

RESOLUTION NO. R-2020- 0059

RESOLUTION APPROVING ZONING APPLICATION DOA-2019-00325
(CONTROL NO. 1981-00186)
a Development Order Amendment
APPLICATION OF Spilan Parcel LLC, Revenue Properties Lantana Inc, Revenue
Properties Lantana, Hess Realty LLC
BY Dunay, Miskel and Backman, LLP, Insite Studio, AGENT
(Lee Square)

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

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 25, have been satisfied;

WHEREAS, Zoning Application DOA-2019-00325 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2020;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 DOA-2019-00325, the Application of Spilan Parcel LLC, Revenue Properties Lantana Inc, Revenue Properties Lantana, Hess Realty LLC, by Dunay, Miskel and Backman, LLP, Insite Studio, Agent, for a Development Order Amendment to reconfigure the Site Plan; delete uses; add Multifamily Residential use; and, modify Conditions of Approval, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 2020, subject to the Conditions of Approval described in EXHIBIT C,

attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 27, 2020.

Filed with the Clerk of the Board of County Commissioners on February 21st, 2020.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

TRACT "A", LEE SQUARE, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 68, PAGES 186 AND 187. SAID LANDS BEING SITUATED IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 1,663,433 SQUARE FEET/38.1872 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

N.T.S.



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-8 (Control 1981-186), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2011-0959 (Control 1981-186), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The approved Preliminary Site Plan is dated February 14, 2011. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated November 12, 2019. Modifications to the development order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All mechanical equipment for buildings in the portion of the site lying north and east of the rear drive aisle and all outparcels shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.

All mechanical equipment associated with the main retail center (Buildings A - G) shall be roof mounted and screened from view and/or painted on all sides in a manner consistent with the color and character of the principle structure.

Is hereby amended to read:

All mechanical equipment associated with the main retail center (Buildings A - G) shall be roof mounted and screened from view and/or painted on all sides in a manner consistent with the color and character of the principle structure. (BLDGPM: ARCHITECTURAL REVIEW - Architectural Review)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All structures shall have a similar architectural treatment on all sides.

Is hereby amended to read:

All commercial structures shall have a similar architectural treatment on all sides. (BLDGPM: ARCHITECTURAL REVIEW - Architectural Review)

3. Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet.

Is hereby amended to read:

The maximum height, from grade to roof line for commercial structures, shall not exceed thirty-five (35) feet. (DRO: ARCHITECTURAL REVIEW - Architectural Review)

4. The maximum height for residential and related accessory structures, measured from finished grade to highest point for buildings 1, 2 and 3, shall not exceed forty (40) feet, and for buildings 5, 6, 7, 8 and 9, shall not exceed thirty-five (35) feet in height. (BLDGPM: BUILDING DIVISION - Zoning)

ARCHITECTURAL REVIEW-ARCHITECTURAL FOCAL POINT

5. 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 K.1. and K.2. [Note: COMPLETED] (DRO: ZONING - Architectural Review) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2011-959, Control No.1981-00186)

ENGINEERING

1. 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.

a. Prior to the issuance of the next building permit, the Property Owner shall make a one-time payment to the Palm Beach County Board of County Commissioners in the amount of \$140,000.00 toward the following improvements to Lantana Road:

i. Extend the west-approach left-turn lane on Lantana Road at the Project's eastern driveway to a minimum of 280 feet in storage length and a taper length of 50 feet or as approved by the County Engineer;

ii. Close the east-approach left-turn lane on Lantana Road at the western driveway of Pinewood Square;

iii. Extend the east approach dual left-turn lanes on Lantana Road at Jog Road to a minimum of 450 feet of storage length and a taper length of 100 feet or as approved by the County Engineer; and

iv. Install signalization at Lantana Road and the Project's eastern driveway entrance. Signalization shall be a span wire installation or as approved by the County Engineer.

The improvements identified in subparagraphs (i) through (iv), above, are collectively Lantana Road Improvements." No credit against road impact fees shall be provided for this contribution. [Note: COMPLETED]

b. In the event the County does not commence construction of the Lantana Road Improvements by June 30, 2013 or within 2 years of receipt of payment, whichever occurs last, the County shall refund the \$140,000.00 to the Property Owner. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. Deleted per Resolution R-2011-959 (Previous ENGINEERING Condition 2 of Resolution

R-2011-959, Control No.1981-00186)

3. 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2011-959, Control No.1981-00186)

4. 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. (DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6. of Resolution R-98-8, Control No. 1981-186)

[Note: COMPLETED] (BLDGPMT/DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2011-959, Control No.1981-00186)

5. 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. [Note: COMPLETED] (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2011-959, Control No.1981-00186)

6. 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. [Note: COMPLETED] (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2011-959, Control No.1981-00186)

7. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2011-959, Control No.1981-00186)

8. Deleted per Resolution R-2011-959 (Previous ENGINEERING Condition 8 of Resolution R-2011-959, Control No.1981-00186)

9. Detailed signing and striping plans shall be approved by the Traffic Division prior to the issuance of a building permit for the main center. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2011-959, Control No.1981-00186)

10. 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. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2011-959, Control No.1981-00186)

11. LANDSCAPE WITHIN MEDIAN

The property owner shall contribute \$34,000 (Thirty-four Thousand Dollars) to Palm Beach County for the landscaping and maintenance of the medians on Jog Road and Lantana Road adjacent to this site. The \$17,000 (Seventeen Thousand) presently held in escrow

will be released to the County prior to January 1, 1998. The remaining \$17,000 shall be paid to the County over a four year period according to the following schedule:

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

OR

2. A total of \$8,500 (Eight Thousand Five Hundred Dollars) (taking into account prior payments referred to in paragraph #1 above) shall be paid to the County prior to the issuance of a building permit for each of the two outparcels fronting on Jog Road (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2011-959, Control No.1981-00186)

12. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2015. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2011-959, Control No.1981-00186)

13. Within ninety (90) days of a request by the County Engineer, the Property Owner shall provide to Palm Beach County Traffic Division an easement for the construction of a traffic signal on Lantana Road at the project's eastern driveway. The area of the easement shall be based upon the design of the signal, shall extend within the driveway approaching Lantana Road a sufficient length to accommodate detector loops, shall be the area required to accommodate signalization so as not to encroach into paved parking areas and avoid conflicts with existing utility encroachments, shall be free of all encumbrances and encroachments which would prevent signalization, and may overlap required buffers, all as determined by the County Engineer. In the event the high voltage lines crossing the project's eastern driveway and extending north along the west side of the driveway must be moved to accomplish signalization, and the cost is excessive as determined by the County Engineer, the property owner and County Engineer shall review the feasibility of signal installation. The Property Owner shall not record the required documents. After final acceptance of the location, legal sketches and easement documents, Palm Beach County shall record all appropriate documents. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2011-959, Control No.1981-00186)

14. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

15. The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane north approach on Jog Road at the Project entrance road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

16. The Property Owner shall submit an access easement to the County that provides access to the commercial portion of the approval from Lantana Road.

a. The easement shall be approved by the County Attorney and Land Development prior to the recordation of the plat. (PLAT: ENGINEERING - Engineering)

b. If alternative development-suitable access becomes available to either of the parcels above, the Property Owner may release the portion of the easement which is not needed to serve as access for the parcel. (ONGOING: ENGINEERING - Engineering)

17. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2023, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

ENVIRONMENTAL

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. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2011-959, Control No.1981-00186)

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. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-2011-959, Control No.1981-00186)

HEALTH

1. Operators and owners of facilities generating toxic, hazardous, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department, and the agency responsible for sewage works is used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2011-959, Control No.1981-00186)

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. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2011-959, Control No.1981-00186)

LANDSCAPE - GENERAL

1. 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. [NOTE: COMPLETED for the perimeter buffers and the portion of the site south and west

of the rear drive aisle.] (DRO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-959, Control No.1981-00186)

LANDSCAPE - INTERIOR-PARKING AREA SOUTH AND WEST OF THE REAR DRIVE AISLE ONLY

2. 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. [NOTE: COMPLETED.] (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. 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. [NOTE: COMPLETED.] (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2011-959, Control No.1981-00186)

4. Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Landscaped terminal islands shall be provided for all rows of parking. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code Requirement.]

5. Previous LANDSCAPE - INTERIOR Condition 5 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Current ULDC Requirements are more restrictive.]

6. Seventy-five percent (75%) of all trees within the interior parking area shall be shade trees. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2011-959, Control No.1981-00186)

LANDSCAPE - INTERIOR-BUILDING A

7. Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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. [Note: COMPLETED]

Is hereby amended to read:

Prior to Final Approval by the Development Review Officer, the Landscape Plans shall be amended to indicate additional landscape areas and planting along the north, south and east facades of Buildings A, B, C and E as indicated on the Preliminary Site Plan dated November 12, 2019 and the Design Detail Exhibits 1, 2 and 3, dated October 15, 2019, and shall be expanded to include previously conditioned divider median east of Building D, connecting to the Lantana Road R-O-W Buffer. (DRO: ZONING - Zoning)

LANDSCAPE - INTERIOR-AUTO SERVICE STATION (NO REPAIR) OUTPARCEL

8. 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. [Note: COMPLETED.] (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 8 of Resolution R-2011-959, Control No.1981-00186)

LANDSCAPE - INTERIOR-REAR DRIVE AISLE DIVIDER MEDIANS

9. Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Landscaping along both sides of the rear drive aisle shall be upgraded to include twelve (12) foot tall native canopy trees planted twenty (20) feet on center and a continuous opaque hedge

- a. twenty-four (24) inches in height and planted twenty-four (24) inches on center on the south and west side (existing Phase 1); and
- b. thirty-six (36) inches in height and a maximum spacing of thirty (30) inches with appropriate ground cover on the north and east side of the drive aisle (affected area). (BLDG PERMIT: LANDSCAPING-Landscaping)

Is hereby amended to read:

Landscaping within the rear drive aisle divider median on the west side of Building O shall be upgraded to include:

- a. twelve (12) foot tall native canopy trees planted twenty (20) feet on center; and,
- b. a continuous opaque hedge thirty-six (36) inches in height and a maximum spacing of thirty (30) inches with appropriate ground cover. (BLDGPMT: ZONING - Zoning)

LANDSCAPE - INTERIOR-PREVIOUS PEDESTRIAN ACCESS FROM LEE'S CROSSING PUD

10. Prior to final approval by the Development Review Officer (DRO), the property owner shall apply for a building permit to close the existing wall opening in the east perimeter buffer and restore the wall and buffer plantings pursuant to the release of easement previously granted in ORB7197/PG1783. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 10 of Resolution R-2011-959, Control No.1981-00186)

LANDSCAPE - INTERIOR

11. Landscaping within the Transition Open Space Area shall be upgraded to include the following:

- a. a minimum of one pergola structure shall be provided. A fountain feature, sculpture, or other similar object of art is required to be incorporated under the pergola structure, as shown on Detail Design Exhibit 2, dated October 15, 2019.
- b. a minimum five (5) foot wide pedestrian walkway paved of precast paving blocks, stamped concrete or other decorative surface shall be provided between the residential development and the commercial development. The width of the walkway shall be expanded around the pergola structure as shown on Detail Design Exhibit 2, dated October 15, 2019, and on the Preliminary Site Plan dated November 12, 2019. (DRO/ONGOING: ZONING - Zoning)

LANDSCAPE - INTERIOR SOUTH AND WESTERN BUFFER OF RESIDENTIAL ABUTTING SERVICE ACCESSWAY

12. A landscape buffer strip shall be installed along the south and western boundary of the residential portion of the subject site abutting the service access aisle behind Buildings A, B, C and E, shall be as follows:

- a. Minimum of 15 feet in width, with a maximum five foot easement encroachment;
- b. One canopy tree per 20 linear feet (existing canopy trees shall count towards this requirement);

- c. One palm or pine per 30 linear feet;
 - d. One row of each:
 - 1) Small shrubs - one per two linear feet;
 - 2) Medium shrubs - one per four linear feet; and,
 - e. Six foot high opaque hedge.
- (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

13. Previous LANDSCAPE - PERIMETER Condition 12 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Prior to the issuance of a Building Permit for the residential development area, the approved Landscape Plan dated November 20, 1992 for the east approximately 740 feet of the north perimeter buffer shall be amended to replace prohibited plant species with non-prohibited plant species. All plant materials in the north perimeter buffer shall be installed prior to the commencement of construction activities for the residential development. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Buildings K, L and M superseded by new request for residential structures.]

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

14. Previous LANDSCAPE - PERIMETER Condition 13 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Buffering shall include a six (6) foot high concrete wall, painted on both sides with a color consistent with the shopping center. (Previous Condition L.2 of Resolution R-98-8, Control No. 1981-186)

Is hereby amended to read:

Buffering shall include a six (6) foot high concrete wall, painted on both sides a color consistent with the commercial development, along the north and east property line. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PERIMETER

15. A twenty five (25) foot landscaped buffer strip shall surround the entire perimeter of the subject property. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 11 of Resolution R-2011-959, Control No.1981-00186)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

16. Previous LANDSCAPE - PERIMETER Condition 14 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by new Condition.]

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

17. In addition to code requirements, the Property Owner shall provide a minimum 25 foot Type 3 Incompatibility Buffer along the eastern 740 feet of the north property line, and the northern 1045 feet of the east property line. (BLDGPMPT: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

18. Previous LANDSCAPE - PERIMETER Condition 15 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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. (BLDGPMPT: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by new Condition.]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LANTANA ROAD)

19. 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. [Note: COMPLETED.] (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 16 of Resolution R-2011-959, Control No.1981-00186)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

20. Previous LANDSCAPE - PERIMETER Condition 17 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Prior to the issuance of a building permit for any building lying in the portion of the site north or east of the rear drive aisle, landscaping and buffering along the east property line shall be installed in accordance with the Alternative Landscape Plan approved on March 14, 2007 and an approved phasing plan. (BLDG PERMIT: LANDSCAPE-Landscape) (BLDGPMPT: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by new Condition.]

21. Previous LANDSCAPE - PERIMETER Condition 18 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Buffering shall include a six (6) foot high concrete wall painted on both sides a color consistent with the shopping center.

Is hereby deleted. [REASON: Completed and superseded by new Condition.]

22. Previous LANDSCAPE - PERIMETER Condition 19 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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. [COMPLETED - ALP dated March 14, 2007.] (BLDGPMPT: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by new Condition.]

23. Previous LANDSCAPE - PERIMETER Condition 20 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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.

Is hereby deleted. [REASON: Superseded by new Condition.]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING JOG ROAD)

24. 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. [Note: COMPLETED.] (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 21 of Resolution R-2011-959, Control No.1981-00186)

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. (BLDGPMPT: BUILDING DIVISION - Building Division) (Previous LIGHTING Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. Lighting fixtures within the portion of the site lying north and east of the rear drive aisle and within two hundred (200) feet of the property boundary shall not exceed fifteen (15) feet in height In addition to ULDC requirements. (BLDGPMPT: BUILDING DIVISION - Building Division) (Previous LIGHTING Condition 2 of Resolution R-2011-959, Control No.1981-00186)

PARKING

1. Previous PARKING Condition 1 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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.

Is hereby amended to read:

All commercial 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. [COMPLETED - ORB 6955, PG 1384] (ONGOING: ZONING - Zoning)

2. 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. (ONGOING: ZONING - Zoning) (Previous PARKING Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. 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. (ONGOING: ZONING - Zoning) (Previous PARKING Condition 3 of Resolution R-2011-959, Control No.1981-00186)

PARKS

1. The recreational amenities shall be complete and open to the residents prior to the issuance of the 31st Certificate of Occupancy, unless a phasing plan is submitted and approved by the Parks and Recreation Department. (CO: PARKS AND RECREATION - Monitoring)

PLANNED DEVELOPMENT

1. Prior to issuance of a building permit, the petitioner shall record a copy of a Restrictive Covenant in the public record indicating that all out-parcels, structures and uses within the PCD are part of a single unified planned development, regardless of ownership. This covenant shall not be removed, altered, changed or amended without written approval from the County and shall be in a form acceptable to the County Attorney. [COMPLETED - ORB 6955, PG 1384] (ONGOING: ZONING - County Attorney) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2011-959, Control No.1981-00186)

PLANNING

1. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning.

(BLDGPM: MONITORING - Planning)

2. On an annual basis, beginning January 2, 2023, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

(ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the

subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

SITE DESIGN

1. 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. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2011-959, Control No.1981-00186)

2. Previous SITE DESIGN Condition 3 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All areas or receptacles for the storage and disposal of trash, garbage or vegetation (dumpsters only) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure opaque gate. All exterior sides, except the open end, shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals, or an alternative acceptable to the Zoning Director. This provision shall not apply to litter containers provided for the convenience of pedestrians. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Code Requirement.]

3. Previous SITE DESIGN Condition 4 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Preliminary Site Plan dated February 14, 2011 shall be revised to delete the pedestrian access point from Lee's Crossing PUD pursuant to the release of the existing pedestrian easement created in ORB7197/PG1783. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Pedestrian easement released and deleted on PSP.]

4. Proposed loading zones shall be screened with wing walls and mechanical equipment shall be roof-mounted and screened with solid barriers. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 5 of Resolution R-2011-959, Control No.1981-00186)

5. 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. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 6 of Resolution R-2011-959, Control No.1981-00186)

SOLID WASTE AUTHORITY

1. All property owners and/or lessee's'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. (ONGOING: SOLID WASTE AUTHORITY - Solid Waste Authority) (Previous SOLID WASTE AUTHORITY Condition 1 of Resolution R-2011-959, Control No.1981-00186)

USE LIMITATIONS-AUTO SERVICE STATION (NO REPAIR)

1. The convenience store shall be limited to a maximum of 750 square feet in total gross floor area. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. There shall be no repair or maintenance of vehicles on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2011-959, Control No.1981-00186)

4. 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. (ONGOING: CODE ENF - Code Enforcement) (Previous USE LIMITATIONS Condition 4 of Resolution R-2011-959, Control No.1981-00186)

5. The car wash facility shall utilize a 100% water recycling system. (ONGOING: CODE ENF - Building Division) (Previous USE LIMITATIONS Condition 8 of Resolution R-2011-959, Control No.1981-00186)

USE LIMITATIONS-DAY CARE CENTER

6. Previous USE LIMITATIONS Condition 9 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The day care center shall be limited to a maximum of 100 students and 5,000 square feet of floor area. (ONGOING: ZONING-Zoning) (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable as the daycare is no longer proposed.]

7. Previous USE LIMITATIONS Condition 12 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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.

Is hereby deleted. [REASON: No longer applicable as the daycare is no longer proposed.]

8. Previous USE LIMITATIONS Condition 13 of Resolution R-2011-959, Control No.1981-00186, which currently states:

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.

Is hereby deleted. [REASON: No longer applicable as the daycare is no longer proposed.]

USE LIMITATIONS-PORION OF THE SITE LYING NORTH AND EAST OF THE REAR DRIVE AISLE

9. Previous USE LIMITATIONS Condition 14 of Resolution R-2011-959, Control No.1981-00186, which currently states:

No outdoor activities shall be allowed on the portion of the site lying north and east of the rear drive aisle, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m.

Is hereby deleted. [REASON: No longer applicable as this area will be for residential development.]

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.