

RESOLUTION NO. **R-92- 361**

RESOLUTION APPROVING ZONING PETITION NO. **81-186(C)**  
SPECIAL EXCEPTION PETITION OF PLAZA DEVELOPMENT GROUP, LTD.

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. **81-186(C)** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December **9, 1991**; 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. **81-186(C)**, the petition of PLAZA DEVELOPMENT GROUP, LTD., BY **SARA LOCKHART**, AGENT, TO ALLOW A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR LEE'S SQUARE PCD TO REDESIGN THE SITE AND INCREASE BUILDING SQUARE FOOTAGE on PARCEL "**A**" lying North of Lantana Road and East of Jog Road within the Southeast **1/4** of Section **34**, Township **44** South, Range **42** East, being more particularly described as follows: COMMENCING at the South **1/4** corner of said Section **34**; thence south **88°32'09"** East (bearings are based on the North-South Quarter Section Line of said Section **34**, having an assumed bearing of North **01°35'40"** East) along the South line of said Section, a distance of **128.50** feet; thence North **01°27'51"** East, a distance of **105.49** feet to the Point of Beginning, thence South **49°43'58"** East, a distance of **43.87** feet; thence South **88°32'09"** East, a distance of **300.00** feet; thence South **85°47'16"** East, a distance of **250.29** feet; thence South **86°33'25"** East, a distance of **347.52** feet; thence South **88°32'09"** East, a distance of **307.57** feet; thence North **01°35'40"** East, a distance of **230.00** feet; thence North **88°24'20"** West, a distance of **280.00** feet; thence North **01°35'40"** East, a distance of **655.00** feet; thence North **43°24'20"** West, a distance of **130.00** feet; thence North **88°24'20"** West, a distance of **290.00** feet; thence North **43°24'20"** West, a distance of **111.83**

feet; thence North 01°35'40" East, a distance of 259.93 feet, thence North 88°32'09" West, a distance of 546.44 feet; thence South 01°35'40" West, a distance of 448.99 feet; thence South 00°19'17" West, a distance of 542.35 feet to a point of curvature of a curve concave to the East; thence southerly along the arc of said curve having a central angle of 11°15'04" and a radius of 1,566.02 feet, a distance of 307.52 feet to the POINT OF BEGINNING; AND, PARCEL "B" lying North of Lantana Road and East of Jog Road within the Southeast 1/4 of Section 34, Township 44 South, Range 42 East, and being more particularly described as follows: COMMENCING at the South 1/4 corner of said Section 34; thence South 88°32'09" East (bearings are based on the North-South Quarter Section Line of said Section 34, having an assumed bearing of North 01°35'40" East) along the South line of said Section, a distance of 128.50 feet; thence North 01°27'51" East, a distance of 105.49 feet; thence South 49°43'58" East, a distance of 43.87 feet; thence South 88°32'09" East, a distance of 300.00 feet; thence South 85°47'16" East, a distance of 250.29 feet; thence South 86°33'25" East, a distance of 347.52 feet; thence South 88°32'09" East, a distance of 307.57 feet; thence North 01°35'40" East, a distance of 230.00 feet; to the Point of Beginning, thence North 88°24'20" West, a distance of 280.00 feet; thence North 01°35'40" East, a distance of 655.00 feet; thence North 43°24'20" West, a distance of 130.00 feet; thence North 88°24'20" West, a distance of 290.00 feet; thence North 43°24'20" West, a distance of 111.83 feet; thence North 01°35'40" East, a distance of 259.93 feet, thence South 88°32'09" East, a distance of 741.00 feet; thence South 01°35'40" West, a distance of 1,087.61 feet to the POINT OF BEGINNING; OVERALL: A parcel lying North of Lantana Road and East of Jog Road within the Southeast 1/4 of Section 34, Township 44 South, Range 42 East, being more particularly described as follows: COMMENCING at the South 1/4 corner of said Section 34; thence south 88°32'09" East (bearings are based on the North-South Quarter Section Line of said Section 34, having an assumed bearing of North 01°35'40" East) along the South line of said Section, a distance of 128.50 feet; thence North 01°27'51" East, a distance of 105.49 feet to the Point of Beginning, thence South 49°43'58" East, a distance of 43.87 feet; thence South 88°32'09" East, a distance of 300.00 feet; thence South 85°47'16" East, a distance of 250.29 feet; thence South 86°33'25" East, a distance of 347.52 feet; thence South 88°32'09" East, a distance of 307.57 feet; thence North 01°35'40" East, a distance of 1,317.61 feet; thence North 88°32'09" West, a distance of 1,287.44 feet; thence South 01°35'40" West, a distance of 448.99 feet; thence South 00°19'17" West, a distance of 512.35 feet to a Point of Curvature of a curve concave to the east; thence southerly along the arc of said curve having a central angle of 11°15'04" and a radius of 1,566.02 feet, a distance of 307.52 feet to the POINT OF BEGINNING, and being located ON THE NE CORNER OF THE INTERSECTION OF LANTANA RD. AND JOG RD., was approved on December 9, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Condition No. A. 1 of Resolution R-91-592, Zoning Petition 81-186(A), which currently states:

"1. The petitioner shall comply with all previous conditions of approval, and all prior time certain conditions, unless expressly modified herein."

Is hereby amended to read:

1. All conditions of approval effecting the subject property are hereby consolidated as contained

herein. The petitioner shall comply with all previous conditions of approval, and all prior time certain conditions, unless expressly modified.

2. 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.2 of Resolution R-91-592, Zoning Petition 81-186(A).
3. 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 permitted 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 No. A.3 of Resolution R-91-592, Zoning Petition 81-186(A).
4. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this petition prior to February 1, 1992.

**B. AUTO SERVICE STATION (NO REPAIR)**

1. The convenience store shall be limited to a maximum of 750 square feet in total gross floor area. Previously Condition B.1 of R-91-592, Petition 81-186(A).
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 R-91-592, Petition 81-186(A).
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 R-91-592, Petition 81-186(A).
4. There shall be no repair or maintenance of vehicles on site. Previously Condition B.4 of R-91-592, Petition 81-186(A).
5. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. Previously Condition B.5 of R-91-592, Petition 81-186(A).
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 R-91-592, Petition 81-186(A).
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 B.7 of R-91-592, Petition 81-186(A).

8. The car wash facility shall utilize a 100% water recycling system.

C. BUILDING AND SITE DESIGN

1. The minimum setback for all structures adjacent to residential areas shall be twenty five (25) feet. Previously Condition No. C.1 of R-91-592, Petition 81-186(A).
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 No. C.2 of R-91-592, Petition 81-186(A).
3. 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. 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. This provision shall not apply to litter containers provided for the convenience of pedestrians. Previously Condition No. C.3 of R-91-592, Petition 81-186(A).
4. The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet. Previously Condition No. C.4 of R-91-592, Petition 81-186(A).
5. All mechanical equipment 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 No. C.5 of R-91-592, Petition 81-186(A).
6. All structures shall have a similar architectural treatment on all sides. Previously Condition No. C.6 of R-91-592, Petition 81-186(A).
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 strip and marked with an above grade sign. Sidewalks shall be installed within landscaped areas and adjacent to vehicular use areas where necessary. Previously Condition No. C.7 of R-91-592, Petition 81-186(A).
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 No. C.8 of R-91-592, Petition 81-186(A).
9. All out-parcels shall be no less than 3/4 acre in size. Previously Condition No. C.9 of R-91-592, Petition 81-186(A).

10. Condition No. C.10 of R-91-592, Petition 81-186(A), which states:

"10. Reasonable precautions shall be taken during construction on the site to insure that fugitive particulates (dust particles) do not become a nuisance to neighboring properties."

Is hereby deleted.

11. Condition No. 12 of Resolution No. R-81-1623, Petition 81-186, which states: Petitioner shall preserve significant vegetation along the eastern property line.

Is hereby deleted.

12. Proposed loading zones shall be screened with wing walls and mechanical equipment shall be roof-mounted and screened with solid barriers. Previously Condition No. 13 of Resolution No. R-81-1623, Zoning Petition 81-186.

13. 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 No. 14 of Resolution No. R-81-1623, Zoning Petition 81-186,

14. 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.

15. 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.

**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.

**E. ENGINEERING**

1. Condition Nos. 1 - 5 of Resolution No. R-81-1623, Zoning Petition 81-186, which state:

"1. Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval:

- a. 54 feet from centerline for the ultimate right-of-way for Lantana Road.
  - b. 80 feet from centerline for the ultimate right-of-way for Jog Road.
2. Prior to the issuance of any certificate of occupancy for phases I and II:
    - a. Construct Lantana Road as a four lane median divided section (including sidewalks or a pedestrian/bicycle path) from the project's east property line to 300' west of Jog Road with the appropriate tapers as approved by the County Engineer.
    - b. Construct at the intersection of Lantana Road and Jog Road:
      - a. left turn lane, east approach
      - b. left turn lane, west approach
      - c. left turn lane, south approach
      - d. left turn lane, north approach
    - c. Construct at the project's east and middle turnouts and Lantana Road a left turn lane, west approach.
  3. Prior to the issuance of a building permit for phase III (anything over 110,000 sq. ft.) obtain the necessary right of way at the southeast and southwest corners of the intersection of Lantana Road and Jog Road per the alignment provided by the County Engineer.
  4. Concurrent with or prior to the issuance of a building permit for phase III (anything over 110,000 sq. ft.) provide the County Engineer with the construction plans and surety bond for Jog Road as a four lane median divided section (including sidewalks or a pedestrian/bicycle path) from the project's north property line to 300' south of Lantana Road with appropriate tapers as approved by the County Engineer.
  5. Prior to the issuance of a certificate of occupancy for phase III (anything over 110,000 sq. ft.) construct:
    - a. Jog Road as a four lane median divided section (including sidewalks or a pedestrian/bicycle path) from the project's north property line to 300' south of Lantana Road with appropriate tapers as approved by the County Engineer.
    - b. At the intersection of Jog Road and the project's north and middle entrances:
      - a. left turn lane, north approach
      - b. right turn lane, south approach."

Are hereby deleted.

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 No. 6 of Resolution No. R-81-1623, Zoning Petition 81-186.

3. Condition Nos. 7 - 11 of Resolution No. R-81-1623, Zoning Petition 81-186, which state:

"7. Should "others" do any or all of the construction listed above in conditions 3 & 4, then this petitioner shall contribute a proportionate share of the impact fee for all buildings above the first 110,000 sq. ft. Should the construction of Jog Road, done by this developer, be less than the impact fee for all buildings above the first 110,000 sq. ft., this petitioner shall pay the difference as an impact fee.

8. Petitioner shall not be permitted to construct the south turnout onto Jog Road until such time as Jog Road is four laned to this project's north property line.

9. Petitioner shall construct One Hundred Eighty-one Thousand, Five Hundred and Twelve Dollars (\$181,512.00) toward the cost of meeting this project's direct and identifiable traffic impact at the time of issuance of the building permit(s). Credit against the impact fee shall be applied toward the construction of Lantana Road as a four-lane section, as stated in Condition No. 2A, per the County Engineer's approval. Additionally the pro-rata share for the remainder of the impact fee for the construction on Jog Road, not including turn lanes, which may be done by other than this petitioner shall be calculated on the basis of the proportion of the amount divided by the square footage remaining. In the event the intersection of Jog Road and Lantana Road is constructed prior to Phases 3, 4 and 5, then this petitioner shall pay the pro-rata share based on \$500./1,000 sq. ft. up to the overall total of \$181,512.00, which overall total would include the certified cost estimate for the petitioner's construction on Lantana Road as required in Condition No. 2A above.

10. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

11. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters."

Are hereby deleted.

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.1 of R-91-592, Petition 81-186(A).

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.2 of R-91-592, Petition 81-186 (A).
  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.3 of R-91-592, Petition 81-186 (A).
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.4 of R-91-592, Petition 81-186 (A).
  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.5 of R-91-592, Petition 81-186 (A).
  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.6 of R-91-592, Petition 81-186 (A).
  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.7 of R-91-592, Petition 83-186 (A).

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.8 of R-91-592, Petition 81-186 (A).
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.

**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 D.1 of R-91-592, Petition 81-186(A).
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 D.2 of R-91-592, Petition 81-186(A).
3. Prior to site plan certification, the site plan shall be amended to indicate stripped cross walks between the day care facility and the parking area. All cross walks shall be marked with an above grade sign. Previously Condition D.3 of R-91-592, Petition 81-186(A).
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 D.4 of R-91-592, Petition 81-186(A).
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 D.5 of R-91-592, Petition 81-186(A).

**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 F.1 of R-91-592, Petition 81-186 (A).

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 groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. Previously Condition F.2 of R-91-592, Petition 81-186 (A).

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 G.1 of R-91-592, Petition 81-186 (A).
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously Condition G.2 of R-91-592, Petition 81-186 (A).
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition G.3 of R-91-592, Petition 81-186 (A).
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. Previously Condition G.4 of R-91-592, Petition 81-186 (A).
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 F.A.C. Previously Condition G.5 of R-91-592, Petition 81-186 (A).

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 F.1 of R-91-592, Petition 81-186 (A).

J. LANDSCAPING - GENERAL

1. A twenty five (25) foot landscaped buffer strip shall surround the entire perimeter of the subject property. Previously Condition 1.1. R-91-592, Petition 81-186(A).
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 1.2. R-91-592, Petition 81-186(A).
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 1.3. R-91-592, Petition 81-186(A).

4. Conditions I.4 and I.5, R-91-592, Petition 81-186(A), which state:

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

5. All landscaped areas shall be fully irrigated."

Are hereby deleted.

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 J.1, R-91-592, Petition 81-186(A).
2. Landscaped divider medians shall be provided between abutting rows of parking spaces utilizing 60 degree angle parking dimensions. 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 J.2 of R-91-592, Petition 81-186(A).
3. Landscaped terminal islands shall be provided for all rows of parking. Previously Condition J.3 of R-91-592, Petition 81-186(A).
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 J.4 of R-91-592, Petition 81-186(A).
5. Seventy-five percent (75%) of all trees within the interior parking area shall be shade trees. Previously Condition J.5 of R-91-592, Petition 81-186(A).
6. Prior to site plan certification, the site plan shall be amended to indicate typical tree planter details, subject to approval by the Zoning Division, for Conditions J.1. and J.2. Previously Condition J.6 of R-91-592, Petition 81-186(A).
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 J.7 of R-91-592, Petition 81-186(A).
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.

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 K.1 of R-91-592, Petition 81-186(A).
2. Buffering shall include a six (6) foot high concrete wall, painted on both sides a color consistent with the shopping center. Previously Condition K.2 of R-91-592, Petition 81-186(A).
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 K.3 of R-91-592, Petition 81-186(A).
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 K.4 of R-91-592, Petition 81-186(A).

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 L.1 of R-91-592, Petition 81-186(A).

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 M.1 of R-91-592, Petition 81-186(A).
- 2. Buffering shall include a six (6) foot high concrete wall painted on both sides a color consistent with the shopping center. Previously Condition M.2 of R-91-592, Petition 81-186(A).
- 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 M.3 of R-91-592, Petition 81-186(A).
- 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 M.4 of R-91-592, Petition 81-186(A).

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

- 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 N.1 of R-91-592, Petition 81-186(A).

P. LANDSCAPE WITHIN MEDIAN

1. 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. Previously Condition 0.1 of R-91-592, Petition 81-186(A).

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 P.1 of R-91-592, Petition 81-186(A).
2. Condition No. P.2. of Resolution No. R-91-592, Petition No. 81-186(A), which states:
  - "2. Lighting fixtures within four hundred (400) feet of the north and east property lines shall not exceed fifteen (15) feet in height. All other lighting on the site shall not exceed forty (40) feet in height."

Shall be amended to read:

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.
3. Condition No. P.3. of Resolution No. R-91-592, Petition No. 81-186(A), which states:
  - "3. All outdoor lighting within four hundred (400) feet of the north and east property lines shall be extinguished no later than 10:00 p.m. All other outdoor lighting shall be extinguished no later

than 2:00 a.m. Security lighting only is excluded from this requirement."

Shall be amended to read:

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 a.m. Security lighting only is excluded from this requirement.

R. PARKING AND CROSS ACCESS

1. Condition Q.1 of R-91-592, which states:

"1. A maximum of 1,665 parking spaces shall be permitted on site."

Shall be amended to read:

1. A maximum of 1,846 parking spaces shall be permitted on site.
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 Q.2 of R-91-592, Petition 81-186(A).
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 Q.3 of R-91-592, Petition 81-186(A).
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 4.4 of R-91-592, Petition 81-186(A).
5. Prior to Site Plan Certification, vehicular access to the east from Oak Royal Drive shall be deleted from the site plan. Previously Condition Q.5 of R-91-592, Petition 81-186(A).
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.

S. RECYCLE SOLID WASTE

1. All property owners and 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.

T. SIGNS

1. Free standing signs fronting on Lantana Road shall be limited as follows:

- a. Maximum sign height - fifteen (15) feet.
  - b. Maximum total sign face area - 664 square feet..
  - c. Maximum number of signs - three (3). Previously Condition S.1 of R-91-592, Petition 81-186(A).
2. Free standing signs fronting on Jog Road shall be limited as follows:
    - a. Maximum sign height - fifteen (15) feet.
    - b. Maximum total sign face area - 666 square feet.
    - c. Maximum number of signs - three (3). Previously Condition S.2 of R-91-592, Petition 81-186(A).
  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 S.3 of R-91-592, Petition 81-186(A).
  4. No signs shall encroach into the twenty-five (25) foot perimeter landscape buffer. Previously Condition S.4 of R-91-592, Petition 81-186(A).
  5. 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 S.5 of R-91-592, Petition 81-186(A).
  6. 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 S.6 of R-91-592, Petition 81-186(A).

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, irregardless 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 T.1 of R-91-592, Petition 81-186(A).

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 U.1 of R-91-592, Petition 81-186(A).
2. No indoor activities shall be allowed within any structure in the CSH zoned portion of the site prior to 6:00 a.m. nor continue later than 1:00 a.m. Previously Condition U.2 of R-91-592, Petition 81-186(A).
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 a.m. Previously Condition **U.3** of R-91-592, Petition 81-186(A).

4. Use of the large scale building supply facility shall be limited to this specific use only.

**W.** COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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. Previously Condition **V.1** of R-91-592, Petition 81-186(A).
2. 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 Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner McCarty 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	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

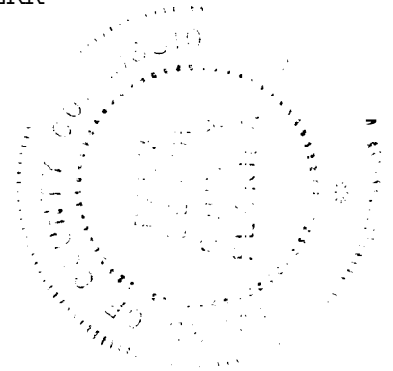
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

MILTON T. BAUER, CLERK

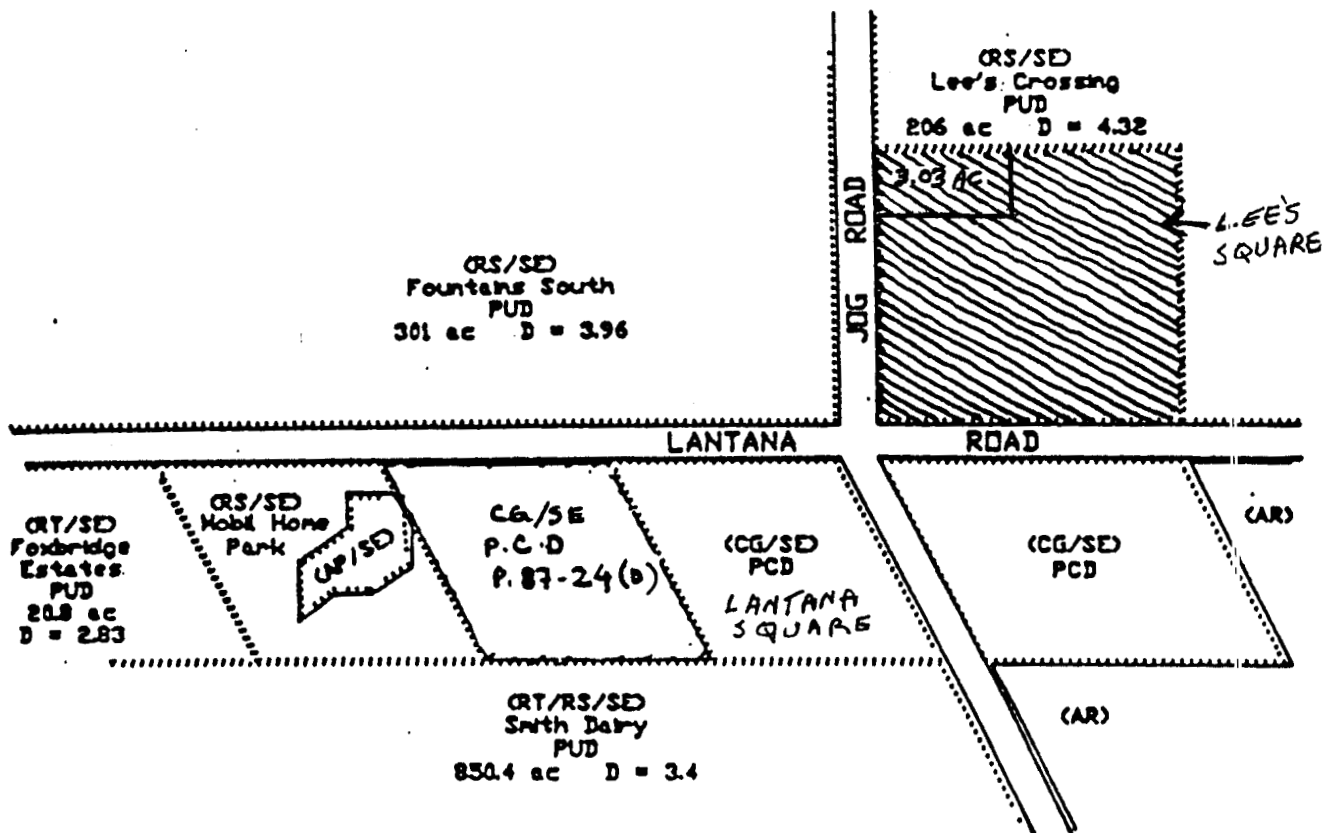
BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



Sec. 33 Twp. 44 Rng. 42  
 Quadrant Sheet: 33  
 Aerial Page: 270

Vicinity  
 Sketch



Request:

A REZONING from the Specialized Commercial High (CSH) Zoning District to the General Commercial (CG) Zoning District and a SPECIAL EXCEPTION to amend the site plan for the Lee's Square Planned Commercial Development (PCD) to redesign the site and increase the building square footage (+40,183).

PETITION NO: 81-186(C)

BCC DISTRICT: 3