

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



Petition No.: Z 2002-049
Petitioner: Don and Susan Delucia
Owner: Don and Susan Delucia
Agent: Land Design South (Robert Bentz)
Telephone No.: (561) 478-8501
Project Manager: William Cross, Senior Planner

Location: Approximately 300 feet south of Avenida Del Rio on the west side of SR 7/US 441 (**Delray Plaza**).

Title: Official Zoning Map Amendent. **Request:** Rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District.

PETITION SUMMARY: Proposed is the rezoning of a 0.91 acre site from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District. The preliminary site plan indicates 3,950 square feet of general retail sales with 23 parking spaces. Access with be from State Road 7/US 441.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Palm Beach County Planning Division has determined that the request is consistent with the site's underlying Commercial Low (CL) Future Land Use (FLU) designation. Planning Staff has conditioned this request (Conditions I.1, I.2 and I.3), and the concurrent Valencia Center request (Petition 1981-224) to have a vehicular and pedestrian connection between the two (2) sites. Please see Planning comments for additional information.

- o Compatibility with Surrounding Land Uses

Property to the north and west of the subject site supports the civic and recreation tracts of the Rio POCO PUD (Petition 77-142). Property to the south is the subject of a concurrent rezoning request from the Specialized Commercial (CS) Zoning District to the Community Commercial (CC) Zoning District, to allow for the development of 3,402 square feet of general retail sales (Valencia Center, Petition 1981-224). Property to the east across State Road 7/US 441, is undeveloped. Subject to the alternative motion to rezone to the Neighborhood Commercial (CN) Zoning District and recommended conditions, staff does not anticipate any adverse impacts from the subject request.

- o Traffic

The Palm Beach County Engineering Division estimates this request will generate 338 traffic trips per day.

- o Landscape/Buffering

The petitioner is proposing to provide the required 20 foot wide right-of-way buffer along SR 7/US 441, a 15 foot wide incompatibility buffer along the projects north and west property lines (abutting Rio POCO PUD), and a 5 foot wide buffer along the south property line. Staff is recommending that the north, east and west buffers be upgraded with a berm, with a 6 foot high concrete or concrete screen panel wall to be installed at top of berm along the north and west property lines abutting the Rio POCO PUD. Staff recommends that these buffers be upgraded with additional landscaping to be planted in a meandering and naturalistic pattern.

- o Signs

The petitioner is requesting one freestanding point of purchase sign with a maximum height of 9 feet, 9 inches with 119 square feet of sign face area, to be located at the projects entrance. Staff recommends limiting signage to one freestanding point of purchase sign to be located north of the project's entrance, with a maximum height of 6 feet and 80 square feet of sign face area.

- o Architectural Review

The proposed development is subject to Architectural Guidelines. Staff recommends architectural elevations be submitted at time of submittal for final Development Review Committee (DRC) approval. Staff is also recommending that all structures be limited to a maximum height of 20 feet with exceptions for architectural elements, to reduce the potential for any adverse visual impacts from the site to the adjacent Rio POCO PUD.

- o Project History

The subject site was previously developed with several non-conforming commercial structures which were demolished due to the widening of State Road 7/US 441. The petitioner indicates that the original 2.04 acre site was reduced by 1.13 acres to the current 0.91 acre size due to eminent domain action by the Florida Department of Transportation (FDOT). The petitioner further states that FDOT evaluated the acquisition as a partial condemnation with no compensation provided for the decrease in value of the remaining property, and that FDOT provided a turn lane to allow for future site development.

- o Conditional Overlay Zone (COZ)

Staff is recommending a Conditional Overlay Zone (COZ) in addition to the rezoning request to ensure compliance with recommended Engineering Conditions of Approval. These Conditions require the relocation of the project's entranceway and landscaping in the SR 7/US 441 median.

- o Zoning District

The petitioner is proposing to rezone the site from the Agricultural Residential (AGR) Zoning District to the Community Commercial (CC) Zoning District, which is consistent with the subject site's underlying Commercial Low (CL) Future Land Use (FLU) designation. The CL FLU designation is also consistent with the Commercial Low Office (CLO) and Neighborhood Commercial (CN) Zoning Districts.

Staff is recommending an alternative motion to rezone to the less intensive Commercial Low Office (CLO) Zoning District, which allows for fewer uses on site and in most cases a more restrictive review process for such uses. The purpose and intent of the CLO Zoning District is to encourage development of low-intensity business offices and the integration of other complimentary uses within the local environment. The proposed retail use would not be permitted in the CLO Zoning District, and the property development regulations for the rear and side setback would be reduced to 20 feet and 15 feet respectively. The property development regulations for building coverage and floor area ratio are the same as the requested CC Zoning District.

o **ZONING COMMISSION HEARING**

At the February 6, 2003, Zoning Commission (ZC) Hearing, the petitioner agreed to a 30-day postponement to address conditions requiring the provision of pedestrian and vehicular connectivity to the parcel to the south (Valencia Center, Petition 1981-224) and relocation of the projects entrance; as well as the staff recommendation for an alternative motion to rezone to the Commercial Low Office (CLO) Zoning District. The petitioner has submitted a revised site plan that indicates the requested interconnectivity, and relocated the projects entrance as recommended by Engineering staff.

However, staff is still recommending the alternative motion to rezone to the CLO Zoning District, as the ability to improve the site's internal traffic circulation and parking configuration is limited by the site's non-conforming lot size and dimensions.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number:	00-41-46-25-00-000-1030	Same
Land Use Designation:	Agricultural Reserve with underlying Commercial Low (AGR/CL)	Same
Zoning District:	Agricultural Reserve (AGR)	Community Commercial (CC)
Use:	vacant	General retail sales
Acreage:	0.91 acres	Same
Floor Area:	0	3,950 sq. ft.
Building Coverage:	0	10%
FAR:	0	0.10
Parking:	0	23 spaces
Access:	SR 7/US 441	Same

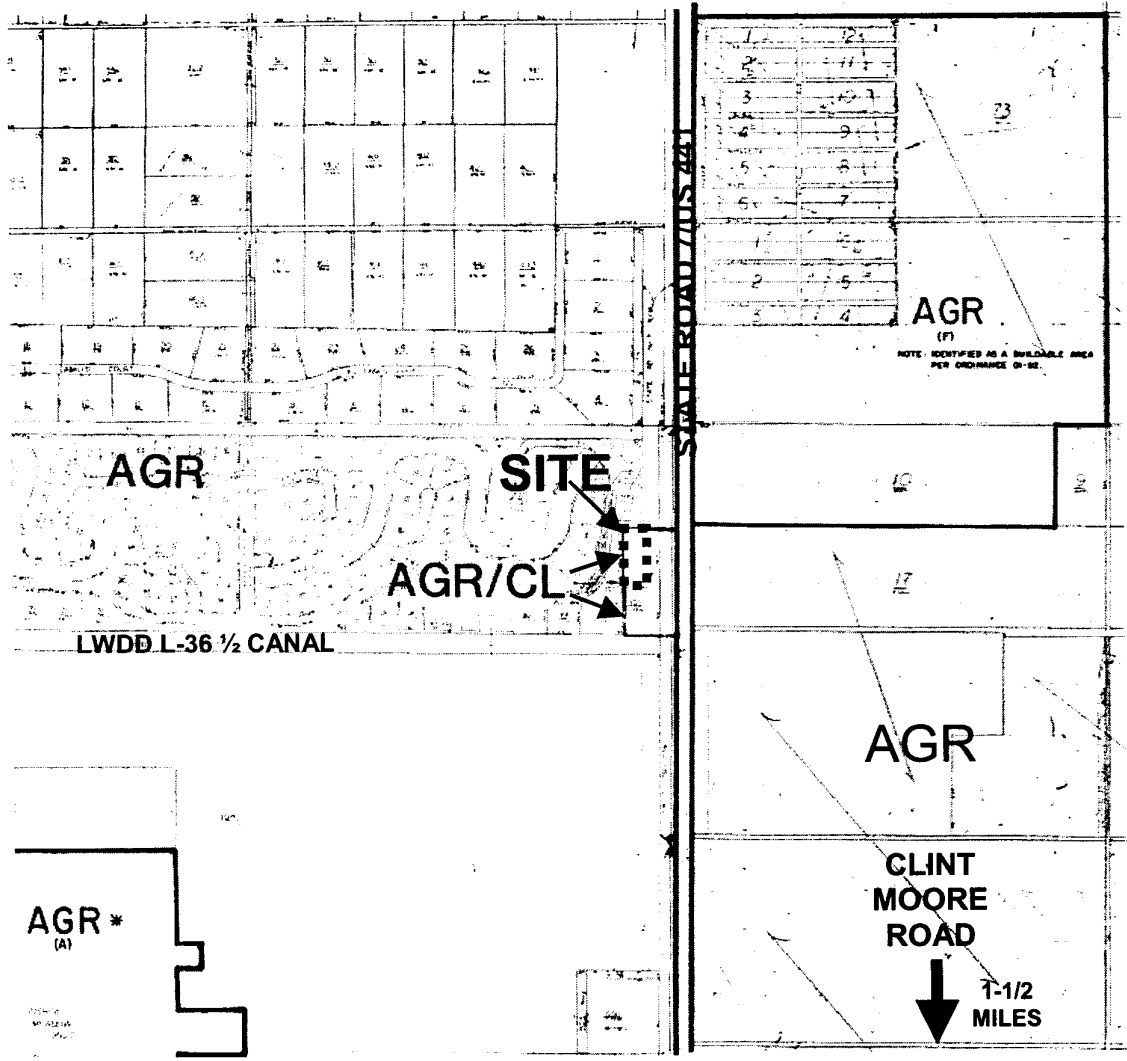
PUBLIC COMMENT SUMMARY: At time of publication, staff had received 1 letter in opposition and 1 letter in support of the request. The comments generally indicate concerns regarding depreciation of surrounding property values, increase in noise, visual incompatibility, and appropriateness of use in area.

RECOMMENDATION: Staff recommends approval of an alternative motion approving a rezoning from the Agricultural Reserve (AGR) Zoning District to the Commercial Low Office (CLO) Zoning District with a Conditional Overlay Zone (COZ), subject to 33 conditions as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: February 6, 2003: Postponed 30 days until March 6, 2003, carried 7-0.

MOTION: To recommend approval for an Official Zoning Map Amendment from the Agricultural Reserve Zoning District to the Commercial Low Office Zoning District with a Conditional Overlay Zone.

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



Petition Number: 2002-049
 Land Use Atlas Page: 101
 Date: 08-27-02



AERIAL PHOTOGRAPH NOT INCLUDED IN ELECTRONIC STAFF REPORT

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Agricultural Reserve (AGR)

Underlying Land Use: Commercial Low (CL)

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Rezoning from the Agricultural Reserve (AR) Zoning District to the Community Commercial (CC) Zoning District and has determined the development proposal is appropriate for this parcel's underlying CL FLU designation. The proposed request is also consistent with the maximum Floor Area Ratio (FAR) of .10 for a site with a CL FLU designation in the Agricultural Reserve that is not located at a Community Commercial Service Overlay (CCSO) location. For this 0.907 acre site at the .10 FAR, the maximum allowed square feet is 3,950 square feet. The applicant has requested a FAR of 0.10 or 3,950 square feet for the site.

The applicant's site plan was reviewed for consistency with policies from the FLU and Transportation Elements (TE) that encourage vehicular and pedestrian interconnectivity between sites including FLU Policy 4.3-g (76-LU), TE Policy 1.9-j (41-TE), and TE Policy 1.9-m (41-TE).

Prior to certification of the site plan by the Development Review Committee (DRC), Staff requested that the applicant provide a vehicular and pedestrian connection to the adjacent site to the south of the site that also has an underlying Commercial Low land use designation, which also happens to be in the zoning process at the same time as this project. Since State Road 7 is a median directional divided highway, Staff has determined that it would also be a safer situation to allow for someone to walk or drive between both sites without forcing someone at the southern parcel to drive south on State Road 7 and then make a U-Turn on State Road 7 to proceed north and make a U-Turn again to visit this commercial use immediately north. Since both of these proposed commercial sites are the only commercially designated sites in a 1½ mile radius, potential clients will most likely want to drive or walk between these sites.

In addition, Staff contacted the Florida Department of Transportation and requested that both sites share a common access point into their sites off of State Road 7. Staff based this request on Transportation Element (TE) Policy 1.3-g which states, "New access along existing arterial and collectors shall be controlled and limited in order to increase safety margins, traffic capacity, and traffic flow; shall be consistent with existing State and County standards; shall allow for the integration of multi-modal considerations, where applicable; and shall consider impacts on adjacent neighborhoods." In addition, Staff did not want to exacerbate a strip commercial pattern of development by allowing these sites their own separate access points. According to FLU Policy 2.2.2-e, "...Strip commercial development is usually of narrow depth and lacks a coordinated development plan. It has numerous curb cuts and lacks vehicular, pedestrian and transit friendly connections to adjacent uses and transit stops, all contributing to isolated land use patterns and inefficient traffic flow."

After conversations with FDOT, they indicated that they have issued conceptual permits allowing both sites' their own individual access points. However, FDOT staff also stated that they would support one shared access for both sites and interconnectivity between both sites. FDOT staff agreed that one shared access could be a safer situation. Finally, FDOT staff said that, if the BCC supports Staff's request and imposes conditions on both project's requiring a shared access point and interconnectivity, then at final permitting, FDOT would not honor the conceptual permit(s) and require a new access permit from both projects.

Staff spoke to the applicant about these issues. The applicant indicated that both sites were not willing to connect to each other and that both sites wanted their own separate access points to State Road 7. As a result of the applicant's desire to not provide the requested revisions to the site plan, and per Staff's conversations with FDOT, Staff has conditioned the proposed request to require a vehicular and pedestrian connection between the sites.

The proposed request was also reviewed for consistency with FLU Policy 1.2-I which indicates that the Unified Land Development Code will be amended to require new development or redevelopment of non-residential uses strengthen the relationship among buildings and their relationship to the street through consideration of building mass, placement, and orientation (11&12 - LU). As one of the County's directives is to promote the concept of sustainable design, which includes pedestrian "walkability" and accessibility, Staff requested that the applicant move the building on site closer to the building on the adjacent southern site to provide a closer and more "walkable" pedestrian connection between these buildings. Staff discussed this request with the applicant. However, the applicant indicated that he had no desire to move the building on the site closer to the building on the adjacent site. Regardless, the site plan could be further improved if the site layout was redesigned to move the building on site closer to the building on the adjacent southern site.

TIER: The subject property is in the Agricultural Reserve Tier. The site is also in the Rural Service Area.

FUTURE ANNEXATION AREAS: The subject site is not in a future annexation area identified within an adopted Comprehensive Plan annexation program.

INTERGOVERNMENTAL COORDINATION: N/A

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: N/A

FINDINGS: The request is consistent with the site's underlying CL land use designation of the Palm Beach County Comprehensive Plan. The site plan does not further policies in the Comprehensive Plan that encourage interconnectivity and pedestrian accessibility and "walkability". To ensure consistency with these policies, Staff has recommended conditions to address these issues.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

Total traffic expected from this project is 338 trips/day.

Required Engineering Related Permits:

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.

The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto State Road 7.

<u>TRAFFIC:</u>	<u>State Road 7</u>
SEGMENT:	Project Entrance - Clint Moore Road
PRESENT:	36,260
HISTORICAL	
GROWTH TRAFFIC:	-
OTHER DEVELOPMENT	
TRAFFIC:	-

FROM PETITION: 250
TOTAL: 36,510
PRESENT CAPACITY AT
LEVEL OF SERVICE "D": 48,900
PRESENT LANEAGE: 6 Lane

The Engineering Department would recommend that a Conditional Overlay Zone (COZ) be approved as part of the rezoning to ensure that all conditions of approval are complied with.

PALM BEACH COUNTY HEALTH DEPARTMENT:

WATER: Water service 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 must be abandoned in accordance with Palm Beach County ECR-II.

SEWER: Sewer 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 Rule 64E-6 FAC and Palm Beach County ECR-I.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has already been cleared and contains no significant native vegetation.

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

FINDINGS: The request is consistent with the environmental criteria pursuant to ULDC Sections 7.6 (Excavation) and 9 (Environmental Standards).

OTHER:

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

SCHOOL IMPACTS: No educational impact.

PARKS AND RECREATION: No comments.

CONCURRENCY: A Concurrency Reservation, 20020070, exists for 12,300 square foot general retail sales. FINDING: The request is in compliance with Article 11 (Adequate Public Facilities) of the ULDC.

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: A 0.91 acre site, approximately 366 feet wide with an average depth of 108 feet accessed by SR 7/US 441 (1). The site is currently vacant (previous non-conforming development demolished for SR 7/US 441).

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning District:	Residential Estate/Special Exception (RE/SE)
	Supporting:	Rio POCO PUD (Petition 77-142)
SOUTH:	Comprehensive Plan:	Agricultural Reserve with underlying Commercial Low (AGR/CL)
	Zoning District:	Specialized Commercial/Special Exception (CS/SE)
	Supporting:	Valencia Center (Petition 81-224)
EAST:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning District:	Agricultural Reserve (AGR)
	Supporting:	Vacant
WEST:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning District:	Residential Estate/Special Exception (RE/SE)
	Supporting:	Rio POCO PUD (Petition 77-142)

ZONING REQUIREMENTS: Pursuant to the Unified Land Development Code (ULDC) a final site plan shall be certified by the Development Review Committee (DRC). The DRC review will ensure compliance with Board of County Commission conditions of approval, and applicable sections of the ULDC.

FINDINGS: The request is consistent with the ULDC and the stated purpose and intent of the ULDC. The request complies with all standards imposed on it by all applicable provisions of the ULDC for use, layout, function, and general development characteristics. The request is consistent with the existing uses, character and zones of land surrounding and in the vicinity of the subject property and the appropriate zoning district for the subject property. Conditions in the area of the subject property have changed to the extent to warrant the request. The proposal complies with all relevant and appropriate portions of Sec. 6.6 (Supplementary Regulations) of the ULDC. The design of the proposed use should minimize any adverse effects on adjacent lands. The request will result in a logical, timely and orderly development pattern.

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 APPROVAL

A. 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 ~~November 18, 2002~~ February 27, 2003. 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)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Section 6.6.E and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (DRC: ZONING – Zoning)
2. The maximum height for all structures, measured from finished grade to highest point, shall be twenty (20) feet, excluding architectural elements not exceeding twenty-five (25) feet in height. (BLDG PRMT: BLDG/ARCH REV – Zoning)

C. BUILDING AND SITE DESIGN

1. Development shall be consistent with the approval for the parcel to the south (Valencia Center, Petition 1981-224A), including but not limited to: architectural consistency between all buildings, signage and project identification; and, all landscaping. 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; and, use of similar tree and shrub material. (DRC/BLDG PRMT: ARCH REV/LANDSCAPE – Zoning)

D. LANDSCAPING STANDARD

1. Fifty percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site 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. (CO: LANDSCAPE – Zoning)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and
 - d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence or wall. (CO: LANDSCAPE – Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern, with exception to five (5) foot wide buffers. (CO: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

1. Prior to issuance of a Building Permit the property owner shall receive approval from the DRC for a final site plan. (BLDG PERMIT: MONITORING – Eng)
2. Prior to final approval by the DRC:
 - a. the site plan shall be amended to relocate the project entrance to the north termination of the parking aisle. Site plan shall also provide for cross access to the commercial site to the south. (DRC APPROVAL: ENG – Eng)
 - b. the property owner shall convey a cross access easement to the property owner to the south. Location of this easement shall be approved by the County Engineer. Form and content shall be approved by the County Attorney. (DRC APPROVAL: ENG – Eng)
3. LANDSCAPE WITHIN MEDIAN OF SR 7
 - a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 7. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Condition 4.d. below. .
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PRMT: MONITORING – Eng)
 - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng)

- d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING)
- e. At petitioner's option, prior to issuance of a building permit, the petitioner may make a contribution to the County's OTIS program for installation and maintenance of median landscaping on qualifying thoroughfares. This payment shall relieve petitioner of the obligation for installation and maintenance of median landscaping established in Paragraph A. This payment, shall be based on the project's front footage along SR7. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date the payment is made. (ONGOING)

F. LANDSCAPING ALONG EAST PROPERTY LINE (SR 7/US 441 FRONTAGE)

- 1. Landscaping and buffering along the east property line abutting SR 7/US 441 shall be upgraded to include:
 - a. A minimum twenty (20) foot wide right-of-way buffer strip. No width reduction shall be permitted;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. One (1) native canopy tree for each thirty (30) linear feet of property line;
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING RIO POCO PUD)

- 1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A continuous two (2) foot berm measured from finished grade to top of berm. Field adjustment of berm may be permitted for preservation of existing vegetation;
 - c. A six (6) foot high concrete or concrete screen panel wall. 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) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on both sides of the wall; and
 - e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on both sides of the fence. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required along the interior side of the required fence:
 - a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - c. One (1) large shrub for each ten (10) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)
 3. Along the exterior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE – Zoning)

H. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
3. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the north property line, and twenty-five (25) feet from the west property line. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished one-half hour after business hours, excluding security lighting only. (ONGOING: CODE ENF – Zoning)
5. 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)

I. PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be revised to relocate the 4' sidewalk to the west side of the building to extend from the building to the south property line in a location to align with the sidewalk on the Valencia Center petition. (DRC: PLANNING – Planning)
2. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be revised to include a notation showing a vehicular future cross access point to the parcel to the south of the site. This notation shall read “vehicular cross access to be paved to the property line”. (DRC: PLANNING – Planning)

3. Prior to the issuance of a certificate of occupancy, the property owner shall pave a vehicular cross access point and pave the sidewalk on the western property line to the edge of the south property line. The vehicular cross access point shall be paved at the location shown on the final certified site plan that will read "vehicular cross access to be paved to the property line." (CO: MONITORING – Planning)

J. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height: eight (8) feet;
 - b. Maximum sign face area per side: forty (40) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: a minimum of one-hundred and fifty (150) feet north of the south property line;
 - e. Style: monument only; and
 - f. Signs shall be limited to project identification only. (CO: BLDG – Zoning)
2. Wall signs shall be limited to east facades of the building and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (CO: BLDG – Zoning)

K. USE LIMITATIONS

1. Retail business activity shall not be allowed on the property, including deliveries, prior to 6:00 a.m. nor continue later than 9:00 p.m. Monday through Saturday, and prior to 10:00 a.m. nor continue later than 6:00 p.m. on Sunday. (ONGOING: CODE ENF – Zoning)
2. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted. (ONGOING: CODE ENF – Zoning)
3. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF – Zoning)
4. Overnight parking of delivery vehicles or trucks shall not be permitted. (ONGOING: CODE ENF – Zoning)
5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF – Zoning)

L. 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 Section 5.8 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. Z2002-049

Project Name DELRAY PLAZA

Intersection West Atlantic Avenue at SR-7

Total Number of Accidents /Year 13 thru 8/31/2002

Breakdown of Accidents:

Rear End	<u>4</u>
Head On	<u> </u>
Right Angle	<u>2</u>
Left Turn	<u>2</u>
Side Swipe	<u>3</u>
Backing Up	<u>1</u>
Fixed Object	<u> </u>
Ped./Bicycle	<u> </u>
Other	<u>1</u>

Total Daily Volume Thru Intersection	<u>21,138</u>
Project Daily Traffic Using Intersection	<u>202</u>
Project Traffic as % of Total	<u>1.0 %</u>
Intersection Ranking by Number of Accidents	<u>NA</u>
Intersection Ranking by Rate of Accidents	<u>NA</u>

F:\Traffic\JCH\01-2003 Agenda

One Year Accident History Report Zoning Petition

Petition No. Z2002-049

Project Name DELRAY PLAZA

Intersection Clint Moore Road at SR-7

Total Number of Accidents /Year 16 thru 8/31/2002

Breakdown of Accidents:

Rear End	14
Head On	
Right Angle	
Left Turn	
Side Swipe	2
Backing Up	
Fixed Object	
Ped./Bicycle	
Other	

Total Daily Volume Thru Intersection	28,948
Project Daily Traffic Using Intersection	135
Project Traffic as % of Total	0.5 %
Intersection Ranking by Number of Accidents	326 - (2001)
Intersection Ranking by Rate of Accidents	248 - (2001)

F:\Traffic\JCH\01-2003 Agenda