

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.:	PDD2004-656
Control No.:	2004-454
Applicant:	Harland Properties Jimmy Boyd
Owners:	Palm Beach Holdings 2002 LLC & Jimmy Boyd
Agent:	Palm Beach Holdings 2002 LLC & Levy Kneen Mariana - Eleanor Halperin
Telephone No.:	(561) 478-4722
Project Manager:	Kristin Tetsworth, Senior Planner

Location: Approximately 0.25 mile west of Military Trail on the north side of Okeechobee Boulevard (**Lowes Home Improvement Center West Palm Beach**).

Title: Official Zoning Map Amendment to a Planned Development District. **Request:** Rezoning from the Residential Multi-family (RM) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) District.

PETITION SUMMARY: Proposed is the rezoning of a 21.66-acre parcel of land from the Residential Multi-family and General Commercial Zoning Districts to the Multiple Use Planned Development (MUPD) District to allow for the development of a 169,792 square foot retail building (Lowe's Home Improvement Center). Currently the site supports 46,202 square feet of retail uses which will remain at the southwest portion of the site. A total of 815 parking spaces will be provided for the entire site, and access to the site will be from Okeechobee Boulevard.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

This 21.66 acre site has Future Land Use (FLU) designations of Commercial High with an underlying 8 units to the acre (CH/8) and Commercial High with an underlying 5 units to the acre (CH/5). The northern 11.96-acre portion of the subject site, which is designated CH/5, was the subject of a Large Scale Land Use Amendment, LGA 2004-00006, to change the FLU designation from Medium Residential 5 (MR-5) to Commercial High, with an underlying 5 units to the acre (CH/5). This amendment was approved under Ordinance 2004-028, which limits this site to a maximum of 104,196 buildable square feet or an approximate Floor Area Ratio (FAR) of 0.20 and requires that the northernmost 250 feet of the site be crosshatched with development limited to drainage and landscaping in this area. The site could develop with a maximum of 315,462 square feet with the 0.50 FAR for the 9.70-acre portion in combination with the approximate 0.20 FAR or 104,196 square footage limitation of the 11.96-acre portion. Therefore, the Planning Division has determined that the proposed request is consistent with the property's Commercial High, with an underlying 8 units per acre (CH/8) and Commercial High, with an underlying 5 units per acre (CH/5) Future Land Use (FLU) designations. See Planning Division comments for additional information.

- o Compatibility with Surrounding Land Uses

The subject property is located adjacent to the Schall Circle/Old Military Trail neighborhood. This area is one of the areas in need of revitalization, which has been the focus of the Countywide Community Revitalization Team's efforts. To the north of the site are a vacant mobile home park, Holiday Land, and a day care. To the east along the north half of the boundary is a residence and along the south half is an existing retail center supporting a lumberyard. To the west along the north half of the site is the Holiday Mobile home park and along the south half is a commercial use supporting a bank on the Century Corner Shopping Plaza. Subject to the provision of the required landscape buffers and the recommended conditions of approval, staff does not anticipate any adverse impacts to the surrounding properties from the requests.

- o Architectural Guidelines

A new Big Box ordinance (2005-002) was adopted on January 27, 2005 by the Board of County Commissioners to address large-scale commercial development. This project was submitted prior to the adoption of the new ordinance, however, certain conditions of approval to address architectural treatment, foundation planting, covered walkways and parking locations have been either incorporated into the site plan or will be added to the site plan subject to recommended conditions of approval (Interior Landscape Conditions 1-10).

- o Traffic

Palm Beach County Engineering Department indicates that the new project will generate 1,689 trips per day.

- o Landscape/Buffering

The site plan indicates that a 25-foot right of way buffer will be provided along the Okeechobee Boulevard frontage. Existing banyan and oak trees in this area will be incorporated into the buffer. To mitigate any adverse impacts with the surrounding residential uses, a 20-foot Type 3 incompatibility buffer, which includes a 6-foot concrete panel wall, and a 2.5-foot high berm, will be provided on the north, east and west property lines that abut residential uses. A 5-foot wide compatibility buffer will be provided along the east and west property lines that abut the adjacent commercial uses.

- o Signs

The request to rezone the entire 20-acre site to an MUPD would require the applicant to design the site meeting the purpose and intent of an MUPD. The purpose of an MUPD is provide for the efficient use of land by integration of multiple uses or large single uses within a unified development, and to encourage the creation of a unified image between buildings and signage through architecture and linkages between land uses.

Staff recommends that there is also sufficient redevelopment of the subject property to require new monument style signs to replace all the existing pylon signs to achieve an overall consistent image.

The applicant is proposing a freestanding sign identifying the new tenant (Lowe's) with the dimensions of 20 feet in height, and a sign face area per side of 143 square feet. The ULDC allows only a maximum of 15 feet in height for a PDD that abuts a 110-foot right-of-way frontage.

There are also 3 existing pylon signs located on the Okeechobee frontage (see Regulating Plan). Sign no. 1 which identifies the "Renegades Country Nightclub" is proposed to be relocated and modified. Staff would not support the request, and recommend this sign to be demolished. The 2 other signs, Sign 2 which advertises "Dan's Fan City and the third sign which exhibits "Peter Glenn sports facilities" and the original tenant of "Toys R Us" should be replaced by a freestanding monument style sign.

Staff recommends Sign Condition 2 to limit the overall site to 2 freestanding signs, and to be located at the eastern and central access points of Okeechobee Boulevard. The sign dimensions will be limited to 15 feet in height and a sign face area of 100 square feet.

Staff also recommends all existing signs to be removed from site at the issuance of the first building permit for the Home Improvement Center. Sign Condition 3.

Sign Condition 4 limits wall signs of the Home Improvement Center to be limited to a maximum of 60 inches in height. A smaller sign of 24 inches in height shall be allowed for the Garden center for the south and east facades.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-43-24-00-000-7150 00-42-43-24-00-000-7330 00-42-43-24-00-000-7440 00-42-43-24-00-000-7140 00-42-43-24-00-000-7273	Pending
Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8) High Residential (HR-8) Medium Residential (MR-5)	Same
Zoning District:	General Commercial District (CG) Multi-Family Residential (Medium Density) District (RM)	Multiple Use Planned Development (MUPD)
Tier:	Urban/Suburban	Same
Use:	Cocktail Lounge Retail Sales, General	169,792 s.f. Home Improvement Center 46,202 s.f. of cocktail lounge and retail sales
Acreage:	21.66 acres	Same
Floor Area:	46,202 s.f.	Existing - 46,202 s.f. (21.39%) Proposed – Lowes Home Improvement Center 169,792 s.f. (78.61%) Total - 215,994 (100%)
Building Coverage:	4.9%	22.89% (+17.99%)
FAR:	0.049	0.195 (+0.1460)
Parking:	815 spaces	Same
Access:	Okeechobee Blvd (3)	Same

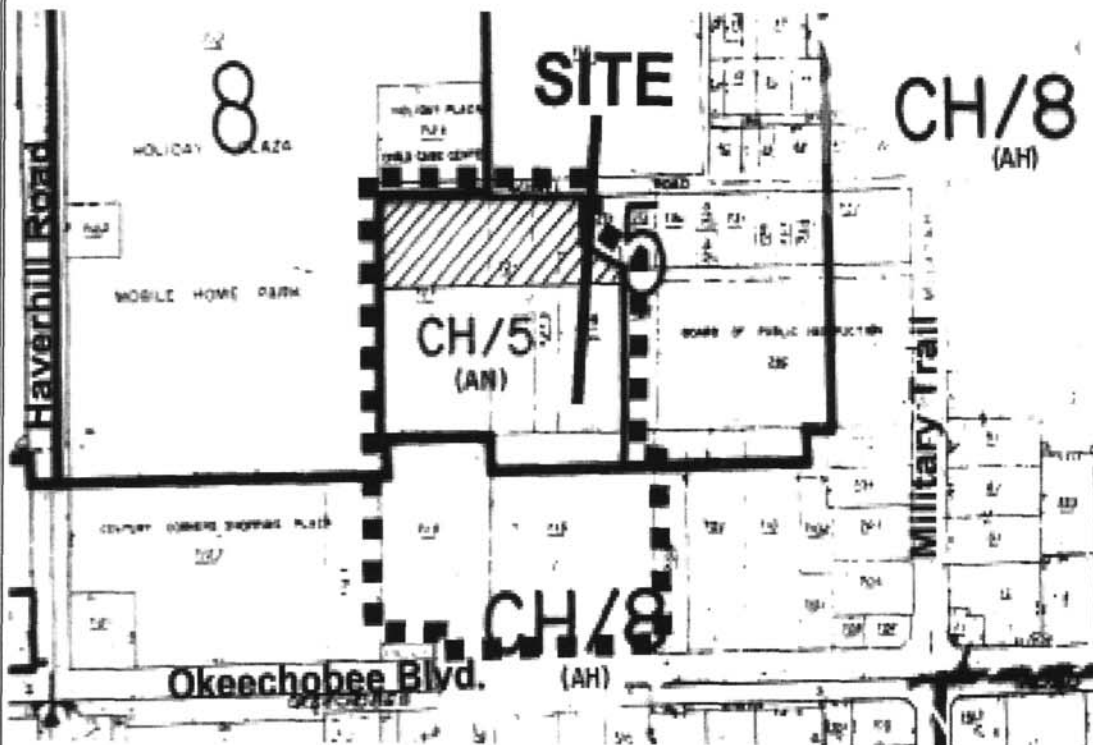
CODE ENFORCEMENT: N/A

PUBLIC COMMENT SUMMARY: At the time of publication of this staff report, staff received 2 letter in support and no letters in opposition from the public.

RECOMMENDATION: Staff recommends approval of the request, subject to 41 conditions of approval as indicated in Exhibit "C".

MOTION: To recommend approval of an Official Zoning Map Amendment from the Residential Multi-family (RM) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) District.

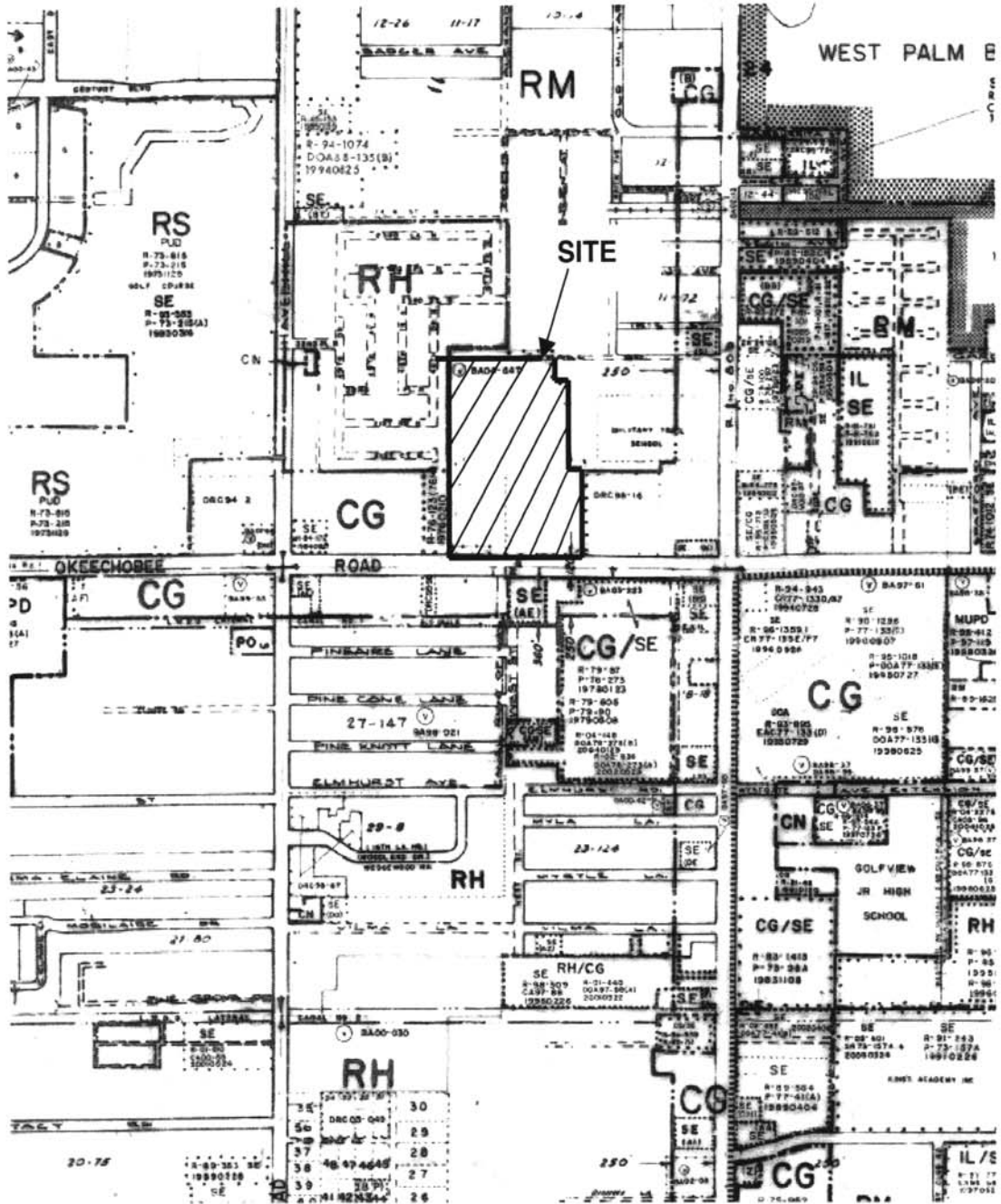
**PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE**



Application Number: **PDD2004-656**
 Control Number: **2004-454**
 Land Use Atlas Page: **57**
 Date: **10-06-04**



PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH

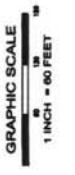
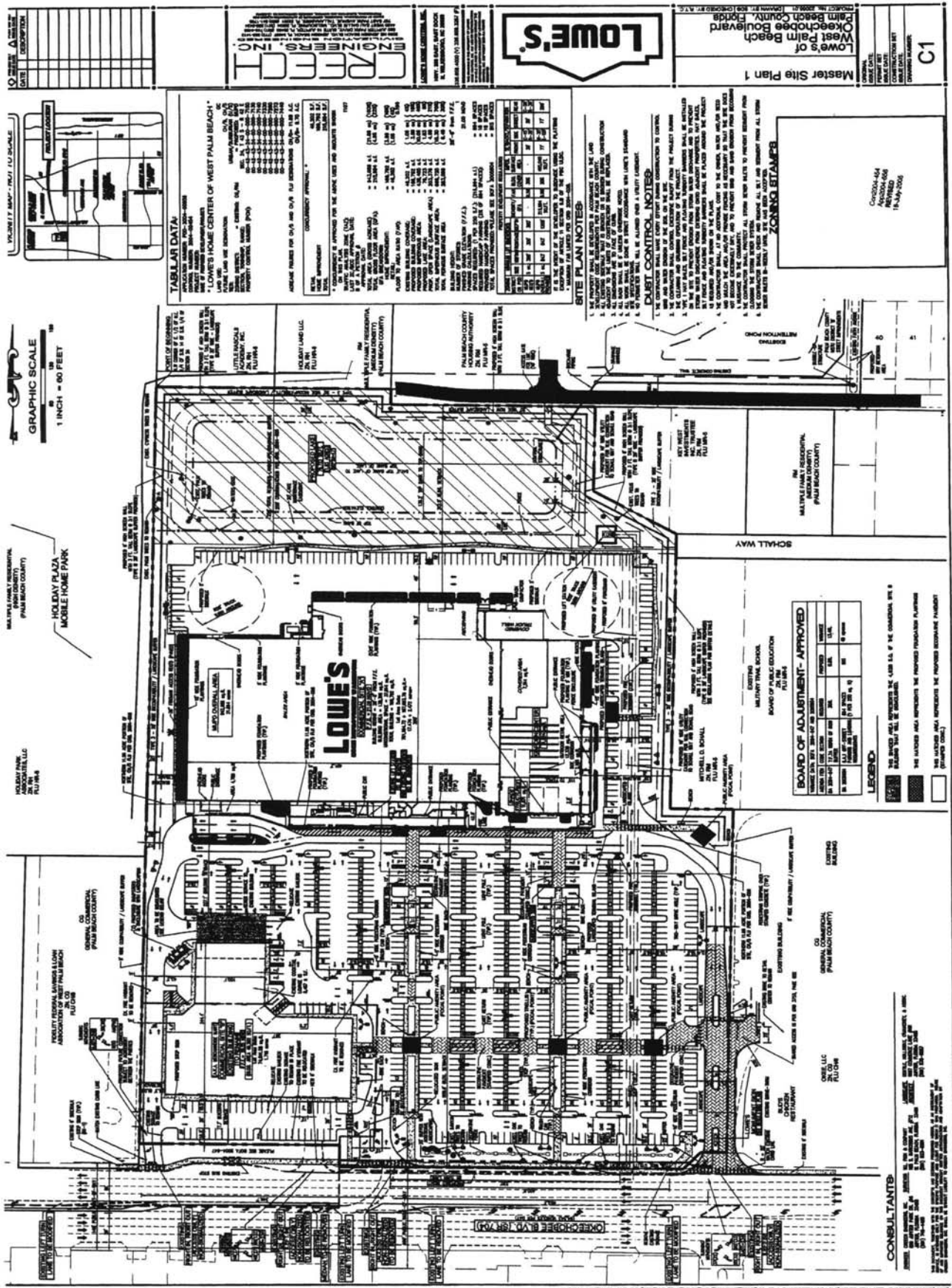


Application No. 2004-656
 Zoning Quad 31
 Date September 1, 2005



**AERIAL PHOTOGRAPH NOT INCLUDED
IN ELECTRONIC STAFF REPORT**

SITE PLAN DATED JULY 18, 2005



LOWE'S
ENGINEERS, INC.

1000 WEST PALM BEACH BLVD. SUITE 200
WEST PALM BEACH, FL 33411
TEL: (561) 945-1100
FAX: (561) 945-1101
WWW.LOWESINC.COM

TABULAR DATA:

LOWE'S HOME CENTER OF WEST PALM BEACH

PROPOSED CONSTRUCTION

NO.	DESCRIPTION	AREA (SQ. FT.)	VOLUME (CU. YD.)
1	EXISTING ASPHALT DRIVE AISLES	10,000	100
2	NEW ASPHALT DRIVE AISLES	10,000	100
3	EXISTING ASPHALT PARKING	50,000	500
4	NEW ASPHALT PARKING	50,000	500
5	EXISTING CONCRETE DRIVE AISLES	5,000	50
6	NEW CONCRETE DRIVE AISLES	5,000	50
7	EXISTING CONCRETE PARKING	5,000	50
8	NEW CONCRETE PARKING	5,000	50
9	EXISTING SAND DRIVE AISLES	5,000	50
10	NEW SAND DRIVE AISLES	5,000	50
11	EXISTING SAND PARKING	5,000	50
12	NEW SAND PARKING	5,000	50

PROPOSED CONSTRUCTION

NO.	DESCRIPTION	AREA (SQ. FT.)	VOLUME (CU. YD.)
13	EXISTING ASPHALT DRIVE AISLES	10,000	100
14	NEW ASPHALT DRIVE AISLES	10,000	100
15	EXISTING ASPHALT PARKING	50,000	500
16	NEW ASPHALT PARKING	50,000	500
17	EXISTING CONCRETE DRIVE AISLES	5,000	50
18	NEW CONCRETE DRIVE AISLES	5,000	50
19	EXISTING CONCRETE PARKING	5,000	50
20	NEW CONCRETE PARKING	5,000	50
21	EXISTING SAND DRIVE AISLES	5,000	50
22	NEW SAND DRIVE AISLES	5,000	50
23	EXISTING SAND PARKING	5,000	50
24	NEW SAND PARKING	5,000	50

SITE PLAN NOTES:

- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTION.
- THE CONTRACTOR SHALL CONSIDER ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR PROTECTING AND RESTORING THEM.
- ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
- ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
- ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.

DUST CONTROL NOTES:

- THE CONTRACTOR SHALL IMPLEMENT ALL DUST CONTROL MEASURES TO PREVENT DUST FROM BEING BLOWN ONTO ADJACENT PROPERTIES OR PUBLIC AREAS.
- ALL DUSTY OPERATIONS SHALL BE LIMITED TO EARLY MORNING HOURS (6:00 AM TO 12:00 PM) AND LATE AFTERNOON HOURS (2:00 PM TO 5:00 PM).
- ALL DUSTY OPERATIONS SHALL BE LIMITED TO EARLY MORNING HOURS (6:00 AM TO 12:00 PM) AND LATE AFTERNOON HOURS (2:00 PM TO 5:00 PM).
- ALL DUSTY OPERATIONS SHALL BE LIMITED TO EARLY MORNING HOURS (6:00 AM TO 12:00 PM) AND LATE AFTERNOON HOURS (2:00 PM TO 5:00 PM).

CONTRACTOR NOTES:

- THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
- ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
- ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.

BOARD OF ADJUSTMENT - APPROVED

NO.	DESCRIPTION	AREA (SQ. FT.)	VOLUME (CU. YD.)
1	EXISTING ASPHALT DRIVE AISLES	10,000	100
2	NEW ASPHALT DRIVE AISLES	10,000	100
3	EXISTING ASPHALT PARKING	50,000	500
4	NEW ASPHALT PARKING	50,000	500
5	EXISTING CONCRETE DRIVE AISLES	5,000	50
6	NEW CONCRETE DRIVE AISLES	5,000	50
7	EXISTING CONCRETE PARKING	5,000	50
8	NEW CONCRETE PARKING	5,000	50
9	EXISTING SAND DRIVE AISLES	5,000	50
10	NEW SAND DRIVE AISLES	5,000	50
11	EXISTING SAND PARKING	5,000	50
12	NEW SAND PARKING	5,000	50

LEGEND:

- EXISTING ASPHALT DRIVE AISLES
- NEW ASPHALT DRIVE AISLES
- EXISTING ASPHALT PARKING
- NEW ASPHALT PARKING
- EXISTING CONCRETE DRIVE AISLES
- NEW CONCRETE DRIVE AISLES
- EXISTING CONCRETE PARKING
- NEW CONCRETE PARKING
- EXISTING SAND DRIVE AISLES
- NEW SAND DRIVE AISLES
- EXISTING SAND PARKING
- NEW SAND PARKING

CONSULTANTS:

CONSULTANT: [NAME]
DATE: [DATE]
BY: [NAME]

CONTRACTOR NOTES:

CONTRACTOR: [NAME]
DATE: [DATE]
BY: [NAME]

CONTRACTOR NOTES:

CONTRACTOR: [NAME]
DATE: [DATE]
BY: [NAME]

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CONTRACTOR: [NAME]
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BY: [NAME]

CONTRACTOR NOTES:

CONTRACTOR: [NAME]
DATE: [DATE]
BY: [NAME]

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Commercial High (CH)

Underlying Land Use: Medium Residential 5 (MR-5) and High Residential 8 (HR-8)

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: This 21.66 acre site has Future Land Use (FLU) designations of Commercial High with an underlying 8 units to the acre (CH/8) and Commercial High with an underlying 5 units to the acre (CH/5). The northern 11.96-acre portion of the subject site, which is designated CH/5, was the subject of a Large Scale Land Use Amendment, LGA 2004-00006, to change the FLU designation from Medium Residential 5 (MR-5) to Commercial High, with an underlying 5 units to the acre (CH/5). This amendment was approved under Ordinance 2004-028, which limits this site to a maximum of 104,196 buildable square feet or an approximate Floor Area Ratio (FAR) of 0.20 and requires that the northernmost 250 feet of the site be crosshatched with development limited to drainage and landscaping in this area.

The Planning Division has reviewed the request for a Rezoning from the Residential Multi-Family (RM) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District and has determined that the proposed request is consistent with the property's Commercial High, with an underlying 8 units per acre (CH/8) and Commercial High, with an underlying 5 units per acre (CH/5) Future Land Use (FLU) designations. No inconsistencies have been identified with the parcel's FLU designations. The proposed request is consistent with the 104,196 square foot limitation imposed by Ordinance 2004-028 on the 11.96 acre portion of the site designated CH/5 and the maximum Floor Area Ratio (FAR) of .50 for the remaining 9.70 acres of the site with the CH/8 FLU designation. For this 21.66-acre site, the site could develop with a maximum of 315,462 square feet with the 0.50 FAR for the 9.70-acre portion in combination with the approximate 0.20 FAR or 104,196 square footage limitation of the 11.96-acre portion. The applicant has requested a FAR of approximately 0.195 or 215,994 square feet for this site. Staff is proposing conditions of approval to ensure that the square footage limitations and cross-hatching requirements imposed by Ordinance 2004-028 are met.

The applicant's site plan was reviewed for consistency with policies from the Future Land Use Element (FLUE) and Transportation Element (TE) that encourage vehicular and pedestrian interconnectivity both within and between sites including FLUE Policy 4.3-g, TE Policy 1.9-j, and TE Policy 1.9-m. In addition, FLUE Policy 4.3-k states, "The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses", and TE Policy 1.9-q states, "The County shall require, where feasible, pedestrian and bicycle linkages between non-residential land uses". Consistent with the above policies and prior to Development Review Officer (DRO) certification, the applicant revised the site plan to allow for increased pedestrian circulation throughout the site and included cross access and stub connections, both vehicular and pedestrian, to the vacant commercial parcels to the east and west. Staff is proposing conditions of approval to ensure these connections.

TIER: The subject property is in the Urban Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is located within the future annexation area of the City of West Palm Beach and the Town of Haverhill. As part of the public hearing notice process, Zoning Staff has notified the municipality of the request.

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the City of West Palm Beach. As part of the public hearing notice process, Zoning Staff has notified these municipalities of the request.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject property is located within the boundaries of the proposed Urban Redevelopment Area as identified by the County's current Infill and Redevelopment Study.

FINDINGS: The request is consistent with the land use designations of the Palm Beach County Comprehensive Plan. Staff has conditioned the proposed request to insure pedestrian and vehicular cross access to the adjacent commercial properties to the east and west.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

Total traffic expected from this project, a Home Improvement Center, is 5,506 trips/day. Total traffic from the previous use as a Toys "R" Us was 3,817 trips/day. Net increase is expected to be 1689 Trips per day.

Required Engineering Related Permits:

- 1) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

TRAFFIC:	Okeechobee Boulevard
SEGMENT:	Project Entrance Military Trail
PRESENT:	76284
HISTORICAL	
GROWTH TRAFFIC: -	
OTHER DEVELOPMENT	
TRAFFIC: -	
FROM PETITION:	929 additional trips per day
TOTAL:	77213
PRESENT CAPACITY AT	
LEVEL OF SERVICE "D":	63,8000
PRESENT LANEAGE:	8 lane

PALM BEACH COUNTY HEALTH DEPARTMENT:

WATER: Water is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems shall be abandoned in accordance with Palm Beach County ECR-II.

SEWER: Wastewater service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is currently unimproved and contains some native vegetation. The native vegetation consists of Slash pine, Live oak and Cabbage palms.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection

SCHOOL IMPACTS: None.

PARKS AND RECREATION: None.

CONCURRENCY: Concurrency is approved for 215,994 total square feet.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: A 21.66-acre site, which includes a 46,202 square foot general retail building supporting Renegades Country night club, Dan's Fan City and Peter Glenn Ski & Sports Equipment. The remaining site area supports the vacant Toys R Us building. Access is from Okeechobee Boulevard.

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan: Zoning District: Supporting:	High Residential (HR-8) Multifamily Residential District (RM) Palm Beach County Housing Authority Holiday Land mobile home park (Vacant)
SOUTH:	Comprehensive Plan: Zoning District: Supporting:	CH/8 CG/SE Commercial Shopping Center (Pinetrail Shopping Center)
EAST:	Comprehensive Plan: Zoning District: Supporting:	Commercial (CH/8) General Commercial (CG) Commercial Center
	Comprehensive Plan: Zoning District Supporting:	Multifamily Residential (MR-5) Residential Multifamily (RM) Single Family Residence

WEST:	Comprehensive Plan:	Commercial (CH/8)
	Zoning District	General Commercial (CG)
	Supporting:	Commercial Center (Financial Institution)
	Comprehensive Plan:	Commercial (HR/8)
	Zoning District	Residential High (RH)
	Supporting:	Mobile Home Park (Holiday Plaza)

ZONING REQUIREMENTS: A final site plan shall be approved by the Development Review Officer (DRO) in accordance with the Unified Land Development Code (ULDC). The DRO review will ensure compliance with Board of County Commission conditions of approval, and all applicable section of the ULDC.

FINDINGS:

1. **Consistent with Comprehensive Plan.** As proposed and conditioned herein, the Planning Division has determined that the request is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. **Consistent with Code.** The proposed Zoning Map Amendment is consistent with all applicable provisions of the ULDC, as well as the stated purpose and intent of the ULDC.
3. **Compatible with surrounding uses.** As proposed and conditioned herein, and subject to compliance with all ULDC requirements, the proposed development is generally compatible with the adjacent uses as defined in the ULDC.
4. **Changed conditions.** The applicant indicates that the current development trend throughout the area for both residential and commercial development provides the opportunity economic revitalization in the area and forwards the goals and objectives of the Comprehensive Plan and constitutes justification for the rezoning request.
5. **Effect on Natural Environment.** The proposed Official Zoning Map amendment will not result in 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;
6. **Development Patterns.** The subject is located in an area in need of revitalization and the proposed amendment would result in a logical and orderly development pattern;
7. **Consistency with Neighborhood Plan.** This site is located adjacent to the Schall Circle/Old Military Trail neighborhood and has been the focus of the County wide Community Revitalization Teams efforts;
8. **Adequate Public Facilities.** The proposed rezoning complies with Article 2.F, CONCURRENCY (Adequate Public Facilities).

EXHIBITS

- Exhibit A: Legal Description (NA - attached to resolution)
- Exhibit B: Vicinity Sketch
- Exhibit C: Conditions of Approval
- Exhibit D: Accident History Report

EXHIBIT C

CONDITIONS OF APPROVALS

ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 18, 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)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height of all buildings shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
3. The design of gutters and downspouts shall be integrated into the architectural design of all buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

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

No Building Permits for the site may be issued after September 22, 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)

2. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be

maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM)

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)

PLANNING

1. Prior to the issuance of a Certificate of Completion (CC), the property owner shall pave the vehicular and pedestrian cross access to the edge of the eastern and western property lines at the locations indicated on the certified site plan, dated July 18, 2005. (CC: MONITORING Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the adjacent commercial properties to the east and west for the proposed vehicular connections in a form acceptable to the County Attorney. (DRO: COUNTY ATTY Planning)
3. The 11.96-acre portion of the subject site with the land use designation Commercial High, with an underlying 5 units to the acre (CH/5) shall be limited as follows:
 - a. a maximum of 104,196 gross buildable square footage or a Floor to Area Ratio (FAR) of 0.20; and,
 - b. the northern most 250-feet of the site shall be limited to drainage and landscaping only. (DRO: PLANNING Planning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications.
2. Prior the the first Service Initiation the Deveoper shall provide at no cost to PBCWUD a portable emergency generator as specified by PBCWUD.

ZONING - LANDSCAPING-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 SOUTH PROPERTY LINE (FRONTAGE OF OKEECHOBEE BOULEVARD)

1. In addition to the proposed landscaping and code requirements landscaping and buffer width along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet or a continuous two and one-half (2.5) foot high berm; and,
 - c. one (1) palm or pine for each 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 NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. In addition to ULDC requirements, landscaping and buffering requirements along the north, east and west property lines abutting residential shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a minimum of three (3) foot high berm; (berm height shall be measured from the nearest top of curve or the nearest finished floor elevation, whichever is higher);
 - c. a six (6) foot high concrete panel wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - d. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. all plant materials required by code or by this condition shall be planted alternatively on both sides of the wall.(BLDG PERMIT: ZONING-Landscape)

LANDSCAPING - INTERIOR

1. The following planting areas or grade level planters shall be provided for the Home Improvement Center:
 - a. the minimum width of the required landscape areas shall range from five (5) feet to fifteen (15) feet where applicable, and shall be generally located in areas and consistent with the dimensions as indicated on the site plan dated July 18, 2005.

- b. trees and/or palms shall have the following minimum height at installation:
 - i. eighteen (18) feet or greater: minimum sixty (60) percent of all required trees and/or palms;
 - ii. sixteen (16) to eighteen (18) feet: maximum twenty (20) percent of all required trees and/or palms; and,
 - iii. twelve (12) feet to fourteen (14) feet: maximum twenty (20) percent of all required trees and/or palms; and,
 - c. adjustment of the location and planting of these foundation planting areas may be permitted to accommodate changes in the architectural façade. All changes are subject to the review and approval by the Architectural Review and the Landscape Sections. (DRO: ZONING-Arch Review/Landscape)
- 2. A promenade shall be provided along the south façade of the Home Improvement Center. The promenade shall have a minimum unobstructed width of ten (10) feet. The promenade shall:
 - a. be a minimum length of ninety (90) feet, and to be located in the vicinity of the southwest entry of the building;
 - b. have a pitched roof with a minimum slope of 3:1. No flat roof shall be permitted;
 - c. have a minimum clearance of fifteen (15) feet measured from top of sidewalk surface to the underside of the canopy; and,
 - d. be subject to review and approval by the Architectural Review Section. (DRO/CO: ARCH REVIEW/ZONING-Landscape)
- 3. A minimum of (150) linear feet of Type D curb shall be provided along the southern edge of the pedestrian walkway and the loading area along the south façade of the Home Improvement Center. The intent of the Type D curbs is to channel pedestrian circulation and activities. (DRO:ZONING-Zoning)
- 4. A trellis shall be provided at the north end of each landscaped median/pedestrian corridor with a minimum dimension of twelve (12) feet in width and four (4) feet in length, posts of the trellis shall be consistent with the columns/posts of the gazebo pursuant to Landscaping-Interior Condition 2. One (1) climbing vine shall be planted at each end of the post. Prior to final approval by the Development Review Officer (DRO), details of this gazebo/shade structure shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Arch Review)
- 5. Landscaped divider medians/pedestrian shall be provided in the two locations corridor as shown on the site plan dated June 27, 2005. Each landscape median/pedestrian corridor shall consist of the following:
 - a. a pedestrian walkways at a minimum width of five (5) feet and to be located at both sides of the planting area. Each walkway shall be paved with the following options:
 - i. concrete pavers; or
 - ii. concrete with a minimum of sixteen (16) inches band of colored concrete pavers. Each band shall be provided at a maximum interval of fifteen (15) feet. Colored concrete pavers shall also be provided at each edge to frame the concrete walkway; and,
 - b. a minimum of four (4) planting areas. Each planting area shall have a minimum width of eleven (11) feet, and a accumulative length of two hundred and fifty (25) feet;

6. A gazebo or shade structure shall be provided at the south end of the pedestrian corridor with a minimum dimension of six hundred and twenty-five (625) square feet, and a pitched roof that is designed and constructed with materials consistent with the principal structure or a roof material that is acceptable to the Architectural Section. Prior to final approval by the Development Review Officer (DRO), details of this gazebo/shade structure shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Arch Review)
7. A tower shall be provided at the north end of the eastern driveway and in the location shown on the site plan dated June 27, 2005. The architectural feature shall consist of the following:
 - a. a minimum dimension of six hundred and twenty-five (625) square feet, and a minimum height of fifteen (15) feet,
 - b. a pitched roof that is designed and constructed with materials consistent with the principal structure or a roof material that is acceptable to the Architectural Section.
 - c. paved with decorative concrete pavers within the tower;
 - d. designed consistent to the gazebo/shade structure. Prior to final approval by the Development Review Officer (DRO), details of this gazebo/shade structure shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Arch Review)
8. All pedestrian crossings and vehicular driveway shall be paved with decorative concrete pavers or stamped concrete or any other decorative paving treatment that is acceptable to the Architectural Review Section. Prior to final approval by the Development Review Officer (DRO), paving details and dimensions of each area shall be shown on the Regulating Plan. (DRO:ZONING-Arch Review)
9. Landscaped diamonds shall be provided in the parking lot where a landscape median is not located. A minimum of two (2) diamonds shall be provided every five (5) spaces except in areas where a light pole is located, the diamond may be reduced to one (1). (DRO:ZONING-Zoning)
10. Special planting treatment shall be provided on both sides of the eastern and western access points on Okeechobee Boulevard. Planting for each access point shall consist of the following:
 - a. a minimum of five (5) Royal Palms or any other species acceptable to the Landscape Section on each side of the access drive;
 - b. a minimum of seven (7) flowering trees on each side of the access drive; and,
 - c. shrub or hedge materials. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - 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)

ZONING -UNITY OF CONTROL

1. Prior to final approval by the DRO, the property owner shall record in the public record a covenant requiring the following:
 - a. architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements;
 - b. a unity of control indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership; and,
 - c. The covenant/unity of control shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING/COUNTY ATTY - Zoning)

ZONING - SIGNS

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall submit a Master Sign Plan identifying all existing and new wall signs and approved new freestanding signs for review and approval. (DRO:DRO-Zoning)
2. Freestanding signs shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point – fifteen (15) feet;
 - b. maximum sign face area per side - one hundred (100) square feet;
 - c. maximum number of signs - two (2) for the overall site;
 - d. style - monument style only;
 - e. location - approximately fifty (50) feet measured from the centerline of the eastern and central access points on Okeechobee Boulevard; and,
 - f. signs shall be limited to identification of tenants only. No changeable copy signs are permitted. (BLDG PERMIT: BLDG - Zoning)
3. All existing pylon signs shall be demolished prior to the issuance of the first building permit for the Home Improvement Center. The sign permits for the freestanding sign pursuant to Sign Condition 2 shall not be affected by this condition. (BLDG PERMIT: BLDG –Zoning)
4. Wall signs shall be limited to any two (2) facades of each 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)

ZONING-USE LIMITATIONS

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within the designated loading spaces located in the rear of the property. (ONGOING: CODE ENF - Zoning)

2. Retail business activity shall not be allowed on the property, including deliveries, prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - 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)

EXHIBIT D

ACCIDENT HISTORY REPORT

**One Year
Accident History Report
Zoning Petition**

Petition No. **2004-454 (2004-00658)**
Project Name **LOWES HOME CENTER**
Intersection **OKEECHOBEE BLVD AND MILITARY TRAIL**
Total Number of Accidents /Year **116 (01/01/04 – 12/31/04)**

Breakdown of Accidents:

<i>Rear End</i>	<u>67</u>
<i>Head On</i>	<u> </u>
<i>Right Angle</i>	<u>7</u>
<i>Left Turn</i>	<u>4</u>
<i>Side Swipe</i>	<u>34</u>
<i>Backing Up</i>	<u>1</u>
<i>Fixed Object</i>	<u> </u>
<i>Ped./Bicycle</i>	<u>1</u>
<i>Other</i>	<u>2</u>

<i>Total Daily Volume Through Intersection</i>	<u>76,284</u>
<i>Project Daily Traffic Using Intersection</i>	<u>1,575</u>
<i>Project Daily Traffic as % of Total</i>	<u>2%</u>
<i>Intersection Ranking by Number of Accidents</i>	<u>2 – 04</u>
<i>Intersection Ranking by Rate of Accidents</i>	<u>13 - 04</u>

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