

RESOLUTION NO. R-92- 1813

RESOLUTION APPROVING ZONING PETITION NO. 90-30(A)  
SPECIAL EXCEPTION AND  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF DONALD B. STILLER

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. 90-30(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 28, 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. 90-30(A), the petition of DONALD B. STILLER, BY KIERAN J. KILDAY, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PCD TO PERMIT A DAY CARE CENTER (MAXIMUM 130 CHILDREN), A CONVENIENCE STORE WITH GASOLINE SALES AND A CAR WASH, AND A MODIFICATION OF COMMISSION REQUIREMENTS RELATING TO ENGINEERING, FAIR SHARE FEE, PERMIT AND TENANT RESTRICTIONS on a parcel of land lying in Section 22, Township 45 South, Range 42, being a portion of Block 48 of PALM BEACH FARMS COMPANY'S PLAT NO. 3, Plat Book 2, Pages 45 through 54, BEGINNING at the intersection of the East line of the West 115.00 feet of Tracts 50 and 61 of said Block 48 with a line 95.00 feet North of and parallel with the South line of said Block 48, said line also being the Northerly right-of-way line of Boynton West Road (State Road 804), Official Record Book 4251, Page 575; thence North 00°57'00" West along said East line of the 115.00 feet a distance of 1,126.72 feet; thence North 89°34'27" East, a distance of 944.05 feet to a point on the westerly right-of-way line of Jog Road, Official Record Book 4,224, Page 780; thence, along said westerly right-of-way line, South 00°10'27" East, a distance of 398.96 feet; thence South 01°21'48" West, a distance of 188.59

feet; thence South 04°36'09" West, a distance of 211.72 feet; thence South 00°31'57" East, a distance of 260.29 feet; thence department from said westerly right-of-way line South 44°15'31" West, a distance of 56.36 feet to a point on the said Northerly right-of-way line of Boynton West Road; thence along said Northerly line South 89°03'00" West, a distance of 259.47 feet; thence South 86°11'02" West, a distance of 400.00 feet; thence South 89°03'00" West, a distance of 209.64 feet to the POINT OF BEGINNING, and being located on the NW CORNER OF THE INTERSECTION OF BOYNTON BEACH BLVD. AND JOG RD., IN THE CG ZONING DISTRICT, was approved on May 28, 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 compliance with time certain conditions, unless expressly modified. (MONITORING)

2. Condition No. A.1. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements."

Is hereby deleted.

3. Condition No. A.2. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"This Special Exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners 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).

Is hereby deleted.

B. ADVERTISING

1. Condition No. B.1. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site."

Is hereby deleted.

2. Condition No. B.2. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"No objects, gimmicks or advertising designed to attract the public's attention off site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code, such as signs for grand openings."

Is hereby deleted.

C. AUTO SERVICE (NO REPAIRS)

1. 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. (ZONING-CODE ENFORCEMENT)

D. CONCURRENCY

1. The Concurrency Reservation for Case Number 90-07-25-007-C shall be amended before August 29, 1992, to reserve capacity required to serve the approved uses. (PLANNING)
2. Prior to amending the certificate, a Concurrency Equivalency Determination, showing the capacity for the uses and square footages on the site plan submitted for the approved uses shall be submitted to and approved by the Planning Division. (PLANNING)

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 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. D.E.1. of Resolution No. R-91-374, Zoning Petition 90-30). (ENGINEERING)
2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site (Previously Condition No. D.E.2. of Resolution No. R-91-374, Zoning Petition 90-30). (ENGINEERING)
3. Prior to June 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:

- a. Jog Road, 60 feet from centerline.
- b. Boynton Beach Boulevard, 60 feet from centerline.
- c. Sufficient right-of-way to provide for an expanded intersection at Jog Road and Boynton Beach Boulevard.
- d. The construction of a right turn lane on Jog Road and the project's main entrance and at Boynton Beach Boulevard and the project's main entrance road, in addition to the right-of-way for the six-lane roadway.

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.

All Road Right of Way shall be free of encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer (Previously Condition No. D.E.3. of Resolution No. R-91-374, Zoning Petition 90-30). (MONITORING-ENGINEERING)

4. The Property owner shall construct:

- a. at the project's main entrance onto Boynton Beach Boulevard:

- 1) right turn lane, east approach, and

Turn lanes identified in "a" shall be constructed concurrent with the 4/6-laning of Boynton Beach Boulevard by the Florida Department of Transportation.

- b. at the project's main entrance onto Jog Road:

- 1) left turn lane, south approach, and
- 2) right turn lane, north approach (this turn lane may be part of the third lane construction by the developer).

- c. at the project's entrance road and Lakeside Boulevard:

- 1) left turn lane, north approach. This construction shall be completed prior to the issuance of a Certificate of Occupancy.

- d. at the project's north and south entrance onto Jog Road:

- 1) right turn lane, north approach (this turn lane may be a part of the third lane construction by the developer).

Turn lanes identified in "b", "c", "d", shall be constructed concurrent with onsite paving and drainage permits issued from the office of the County Engineer.

All turn lanes construction shall be completed prior to the issuance of the first Certificate of Occupancy (Previously Condition No. D.E.4. of Resolution No. R-91-374, Zoning Petition 90-30). (BUILDING-ENGINEERING)

5. Access onto Jog Road from the project's south entrance shall not be permitted until Jog Road has been constructed as a 4 lane median divided section north of the project's entrance road. When this section of Jog Road has been 4-laned no median opening shall be permitted on Jog Road at this entrance (Previously Condition No. D.E.5. of Resolution No. R-91-374, Zoning Petition 90-30). (ENGINEERING)

6. Condition E.6. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

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 \$546,700.00 (9,940 trips X \$55.00 per trip). This amount of \$546,700.00 shall be paid prior to June 1, 1991. These funds shall then be earmarked for the construction of Military Trail from Boynton Beach Boulevard to S.W. 23rd Avenue should Cambridge PUD not complete payment of their funds as required by their conditions of approval.

Is hereby amended to state:

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. Credit for road construction of Jog Road may be credited toward the fair share fee as approved by the County Engineer. (ENGINEERING)

7. Condition No. D.E.7 of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits shall be issued after July 1, 1993.
- B. No Building Permits shall be issued until construction has begun for:
  - 1) the widening of Boynton Beach Boulevard from El Clair Ranch Road to Military Trail as a minimum 6 lane section.
  - 2) the completion of Jog Road from Boynton Beach Boulevard to Le Chalet Boulevard plus the appropriate paved tapers.

- C. Building Permits for more than 114,545 square feet of gross leasable floor area shall not be permitted until construction has begun for Military Trail as a 6-lane facility from Boynton Beach Boulevard to S.W. 23rd Avenue plus the appropriate paved tapers. This phase shall be limited to community retail tenants (no discount anchors).

Is hereby deleted.

8. Condition No. D.E.8. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

The Developer shall install signalization if warranted as determined by the County Engineer at:

- a. project entrance(s) and Boynton Beach Boulevard, and
- b. project entrance and Jog Road.

Should signalization not be warranted after **24 months of** the final Certificate of Occupancy, this property owner shall be relieved from this condition. Acceptable surety shall be posted and approved by the County Engineer for this signalization prior to June 1, **1991.**"

Is hereby deleted.

9. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended (Previously Condition No. D.E.9. of Resolution No. R-91-374, Zoning Petition 90-30). (ENGINEERING)
10. Prior to site plan approval, the property owner shall submit a separate Signing and Pavement Marking Plan to the County Engineer. This Signing and Pavement Marking Plan shall be approved prior to a Paving and Drainage Permit. (ENGINEERING)

F. DAY CARE

1. The day care center shall be limited to a maximum of 130 students. (CODE ENFORCEMENT)
2. The petitioner shall provide a minimum of one native canopy tree per 750 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area. (ZONING)
3. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (**14**) foot tall native canopy trees placed twenty (**20**) feet on center and twenty-four (**24**) inch high hedge or shrub material placed twenty-four (**24**) inches on center. (ZONING)
4. The site plan shall be amended to reflect five (**5**) drop-off stalls a minimum of twelve (**12**) feet wide by twenty (**20**) feet in length. The required drop off spaces shall be located adjacent to the building. (ZONING)

5. The site plan shall be amended to reflect a four (4) foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance. (ZONING)

G. DUMPSTER

1. Receptacles (i.e. dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of the north property line (Previously Condition No. C.1. of Resolution No. R-91-374, Zoning Petition 90-30). (BUILDING)
2. All areas or receptacles (i.e. dumpsters) for the storage and disposal of trash, garbage or vegetation 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 obscuring opaque gate. Enclosures 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.2. of Resolution No. R-91-374, Zoning Petition 90-30). (BUILDING-Zoning)

H. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (ERM)
2. The proposed car wash shall have a 100% water recycling system. (ERM)
3. Plans for any 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. (ERM)
4. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to Site Plan certification. (ERM)
5. A pollutant storage tank closure assessment shall be performed by a qualified party at the location of the former underground storage tanks. The closure assessment shall be conducted in accordance with Chapter 17-761, Florida Administrative Code (F.A.C.) and shall conform to the Florida Department of Environmental Regulation (DER) Closure Policy. The closure assessment shall be reviewed and approved by the Department of Environmental Resources Management prior to site plan certification. If soil or groundwater contamination is documented by the closure assessment, it will be necessary to complete a contamination assessment in accordance with Chapter 17-770, F.A.C. (ERM)

6. Prior to site plan approval, the extent of soil contamination in the northwest corner of the property shall be defined in accordance with Chapter 17-770, F.A.C. Prior to the issuance of building permits, all contaminated soil shall be removed and properly disposed. A written report which includes manifests or receipts for soil disposal, shall be provided to the Department of Environmental Resources Management within 3 working days of completion of soil removal activities. (BUILDING, -ERM)

**I. 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. E.1. of Resolution No. R-91-374, Zoning Petition 90-30). (HEALTH)
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site (Previously Condition No. E.2. of Resolution No. R-91-374, Zoning Petition 90-30). (HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water (Previously Condition No. E.3. of Resolution No. R-91-374, Zoning Petition 90-30). (HEALTH)
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of the waste oil. (HEALTH)
5. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 100-6, F.A.C. (HEALTH)

**J. IRRIGATION QUALITY WATER**

1. Condition No. F.1. of Resolution No. R-91-374, Zoning Petition 90-30, which presently states:

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.

Is hereby amended to read:

When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)



K. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. All required trees in landscape buffer strips and interior parking areas shall meet at a minimum the following standards:
  - a. Tree species: 100% native canopy.
  - b. Tree height: fourteen (14) feet minimum.
  - c. Trunk diameter: 3.5 inches at 4.5 feet above grade.
  - d. Canopy diameter: seven (7) feet minimum. The diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

L. LANDSCAPING - INTERIOR

1. Condition No. G.1. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

Interior Landscaping:

- a. All trees within the interior parking area shall be native canopy trees twelve (12) feet in height or greater. One landscape island shall be provided for every ten (10) cars.
- b. Landscape tabular data shall be revised to reflect conformance to all landscape conditions.

Is hereby amended to state:

- a. One landscape island shall be provided for every ten (10) parking spaces. Each landscape island shall be planted with a minimum of one native canopy tree or native palm tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed one hundred linear feet. (ZONING)
- b. Prior to site plan certification, the site plan shall be amended to indicate grade level tree planting areas consistent with Section 510.35 Zoning Code, subject to approval by the Zoning Division. (ZONING)

M. LANDSCAPING ALONG ALL PROPERTY LINES

1. Condition No. G.2. of Resolution No. **R-91-374**, Zoning Petition **90-30**, which currently states:

Perimeter Landscaping:

- a. Landscaping within the twenty-five (25) foot landscape buffers abutting rights-of-way shall be upgraded to include:
- 1) Native canopy trees an average of fifteen (15) feet on center.
  - 2) Fifty (50) percent of these trees shall be fourteen (14) feet tall; twenty-five (25) percent of these trees shall be twelve (12) feet tall; twenty-five (25) percent of these trees shall be ten (10) feet tall.
  - 3) One (1) native palm for each thirty (30) linear feet of required buffer.
  - 4) A landscape buffer a minimum of thirty-six (36) inches in height at installation to be maintained at forty-two (42) inches.

Is hereby amended to state:

Prior to site plan certification, the landscape buffer strip plan (Exhibit 41) shall be upgraded to identify the tree, palm, and hedge plant species, specifications and spacing. Planting of all buffers shall be done in accordance with the certified landscape buffer plan. At a minimum, this plan shall include the equivalent of:

- 1) One native canopy tree planted every twenty (20) linear feet of frontage.
- 2) One native palm tree for each thirty (30) linear feet of frontage.
- 3) Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center.  
(ZONING)

N. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES

1. Condition No. G.3. of Resolution No. **R-91-374**, Zoning Petition **90-30**, which currently states:

Landscaping along north and west property lines shall be upgraded to include:

- a. Fourteen (14) foot tall native canopy trees placed twenty (20) foot on center.
- b. Thirty-six (36) inch high hedge.
- c. One (1) interior island, planted with twelve (12) foot tall native canopy trees, shall be provided for every eight (8) parking stalls abutting this property line.

Is hereby amended to state:

Landscaping along north and west property lines shall be upgraded to include a minimum fifteen (15) foot wide landscape buffer strips to include:

- a. Fourteen (14) foot tall native canopy trees placed twenty (20) foot on center.
- b. Thirty-six (36) inch high hedge.
- c. One (1) interior island, planted with one (1) fourteen (14) foot tall native canopy tree, shall be provided for every eight (8) parking stalls abutting these property lines. (ZONING)

0. LANDSCAPING WITHIN THE MEDIAN

1. Condition No. G.4. of Resolution No. R-91-374, (Zoning Petition 90-30), which presently states:

@@Landscape within median:

- a. If permittable by the State Department of Transportation or County Engineering Department, 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 planted an average of thirty (30) feet on center, and appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner."

Is hereby amended to state:

FDOT maintained rights-of-way: Prior to site plan certification, the petitioner shall complete and submit to Palm Beach County, on a form provided by the Florida Department of Transportation (FDOT), a request for permission to landscape the medians of all abutting FDOT maintained rights-of-way. The petitioner shall be responsible for any additional information requested by the Florida Department of Transportation and any charges related to the submission and review of forms, application material and/or landscape plans.

Prior to issuance of a building permit, the Palm Beach County Engineering Department shall issue the applicant a secondary permit requiring the developer to complete the required construction and plantings, subject to the terms of the FDOT permit.

County maintained rights-of-way: On abutting roads which are maintained by Palm Beach County, the property owner shall complete and submit the required permit on the form provided by the Palm Beach County Engineering Department, prior to site plan certification.

Minimum landscaping and maintenance requirements within all medians: 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 filling 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. (ENGINEERING-Building-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. Lighting fixtures in the north and west portions within 100 feet of property line of the site shall not exceed twelve (12) feet in height. Lighting in the south and east portions within 50 feet of the right-of-way of the center shall not exceed thirty-five (35) feet in height (Previously Condition No. H.1. of Resolution No. R-91-374, Zoning Petition 90-30). (CODE ENFORCEMENT-Building)

2. All outdoor lighting behind the shopping center and/or within one-hundred (100) feet of the north property line, shall be extinguished no later than 11:00 p.m. All other outdoor lighting shall be extinguished no later than 2:00 a.m. Security lighting only is excluded from this requirement (Previously Condition No. H.2. of Resolution No. R-91-374, Zoning Petition 90-30). (CODE ENFORCEMENT)

Q. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available (Previously Condition No. 1.1. of Resolution No. R-91-374, Zoning Petition 90-30). (SWA)

R. SIGNS

1. Condition No. J.1. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"Signs fronting on Boynton Beach Boulevard shall be limited as follows:

- a. Maximum sign height - fifteen (15) feet.
- b. Maximum sign area - 450 square feet.
- c. Maximum number of signs - three (3)."

Is hereby amended to state:

Signs fronting on Boynton Beach Boulevard shall be limited as follows:

- a. Pole mounted or other freestanding signs:
  - 1) Maximum sign height - ten (10) feet.
  - 2) Maximum sign area per side - 100 square feet.
  - 3) Maximum number of signs - one (1).
- b. Monument style signs:
  - 1) Maximum sign height - four (4) feet.
  - 2) Maximum sign area per side - 20 square feet.
  - 3) Maximum number of signs - one (1). (BUILDING)

2. Condition No. J.2. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"Signs fronting on Jog Road shall be limited as follows:

- a. Maximum sign height - fifteen (15) feet.
- b. Maximum sign area - 500 square feet.
- c. Maximum number of signs - three (3)."

Is hereby amended to state:

Signs fronting on **Jog** Road shall be limited as follows:

- a. Pole mounted or other freestanding signs:
  - 1) Maximum sign height - ten (10) feet.
  - 2) Maximum sign area per side - 100 square feet.
  - 3) Maximum number of signs - one (1).
- b. Monument style signs:
  - 1) Maximum sign height - four (4) feet.
  - 2) Maximum sign area per side - 20 square feet.
  - 3) Maximum number of signs - one (1). (BUILDING)

3. Condition No. 5.3. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"A maximum of one (1) directional sign at entrance from Lakeside Boulevard,"

Is hereby amended to state:

Entrance signs from Lakeside Boulevard shall be limited as follows:

- a. Maximum sign height - four (4) feet.
- b. Maximum sign area per side - 20 square feet.
- c. Maximum number of signs - one (1).
- d. Directional sign only. (BUILDING)

4. Prior to Site Plan certification, a Master Sign Program shall be submitted, which specifies: sign location, sign size, and unified graphics and color (Previously Condition No. 5.4. of Resolution No. R-91-374, Zoning Petition 90-30). (ZONING)

5. Condition No. J.5. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"No off-premise signs shall be permitted on site."

Is hereby deleted.

6. In the event the Sign Code is amended prior to the issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code (Previously Condition No. J.6. of Resolution No. R-91-374, Zoning Petition 90-30). (BUILDING-Zoning)

S. SITE DESIGN

1. Building height shall be limited to a maximum of 35 feet, measured from finished grade to highest point (Previously Condition No. K.1. of Resolution No. R-91-374, Zoning Petition 90-30). (BUILDING)
2. Condition No. K.2. of Resolution No. R-91-374, Zoning Petition No. 90-30, which currently states:  
  
"Total floor area shall be limited to a maximum of 244,832 square feet".  
  
Is hereby amended to state:  
  
Total floor area for Alternative #1 shall be limited to a maximum of 188,790 square feet. Total floor area for Alternative #2 shall be limited to a maximum of 186,307 square feet. (BUILDING)
3. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area (Previously Condition No. K.3. of Resolution No. R-91-374, Zoning Petition 90-30). (BUILDING)
4. The north and west sides of each building shall be given architectural treatment consistent with the front façade (Previously Condition No. K.4. of Resolution No. R-91-374, Zoning Petition 90-30). (BUILDING)
5. Back out parking spaces shall not be permitted in front of the main structure or into primary access aisles. (ZONING-Building)
6. The number of outparcels on site shall be limited to six including the daycare center. (ZONING)
7. Pedestrian access shall be provided from the adjacent PUD into the shopping center. (ZONING)

T. UNITY OF CONTROL

1. At the time of Site Plan Review Committee application, the petitioner shall submit two (2) copies of a recorded Unity of Control document in a form acceptable to the Palm Beach County Attorney's office (Previously Condition No. L.1. of Resolution No. R-91-374, Zoning Petition 90-30). (COUNTY ATTORNEY)

U. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted (Previously Condition No. M.1. of Resolution No. R-91-374, Zoning Petition 90-30). (CODE ENFORCEMENT)
2. Condition No. M.2. of Resolution No. R-91-374, Zoning Petition 90-30, which currently states:

"Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives.

Is hereby deleted.

V. 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-cwner, 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.

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 Spacial 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. N.1. of Resolution No. R-91-374, Zoning Petition 90-30). (MONITORING)



Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of December, 1992.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

*Barbara Atteu*  
COUNTY ATTORNEY

BY:

*Robert J. Mann*  
DEPUTY C L E W

