

RESOLUTION NO. R-98- 8

RESOLUTION APPROVING ZONING PETITION **EAC81-186(F)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF SPILAN INC.
BY SARA LOCKHART, AGENT
(LEE SQUARE)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **EAC81-186(F)** was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1997; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC81-186(F), the petition of Spilan Inc., by Sara Lockhart, agent, for a Development Order Amendment /Expedited Application Consideration (EAC) to Modify Condition P.1 (Landscaping within Median) and delete Condition C.9 (Outparcel Size) of Resolution R-93-399 on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DEDICATION AND RESERVATION

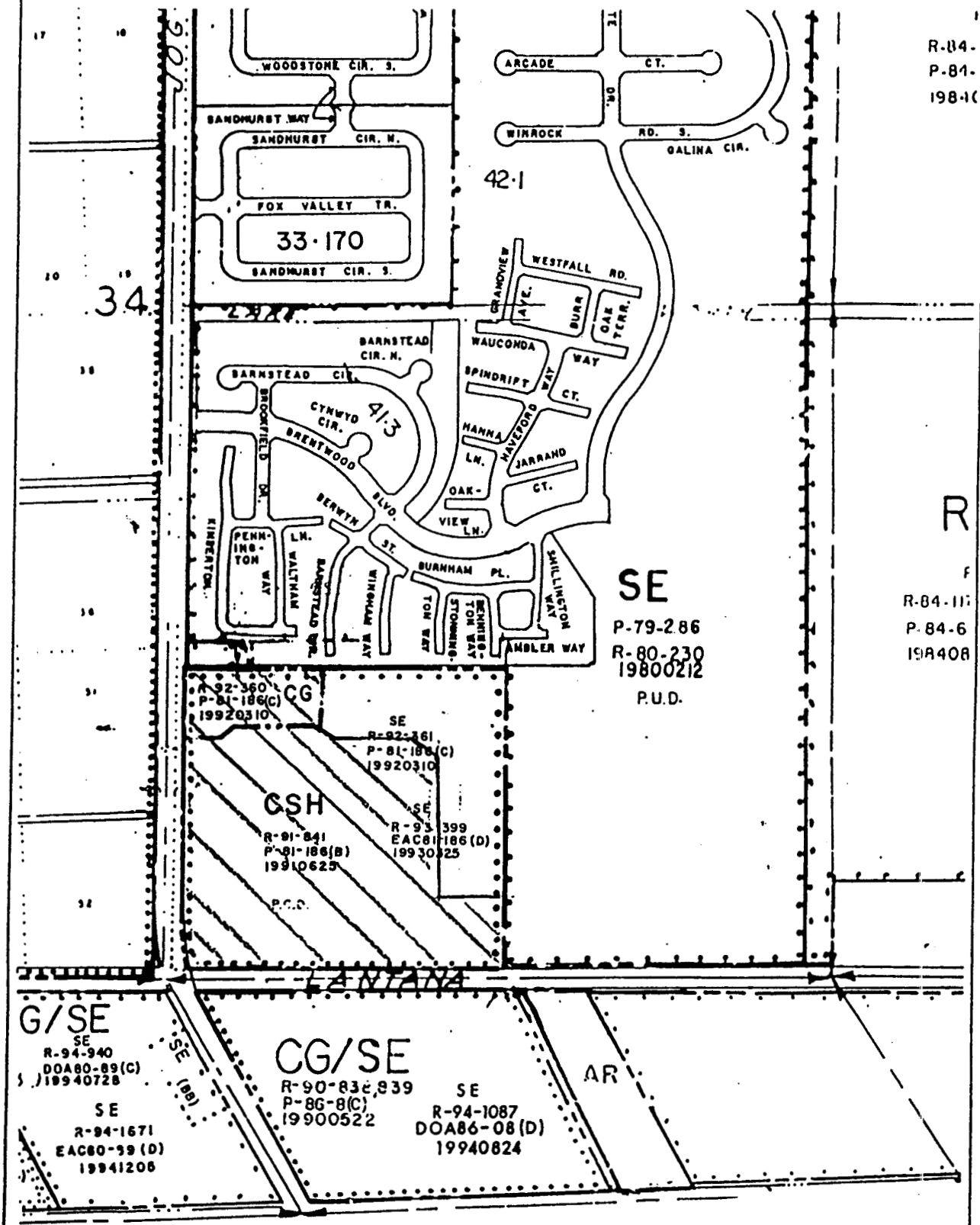
KNOW ALL MEN BY THESE PRESENTS THAT WILLIAM H. LEE, JACK COLON LEE AND OLGA M. LEE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ROY E. LEE, DECEASED, AND LANTANA PLAZA ASSOCIATES; A FLORIDA GENERAL PARTNERSHIP OWNERS OF THE LAND HEREON, BEING IN SECTION 34, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY., FLORIDA, SHOWN HEREON AS THE PLAT OF LEE SQUARE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 34; THENCE NORTH 01°35'40" EAST ALONG THE NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 1371.61 FEET; THENCE SOUTH 88°32'09" EAST, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF JOG ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 88°32'09" EAST, A DISTANCE OF 1287.44 FEET; THENCE SOUTH 01°35'40" WEST, A DISTANCE OF 1317.61 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF LANTANA ROAD; THENCE, NORTH 88°32'09" WEST, A DISTANCE OF 307.57 FEET; THENCE NORTH 83°55'17" WEST, A DISTANCE OF 217.47 FEET; THENCE NORTH 86°33'25" WEST, A DISTANCE OF 130.21 FEET; THENCE NORTH 85°47'16" WEST, A DISTANCE OF 75.35 FEET; THENCE SOUTH 01°35'40" WEST, A DISTANCE OF 10.01 FEET; THENCE NORTH 85°47'16" WEST, A DISTANCE OF 175.33 FEET; THENCE NORTH 88°32'09" WEST, A DISTANCE OF 300.00 FEET; THENCE NORTH 49°43'58" WEST, A DISTANCE OF 43.87 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 08°22'32", A RADIUS OF 1566.02 FEET AND WHOSE CHORD BEARS NORTH 06°44'31" WEST, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 228.92 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 01°57'44" EAST, A DISTANCE OF 140.67 FEET; THENCE NORTH 00°19'17" EAST, A DISTANCE OF 205.82 FEET; THENCE NORTH 88°24'20" WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 00°19'17" EAST, A DISTANCE OF 244.35 FEET; THENCE NORTH 01°35'40" EAST, A DISTANCE OF 448.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 38.19 ACRES MORE OR LESS,

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



R-84-
P-81-
19840

R
F
R-84-111
P-84-6
198408

SE
P-79-286
R-80-230
19800212
P.U.D.

SE
R-92-361
P-81-186(C)
19920310

SE
R-93-399
EAC81-186(D)
19930325

CSH
R-91-841
P-81-186(B)
19910625

P.C.D.

G/SE
SE
R-94-940
DOA80-89(C)
19940728

SE
R-94-1671
EAC80-99(D)
19941208

CG/SE
R-90-839, 839
P-86-8(C)
19900522

SE
R-94-1087
DOA86-08(D)
19940824



Petition Number: 81-186 (E)

Zoning Quad Page 33

Date: 8/20/97



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: **All** previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject property, as contained in Resolution R-93-399, Petition 81-186(D), have been consolidated as **contained** herein. The petitioner shall comply **with** all previous conditions of approval and deadlines previously **established** by Section 5.8 of the ULDC and the Board of County Commissioners, **unless** expressly modified. (ONGOING: MONITORING-Zoning)
2. Development **of** the site is limited to the uses and site design as **approved** by the Board of County Commissioners. The approved site plan is dated August 20, 1997. All modifications must be approved by the **Board** of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. 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 A.2 **of** Resolution R-93-399, Petition 81-186(D))
4. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit **No.** 64) unless the proposed use **or** design changes are pennitted pursuant to Section **402.7(E)2(b)** (Site Plan Review Committee **Powers** and Standards of Review) **and/or** required by conditions of **approval**. (Previously Condition A.3 of Resolution R-93-399, Petition 81-186(D))
5. The petitioner shall submit an application to the Development Review Committee for the certification of a revised site plan for this **petition** prior to October **1, 1993**. (Previously Condition **A4** of Resolution R-93-399, Petition 81-186(D))

B. AUTO SERVICE STATION (NO REPAIR)

1. The convenience store shall **be** limited to **a** maximum of 750 squaw feet in total gross **floor** area. (Previously Condition B.1 of Resolution R-93-399, Petition 81-186(D))
2. Prior to site plan certification, the site plan shall be amended to indicate the location of the car wash facility. (Previously **Condition** B.2 of Resolution R-93-399, Petition 81-186(D))
3. Prior to site plan certification, the site plan shall be amended to indicate the location of a receptacle **for** the storage and disposal of **trash** and garbage (i.e. dumpster) adjacent to the auto service **station**. (Previously Condition B.3 of Resolution R-93-399, Petition 81-186(D))

4. There shall be no repair or maintenance of vehicles on site. (Previously Condition B.4 of Resolution R-93-399, Petition 81-186(D))
5. **No** outside storage of disassembled vehicles, or parts thereof, **shall** be permitted on site. (Previously Condition **6.5** of Resolution R-93-399, Petition 81-186(D))
6. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision **of** air and water for minor **vehicle** maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (Previously Condition B.6 of Resolution R-93-399, Petition 81-186(D))
7. **A minimum of** fifteen percent (15%) of the gross paved area of the gas station out-parcel shall be devoted to interior landscaping. If the landscaped area is moved to the perimeter of the out-parcel, it shall be designed as an integral part **of** the adjacent landscape **buffers**. In addition, one **(1)** native canopy tree shall be planted in the adjacent interior landscape areas for each **250** square feet of paved vehicular use area. (Previously Condition **8.7** of Resolution R-93-399, Petition **81-186(D)**)
8. The car wash facility shall utilize a 100% water recycling system. (Previously Condition B.8 of Resolution R-93-399, Petition 81-186(D))

C. BUILDING AND SITE DESIGN

1. The minimum setback for all structures adjacent to residential areas shall be twenty five **(25)** feet. (Previously Condition C.1 of Resolution R-93-399, Petition 81-186(D))
2. Receptacles for the storage and disposal **of** trash, **garbage** or vegetation (**i.e.** dumpsters) shall not be located within **seventy-five (75)** feet **of** the north or east property lines. (Previously Condition **C.2** of Resolution R-93-399, Petition 81-186(D))
3. **All** areas or receptacles for the storage and disposal of trash, **garbage** or vegetation (dumpsters only) 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. All exterior sides, except the open end, **shall** be landscaped with thirty-six **(36)** inch high shrubs and hedges **planted** at **two (2)** foot intervals, or an alternative acceptable to the Zoning Director. This provision shall not apply to litter containers provided for the convenience of pedestrians. (Previously Condition C.3 of Resolution R-93-399, Petition 81-186(D))
4. The **maximum** height, **from** grade to roof line, for all structures shall not exceed thirty-five **(35)** feet. (Previously Condition C.4 of Resolution **R-93-399**, Petition 81-186(D))
5. **All** mechanical equipment in the **CSH** zoned portion of the subject property shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.

All mechanical equipment associated with the main retail center in the **CG** zoned portion of the subject property only shall be roof mounted and screened from view **and/or** painted on all sides in a manner consistent with the color and character **of** the principle structure.

All mechanical equipment associated with the five **(5)** out parcels in the **CG** zoned portion of the subject property shall be roof mounted and screened from view **on** all sides in a manner consistent with the color and character of the principle structure. (Previously Condition C.5 of Resolution R-93-399, Petition 81-186(D))

6. All structures shall have a similar architectural treatment on all sides. (Previously Condition C.6 of Resolution R-93-399, Petition 81-186(I))
7. Prior to site plan certification, the site plan shall be **amended** to indicate pedestrian access to the shopping center from **the** east. Access shall **be** provided through the shopping center at a convenient location. Pathways across paved vehicular use areas shall be **stripped** and marked with an above grade sign. Sidewalks shall be **installed** within landscaped areas and adjacent to vehicular use areas where necessary. (Previously Condition C.7 of Resolution R-93-399, Petition 81-186(D))
8. Prior to site plan certification, the site plan shall be amended to reflect the location of shopping cart storage and retrieval areas **within** the parking areas adjacent to the shopping center. (Previously Condition C.8 of Resolution R-93-399, Petition 81-186(D))
9. Condition C.9 of Resolution R-93-399, Petition **81-186(D)** which currently states:

All out-parcels shall be no less than **3/4** acre in size.

Is hereby deleted. [REASON: no longer applicable]
10. Proposed loading zones shall be screened with wing walls and mechanical equipment shall be roof-mounted and screened **with** solid barriers. (Previously Condition C.12 of Resolution R-93-399, Petition 81-186(D))
11. Development shall be **limited** to Phase I as shown on the **approved** site plan until additional **commitments** for utility capacity are **submitted** to the Health Department. (Previously Condition C.13 of Resolution R-93-399, Petition 81-186(D))
12. **Total gross floor** area shall be limited to a maximum of **369,073 square feet**. Additional square feet **may be** allowed in accordance with **Zoning Code Section 402.7**. (Previously Condition C.14 of Resolution R-93-399, Petition 81-186(D))
13. Prior to site plan certification, the petitioner shall amend the **site** plan to indicate: all phase lines; modification and improvement **of** the proposed pedestrian walkway path specifically delineated on the proposed site plan. The pedestrian walkway shall **be** a minimum of five **(5)** feet in width located adjacent to the south side of the food store, subject to Zoning and Engineering approval. (Previously Condition C.15 of Resolution R-93-399, Petition 81-186(D))

D. CONCURRENCY

1. This project has a Concurrency Exemption for **331,900** square feet of retail use. The petitioner has secured a Concurrency Equivalency Determination showing that the uses and increased square footage included in this petition generate the same or lower impacts as were included on the Certificate for Concurrency Exemption. This Concurrency Equivalency Determination has been approved by the Director of Planning, Dennis Foltz, to allow an additional **37,900** square feet to be added to this site for use as a large scale building supply store (with garden center) ONLY. This square footage may not be converted for any other use, other than a large scale building supply store. If it is not used for this purpose, the site plan must be modified to show the reduction of **37,900** square feet. (Previously Condition D.1. of Resolution R-93-399, Petition 81-186(D))

E. ENGINEERING

1. Condition Nos. 1 - 5 of Resolution R-81-1623, Petition 81-186, were deleted by Condition E.1. of Resolution R-92-361, Petition 81-186(C).
2. Install signalization, when warranted as determined by the County Engineer, at the project's east turnout and Lantana Road, but in no event shall it be later than five (5) years from the issuance of the last certificate of occupancy. (Previously Condition E.2 of Resolution R-93-399, Petition 81-186(D))
3. Condition Nos. 7 - 11 of Resolution R-81-1623, Petition 81-186, were deleted by Condition E.3. of Resolution R-92-361, Petition 81-186(C).
4. The Developer shall provide discharge control and treatment for the storm-water 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 on-site the storm-water 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 E.4. of Resolution R-93-399, Petition 81-186(D))
5. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from storm-water runoff from the remainder of the site. (Previously Condition E.5. of Resolution R-93-399, Petition 81-186(D))
6. Prior to August 1, 1991, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for the construction of a right turn lane on:

- a. Jog Road and the project's main entrance **700** feet north of Lantana Road;
- b. Lantana Road at the project's main entrance **400** feet east of Jog Road.

This right of way shall be a minimum of **150** feet in storage length, twelve feet in width and a taper length of **180** feet. (Previously Condition E.6. of Resolution R-93-399, Petition 81-186(D))

- 7. The Property owner shall construct a right turn lane on Jog Road and the project's main entrance and on Lantana Road at the project's; main entrance concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.7. of Resolution R-93-399, Petition 81-186(D))
- 8. 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 **\$592,295.00 (10,769 trips X \$55.00 per trip)**. Credit for previous road work done by the developer for his participation in the Jog Road/Lantana Road improvements shall be considered and approved as determined by the County Engineer. (Previously Condition E.8 of Resolution R-93-399, Petition 81-186(D))
- 9. Prior to issuance of any building permits, developer shall provide to County a boundary plat, including all access points, present and future, for said parcel and referencing the Unity of Control Covenants. All review of site plans and/or master plan shall be through the Site Plan Review Committee. (Previously Condition E.9 of Resolution R-93-399, Petition 81-186(D))
- 10. Prior to the issuance of a building permit for the main center, the property owner shall convey one **(1)** pedestrian access easement along the east property line between this parcel and Lee's Crossing PUD. The exact location of this pedestrian access easement shall be approved by the County Engineer and shown on the approved site plan. The property owner shall complete the construction of all pathways from this proposed Planned Commercial Development to the east prior to the issuance of a Certificate of Occupancy for the main center. (Previously Condition E.10 of Resolution R-93-399, Petition 81-186(D))
- 11. Detailed signing and striping plans shall be approved by the Traffic Division prior to the issuance of a building permit for the main center. (Previously Condition E.11 of Resolution R-93-399, Petition 81-186(D))
- 12. Prior to site plan certification, the applicant shall amend the site plan to indicate the new location of the median break on Jog Road. The location and construction date shall be approved by Engineering. (Previously Condition E.12 of Resolution R-93-399, Petition 81-186(D))

F. DAY CARE CENTER

1. The day care center shall be limited to a maximum of **100 students** and **5,000** square feet of floor area. (Previously Condition **F.1** of Resolution R-93-399, Petition 81-186(D))
2. Prior to site plan certification, the site plan shall be amended to indicate three **(3) drop-off stalls** in the adjacent parking area. Each stall shall be a minimum of twelve **(12)** feet in width by twenty **(20)** feet in length. (Previously Condition **F.2** of Resolution R-93-399, Petition 81-186(D))
3. Prior to site plan certification, the site plan shall be amended to indicate striped cross walks between the day care facility and the parking area. **All** cross walks shall be marked with an above grade sign. (Previously Condition **F.3** of Resolution R-93-399, Petition 81-186(D))
4. The outdoor activity area shall have a minimum area of **7,500 square** feet and shall be screened by a six **(6)** foot high wood fence. The exterior side of the fence shall be landscaped with twelve **(12)** foot tall high native canopy trees planted no more than thirty **(30)** feet on center and thirty-six **(36)** inch high shrubs or hedge material planted **twenty-four (24)** inches on center. (Previously Condition **F.4** of Resolution R-93-399, Petition 81-186(D))
5. One twelve **(12)** foot high native canopy tree per **seven-hundred fifty (750)** square feet of outdoor activity area shall be provided. **All** trees required by this condition shall be planted within the interior of the outdoor activity area and in compliance with HRS requirements. (Previously Condition **F.5** of Resolution R-93-399, Petition 81-186(I))

G. ENVIRONMENTAL RESOURCE MANAGEMENT

1. Secondary containment for stored Regulated Substances - **fuels, oils, solvents, or other hazardous chemicals** - is required. **Environmental Resources Management Department** staff shall provide **guidance** on appropriate protective measures. (Previously Condition **G.1** of Resolution R-93-399, Petition 81-186(D))
2. Plans for underground storage tanks must be signed **off** by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary **preventative** measures to reduce the chances of contamination of the ground water. Double walled tanks and piping with corrosion protection **or** their equivalent **shall be** a part of those measures. (Previously Condition **G.2** of Resolution R-93-399, Petition 81-186(D))

H. 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 **H.1** of Resolution R-93-399, Petition 81-186(I))

2. Sewer service is available to the property. Therefore, no **septic** tank shall **be** permitted on the site. (Previously Condition **H.2** of Resolution R-93-399, Petition 81-186(D))
3. Water service **is** available to the property. Therefore, no well **sh**all be permitted on the site to provide potable water. (Previously Condition R-93-399, Petition 81-186(D)) H.3 of Resolution R-93-399, Petition 81-186(D))
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program **which** insures proper **re-use** or disposal of was **te** oil. (Previously Condition **H.4. of** Resolution R-93-399, Petition 81-186(D))
5. **No** portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter **10D-6** FAC. (Previously Condition **t 15.** of Resolution R-93-399, Petition 81-186(D))

I. 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 1.1. of Resolution R-93-399, Petition 81-186(D))

J. LANDSCAPING - GENERAL

1. A twenty five (**25**) foot landscaped buffer strip shall surround the **entire** perimeter of the subject property. (Previously Condition J.1. of Resolution R-93-399, Petition 81-186(D))
2. Prior to site plan certification, the petitioner shall submit a **Landscape** Master Plan for review and approval by the Zoning Division. The Landscape Master Plan shall demonstrate conformance **to** all Landscape Code requirements and conditions of approval. (Previously Condition **J.2 of** Resolution R-93-399, Petition 81-186(D))
3. Prior to site plan certification, the landscape tabular data on the site plan shall be revised to reflect conformance to minimum **Landscape** Code requirements and all landscape conditions. (Previously Condition J.3 **of** Resolution R-93-399, Petition 81-186(D))
4. Conditions **1.4** and **1.5** of Resolution R-91-592, Petition **81-186(A)**, were deleted by Condition **J.4** of Resolution R-92-361, Petition 81-186(C). [REASON: Code requirement]

K. LANDSCAPING - INTERIOR

1. One landscape island, planted with a minimum of one native **canopy** **trees** **or two** native palm trees, and appropriate ground cover, **shall** be provided for every twelve (**12**) parking spaces utilizing **90** degree angle parking dimensions. (Previously Condition **K I** of Resolution R-93-399, Petition 81-186(D))

2. Landscaped divider medians shall be provided between **abutting rows** of parking spaces utilizing **60** degree angle parking dimension!;. The minimum width of this median shall be five **(5)** feet. One native canopy tree or **two** native palm trees, and appropriate ground cover, 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 **K2** of Resolution R-93-399, Petition 81-186(D))
3. Landscaped terminal islands shall be provided for all rows of parking. (Previously Condition **K 3** of Resolution R-93-399, Petition 81-186(D))
4. Fifty percent **(50%)** of all trees within the interior parking area **shall be** twelve **(12)** feet in height **or** greater. The remaining fifty percent **(50%)** shall be ten **(10)** feet in height **or** greater. (Previously Condition **K.4** of Resolution R-93-399, Petition 81-186(D))
5. Seventy-five percent **(75%)** of all trees within the interior parking area shall be shade trees. (Previously Condition **K.5** of Resolution R-93-399, Petition 81-186(D))
6. Prior to site plan certification, the site plan shall be amended to indicate typical tree planter details, subject to approval by the **Z**oning Division, for Conditions **K.1.** and **K.2.** (Previously Condition **K.6** of Resolution R-93-399, Petition 81-186(D))
7. Landscaping along **both** sides of the vehicular use drive **separating** the **CSH** and **CG** zoned portions of the property shall be upgraded to include twelve **(12)** foot **tall** native canopy trees planted twenty **(20)** feet on center and a continuous opaque hedge twenty-four **(24)** inches in height and planted twenty-four **(24)** inches on center. (Previously Condition **K.7** of Resolution R-93-399, Petition 81-186(D))
8. Prior to site plan certification, the applicant shall amend the **site** plan to indicate a three foot wide landscape strip behind the large scale building supply store. The length **of** this strip shall be the linear distance between the compactor and loading area behind the store. This landscape strip shall include:
 - a. Thirty-six **(36)** inch high wax myrtles spaced no more than **twenty four (24)** inches on center, to be maintained at a minimum **height of forty-eight (48)** inches. (Previously Condition **K.8** of Resolution R-93-399, Petition 81-186(D))

L. LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north property line **shall be** installed prior to:
 - a. Issuance of a building permit for any building in the **CSH** zoned portion **of** the site, **or**
 - b. Issuance **of** a certificate of occupancy **(C.O.)** for any building in the **CG zoned** portion **or** Phase **I** of the site. (Previously Condition **L.1** of Resolution R-93-399, Petition 81-186(D))

2. Buffering shall include a six **(6)** foot high concrete wall, painted on both sides a color consistent with the shopping center. (Previously Condition L.2 of Resolution R-93-399, Petition 81-186(D))
3. The following landscape requirements shall be installed on the exterior side of the buffer:
 - a. Native canopy trees spaced no more than twenty **(20)** feet on center. The minimum height of these trees shall be as follows:
 - 1) Fifty percent **(50%)** - fourteen **(14)** feet.
 - 2) Twenty-five percent **(25%)** - twelve **(12)** feet.
 - 3) Twenty-five percent **(25%)** - ten **(10)** feet.
 - b. One twelve **(12)** foot tall native palm tree for each thirty **(30)** linear feet.
 - c. Thirty-six **(36)** inch high shrubs or hedge material spaced no more than twenty four **(24)** inches on center. (Previously Condition L.3 of Resolution R-93-399, Petition 81-186(D))
4. Thirty-six **(36)** inch high shrubs or hedge material, spaced no more than twenty four **(24)** inches on center, shall be installed on the interior side of the required buffer. (Previously Condition L.4 of Resolution R-93-399, Petition 81-186(D))

M. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LANTANA ROAD)

1. Landscaping within the landscape buffer abutting Lantana Road shall be upgraded to include:
 - a. Native canopy trees spaced an average of twenty **(20)** feet on center. The minimum height of these trees shall be as follows:
 - 1) Fifty percent **(50%)** - fourteen **(14)** feet.
 - 2) Twenty-five percent **(25%)** - twelve **(12)** feet.
 - 3) Twenty-five percent **(25%)** - ten **(10)** feet.
 - b. **One** twelve **(12)** foot tall native palm tree for each thirty **(30)** linear feet.
 - c. Thirty-six **(36)** 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** eighteen months, **or** a minimum forty-two **(42)** inch high **hedge/berm** combination. (Previously Condition M.1 of Resolution R-93-399, Petition 81-186(D))

N. LANDSCAPING AND BUFFERING ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east property line shall be installed prior to:
 - a. Issuance of a building **permit** for any building in the **CSH zoned portion** of the site, or

- b. Issuance of a certificate of occupancy (**C.O.**) for any **building** in the **CG** zoned portion **or** Phase I of the site. (Previously Condition N.1 of Resolution R-93-399, Petition 81-186(D))
- 2. Buffering shall include a six (**6**) foot high concrete wall painted **on** both sides a color consistent with **the** shopping center. (Previously Condition N.2 of Resolution R-93-399, Petition 81-186(D))
- 3. The following landscape requirements shall **be** installed on the **exterior** side of the buffer:
 - a. Native canopy trees spaced no more than twenty (**20**) feet on center. The minimum height of these trees shall be as **fo** **lows**:
 - 1) Fifty percent (**50%**) - fourteen (**14**) feet.
 - 2) Twenty-five percent (**25%**) - twelve (**12**) feet.
 - 3) Twenty-five percent (**25%**) - ten (**10**) feet.
 - b. One twelve (**12**) foot tall native palm **tree** for each **thirty(30)** linear feet.
 - c. Thirty-six (**36**) inch high shrubs **or** hedge material spaced **no** more than twenty four (**24**) inches on center. (Previously Condition N.3 of Resolution R-93-399, Petition 81-186(D))
- 4. Thirty-six (**36**) inch high shrubs **or** hedge material, spaced no **more** than twenty four (**24**) inches on center, shall be installed on the **interior** side of the required buffer. (Previously Condition N.4 of Resolution R-93-399, Petition 81-186(D))

O. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING JOG ROAD)

- 1. Landscaping within the landscape buffer along Jog Road shall be upgraded to include:
 - a. Native canopy trees spaced an average of twenty (**20**) feet on center. The minimum height of these trees shall be as **follows**:
 - 1) Fifty percent (**50%**) - fourteen (**14**) feet.
 - 2) Twenty-five percent (**25%**) - twelve (**12**) feet.
 - 3) Twenty-five percent (**25%**) - ten (**10**) feet.
 - b. One twelve (**12**) foot tall native palm **tree** for each thirty (**30**) linear feet.
 - c. Thirty-six (**36**) 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** eighteen months, **or** a minimum forty-two (**42**) inch high **hedge/berm** combination. (Previously Condition O.1 of Resolution R-93-399, Petition 81-186(D))

P. LANDSCAPE WITHIN MEDIAN

- 1. Condition P.1. of Resolution R-93-399, Petition 81-186(D) which currently states:

If permitted by the Florida State Department of Transportation or the County Engineer, the petitioner shall landscape the median of all abutting right-of-ways. This landscaping shall consist of one ten (10) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the petitioner. Landscaping shall be completed prior to the issuance of a Certificate of Occupancy for the main center.

It is hereby amended to read:

The property owner shall contribute \$34,000 (Thirty-four Thousand Dollars) to Palm Beach County for the landscaping and maintenance of the medians on Jog Road and Lantana Road adjacent to this site. The \$17,000 (Seventeen Thousand) presently held in escrow will be released to the County prior to January 1, 1998. The remaining \$17,000 shall be paid to the County over a four year period according to the following schedule:

1. \$4,250 (Four Thousand Two Hundred Fifty Dollars) to be paid to the Land Development Division yearly prior to December 1, 1999, 2000, 2001 and 2002.

OR

2. A total of \$8,500 (Eight Thousand Five Hundred Dollars) (taking into account prior payments referred to in paragraph #1 above) shall be paid to the County prior to the issuance of a building permit for each of the two outparcels fronting on Jog Road. (DATE: MONITORING - Eng)

Q. 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 Q.1 of Resolution R-93-399, Petition 81-186(D))
2. Lighting fixtures within two hundred (200) feet of the north and east property lines (within the CSH zoned portion of the project) shall not exceed fifteen (15) feet in height. All other lighting on the site shall not exceed forty (40) feet in height. (Previously condition Q.2 of Resolution R-93-399, Petition 81-186(D))
3. All outdoor lighting for the recreation field and fraternal clubs shall be extinguished no later than 10:00 p.m. All other outdoor lighting within the CSH zoned portion of the project shall be extinguished no later than 2:00 am. Security lighting only is excluded from this requirement. (Previously Condition Q.3 of Resolution R-93-399, Petition 81-186(D))

R. PARKING AND CROSS ACCESS

1. A maximum of 1,846 parking spaces shall be permitted on site. (Previously Condition R.1 of Resolution R-93-399, Petition 81-186(D))

2. Prior to site plan certification, the tabular data on the site plan shall be amended to indicate the total number of loading spaces required for the entire PCD. All required loading spaces for each use shall be clearly indicated on the site plan. (Previously Condition R.2 of Resolution R-93-399, Petition 81-186(D))
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 R.3 of Resolution R-93-399, Petition 81-186(D))
4. All uses shall utilize shared parking and circulation arrangements acceptable to the Planning, Zoning and Building Department. Shared parking and cross access agreements which are acceptable to the County Attorney shall be recorded in the public record prior to site plan certification. (Previously Condition R.4 of Resolution R-93-399, Petition 81-186(D))
5. Prior to Site Plan Certification, vehicular access to the east from Oak Royal Drive shall be deleted from the site plan. (Previously Condition R.5 of Resolution R-93-399, Petition 81-186(D))
6. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (Previously Condition R.6 of Resolution R-93-399, Petition 81-186(D))

S. RECYCLE SOLID WASTE

1. All property owners and/or lessee's 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 S.1 of Resolution R-93-399, Petition 81-186(D))

T. SIGNS

1. Free standing signs fronting on Lantana Road shall be limited as follows:
 - a. Maximum sign height - twenty five (25) feet, measured from finished grade to highest point.
 - b. Maximum pole height - ten (10) feet, measured from finished grade to lowest point of sign face.
 - c. Maximum total sign face area - 664 square feet.
 - d. Maximum number of signs - three (3). (Previously Condition T.1 of Resolution R-93-399, Petition 81-186(D))
2. Free standing signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height - twenty five (25) feet, measured from finished grade to highest point.
 - b. Maximum pole height - ten (10) feet, measured from finished grade to lowest point of sign face.
 - c. Maximum total sign face area - 666 square feet.
 - d. Maximum number of signs - three (3). (Previously Condition T.2 of Resolution R-93-399, Petition 81-186(D))

3. Prior to Site Plan certification, the petitioner shall submit a **Master Sign Program** which specifies sign location, sign dimensions, unified color, unified graphics and conformance to all sign related **conditions** of approval. (Previously Condition T.3 of Resolution R-93-399, Petition 81-186(D))
4. **All** other 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 T.5 of Resolution R-93-399, Petition 81-186(D))
5. 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** the sign-related conditions of approval. (Previously Condition T.6 of Resolution R-93-399, Petition 81-186(D))

U. RESTRICTIVE COVENANT

1. Prior to issuance of a building permit, the petitioner shall record a copy of a Restrictive Covenant in the public record indicating that **all** out-parcels, structures and uses **within** the PCD are part of a single unified planned development, regardless **of** ownership. This covenant shall **not be** removed, altered, changed **or** amended without written **approval** from the County and shall be in a form acceptable to the County Attorney. (Previously Condition U.1 of Resolution R-93-399, Petition 81-186(D))

V. USE LIMITATIONS

1. **No** outdoor activities shall be allowed on the CSH zoned portion **of** the site, including deliveries and use of the **baseball/activity** area, **prior** to **6:00 a.m.** **nor** continue later than **10:00 p.m.** (Previously Condition V.1 of Resolution R-93-399, Petition 81-186(D))
2. **No** indoor activities shall be allowed **within** any structure in the CSH zoned portion **of** the site prior to **6:00 am.** **nor** continue later than **1:00 a.m.** (Previously Condition V.2 of Resolution R-93-399, Petition 81-186(D))
3. **No** outdoor loudspeaker system audible from the property lines shall be **operated on** the subject property between the hours **of 8:00 p.m.** and **8:00 am.** (Previously Condition V.3 of Resolution R-93-399, Petition 81-186(D))
4. **Use** of the large scale building supply facility shall be limited **to** this **specific use** only. (Previously Condition V.4 of Resolution R-93-399, Petition 81-186(D))

W. COMPLIANCE

1. Condition W.1 of Resolution R-93-399, Petition 81-186(D) **which** currently states:

As provided in the Palm Beach County Zoning Code, Sections **400.2** and **4026**, 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.

It is hereby amended to read:

- 1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)