

RESOLUTION NO. R-2005- 1126

RESOLUTION APPROVING ZONING APPLICATION Z2005-145  
(CONTROL NO. 2005-062)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF ANEICE LASSITER, LACECO INC & W.G.LASSITER, JR.,  
RICHARD JOHNSON  
BY KILDAY & ASSOCIATES, INC., AGENT  
(LANTANA COMMERCIAL)

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application Z2005-145 was presented to the Board of County Commissioners at a public hearing conducted on June 15, 2005; and

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 Application Z2005-145 the application of Aneice Lassiter, Laceco Inc. & W.G.Lassiter, Jr., and Richard Johnson by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the General Commercial Zoning District with a Conditional Overlay Zone on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 15, 2005, subject to the conditions of the CONDITIONAL OVERLAY ZONE.

Commissioner AARONSON moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	AYE
Addie L. Greene, Vice Chairperson	-	AYE
Karen T. Marcus	-	ABSENT
Jeff Koons	-	AYE
Warren H. Newell	-	AYE
Mary McCarty	-	ABSENT
Burt Aaronson	-	AYE

The Chairman thereupon declared that the resolution was duly passed and adopted on June 15, 2005.

Filed with the Clerk of the Board of County Commissioners on 20th day of JULY, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

ALL THAT PART OF LOTS 50 THROUGH 66 INCLUSIVE, LESS THE NORTH 13 FEET AND LESS THE SOUTH 40 FEET THEREOF, TOGETHER WITH 67, LESS THE WEST 30.15 FEET AND LESS THE NORTH 13 FEET AND LESS THE SOUTH 40 FEET THEREOF, ALL IN LAKE OSBORNE SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE PAGES 42 AND 43 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING SOUTHERLY OF THE RIGHT-OF-WAY OF LANTANA ROAD (STATE ROAD 812) AND LYING WESTERLY OF THE RIGHT-OF-WAY FOR CONGRESS AVENUE AS LAID OUT AND IN USE, ALSO LESS THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1678, PAGE 215 IN OFFICIAL RECORD BOOK 3274, PAGE 460 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (DESCRIPTION PER WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 4681, PAGE 1486).

AND LESS LOTS 50 THROUGH 61 INCLUSIVE AS SHOWN ON LAKE OSBORNE SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGES 42 AND 43 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA.

SAID LAND IN PALM BEACH COUNTY, FLORIDA CONTAINING 1.622 ACRES (70,633.07 SQUARE FEET) MORE OR LESS.



## EXHIBIT C

### CONDITIONS OF APPROVALS

#### ALL PETITIONS

1. Development of the property is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated April 15, 2005. 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 - Zoning)

#### BUILDING AND SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a focal point at the northwest corner of the building. The focal point shall be in the form of an architectural focal point or any other site element or similar pedestrian oriented public area. The design and location of this element(s) shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall revise the site plan as follows:
  - a. Revise the site data tabular to identify the 4,990 square foot financial institution from the rest of the general retail uses;
  - b. Change in the proposed retail and financial institution uses to any other permitted uses shall be subject to the review and approval by the Development Review Officer. (DRO:DRO-Zoning)
3. Prior to final approval by the Development Review Officer (DRO), the proposed reduced loading area shown on site plan shall be subject to review and approval by the Development Review Officer (DRO). (DRO: DRO-Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner/developer shall be restricted to the following phasing schedule:
  - a. No Building Permits for the site may be issued after January 1, 2008 . A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
  - b. Building permits for more than 10,300 square feet of retail commercial building area or medical office shall not be issued until the contract has been let for the six (6) lane widening of Congress Avenue from Melaleuca Lane to Lantana Road. (BLDG PERMITS:MONITORING-Eng)
2. LANDSCAPE WITHIN THE MEDIAN OF LANTANA ROAD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and

standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- c) At the property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner's installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING-ENG-Eng)
- d) Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lantana Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG-ENG-Eng)

#### HEALTH

1. The property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)

#### ZONING - LANDSCAPE STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,

- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: ZONING-Landscape)
2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
    - a. palm heights: twelve (12) feet clear trunk;
    - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
    - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: ZONING-Landscape)
  3. Field adjustment of locations of berms, walls and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: ZONING-Landscape)

**ZONING - LANDSCAPING ABUTTING THE NORTH AND EAST PROPERTY LINES (FRONTAGES OF LANTANA ROAD AND ACCESS ROAD TO THE SEMINOLE MANOR MOBILE HOME PARK)**

1. In addition to ULDC requirements, landscaping and buffering along the north and east property lines shall be upgraded to include one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING-Landscape)

**ZONING -LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING LWDD CANAL 16 AND RESIDENTIAL)**

1. In addition to ULDC requirements, landscaping and buffering requirements along the south property line shall be upgraded to include:
  - a. a minimum of two (2) foot high berm, berm height shall be measured from the nearest top of curb or the nearest finished floor elevation, whichever is higher;
  - b. a six (6) foot high concrete panel wall to be located on the plateau of the berm. The finished architectural treatment shall be consistent with the color and style of the principal structure;
  - c. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. all plant materials required by code or by this condition shall be planted alternatively on both sides of the wall.(BLDG PERMIT: ZONING-Landscape)

**ZONING-LANDSCAPE INTERIOR**

1. Special planting treatment shall be provided in the areas located between the two drive-thru lanes. Planting shall consist of the following:
  - a. a landscape island shall be provided between the two drive-thru lanes. The island shall have a minimum five (5) foot wide landscape area and shall extend a minimum of ten (10) feet past the overhang to the north; and a minimum of ten (10) feet to the south. The island may be reduced to four (4) feet in width subject to the submittal and approval of a Landscape Plan for these islands at Final site plan approval by the Development Review Officer. The Landscape Plan shall be prepared, signed and sealed by a Florida Registered Landscape Architect;
  - b. the north extension of the landscape islands shall be planted with a minimum of one ten (10) foot grey wood palm; and,

- c. the south extension of the landscape islands shall be planted with appropriate ground cover or shrub material. (BLDG PERMIT:ZONING-Landscape)

### LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor, freestanding lighting fixtures be setback twenty-five (25) feet from the south property line. (BLDG PERMIT: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

### SIGNS

1. Freestanding point of purchase signs fronting on Lantana Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. maximum sign face area per side eighty (80) square feet;
  - c. maximum number of signs - two (2);
  - d. style - monument style only; and,
  - e. location - the first sign shall be located approximately fifty (50) feet east of the entrance driveway and the second sign shall be located within fifty (50) feet of the east property line;
  - f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)
2. Wall signs shall be limited to the north and east facades of the building and individual lettering size shall be limited to twenty-four (24) inches high, subject to compliance with all applicable ULDC requirements. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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 non-compliance, 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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)