 1 handicap space and are shown on this site plan. The proposed plan provides for 712 parking spaces within the center. The LA Fitness, based on current code, provides parking of one (1) space per 200 sf of gross floor area. However, the mixed-use shopping center's parking is based on 4.9 cars/1,000 square feet as per the 1996 site plan approval.

Landscaping: The proposed landscaping will compliment the use and meet the Palm Beach Gardens code for landscaping.

Land Use and Zoning Compliance: The use is consistent with the land use and zoning.

Surrounding Uses:

The subject site is located within LA Fitness Plaza which is bounded on the north by Fairway Lane, to the west by Fairway Drive; to the south by PGA National – Glenwood Development; to the east by the Florida's Turnpike.

Surrounding Uses

	ZONING	FUTURE LAND USE
<i>SUBJECT PROPERTY:</i> Green Turtle Car Wash @ LA Fitness Plaza	Planned Community Development (PCD)	DRI/Commercial (C)
<i>TO THE NORTH:</i> Mirasol Shopping Center	General Commercial (CG-1)	C
<i>TO THE SOUTH:</i> PGA National	PCD	DRI/Residential Medium Density (RM)
<i>TO THE EAST:</i> Florida Turnpike	N/A	N/A
<i>TO THE WEST:</i> PGA National	PCD	DRI/Professional Office (PO) Golf (G)

Architectural Elements: The architecture for the proposed car wash will incorporate some of the feature materials and colors of the existing center. When the LA Fitness architecture was approved they proposed a new palette of earth-tone colors of tan, green and brown that was used to paint exterior elements of the buildings. The applicant has also coordinated with the POA on July 21st, 2011 and received Preliminary approval.

SITE PLAN CONSISTENCY				
	Approved	Proposed	Compliance	Waiver Requested
<i>Max Lot Coverage</i>	35%	17.8%	Yes	
<i>Max Building Height</i>	36'/2 stories	2 stories	Yes	
<i>Min. Open Space (per PUD)</i>	40%	62.7%	Yes	
<i>Setbacks</i>				
<i>Front</i>	20'		Yes	
<i>Side Street</i>	15'		Yes	
<i>Side</i>	15'		Yes	
<i>Rear</i>	15'		Yes	
<i>Parking</i>				
<i>Number Required</i>	699	712	Yes	
<i>Landscaping</i>				
<i>Buffers -N,S,W</i>	15 feet	15 feet	Yes	Yes to permit maintaining the existing 15 feet buffer with no berm and utility overlap
<i>Buffers-E</i>	25 feet	15 feet	No	

Waivers are permitted but must be found to fulfill code criteria.

Criteria for waivers is provided for in Section 78-158 of the code.

Section 78-158 (i) ***Criteria.***

1. The request is consistent with the city's comprehensive plan.
2. The request is consistent with the purpose and intent of this section.
3. The request is in support of and furthers the city's goals, objectives, and policies to establish development possessing architectural significance, pedestrian amenities and linkages, employment opportunities, reductions in vehicle trips, and a sense of place.
4. The request demonstrates that granting of the waiver will result in a development that exceeds one or more of the minimum requirements for PUDs.

5. The request for one or more waivers results from innovative design in which other minimum standards are exceeded.
6. The request demonstrates that granting of the waiver will result in preservation of valuable natural resources, including environmentally-sensitive lands, drainage and recharge areas, and coastal areas.
7. The request clearly demonstrates public benefits to be derived, including but not limited to such benefits as no-cost dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of important natural resources, and use of desirable architectural, building, and site design techniques.
8. Sufficient screening and buffering, if required, are provided to screen adjacent uses from adverse impacts caused by a waiver.
9. The request is not based solely or predominantly on economic reasons.
10. The request will be compatible with existing and potential land uses adjacent to the development site.
11. The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

Section	Item	Required / Allowed	Proposed	Waiver Requested
1. 78-319(a)(3)	Landscape Buffer along the Florida Turnpike	At least 25'	15'	10'
2. 78-306(d)	Utility easement overlap into landscape buffer	5' Utility easement overlap	15' overlap	10'
3. 78-315(f)	Berm and hedge along Landscape Buffer adjacent to the public ROW	3 foot meandering undulating berm	No berm	Maintain existing design

The requested waivers are all consistent with the criteria above.

Specific Waiver Justification: - see above referenced table for details

1. Section 78-319(a)(3) – Landscaping along the Florida Turnpike – The applicant is proposing that the landscape buffer consistent with the current approved site. The buffer would retain the 15' which is consistent with the existing shopping center. By maintaining the noted 15' landscape buffer it maintains the consistency of the design throughout the site as well as the design and circulation of the center.

Criteria 5. The request for one or more waivers results from innovative design in which other minimum standards are exceeded.

The request to minimize the buffer along the east property line allows for a more innovative design because it permits additional landscape area to be provided internal to the site. This allows for landscape areas to be in the more public oriented portion of the site (ie. West of the structure.)

Criteria 8. Sufficient screening and buffering, if required, are provided to screen adjacent uses from adverse impacts caused by a waiver.

The request does not negatively impact the screening or buffering on the east side which abuts the existing landscape buffer of the turnpike. The applicant is requesting the waivers to allow for additional screening in the front of the building rather than in the rear of the site which would not benefit anyone. By installing the additional landscaping in excess of the required by code in the front of the building (west side) to allow for a more aesthetically pleasing façade. This offer more green up front which was requested by the POA where it could be seen.

2. Section 78-306(d) – Easement Overlap – The applicant is proposing the same overlap as existing at the eastern property line. There is a 15' utility easement that was recorded on the plat for the center. The request for the waiver would allow the proposed car wash to be consistent with the design of the center.

Criteria 10. The request will be compatible with existing and potential land uses adjacent to the development site.

The overlap allows for the proposed design to be consistent with and more compatible with the existing and potential adjacent land uses. Again the east buffer abuts another buffer and is located in the rear of a commercial shopping center. The waivers permits the rear service drive alignment to be maintained for the center as well as the building setback.

Criteria 11. The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

The waiver request is consistent with the general purpose and the intent of the code to provide sufficient screening and consideration for utilities.

3. Section 78-315 (f) – Hedge and berm to screen parking adjacent to public ROW-
The applicant is proposing that the berm be eliminated as the parking is actually adjacent to the turnpike buffer which makes the berm unnecessary. Also this waiver is a companion to the reduction in width of the landscape buffer as installation is less practical.

Criteria 8. The applicant is not requesting these waivers based solely or predominantly on economic reasons.

The applicant is asking for the waiver based on better design that permits the existing service drive to maintain its alignment and for the additional landscape area to be on the “people/active” side of the center not along an adjacent landscape buffer for the turnpike.

Criteria 11. The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

As this is an existing condition on the property, it demonstrates the requests is in harmony with the intent to maintaining proper screening with no negative impacts.

Gentile Glas Holloway O'Mahoney & Associates, Inc. respectfully requests the review and approval of the proposed car wash at LA Fitness Plaza.

CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Division
Growth Management Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:

Planned Community Development (PCD)	Annexation
Planned Unit Development (PUD)	Rezoning
√ Amendment to PCD, PUD or Site Plan	Site Plan Review
√ Conditional Use- Minor	Concurrency Certificate
Amendment to the Comprehensive Plan	Time Extension
Administrative Approval	Miscellaneous
Administrative Appeal	Other _____

Date Submitted: September 6, 2011

Project Name: The Green Turtle Car Wash

Owner: DIV Palm Beach Gardens, LLC **Address:** 340 Royal Poinciana Way Palm Beach, 33480

Applicant (if not Owner): Badalamenti Motors LLC

Applicant's Address: 18621 Lakeside Gardens Dr. Jupiter, FL 33458 **Telephone No.** _____

Agent: Gentile Holloway O'Mahoney & Associates, Inc.

Contact Person: Dodi Buckmaster Glas **Email:** Dodi@landscape-architects.com

Agent's Mailing Address: 1907 Commerce Lane, Suite 101 Jupiter FL 33458

Agent's Telephone Number: (561) 575-5997 **Fax Number:** (561)575-5260

FOR OFFICE USE ONLY	
Petition Number: _____	Date & Time Received: _____
<u>Fees Received</u>	
Application \$ _____	Engineering \$ _____
Receipt Number:: _____	

Architect: Richard Seaberg Architect Phone Number: 561-622-2247

Engineer: Southern Design Group/Mark Williams Phone Number: 561-743-0501

Planner: Gentile Holloway O'Mahoney & Assoc. (GHO) Phone Number: 561-575-9557

Landscape Architect: GHO Phone Number: 561-575-9557

Site Information: **Note: Petitioners shall submit Electronic digital files of approved projects. See attachment for details.**

General Location: LA Fitness Plaza in PGA National, south side of PGA Boulevard

Address: _____

Section: 10 Township: 42 Range: 42

Property Control Number(s): 52-42-42-10-19-001-0000

Acreage: .84 Current Zoning: PCD Requested Zoning: N/A

Flood Zone: B Base Flood Elevation (BFE) – to be indicated on site plan _____

Current Comprehensive Plan Land Use Designation: Commercial

Existing Land Use: same Requested Land Use: same

Proposed Use(s) i.e. hotel, single family residence, etc.: Conditional Use – Minor to allow for car wash.

Proposed Square Footage by Use: 968 s.f.

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multi-family, etc. (If applicable):
N/A

Justification

Information concerning all requests (attach additional sheets if needed) {Section 78-46, Application Procedures, Land Development Regulations}

1. Explain the nature of the request: See attached Project Narrative.

2. What will be the impact of the proposed change on the surrounding area? This is an existing shopping center and the change in use compliments the existing center. The actual facility is internal to the site.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan – Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservation, Recreation and Open Space, Intergovernmental Coordination and Capital Improvements. N/A – This is not a rezoning

4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)? N/A – This is an existing developed center.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)? This construction is under the threshold for required art funding.

6. Has project received concurrency certification? Shopping Center is vested. A Traffic Statement for the change in use provided.

Date received: _____

Legal Description of the Subject Property

(Attach additional sheets if needed)

**PORTION OF PARCEL 1, ACCORDING TO THE PLAT OF PGA NATIONAL
SHOPS ON THE GREEN, RECORDED IN PLAT BOOK 103, PAGES 83 AND 84,
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

Location

The subject property is located on the South side of PGA Boulevard, west of the Florida's
Turnpike.

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Jonathan G. Davis who, being by me first duly sworn, on oath deposed and says:

1. That DIV Palm Beach Gardens LLC is the fee simple title owner of the property described in the attached Legal Description.
2. That Jonathan G. Davis is authorized to sign on behalf of DIV Palm Beach Gardens LLC.
3. That Jonathan G. Davis and DIV Palm Beach Gardens LLC, has signed a lease agreement with James Badalamenti and Badalamenti Motors, LLC.
4. That James Badalamenti and Badalamenti Motors, LLC, is requesting a Minor Conditional Use from the City of Palm Beach Gardens, Florida.
5. That Jonathan G. Davis and DIV Palm Beach Gardens LLC has appointed James Badalamenti and Badalamenti Motors, LLC, and Dodi Buckmaster Glas of Gentile Holloway O'Mahoney & Associates, Inc. to act as authorized agent on their behalf to accomplish the above project.

Name of Owner: DIV Palm Beach Gardens, LLC

Signature of Owner

By: Name/Title

340 Royal Poinciana Way, Suite 316
Street Address

Palm Beach, FL 33458
City, State, Zip Code

Telephone Number

Fax Number

Email Address

Sworn and subscribed before me this _____ day of _____, 2011.

Notary Public

My Commission Expires: _____

Applicant's Certification

I/We affirm and certify that I/We understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I/We further certify that the statements or diagrams made on any paper or plans submitted herewith are true to the best of my/our knowledge and belief. Further, I/We understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:

_____ Owner	_____ Signature of Applicant
_____ Optionee	<u>Dodi Buckmaster Glas, Agent</u> Print Name of Applicant
_____ Lessee	<u>1907 Commerce Lane Suite 101</u> Street Address
<u>X</u> Agent	<u>Jupiter, FL 33458</u> City, State, Zip Code
_____ Contract Purchaser	<u>561-575-9557</u> Telephone Number
	<u>561-575-5260</u> Fax Number
	<u>dodi@landscape-architects.com</u> Email Address



November 4, 2011

Mr. James J. Golden, AICP
Assistant Director – Planning & Zoning
City of Palm Beach Gardens
10500 N. Military Trail
Palm Beach Gardens, FL 33410-2750

**RE: Green Turtle Car Wash
Project #: 110909
TRAFFIC PERFORMANCE STANDARDS REVIEW**

Dear James:

The Palm Beach County Traffic Division has received and reviewed the traffic statement for the proposed retail expansion project entitled **Green Turtle Car Wash**, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Land Development Code. The project is summarized as follows:

- Location:** Within LA Fitness Plaza, east side of Fairway Drive, south of Fairview Lane, south of PGA Boulevard.
- Municipality:** Palm Beach Gardens
- PCN #:** 52-42-42-10-19-001-0000
- Existing Uses:** 41,255 SF Health Club, 58,135 SF General Retail, 13,054 SF Drugstore, 6,572 SF Bank WDT, and 2,806 SF Fast Food Restaurant.
- Prev. Approval** 41,255 SF Health Club, 82,902 SF General Retail, 13,054 SF Drugstore, 6,572 SF Bank WDT, and 2,806 SF Fast Food Restaurant.
- Proposed Plan:** 41,255 SF Health Club, 75,912 SF General Retail (24,767 SF Remaining), 13,054 SF Drugstore, 6,572 SF Bank WDT, 2,806 SF Fast Food Restaurant, and 1 Lane Automated Car Wash.
- New Daily Trips:** 149 – Existing traffic not included.
- New PH Trips:** 11 AM and 13 PM – Existing traffic not included.
- Build-out:** End of Year 2014

Based on our review, the Traffic Division has determined the shopping center is part of the pre-TPS approved PGA National DRI (approved by the City on February 1979) and therefore meets the Traffic Performance Standards of Palm Beach County. No building permits are to be issued by the City for the proposed car-wash addition after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

If you have any questions regarding this determination, please contact me at 684-4030 or send me an e-mail to matefi@pbcgov.com.

Sincerely,

Masoud Atefi, MSCE
TPS Administrator, Municipalities – Traffic Engineering Division

MA:sf
cc: Pinder Troutman Consulting, Inc.

File: General – TPS - Mun. - Traffic Study Review
F:\TRAFFIC\ma\Admin\Approvals\2011\110909.doc

**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

- Karen T. Marcus, Chair
- Shelley Vana, Vice Chair
- Paulette Burdick
- Steven L. Abrams
- Burt Aaronson
- Jess R. Santamaria
- Priscilla A. Taylor

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*



October 21, 2011

City of Palm Beach Gardens
10500 N. Military Trail
Palm Beach Gardens, Florida 33410

Attention: Mr. Jim Golden, AICP
Assistant Director of Planning & Zoning

Reference: The Green Turtle Car Wash at LA Fitness Plaza
City of Palm Beach Gardens, Florida

Dear Mr. Golden:

Simmons & White, Inc. has completed our review of the additional traffic data and analysis provided by Pinder Troutman Consulting dated October 17, 2011 for the above referenced project. Based on the information provided, the project appears to meet the County Traffic Performance Standards and may be approved for Concurrency with a build-out date of 2014.

If you require any additional review or certification, please contact me directly.

Sincerely,

SIMMONS & WHITE, INC.

ROBERT F. RENNEBAUM
LICENSE
No. 41168
STATE OF
FLORIDA
PROFESSIONAL ENGINEER
Robert F. Rennebaum
FL No. 41168

RFR/sa x:/docs/misc/tr/Rennebaum/11103.goldenapproval.word

December 30, 1985
January 7, 1986

RESOLUTION 1, 1986

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, CREATING A PLANNED UNIT DEVELOPMENT KNOWN AS P.G.A. NATIONAL SHOPS, PGA NATIONAL, LOCATED IN PGA RESORT COMMUNITY, A PLANNED COMMUNITY DISTRICT, SAID LANDS BEING DESCRIBED IN EXHIBIT "1" ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR AND REQUIRING THAT SAID LANDS BE DEVELOPED PURSUANT TO THE COMPOSITE SITE, LANDSCAPING AND PHASE PLAN PREPARED BY WEST ARCHITECTS, INC., AND URBAN DESIGN STUDIO, ATTACHED HERETO AND MARKED EXHIBIT "2"; AND, SITE DEVELOPMENT PLANS PREPARED BY SIMMONS & WHITE, INC., JOB NO. 85-065A, ATTACHED HERETO AND MARKED EXHIBIT "3"; FURTHER, PROVIDING THAT NO BUILDING PERMIT SHALL BE ISSUED UNTIL FINAL DRAINAGE, UTILITY AND PAVING PLANS FOR SAID COMPLEX SHALL BE APPROVED IN WRITING BY THE CITY ENGINEER AND COPIES OF ALL REQUIRED PERMITS BY OTHER GOVERNMENTAL AGENCIES HAVE BEEN FILED WITH THE BUILDING OFFICIAL; AND, A PERFORMANCE BOND OR LETTER OF CREDIT IN AN AMOUNT TO BE DETERMINED BY THE CITY ENGINEER TO GUARANTEE THE CONSTRUCTION OF PAVING, DRAINAGE AND UTILITIES THEREON TOGETHER WITH FAIRWAY DRIVE AS PROPOSED SHALL HAVE BEEN POSTED IN REQUISITE FORM WITH THE CITY MANAGER; PROVIDING FOR APPROVAL OF THE PLAT OF PROPOSED FAIRWAY DRIVE BY SUBSEQUENT RESOLUTION OF THE CITY COUNCIL; AND, PROVIDING THAT A CONDITIONAL USE IS GRANTED TO THE PREMISES DESIGNATED AS DRUG STORE FOR SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF-PREMISES, AND THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES ON THE SITE DESIGNATED AS FUTURE BUILDING NO. 2, WHICH SHALL BE USED AS A RESTAURANT; SAID ALCOHOLIC BEVERAGES SHALL BE SOLD ONLY UNDER A SRX ALCOHOLIC BEVERAGE LICENSE ISSUED BY THE STATE OF FLORIDA WITH NIGHT-CLUB TYPE ENTERTAINMENT BEING EXPRESSLY PROHIBITED ON SAID PREMISES; FUTURE BUILDING SITES NO. 1 AND NO. 3 ARE HEREBY DESIGNATED AS BANK FACILITIES WITH DRIVE-IN FACILITIES PERMITTED; FURTHER, PROVIDING, THAT USE OF FUTURE BUILDING SITE NO. 4 SHALL BE DETERMINED BY SUBSEQUENT APPROVAL OF THE CITY COUNCIL; AND FURTHER PROVIDING, THAT NO BUILDING PERMIT SHALL BE ISSUED FOR SUCH FUTURE BUILDING SITES WITHOUT THE CITY COUNCIL FIRST APPROVING THE ELEVATIONS AND ARCHITECTURAL DESIGN OF BUILDINGS TO BE ERECTED THEREON; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND, PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA:

Section 1. A Planned Unit Development known as P.G.A. NATIONAL SHOPS at PGA National, be and the same is hereby created upon the lands described in Exhibit "1" attached hereto and made a part hereof, said lands being part of the PGA National Resort Community, a Planned Community District. The lands described in Exhibit "1" shall be developed and used in accordance with the Site, Landscaping and Phase Plan prepared by West Architects, Inc., and Urban Design Studio, consisting of ten (10) pages attached hereto and marked Composite Exhibit "2" and Site

Development Plans prepared by Simmons & White, Inc., Job No. 85-065A consisting of nine (9) sheets attached hereto as Exhibit "3". The underlying zoning designation of said use shall be CG-1 General Commercial District.

Section 2. A conditional use is hereby granted to the site designated as a drug store for the sale of alcoholic beverages for consumption off premises. Further, a conditional use is hereby granted to future Building Site No. 2 for sale of alcoholic beverages for consumption on-premises in conjunction with the sale of food by a restaurant which use is hereby designated on said site. Alcoholic beverages shall be sold thereon only under a SRX license issued by the State of Florida and night-club type entertainment on the premises shall be expressly prohibited.

Future Building Sites No. 1 and No. 3 are hereby designated as a usage for banking facilities with drive-in units permitted.

The use of future Building Site No. 4 shall be determined by the City Council at a future date. No building permit shall be issued for any of the future building sites until the City Council shall approve the architectural design and elevations for buildings to be erected thereon.

Section 3. No building permit shall be issued for construction of any structure or building upon the property described in Exhibit "1" until final drainage, paving and utility plans for said complex including Fairway Drive have been approved in writing by the City Engineer, and all permits required to be issued by other governmental bodies have been issued with copies thereof delivered to and filed with the Building Official; and the Petitioner shall have deposited with the City Manager a performance bond, or a letter of credit, or an escrow deposit in a sum of money in the amount prescribed by the City Engineer for the purposes of assuring the completion of all paving, drainage, utilities on said project, together with proposed Fairway Drive.

Section 4. The right-of-way for "Fairway Drive" as proposed shall be dedicated by the Developer to the City of Palm Beach Gardens by a Plat which shall be approved by the City Council by subsequent Resolution. The City shall accept the required improvements made

made thereon by Developer within one (1) year from date a Certificate of Completion is issued therefor. The required documentation thereof and signatures thereon shall be in requisite form and approved by the City Manager, whereupon the Mayor and City Clerk shall execute said mylar on behalf of the City. The executed mylar of the said Plat shall not be delivered for recording until the required bond or letter of credit is filed with and approved by the City Manager.

Section 5. All phases of development in said Planned Unit Development shall be completed within three (3) years from effective date hereof, and the owner/developer may obtain an extension of one (1) additional year for good cause shown by approval of subsequent Resolution. All areas within Phase II shall be either grassed or paved until construction of Phase II is initiated.

Section 6. No Certificate of Occupancy or partial Certificate of Occupancy shall be issued until Fairway Drive, as proposed, is completed and a Certificate of Completion is issued by the City. A Certificate of Occupancy may be issued upon completion of structures in Phase I provided the City Engineer shall certify that requirements for drainage, paving and utilities have been met and said Fairway Drive is certified as completed.

Section 7. This Resolution shall be effective upon date of adoption.


INTRODUCED, PASSED AND ADOPTED THIS THE 9th DAY OF JANUARY, 1986.

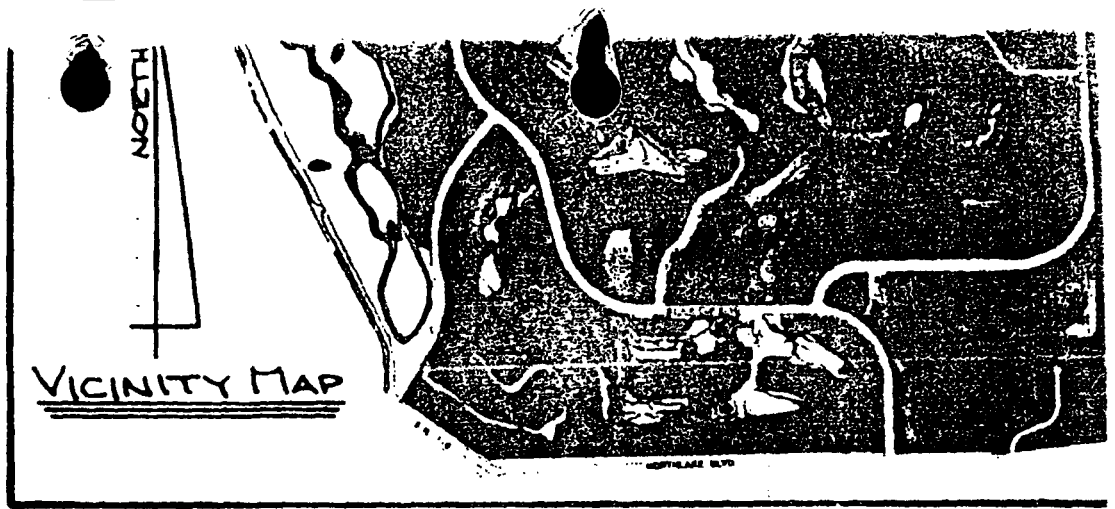

MAYOR

ATTEST:


LINDA ARD, CITY CLERK, CMC

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


CITY ATTORNEY



LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE N 88° 27' 03" W, ALONG THE CENTERLINE OF P.G.A. BOULEVARD AND THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 303.63 FEET TO THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE; THENCE S 1° 35' 41" W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 340.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE S 1° 35' 41" W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1013.08 FEET; THENCE N 77° 31' 50" W A DISTANCE OF 122.35 FEET; THENCE S 85° 22' 49" W A DISTANCE OF 510.02 FEET; THENCE N 64° 46' 42" W A DISTANCE OF 189.52 FEET; THENCE N 73° 35' 08" W A DISTANCE OF 106.38 FEET; THENCE N 1° 35' 41" E A DISTANCE OF 395.92 FEET TO A POINT IN A NONTANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 922.50 FEET, THE CHORD OF WHICH BEARS N 59° 10' 48" E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 405.26 FEET THROUGH A CENTRAL ANGLE OF 25° 10' 13" TO THE POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 544.29 FEET, THE CHORD OF WHICH BEARS N 26° 58' 19" E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 372.82 FEET THROUGH A CENTRAL ANGLE OF 39° 14' 44" TO THE INTERSECTION WITH A LINE 230.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, THE SOUTH RIGHT-OF-WAY LINE OF SAID P.G.A. BOULEVARD; THENCE S 88° 27' 03" E A DISTANCE OF 407.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.55 ACRES, MORE OR LESS.

Res. 1, 86

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RESOLUTION 4, 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE LA FITNESS PLAZA PLANNED UNIT DEVELOPMENT (PUD), FORMERLY KNOWN AS SHOPPES ON THE GREEN, TO UPDATE THE COMMERCIAL PLAZA'S EXTERIOR COLORS, MATERIALS, SIGNAGE AND LANDSCAPING, AS DESCRIBED MORE PARTICULARLY HEREIN; PROVIDING FOR WAIVERS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the City's Land Development Regulations, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, on February 1, 1979, the City Council adopted Ordinance 34, 1978, which approved the PGA National Resort Community, a Planned Community Development (PCD); and

WHEREAS, located with the PGA National PCD, the subject site has been rezoned by Resolution 1, 1986 to a Planned Unit Development (PUD) overlay with an underlying zoning of Commercial (CG-1). The subject site has a future land-use designation of Commercial (C), with 76,280 square feet of retail, 41,255 square feet of supermarket, and 13,054 square feet of drugstore; and

WHEREAS, on August 19, 1986, the City Council adopted Resolution 37, 1986, approving architectural elevations and color treatments of all buildings proposed in the Shoppes on the Green PUD; and

WHEREAS, on September 15, 2008, staff approved an administrative request to allow minor changes to the building exterior and minor landscaping modifications to accommodate the plaza's new principal tenant, LA Fitness; and

WHEREAS, on October 9, 2008, the City of Palm Beach Gardens' Addressing Committee approved a request to change the plaza name from Shoppes on the Green to LA Fitness Plaza; and

1 **WHEREAS**, the City received a request from Dodi Glas of Gentile Holloway
2 O'Mahoney & Associates, Inc., on behalf of Fairway Shops, JV, for an approval of the
3 LA Fitness Plaza Planned Unit Development (PUD) to update the commercial plaza's
4 colors, materials, signage, and landscaping, south of PGA Boulevard on Fairway Drive
5 and east of the Florida Turnpike, as more particularly described herein; and
6

7 **WHEREAS**, the Growth Management Department has reviewed the application,
8 has determined that it is sufficient, and has recommended approval; and
9

10 **WHEREAS**, the Planning, Zoning, and Appeals Board reviewed the petition at its
11 December 9, 2008, public hearing and recommended approval by a vote of 7-0; and
12

13 **WHEREAS**, the City Council has considered the evidence and testimony
14 presented by the Applicant and other interested parties and the recommendations of the
15 various City of Palm Beach Gardens review agencies and staff; and
16

17 **WHEREAS**, the City Council has determined that adoption of this Resolution is in
18 the best interests of the citizens and residents of the City of Palm Beach Gardens.
19

20
21 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
22 **OF PALM BEACH GARDENS, FLORIDA** that:

23 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.

24 **SECTION 2.** The miscellaneous application of Dodi Glas of Gentile Holloway
25 O'Mahoney & Associates, Inc., on behalf of Fairway Shops, JV, is hereby APPROVED
26 for an update to the LA Fitness Plaza in terms of exterior colors, building materials,
27 signage, and landscaping, subject to the conditions of approval contained herein, which
28 are in addition to the general requirements otherwise provided by resolution, on the
29 following described real property:
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31

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33 **LEGAL DESCRIPTION**

34
35 **LA FITNESS PLAZA**

36
37 **BEING A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 42 SOUTH, RANGE**
38 **42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY**
39 **DESCRIBED AS FOLLOWS:**
40

41 **COMMENCE LINE AT THE NORTHWEST CORNER OF SAID SECTION 10; THENCE**
42 **N88°27'3"W, ALONG THE CENTER LINE OF P.G.A. BOULEVARD AND THE NORTH**
43 **LINE OF SAID SECTION 10, A DISTANCE OF 303.63 FEET TO THE INTERSECTION**
44 **WITH THE NORTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY**
45 **LINE OF FLORIDA'S TURNPIKE; THENCE S1°35'42"W, ALONG SAID WESTERLY**
46 **RIGHT-OF-WAY LINE, A DISTANCE OF 340.00 FEET TO THE POINT OF**

1 BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:
2

3 THENCE CONTINUE S1°35'41"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE,
4 A DISTANCE OF 1013.08 FEET; THENCE N7°31'50"W, A DISTANCE OF 122.35
5 FEET; THENCE S85°22'49"W, A DISTANCE OF 510.02 FEET; THENCE N64°46'42"W,
6 A DISTANCE OF 189.52 FEET; THENCE N73°35'08"W, A DISTANCE OF 106.38
7 FEET; THENCE N1°35'41"E, A DISTANCE OF 395.92 FEET TO A POINT IN A
8 NONTANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF
9 922.50 FEET, THE CHORD OF WHICH BEARS N59°10'48"E, THENCE
10 NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 405.26
11 FEET THROUGH A CENTRAL ANGLE OF 25°10'13" TO THE POINT OF COMPOUND
12 CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS
13 OF 544.29 FEET, THE CHORD OF WHICH BEARS N26°58'19"E, THENCE
14 NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OFF 372.82
15 FEET THROUGH A CENTRAL ANGLE OF 39°14'44" TO THE INTERSECTION WITH
16 A LINE 230.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, THE SOUTH
17 RIGHT-OF-WAY LINE OF SAID P.G.A. BOULEVARD; THENCE S88°27'03"E, A
18 DISTANCE OF 407.61 FEET TO THE POINT OF BEGINNING.

19
20 CONTAINING 720,909 SQUARE FEET OR 16.55 ACRES, MORE OR LESS.

21
22 **SECTION 3.** The City Council of the City of Palm Beach Gardens, Florida
23 hereby APPROVES the following requested waiver:

- 24
25 1. Section 78-284(9), *Prohibited signs*, to allow for one principal tenant sign to
26 be located on a roof.

27
28 **SECTION 4.** The City Council of the City of Palm Beach Gardens, Florida
29 hereby DENIES the following requested waiver:

- 30
31 1. Section 78-285 Table 24, *Principal tenant signs*, to allow for an additional 50
32 square feet of copy area for the principal tenant sign.

33
34 **SECTION 5.** This approval is subject to the following conditions, which shall be
35 the responsibility of the Applicant, its successors, or assigns:

- 36
37 1. Any proposed changes to the approved landscape plan precipitated by
38 conflicts with the Seacoast Utility Authority's easements or infrastructure
39 shall require review and approval from the City of Palm Beach Gardens.

40
41 **SECTION 6.** This miscellaneous petition is approved subject to strict
42 compliance with the Exhibits attached hereto and made a part hereof as follows:

- 43
44 1. Master Signage Plan, Sheet SP-2, by Gentile Holloway O'Mahoney &
45 Associates, Inc., last revised on December 18, 2008, and received and
46 stamped by the City on December 19, 2008.

- 1 2. Site Plans, Sheet SP-1, by Gentile Holloway O'Mahoney & Associates, Inc.,
2 last revised on November 14, 2008, and received and stamped by the City
3 on November 14, 2008.
- 4
- 5 3. Landscape Plans, Sheet LP-1, by Gentile Holloway O'Mahoney &
6 Associates, Inc., last revised on December 8, 2008, and received and
7 stamped by the City on December 10, 2008, and Sheets LP-2 through LP-6,
8 by Gentile Holloway O'Mahoney & Associates, Inc., last revised on
9 November 14, 2008, and received and stamped by the City on November
10 14, 2008.
- 11
- 12 4. Elevation, Floor Plan, Ref. Ceiling Plan, Sheets A6.0, A6.1, A6.2, A6.3,
13 A6.4, A6.5, A6.6, A6.7, A6.8, A6.9, and A7.0, by Benavides Architecture,
14 last revised on October 14, 2008, and received and stamped by the City on
15 November 14, 2008.
- 16

17 **SECTION 7.** This approval shall be consistent with all representations made by
18 the Applicant or Applicant's agents at any workshop or public hearing.

19

20 **SECTION 8.** Any and all future amendments to the LA Fitness PUD shall be
21 approved by resolution of the City Council, except as otherwise provided in the City of
22 Palm Beach Gardens Code of Ordinances.

23

24 **SECTION 9.** This approval shall be subject to and consistent with all previous
25 approvals, if any, except as modified herein.

26

27 **SECTION 10.** This Resolution shall become effective immediately upon adoption.

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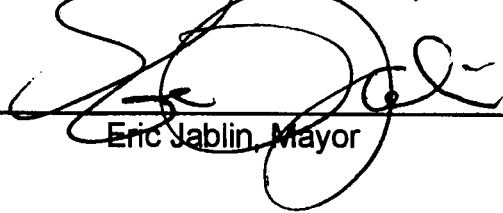
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PASSED AND ADOPTED this 15th day of January, 2009.

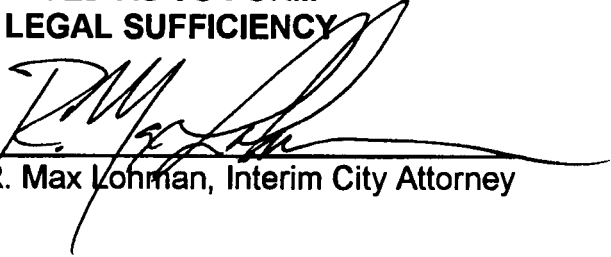
CITY OF PALM BEACH GARDENS, FLORIDA

BY: 
Eric Jablin, Mayor

ATTEST:

BY: 
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: 
R. Max Lohman, Interim City Attorney

VOTE:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
MAYOR JABLIN	✓	—	—
VICE MAYOR LEVY	✓	—	—
COUNCILMEMBER RUSSO	✓	—	—
COUNCILMEMBER BARNETT	✓	—	—
COUNCILMEMBER PREMURROSO	✓	—	—

