

ORIGINAL

RESOLUTION NO. R-92-1107

RESOLUTION APPROVING ZONING PETITION NO. 91-6(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF WALMART STORES, INC.

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-6(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 23, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-6(A), the petition of WALMART STORES, INC., BY ROBERT E. BASEHART, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in Tract 14, LESS the North 28 feet thereof, Block 81 of PALM BEACH FARMS COMPANY Plat No. 3, recorded in Plat Book 2, Pages 45-54, inclusive, as in Section 27, Township 43 South, Range 42 East, and being located ON THE SE CORNER OF PALMETTO PARK RD. AND SR 7, IN THE CG ZONING DISTRICT, was approved on April 23, 1992, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to **the** subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein. (Zoning/Monitoring)
2. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. Previously Condition **No. A.1** of Resolution No. R-91-1076, Petition **No. 91-6**. (Zoning)
3. This special exception is granted concurrent with a rezoning, development of the site, therefore, shall be limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review) and/or required by conditions of approval. Previously Condition **No. A.2** of Resolution **No. R-91-1076**, Petition **No. 91-6** (Zoning)
4. The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or prior to July 29, 1992. (Monitoring)

B. ACCESS

1. Prior to site plan certification, the site plan shall be amended to prevent vehicular access on Pondwood Road east of the east property line, in a manner which is acceptable to the County Engineer. Previously Condition **No. B.1** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Zoning/Engineering)
2. Prior to the issuance of a certificate of occupancy, the property owner shall (1) provide a stub at the northeast corner of the site for the extension of sewer service east of the east property line, and (2) extend water service along Pondwood Road to serve the four adjacent residential properties, in a manner and location which is acceptable to the County Engineer, County Utilities Department and the Public Health Unit. Previously Condition **No. B.2** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building/Health/Engineering)

C. BUILDING AND SITE DESIGN

1. The minimum setback for all structures adjacent to the south property line shall be fifty-six (56) feet. Previously Condition **No. C.1** of Resolution No. R-91-1076, Petition **No. 91-6**. (Building)
2. The minimum setback for all structures adjacent to the east property line shall be eighty (**80**) feet. Previously Condition **No. C.2** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)
3. Receptacles for the storage and disposal of trash, garbage or vegetation (i.e. dumpsters) shall not be located within 150 feet of the south **or** east property

lines. Previously Condition **No. C.3** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)

4. All areas or receptacles for the storage and disposal of trash, garbage or vegetation (i.e. dumpsters) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure, opaque gate. Previously Condition **No. C.4** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)
5. All exterior sides of enclosures surrounding dumpsters, except the open end, shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians or trash compactors. Previously Condition **No. C.5** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building/Zoning)
6. The maximum height, from grade to the highest point, for all structures shall not exceed twenty-eight (28) feet. Previously Condition **No. C.6** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)
7. All air conditioning mechanical equipment shall be roof mounted, centrally located (no closer than twenty (20) feet to the edge of the building), soundproofed and screened from view on all sides in a manner consistent with the color and character of the principal structure. Previously Condition **No. C.7** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)
8. The principal structure shall have similar architectural treatment on all sides. Previously Condition **No. C.8** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)
9. No out-parcels or structures other than indicated on the site plan approved by the Board of County Commissioners (Zoning Authority) shall be permitted on site. Previously Condition **No. C.9** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)
10. The property owner shall take all reasonable precautions necessary during construction to insure that fugitive particulates (dust particles) do not become a nuisance to neighboring properties. Previously Condition **No. C.10** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Code Enforcement)
11. Prior to site plan certification, the site plan shall be amended to indicate a twelve (12) foot high screen wall, one hundred (100) feet in length, adjacent to the truck well at the northeast corner of the proposed structure. Previously Condition **No. C.11** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)
12. The site shall be limited to a maximum of 136,030 square feet in total floor area. Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case No. 90-11-28-001-C) to reflect service reservation for 136,030 square feet. Previously Condition **No. C.12** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building/Zoning/Planning)

13. The entire facade of the structure, on all sides, shall be constructed of natural muted earth tone colored split face block (excluding light grey). Previously Condition No. C.13 of Resolution No. R-91-1076, Petition No. 91-6. (Building)
14. Prior to site plan certification, the petitioner shall amend the site plan to indicate the location of the existing bike path along Pondwood Road, from the LWDC E-1 Canal to the east property line. All pathways across the entrance driveways to the site shall be appropriately stripped and marked with above grade signs, subject to approval by the County Engineer. Previously Condition No. C.14 of Resolution No. R-91-1076, Petition No. 91-6. **(Zoning/Building/Engineering)**
15. Prior to site plan certification, the site plan shall be amended to indicate a landscape island a minimum of six (6) feet in width and forty-five (45) feet in length in the center of all driveways providing access to the site. Each island shall be landscaped with a minimum of one (1) fifteen (15) foot tall native canopy tree for each twenty (20) linear feet, twenty-four (24) inch high native hedge or shrub material planted twenty-four (24) inches on center and appropriate ground cover. Curb cuts, stripping and appropriate paving shall ensure safe pedestrian and bicycle access across each island. Previously Condition No. C.15 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
16. Prior to site plan certification, the petitioner shall amend the site plan to indicate all adjacent rights-of-ways, median cuts and deceleration lanes. Previously Condition No. C.16 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning/Engineering)
17. The property owner shall provide architectural treatment on the front facade of the structure which includes barrel tile and other decorative elements as an integral component of the main entrance. Previously Condition No. C.17 of Resolution No. 91-1076, Petition No. 91-6 (Building)

D. CANAL BANK MAINTENANCE

1. The petitioner shall sod, irrigate and plant/transplant native vegetation within the rights-of-way of the LWDD L-48 and E-1 Canals, subject to approval from the Lake Worth Drainage District, the County Engineer and the Zoning Division. This landscaping shall be (1) indicated on the Landscape Betterment Plan, (2) the perpetual maintenance obligation of the property owner and (3) installed prior to the issuance of a certificate of occupancy (C.O.) for the site. Previously Condition No. D.1 of Resolution No. R-91-1076, Petition No. 91-6. **(Building/Engineering/Zoning)**

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit

Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition No. E.1 of Resolution No. R-91-1076, Petition No. 91-6. (Engineering/FDOT)

2. The Property owner shall construct at the project's entrance road and:
 - a. State Road 7, a right turn lane, south approach, and a left turn lane, north approach, subject to approval by the County Engineer and the Florida Department of Transportation. Should either of these turn lanes not be permitted by the Florida Department of Transportation, then the applicant shall be relieved from this condition.
 - b. Palmetto Park Road, a right turn lane, west approach and a left turn lane, south approach.

Concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. Previously Condition No. E.2 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Engineering/FDOT)

3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$289,520.00 (5,496 trips X \$55.00 per trip). Previously Condition No. E.3 of Resolution No. R-91-1076, Petition No. 91-6. (Impact Fee Coordinator)
4. The property owner shall convey to the Lake Worth Drainage District the:
 - a. South 7 feet of the north 35 feet of Tract 14 for the required right-of-way for Lateral Canal No. 48.
 - b. West 45 feet of Tract 14 for the required right-of-way for Lateral Canal E1, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to September 1, 1991. All property lies and is part of Block 8, Palm Beach Farms Plat No. 3. Previously Condition No. E.4 of Resolution No. R-91-1076, Petition No. 91-6. NOTE: Requirements of this condition have been satisfied per the Engineering Department.
5. Prior to the issuance of a Certificate Of Occupancy, the property owner shall plant solid sod in the area from the property's north property line to the southern edge of the pavement along Palmetto Park Road the length of this project's property line. This property owner shall then install and maintain an automatic sprinkler system within

this area. Landscaping may be installed within this area in accordance with the Palm Beach County Landscape Code and the conditions of approval. Previously Condition No. E.5 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Zoning)

6. The Developer shall install signalization if warranted as determined by the County Engineer at:
 - a. project entrance and State Road 7, and
 - b. project entrance and Palmetto Park Road.

Should signalization not be warranted after 18 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition. Previously Condition No. E.6 of Resolution No. 91-1076, Petition No. 91-6 (Building/Engineering)

7. Prior to issuance of a Certificate of Occupancy or any pavement reconstruction of Pondwood Road, whichever shall first occur, property owner shall abandon the existing right-of-way of Pondwood Road adjacent to this site. Previously Condition No. E.7 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Engineering)
8. Prior to any land clearing activity, the petitioner shall provide a new culvert crossing and paved street connection for the residents to the east from Palmetto Park Road across the Lake Worth Drainage District :L-48 Canal. The new culverted drive shall include architectural treatment similar to the culverted drive currently used by the residents in an area and manner acceptable to the County Engineer. Previously Condition No. E.8 of Resolution No. R-91-1076, Petition No. 91-6. (Engineering)
9. No building permits for the subject site shall be issued after March 31, 1992. Previously Condition No. E.9 of Resolution No. R-91-1076, Petition No. 91-6. (Monitoring)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to Site Plan certification. Previously Condition No. F.1 of Resolution No. R-91-1076, Petition No. 91-6. (ERM/Zoning)
2. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals - is required. The Department of Environmental Resources Management will provide guidance on appropriate protective measures. Previously Condition No. F.2 of Resolution No. R-91-1076, Petition No. 91-6. (ERM)
3. The petitioner shall supply the Department of Environmental Resources Management (ERM) a copy of the completed Florida Game and Fresh Water Fish Commission application to preserve or relocate the on-site Gopher Tortoise population. In addition, a copy of the relocation permit shall be submitted to the Department of Environmental Resources Management prior to the issuance of a vegetation clearing permit or any land alteration. Previously Condition No. F.3 of Resolution No. R-91-1076, Petition No. 91-6. (ERM/Zoning)
4. Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without significant surface

alteration or infringement by drainage or utility easements. A management plan that addresses the maintenance of the preserve area as well as the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification. Previously Condition No. F.4 of Resolution No. R-91-1076, Petition No. 91-6. (ERM/Zoning)

G. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. Previously Condition No. G.1 of Resolution No. R-91-1376, Petition No. 91-6. (Health)
2. Sewer service is available to the property, therefore, no septic tank shall be permitted on the site. Previously Condition No. G.2 of Resolution No. R-91-1076, Petition No. 91-6. (Health)
3. Water service is available to the property, therefore, no well shall be permitted on the site to provide possible water. Previously Condition No. G.3 of Resolution No. 91-1076, Petition No. 91-6 (Health)

H. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. Previously Condition No. H.1 of Resolution No. R-91-1076, Petition No. 91-6. (Utilities)

I. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall submit a Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to all Landscape Code requirements in effect on March 5, 1991, vegetation preservation and landscaping conditions of approval, and the required intersection plantings for Palmetto Park Road and State Road 7 (U.S. 441). Previously Condition No. I.1 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
2. Prior to issuance of a certificate of occupancy, the petitioner shall provide landscaping and buffering at the southeast corner of the intersection of Palmetto Park Road and State Road 7 in a manner consistent with Exhibit No. 47 of Zoning Petition No. 80-114(A), subject to approval by the County Engineer and the Zoning Division. Previously Condition No. 1.2 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Zoning)
3. Prior to site plan certification, the landscape tabular data on the site plan shall be revised to reflect conformance to the Landscape Betterment Plan and all landscape/vegetation preservation conditions. Previously Condition No. 1.3 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Zoning)

4. Condition **No.** 1.4 of Resolution **No.** R-91-1076, Petition **No.** 91-6, which presently states:

"All trees planted on site shall be installed at a minimum height of fifteen (15) feet and be permitted to reach and be maintained at a minimum mature height of twenty (20) feet. Maintenance shall conform to Arbor Society recommended practices and Zoning Code requirements."

Is hereby amended to read:

All trees required to be planted on **site** shall:

- a. **Be a** minimum of fifteen (15) feet in height at installation.
- b. Have a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level.
- c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread.
- d. Be permitted to reach and be maintained at a minimum mature height of twenty (20) feet. (Zoning)

J. LANDSCAPING - INTERIOR

1. At a minimum, the equivalent of five (5) landscape islands, planted with two native canopy trees or four native palm trees, and appropriate ground cover, OR incorporating equal existing native vegetation, shall be provided along the south property line. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. Previously Condition **No.** J.1 of Resolution **No.** R-91-1076, Petition **No.** 91-6. (Zoning)
2. For all other parking areas, the equivalent of one landscape island, planted with a minimum of two native canopy trees or four native palm trees, and appropriate ground cover, OR incorporating equal existing native vegetation, shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands in the interior parking area shall not exceed one hundred twenty (120) linear feet. Previously Condition **No.** J.2 of Resolution **No.** R-91-1076, Petition **No.** 91-6. (Zoning)
3. Landscaped divider medians shall be provided between all abutting rows of parking spaces. The minimum width of this median shall be five (5) feet. One native canopy tree or two native palm trees, and appropriate ground cover, OR incorporating equal existing native vegetation, shall be planted for each thirty (30) linear feet of the divider median, with a maximum spacing of sixty (60) feet on center. Previously Condition **No.** 5.3 of Resolution **No.** R-91-1076, Petition **No.** 91-6. (Zoning)
4. Terminal islands, divider medians, and landscape islands shall incorporate existing native vegetation to the extent determined by the Zoning Division. Adjustments to the location of landscape islands may occur as the result of acceptance of the Landscape Betterment Plan by the Zoning Division. Previously Condition **No.** J.4 of Resolution **No.** R-91-1076, Petition **No.** 91-6. (Zoning)
5. The interior landscape areas adjacent to the entry drive from State Road 7 (U.S. 441) shall be planted with native canopy trees OR existing/relocated native vegetation with

a maximum spacing of twenty (20) feet on center and thirty (30) inch high shrubs 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. Previously Condition No. J.5 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)

6. Condition No. J.6 of Resolution No. R-91-1076, Petition No. 91-6, which presently states:

"All trees within the interior parking area shall be native canopy and fifteen (15) feet in height or greater."

Is hereby amended to state:

All trees within the interior parking area shall:

- a. Be native canopy and a minimum of fifteen (15) feet in height at installation.
 - b. Have a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level.
 - c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (Zoning)
7. Prior to site plan certification, the site plan shall be amended to:
- a. Indicate typical tree planter details for all interior landscape areas, subject to approval by the Zoning Division.
 - b. A raised concrete traffic separator, a minimum of six (6) feet in width at the entrance to the site from Palmetto Park Road. The entrance shall depict an appropriate crosswalk (signing and striping) for pedestrian and bicycle movements along Palmetto Park Road, subject to approval by the County Engineer. Previously Condition No. J.7 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)

K. LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE

1. Condition No. K.1 of Resolution No. 91-1076, Petition No. 91-6, which presently states:

"Landscaping within the required fifteen foot (15) buffer abutting Pondwood Road shall be upgraded to include:

- a. Native canopy trees spaced a maximum of fifteen (15) feet on center. The minimum height of these trees shall be fifteen (15) feet.
- b. One (1) native palm tree a minimum of fifteen (15) feet in height shall be planted for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the north property line shall be native canopy trees.
- c. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on

center at installation, to be maintained at a minimum height of forty-two (42) inches within twenty-four (24) months."

Is hereby amended to read:

Landscaping within the required fifteen foot (15) buffer abutting Pondwood Road shall be upgraded to include, where existing or relocated native vegetation does not meet the following:

- a. Native canopy trees spaced a maximum of twenty (20) feet on center. The minimum height of these trees shall be fifteen (15) feet at installation.
 - b. One (1) native palm tree a minimum of fifteen (15) feet in height shall be planted for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the north property line shall be native canopy trees.
 - c. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-two (42) inches within twenty-four (24) months. (Zoning)
2. Landscaping within the fifteen (15) foot buffer along the north property line, between the two access drives, shall be supplemented with an additional row of thirty (30) inch high shrubs or hedge material spaced no more than twenty-four (24) inches on center at installation. All shrub or hedge material in this location shall be maintained at a minimum height of forty-eight (48) inches within twenty-four (24) months of installation. Previously Condition No. K.2 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
 3. The petitioner shall landscape, sod and irrigate the area bound on the north by the edge of the pavement for Palmetto Park Road, on the south by the right-of-way of the LWDD L-48 Canal, on the east by the east property line, and on the west by the edge of the pavement for State Road 7, subject to approval by the County Engineer and the Zoning Division. This landscaping shall be (1) indicated on the Landscape Betterment Plan, (2) the perpetual maintenance obligation of the property owner and (3) installed prior to the issuance of a certificate of occupancy (C.O.) for the site. Previously Condition No. K.3 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Zoning/Engineering)

L. LANDSCAPING AND BUFFERING ALONG SOUTH PROPERTY LINE

1. Prior to site plan certification, the site plan shall be amended to indicate a fifteen (15) foot wide landscaped buffer strip along the south property line. Previously Condition No. L.1 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
2. Landscaping and buffering along the south property line, from the front setback of the proposed structure to the east property line, shall be installed prior to the issuance of a building permit for the proposed structure, Previously Condition No. L.2 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Zoning)

3. Condition No. **L.3** of Resolution No. R-91-1076, Petition No. 91-6, which presently states:

"Buffering shall include an eight **(8)** foot high opaque concrete, block and steel (CBS) wall measured from the grade of the adjacent property. The exterior sides of the wall, including the top, shall be given a finished architectural treatment which is compatible and harmonious with abutting development."

Is hereby amended to state:

Buffering shall include an eight **(8)** foot high opaque concrete, block and steel (CBS) wall measured from the grade of the adjacent property. The exterior sides of the wall, including the top, shall be given a finished architectural treatment which is compatible and harmonious with abutting development. An alternative design, acceptable to the Zoning Division, **may** be installed to ensure the preservation of native vegetation. (Zoning)

4. Condition No. **L.4** of Resolution No. R-91-1076, Petition No. 91-6, which presently states:

"The following landscape requirements shall be installed on the exterior side of the required wall:

- a. Native canopy trees spaced no more than fifteen (15) feet on center. The minimum height of these trees shall be fifteen **(15)** feet.
- b. One (1) native palm tree a minimum of fifteen **(15)** feet in height shall be planted for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the south property line shall be native canopy trees.
- c. Thirty **(30)** inch high shrubs or hedge material spaced no more than twenty-four **(24)** inches on center at installation, to be maintained at a minimum height of forty-two **(42)** inches within twenty-four **(24)** months."

Is hereby amended to read:

The following landscape requirements shall be installed on the exterior side of the required wall, where existing or relocated native vegetation does not meet the following:

- a. Native canopy trees spaced **no** more than twenty **(20)** feet on center. The minimum height of these trees shall be fifteen **(15)** feet at installation.
- b. One (1) native palm tree a minimum of fifteen **(15)** feet in height shall be planted for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. **A** group **of** three or more palm trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the south property line shall be native canopy trees.
- c. Thirty **(30)** inch high shrubs or hedge material spaced no more than twenty-four **(24)** inches on center at installation, to be maintained **at** a

minimum height of forty-two (42) inches within twenty-four (24) months. (Zoning)

5. Thirty (30) inch high shrubs or hedge material, spaced no more than twenty four (24) inches on center at installation, shall be planted on the interior side of the required wall adjacent to the vehicular use area. This hedge shall be maintained at a minimum height of forty-two (42) inches within twenty-four (24) months. Previously Condition No. L.5 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
6. Prior to site plan certification, the area bound by the south building base line and the south property line, and the front setback of the proposed structure to the east property line, shall be designated as a vegetation preservation area. All conditions of approval requiring the preservation of native vegetation shall apply to this area. Previously Condition No. L.6 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
7. The eight (8) foot high wall and landscaping requirements along the south property line shall be extended fifty (50) feet north along the east property line and thirty-five (35) feet north along the east boundary of the LWDD E-1 Canal. Previously Condition No. L.7 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)

M. LANDSCAPING AND BUFFERING ALONG EAST PROPERTY LINE

1. Prior to site plan certification, the site plan shall be amended to indicate a ten (10) foot wide landscaped buffer along the east property line. Previously Condition No. M.1 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
2. Landscaping and buffering along the east property line shall be installed prior to the issuance of a building permit for the proposed structure. Previously Condition No. M.2 of Resolution No. 91-1076, Petition No. 91-6 (Zoning/Building)
3. Landscaping and buffering along the entire east property line, except where to meet the intent of Condition I.7., shall include:
 - a. A six (6) foot high concrete wall, measured from the grade of the adjacent property, painted a natural earth tone color.
 - b. A six (6) foot high opaque hedge upon installation, installed on the exterior side of the required wall, to be maintained at a minimum height of eight (8) feet within twenty-four (24) months of installation. This buffer shall incorporate existing native vegetation where possible. Previously Condition No. M.3 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
4. Condition No. M.4 of Resolution No. 91-1076, Petition No. 91-6, which presently states:

"Landscaping shall be installed in the buffer strip, on the exterior side of the required wall:

 - a. Native canopy trees spaced no more than fifteen (15) feet on center. The minimum height of these trees shall be fifteen (15) feet.

- b. One (1) native palm tree or native pine tree, a minimum of fifteen (15) feet in height, for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm/pine trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the east property line shall be native canopy trees.

Is hereby amended to read:

Landscaping shall be installed in the buffer strip, on the exterior side of the required wall, where existing or relocated native vegetation does not meet the following:

- a. Native canopy trees spaced no more than twenty (20) feet on center. The minimum height of these trees shall be fifteen (15) feet at installation.
 - b. One (1) native palm tree or native pine tree, a minimum of fifteen (15) feet in height, for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm/pine trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the east property line shall be native canopy trees. (Zoning)
5. Prior to site plan certification, the area bound by the rear building base line and the east property line, and the north property line to the south property line, shall be designated as a vegetation preservation area. All conditions of approval requiring the preservation of native vegetation shall apply to this area. Previously Condition No. M.5 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
 6. The six (6) foot high wall and landscaping requirements along the east property line shall be extended eighty (80) feet west along the north property line. Previously Condition No. M.6 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)

N. LANDSCAPING AND BUFFERING ALONG WEST PROPERTY LINE

1. Condition No. N.1 of Resolution No. R-91-1076, Petition No. 91-6, which presently states:

"Landscaping within the fifteen (15) foot landscape buffer along State Road 7 shall be upgraded to include:

- a. Native canopy trees spaced a maximum of fifteen (15) feet on center. The minimum height of these trees shall be fifteen (15) feet.
- b. One (1) native palm tree, a minimum of fifteen (15) feet in height, shall be planted for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the west property line shall be native canopy trees.
- c. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-two (42) inches within twenty-four (24) months."

Is hereby amended to read:

Landscaping within the fifteen (15) foot landscape buffer along State Road 7 shall be upgraded to include, where existing or relocated native vegetation does not meet the following:

- a. Native canopy trees spaced a maximum of twenty (20) feet on center. The minimum height of these trees shall be fifteen (15) feet at installation.
 - b. One (1) native palm tree, a minimum of fifteen (15) feet in height, shall be planted for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location. A minimum of 75% of the trees along the west property line shall be native canopy trees.
 - c. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-two (42) inches within twenty-four (24) months. (Zoning)
2. The petitioner shall landscape, sod and irrigate the area bound on the north by the right-of-way of the LWDD L-48 Canal, on the south by the south property line, on the east by the right-of-way of the LWDD E-1 Canal, and on the west by the edge of the pavement for State Road 7, subject to approval by the County Engineer and the Zoning Division. This landscaping shall be (1) indicated on the Landscape Betterment Plan, (2) the perpetual maintenance obligation of the property owner and (3) installed prior to the issuance of a certificate of occupancy (C.O.) for the site. Previously Condition No. N.2 of Resolution No. R-91-1076, Petition No. 91-6. (Engineering/Zoning/Building)

0. LANDSCAPE WITHIN MEDIAN

1. Prior to site plan certification, the petitioner 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 consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list.

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown or field collected and transplanted from the project site.
- b. All planting shall be done in accordance with detail planting plans and specifications to be submitted and approved by the Zoning Division concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat whichever occurs first. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first Plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENG/BLDG./ZONING).

P. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. Previously Condition No. P.1 of Resolution No. R-91-1076, Petition No. 91-6. (Code Enforcement)
2. All lighting fixtures shall not exceed fifteen (15) feet in height. Previously Condition No. P.2 of Resolution No. R-91-1076, Petition No. 91-6. (Building)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. Previously Condition No. P.3 of Resolution No. R-91-1076, Petition No. 91-6. (Code Enforcement)

Q. PARKING

1. A maximum of 681 parking spaces shall be permitted. Previously Condition No. Q.1 of Resolution No. R-91-1076, Petition No. 91-6. (Building)
2. Parking along the south property line shall be reserved for employee parking only. Previously Condition No. Q.2 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Code Enforcement)
3. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. Previously Condition No. 4.3 of Resolution No. R-91-1076, Petition No. 91-6. (Building/Code Enforcement)
4. Prior to site plan certification, the site plan shall be amended to reflect the location of shopping cart storage and retrieval areas within all parking areas. Previously Condition No. Q.4 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning/Building)
5. Twenty-four (24) hour parking and/or storage of delivery vehicles and trucks shall be prohibited on the site, except a maximum of two vehicles (one each per well) in the designated loading wells between the hours of 10:00 p.m. and 7:00 a.m. This limitation shall not take effect until 90 days after the issuance of the final certificate of occupancy for the site. Previously Condition No. Q.5

of Resolution No. R-91-1076, Petition No. 51-6.
(Building/Code Enforcement)

6. Prior to site plan certification, the parking lot shall be reconfigured to indicate two way vehicular access across all rows of parking extending north and south from the center of the thirty (30) foot interior drive from State Road 7 (U.S. 441), or an alternative acceptable to the Zoning Division. Previously Condition No. Q.6 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)

R. RECYCLE SOLID WASTE

1. The property owner shall participate in recycling programs when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. Previously Condition No. R.1 of Resolution No. R-91-1076, Petition No. 51-6. (Solid Waste Authority)
2. Prior to site plan certification, the site plan shall be amended to indicate an area for the placement of recycle bins. Previously Condition No. R.2 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning/Building)

S. RESTRICTIVE COVENANT

1. Prior to site plan certification, the petitioner shall record a copy of a Restrictive Covenant in the public record indicating that all structures and uses on the subject property are a single unified planned development, regardless of ownership. This Covenant shall be in a form acceptable to the County Attorney and shall not be removed, altered, changed or amended prior to consideration by the Board of County Commissioners, sitting as the Zoning Authority, at an advertised public hearing and receipt of written approval from the County. An advertised public hearing shall include written notification, by certified mail, to surrounding property owners within 300 feet of the subject property. Previously Condition No. S.1 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning/County Attorney)

T. SIGNS

1. Free standing signs fronting on State Road 7 (US 441) shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 square feet.
 - c. Maximum number of signs - one (1). Previously Condition No. T.1 of Resolution No. R-91-1076, Petition No. 91-6. (Building)
2. Free standing signs fronting on Pondwood Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 square feet.
 - c. Maximum number of signs - one (1).
 - d. Location - adjacent to the western most entrance. Previously Condition No. T.2 of Resolution No. R-91-1076, Petition No. 91-6. (Building)

3. Prior to Site Plan certification, the petitioner shall submit a Master Sign Program which specifies sign location and dimensions, unified color and graphics, base planting details, and conformance to all sign related conditions of approval. Previously Condition **No. T.3** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Zoning)
4. **No** signs shall encroach into the perimeter landscape buffers or vegetation preservation areas. Previously Condition **No. T.4** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building/Zoning/ERM)
5. **All** off premise signs shall be removed from the site prior to the issuance of a building permit. Previously Condition **No. T.5** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building/Code Enforcement)
6. **All** signs shall comply with the Palm Beach County Sign Code Ordinance 72-23, and shall indicate principle use only. Specifically, no snipe signs, banners, balloons, **off** premise, or other prohibited type of advertisement shall be permitted on site. Previously Condition **No. T.6** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Code Enforcement)
7. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. Previously Condition **No. T.7** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Building)

U. UNITY OF TITLE

1. Prior to September 1, 1991, the property owner shall record a Unity of Title **on** the subject property, subject **to** approval by the County Attorney. Previously Condition **No. U.1** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Monitoring/Zoning/County Attorney)

V. USE LIMITATIONS

1. **No** business activities shall be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 10:00 p.m. Previously Condition **No. V.1** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Code Enforcement)
2. **No** outdoor loudspeaker system audible from the property lines shall be operated on the subject property. Previously Condition **No. V.2** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Code Enforcement)
3. Outdoor construction activity shall be allowed on the site Monday through Friday only and shall not commence prior to 7:00 a.m. nor continue later than 6:00 p.m. Previously Condition **No. V.3** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Code Enforcement)
4. Vehicle service, vehicle repairs and the sale of gasoline shall be prohibited on-site. Previously Condition **No. V.4** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Code Enforcement)
5. No outdoor or unenclosed business activities, or display or storage of retail materials, shall be permitted on site. Previously Condition **No. V.5** of Resolution **No. R-91-1076**, Petition **No. 91-6**. (Code Enforcement)

6. The covered storage area shall be screened on the north, east and west by a four (4) foot high wall constructed of the same material as the principal building topped with a 75% opaque fence for a total minimum height of eight (8) feet. Previously Condition No. V.6 of Resolution No. R-91-1076, Petition No. 91-6. (Building)

W. VEGETATION PRESERVATION

1. Prior to site plan certification, the site plan shall be amended to indicate preserve areas which incorporate a minimum of 75% of all native vegetation on site. These areas may include required landscape and buffer areas where significant native vegetation is to be preserved. No trenching, grade changes or other development activity shall take place in these preserve areas except as approved by the Zoning Division. This provision shall not restrict selective clearing, additional planting of new or relocated material, pruning or eradication of prohibited species within the preserve. Previously Condition No. W.1 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
2. Prior to site plan certification, the site plan shall be amended to indicate a native vegetation relocation area bound on the north by the edge of the pavement for Palmetto Park Road, on the south by the LWDD L-48 Canal, on the east by the entrance to the site from Palmetto Park Road, and on the west the LWDD E-1 Canal. This area shall be a secondary receiving area reserved for the relocation of native vegetation for which no other relocation area exists on site. All vegetation planted within this area shall be subject to approval by the County Engineer and the Zoning Division, and the perpetual maintenance obligation of the property owner. Previously Condition No. W.2 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning/Engineering)
3. Prior to site plan certification, the Zoning Division shall approve a tree survey submitted by the applicant drawn at the same scale as the site plan. This survey shall number, size and identify all hardwood and palm trees over four (4) inches in diameter and all native pine trees between four (4) and eight (8) inches in diameter, in a tabular form. Previously Condition No. W.3 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
4. Prior to site plan certification, the Zoning Division shall approve a preservation, relocation and removal program submitted by the applicant which corresponds to the required tree survey. This program shall demonstrate methods in which significant native vegetation shall be incorporated into the site design. At a minimum, this program shall specify:
 - a. The preservation or relocation of 75% of all oak trees greater than twenty-four (24) inches in diameter. Removal of oak trees greater than twenty-four (24) inches in diameter shall only be allowed upon demonstration to the Zoning Division that preservation or relocation is not possible.
 - b. The preservation or relocation of 75% of all oak trees between twenty-four (24) inches and four (4) inches in diameter.
 - c. The preservation within all buffer areas of all healthy native plant material (including, but not limited to, oaks, pines, sabal palms and cypress

trees, if any) as determined by the Zoning Division.

- d. The preservation or relocation of existing native plant material (including, but not limited to, oaks, pines, sabal palms and cypress, if any), or the installation of new native plant material, into areas designated as vegetation preservation areas **so** as to create a minimum density of one tree per two hundred fifty (250) square feet. Previously Condition No. W.4 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
5. Prior to the issuance of a Vegetation Removal Permit for the site, the petitioner shall complete the following:
 - a. All trees to be relocated, preserved or removed shall be identified in the field and tagged and numbered according to the required tree survey.
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencement of any land clearing activity on the site.
 - c. All tree relocation shall be completed prior to issuance of a building permit for any structure on the site, except as approved by the Zoning Division. Previously Condition No. W.5 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
 6. Prior to site plan certification, the area adjacent to the rear building base line and the east property line shall be designated as a vegetation preservation area. All conditions of approval requiring native vegetation shall apply to this area. Previously Condition No. W.6 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)
 7. No removal of native plant material shall be permitted on the site until the site plan has been certified by the Site Plan Review Committee. Previously Condition No. W.7 of Resolution No. R-91-1076, Petition No. 91-6. (Zoning)

X. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.9, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

- c. A requirement of the development to conform with updated standards of development, applicable 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. (Zoning/Monitoring)

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. Previously Condition No. X.1 of Resolution No. R-91-3076, Petition No. 91-6.

Commissioner Roberts moved for approval of the Resolution.


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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Absent
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution **was** duly passed and adopted this 18th day of August, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

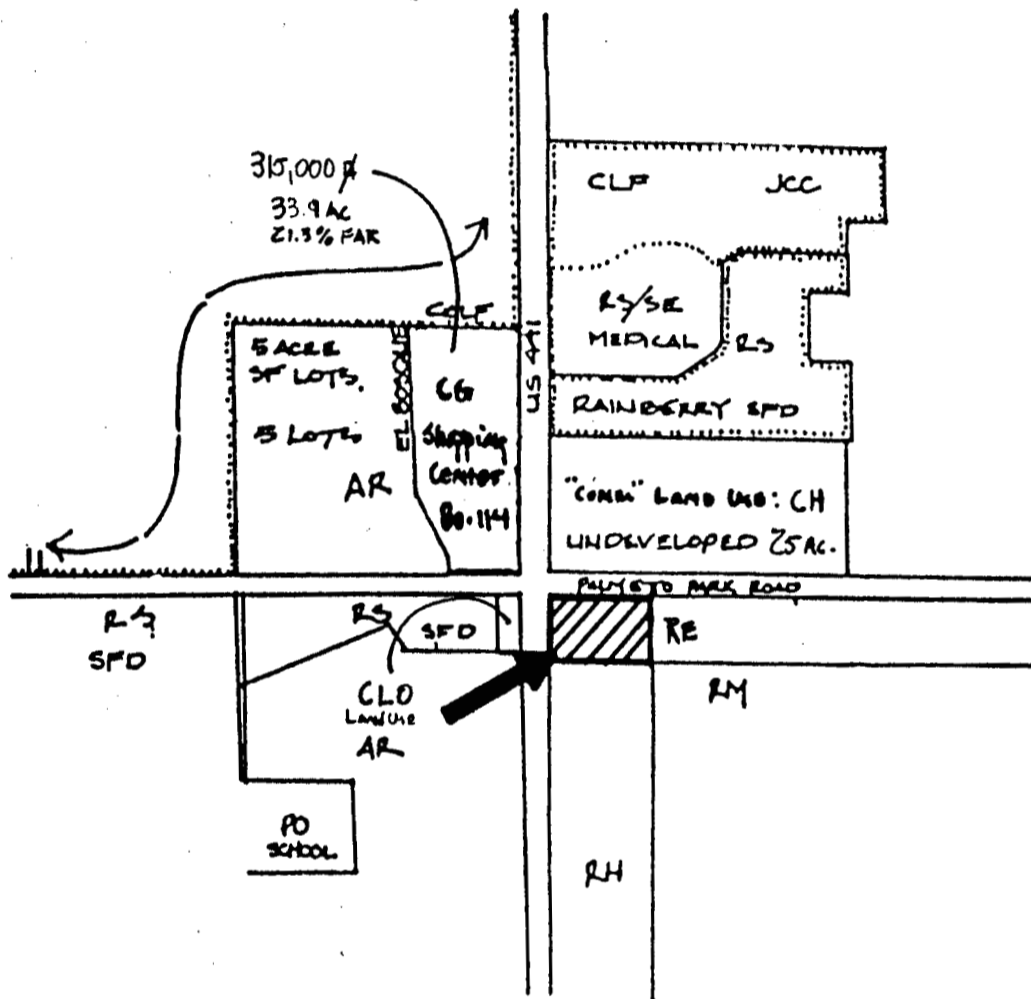
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Sec. 30 Twp. 47 Rng. 42
 Quadrant Sheet: 54
 Aerial Page: 417

Vicinity
 Sketch



Request:

A MODIFICATION OF COMMISSION REQUIREMENTS to amend Condition Nos. K.1.a - Landscaping Along North Property Line, L.4.a - Landscaping Along South Property Line, M.4.a - Landscaping Along East Property Line and N.1.a - Landscaping Along West Property Line of Resolution 91-1076 relating to tree spacing.

PETITION NO: 91-6(A)

BCC DISTRICT: 4