

RESOLUTION NO. R-2007- 1879

RESOLUTION APPROVING ZONING APPLICATION PDD2007-055
(CONTROL NO. 2007-018)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF PANATTONI DEVELOPMENT COMPANY, LLC
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOCIATES, AGENT
(SOUTHERN/SANSBURY'S MUPD)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application PDD2007-055 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2007; and

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 recommendations of the Zoning Commission; and

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan.
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
5. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F

(Concurrency) of the Palm Beach County Unified Land Development Code.

- 8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD2007-055, the application of Panattoni Development Company, LLC, by Gentile, Holloway, O'Mahoney & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Multiple Use Planned Development Zoning District on a parcel of land legally described 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 October 25, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Jeff Koons moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Aye
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Absent

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 25, 2007.

Filed with the Clerk of the Board of County Commissioners on November 19, 2007

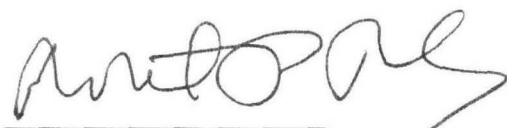
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

TRACTS 33; LESS THE NORTH 80 FEET AND THE WEST 40 FEET THEREOF; AND TRACT 34, LESS THE NORTH 80 FEET THEREOF, ALL IN BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE

AND

THAT PORTION OF THAT CERTAIN 30 FOOT STRIP OF LAND LYING EAST OF TRACT 33 AND WEST OF TRACT 34, LESS THE NORTH 80 FEET THEREOF, IN BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THAT PART OF TRACTS 39 AND 40 AND A PORTION OF THE 30 FOOT ABANDONED RIGHT OF WAY LYING BETWEEN SAID LOTS 39 AND 40, LYING NORTH OF THE RIGHT OF WAY OF STATE ROAD 80 AS EVIDENCED BY AMENDED STIPULATED FINAL JUDGEMENT IN EMINENT DOMAIN PROCEEDINGS IN CIRCUIT COURT ACTION NO. 2002-02919AI , AS RECORDED IN OFFICIAL RECORD BOOK 19900, PAGE 882, PUBLIC RECORDS OF PALM BEACH COUNTY, ALL IN BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE:

AND

THAT CERTAIN 30 FOOT STRIP LAND LYING NORTH OF TRACTS 39 AND 40, INCLUDING THE WESTERLY EXTENSION OF THE NORTH LINE OF TRACT 39 TO THE NORTH LINE OF TRACT 40, AND SOUTH OF TRACTS 33 AND 34, INCLUDING THE EASTERLY EXTENSION OF THE SOUTH LINE OF TRACT 33 TO THE SOUTH LINE OF TRACT 34, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THAT PORTION THEREOF LYING WEST OF THE EAST RIGHT OF WAY LINE OF SANSBURY'S WAY.

LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO PALM BEACH COUNTY BY WARRANTY DEED DATED JULY 1, 2004 AND RECORDED IN OFFICIAL RECORDS BOOK 17785, PAGE 1807, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

EXHIBIT B
VICINITY SKETCH

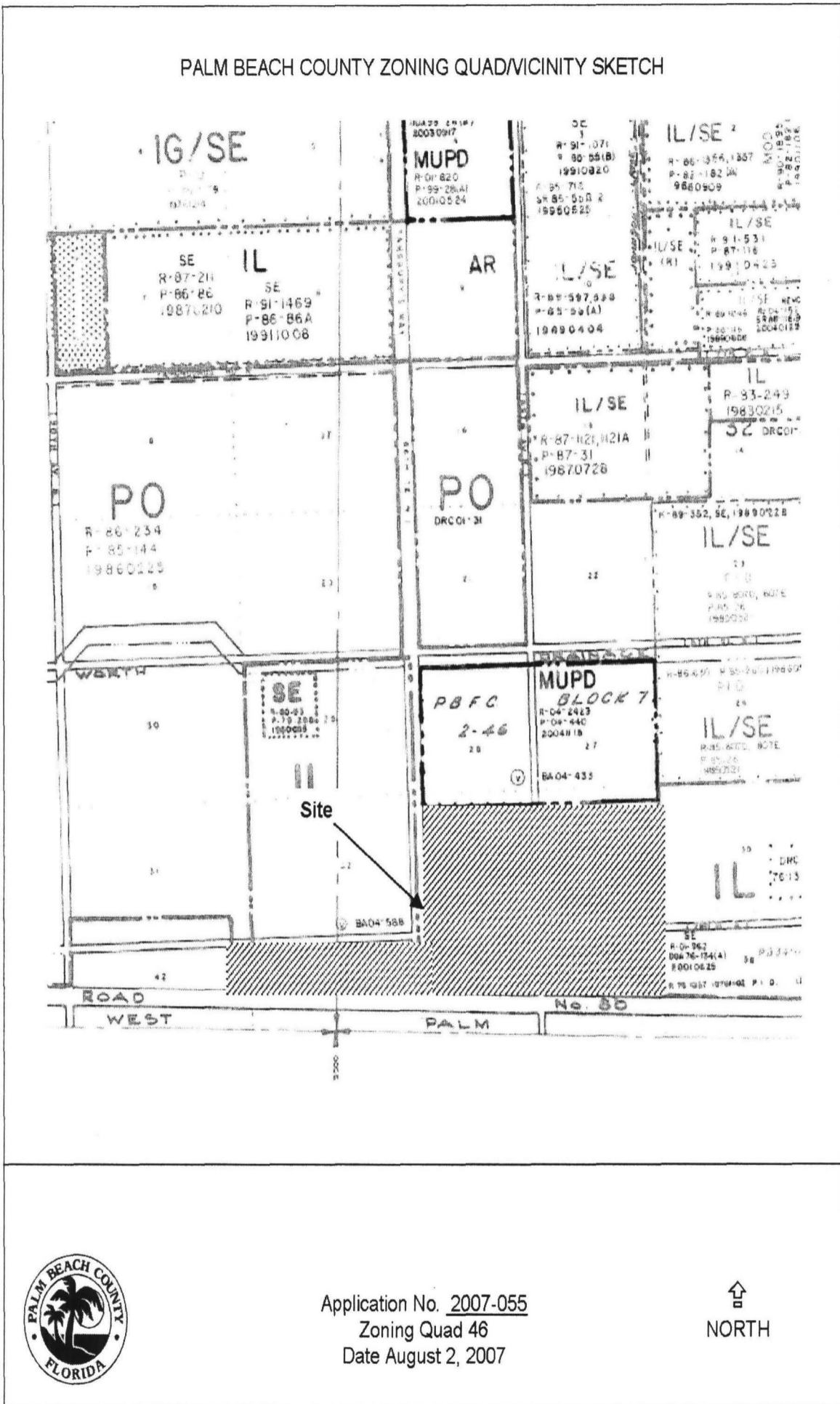


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated September 28, 2007. 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.)
2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. (DRO: ZONING - Zoning)
3. Prior to the issuance of a building permit, all easements that conflict with the location of a proposed structure or a landscape buffer shall be abandoned or relocated. (BLDG PERMIT: BLDG - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for the development 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. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. 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 January 1, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
 - b) Building Permits for more than 6,800 square feet of gross leasable General Commercial floor area shall not be issued until the contract has been awarded for the following intersection improvements:
 - construction of dual left turn lanes north approach on Lyons Road at Forest Hill Blvd. plus the appropriate paved tapers and receiving lanes.
 - construction of a right turn lane north approach on Sansbury's Way at Southern Blvd. plus the appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING-Eng)
2. Acceptable surety required for the offsite intersection improvements as outlined in Engineering condition number 1.B above shall be posted with the Office of the Land Development Division on or before February 23,

2008 . Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng)

3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- Sansbury Way 60 feet from centerline
- Expanded Intersection Detail along Sansbury Way at Southern Boulevard, 64 feet from centerline plus the appropriate taper

All right of way deed(s) and associated documents shall be provided and approved prior to January 1, 2008 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

4. Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along Sansbury Way to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)

5. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on:

- Sansbury Way at the project's south entrance road.
- Southern Boulevard at the project's east entrance road.
- Southern Boulevard at the project's west entrance road.

This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way

Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

6. The Property owner shall construct:
 - a. a right turn lane east approach on Southern Boulevard at both the projects east and west entrance road
 - b. a right turn lane south approach on Sansbury Way at the projects south entrance road
 - c. left turn lane north approach on Sansbury Way at both the projects north and south entrance road
 - d. 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.
 - e. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - f. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
7. On or before January 1, 2009 the property owner shall provide to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sansbury Way along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (DATE:MONITORING-Eng)

8. Landscape Within the Median of Southern Boulevard

a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING: ENG-Eng)

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

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 Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner 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 Property Owner. The Property Owner 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 Property Owner. (ONGOING: ENG-Eng)

e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Southern Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG-Eng)

LANDSCAPING-STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. 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: LANDSCAPE - Zoning)
- 3. 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: LANDSCAPE - Zoning)

ZONING – LANDSCAPING

- 4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING SOUTHERN BOULEVARD AND SANSBURY WAY)

- 5. In addition to code requirements, the landscape buffers along the south and west property lines shall be upgraded to include:
 - a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and,
 - b. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)
- 6. Prior to final approval by the Development Review Officer (DRO), the plan(s) shall be revised to show the following shade structures in each location:
 - a. a minimum of two (2) trellis along the western access driveway of Southern Boulevard and the southern access driveway of Sansbury Way. These trellis structures shall be located both sides of the western access point of Southern Boulevard and both sides of the southern access point of Sansbury Way. Trellis shall have a minimum of nine (9) feet in length and eleven (11) feet in width;
 - b. a minimum of two (2) trellis/gazebo along the western access driveway of Southern Boulevard These trellis/gazebo structures shall be located adjacent to the north end of the main parking lot area. Trellis/ gazebo shall have a minimum dimension of nine (9) feet in length and twenty-nine (29) feet in width;
 - c. design/details of these structures shall be consistent with the structures as shown on the Regulating Plan dated September 19, 2007. (DRO:ZONING-Zoning)
- 7. Special planting treatment shall be provided in the following locations and shall include:
 - a. One (1) specimen Medjool or Canary Date Palm on both sides of each of the access points of Southern Boulevard and Sansbury Way, and also on the southwest corner of Building F. (BLDG PERMIT: LANDSCAPE - Zoning)
- 8. Special planting treatment shall be provided in the following locations and shall include:

- a. Royal Palms or a similar species acceptable to the Landscape Section shall be planted in the median of the access point of Sansbury Way, and along both sides of the western access driveway of Southern Boulevard for a minimum length of three hundred and thirty (330) feet;
 - b. Each palm shall be planted at a maximum spacing of thirty (30) apart. Palms shall have a minimum height of twenty (20) feet with a minimum greywood of twelve (12) feet. (BLDG PERMIT:LANDSCAPE - Zoning)

9. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a focal point in the midpoint of the western access driveway of Southern Boulevard. The focal point shall include, but not limited to, a fountain; a bell tower; a plaza or a decorative paving pattern that reflects the architectural theme of the principal structures. If a paving pattern is being provided, paving should consist of a minimum area of 1,960 square feet with a minimum radius of twenty-five (25) feet. Details of this focal point shall be subject to the Architectural Review Section for review and approval. (DRO:ARCH REVIEW-Zoning)

10. Decorative pavers or stamped concrete shall be provided along the internal driveway in areas where shown on the site plan dated September 28, 2007. The property owner shall also provide additional decorative paving in two other areas as follows:
 - a. a minimum of 3,000 square feet at the Sansbury Way access driveway; and,
 - b. A minimum of 3,000 square feet at the drive aisle adjacent to the south entrance area of Building B. (DRO: ZONING-Zoning)

11. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between each drive thru lane of Bank Building G, and as follows:
 - a. a minimum width of five (5) feet, excluding curb;
 - b. a minimum length of eighty (80) feet;
 - c. each end of the median shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;
 - d. one (1) palm tree with a minimum ten (10) feet of greywood and appropriate ground cover shall be installed in each planting area; and,
 - e. the remaining portion of the median shall be paved with decorative paving such as precast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section. (DRO:LANDSCAPE - Zoning)

12. The property owner may replace the tree diamonds that are adjacent to the pedestrian walkway located in the southeast parking lot. If any of the tree diamonds are eliminated, the property owner shall provide a minimum of two (2) trellis structures. The trellis dimensions shall be consistent and pursuant to Landscape Condition 6.a. Prior to final approval by the Development Review Officer (DRO), the property owner may revise the site plan to reflect this option. (DRO:LANDSCAPE - Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning)

2. 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)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT: MONITORING-Palm Tran)

SIGNS

1. Freestanding signs fronting on Southern Boulevard shall be limited as follows:
 - a. maximum number of signs – three (3);
 - b. location – shall be as shown on the approved site plan dated September 28, 2007; sign 'A' near the eastern property line, sign 'B' near the central entrance and sign 'C' near the western property line.
 - c. maximum sign height, measured from finished grade to highest point – shall be twelve (12) feet for sign 'A'; twelve (12) feet for sign 'B' and eight (8) feet for sign 'C';
 - d. maximum sign face area per side – shall be eighty square feet (80) feet for sign 'C' and one hundred twenty square feet (120) feet for signs 'A' and 'B'; and
 - e. style - monument style only. (BLDG PERMIT: BLDG - Zoning)
2. Freestanding signs fronting on Sansbury Way shall be limited as follows:
 - a. maximum number of signs – two (2);
 - b. location – shall be as shown on the approved site plan dated September 28, 2007; sign 'D' south of the entrance, sign 'E' north of the entrance.
 - c. maximum sign height, measured from finished grade to highest point – shall be twelve (12) feet for sign 'D' and eight (8) feet for signs 'E';
 - d. maximum sign face area per side – shall be one hundred twenty square feet (120) feet for sign 'D' and eighty square feet (80) feet for sign 'E'; and
 - e. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Outdoor retail business activities shall not be allowed on the property, excluding activities approved by a Special Permit, deliveries and drive-thru activities only. (ONGOING: CODE ENF - Zoning)
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning)

UTILITIES

1. If any relocation/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. (Utilities-ONGOING)

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
 - a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - b. 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
 - c. Referral to code enforcement; and/or
 - d. 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 Conditional Use, Type II Variance, 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)