

RESOLUTION NO. R-2008- 1362

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC2008-00628
(CONTROL NUMBER 2006-00012)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF LOXAHATCHEE VENTURE LLC
BY KILDAY & ASSOCIATES, INC., AGENT
(SEMINOLE ORANGE PLAZA)

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 public 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 DOA/EAC2008-00628 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2008; 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 recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 DOA/EAC2008-00628, the application of Loxahatchee Venture LLC, by Kilday & Associates, Inc., agent, for a Development Order Amendment to modify a condition of approval (Engineering) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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	¥ Absent
Burt Aaronson	¥ Aye
Jess R. Santamaria	¥

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 24, 2008.

Filed with the Clerk of the Board of County Commissioners on July 29, 2008.


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 BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: (PARCEL 1)

THE WEST 204.6 FEET OF THE EAST 4332 FEET OF THE NORTH 385.86 FEET OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET.

TOGETHER WITH:

DESCRIPTION: (PARCEL 2)

FOUR PARCELS OF LAND LYING AND BEING IN SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 204.6 FEET OF THE EAST 4945.8 FEET OF THE NORTH 385.86 FEET OF SAID SECTION 31 SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET.

AND

THE WEST 204.6 FEET OF THE EAST 4741.2 FEET OF THE NORTH 385.86 FEET OF SECTION 31 SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET.

AND

THE NORTH 385.86 FEET, LESS THE EAST 4945.8 FEET, OF SAID SECTION 31 SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET AND THE WEST 60 FEET.

AND

THE WEST 204.6 FEET OF THE EAST 4536.6 FEET OF THE NORTH 385.86 FEET OF SAID SECTION 31 SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET.

TOGETHER WITH:

DESCRIPTION: (PARCEL 3)

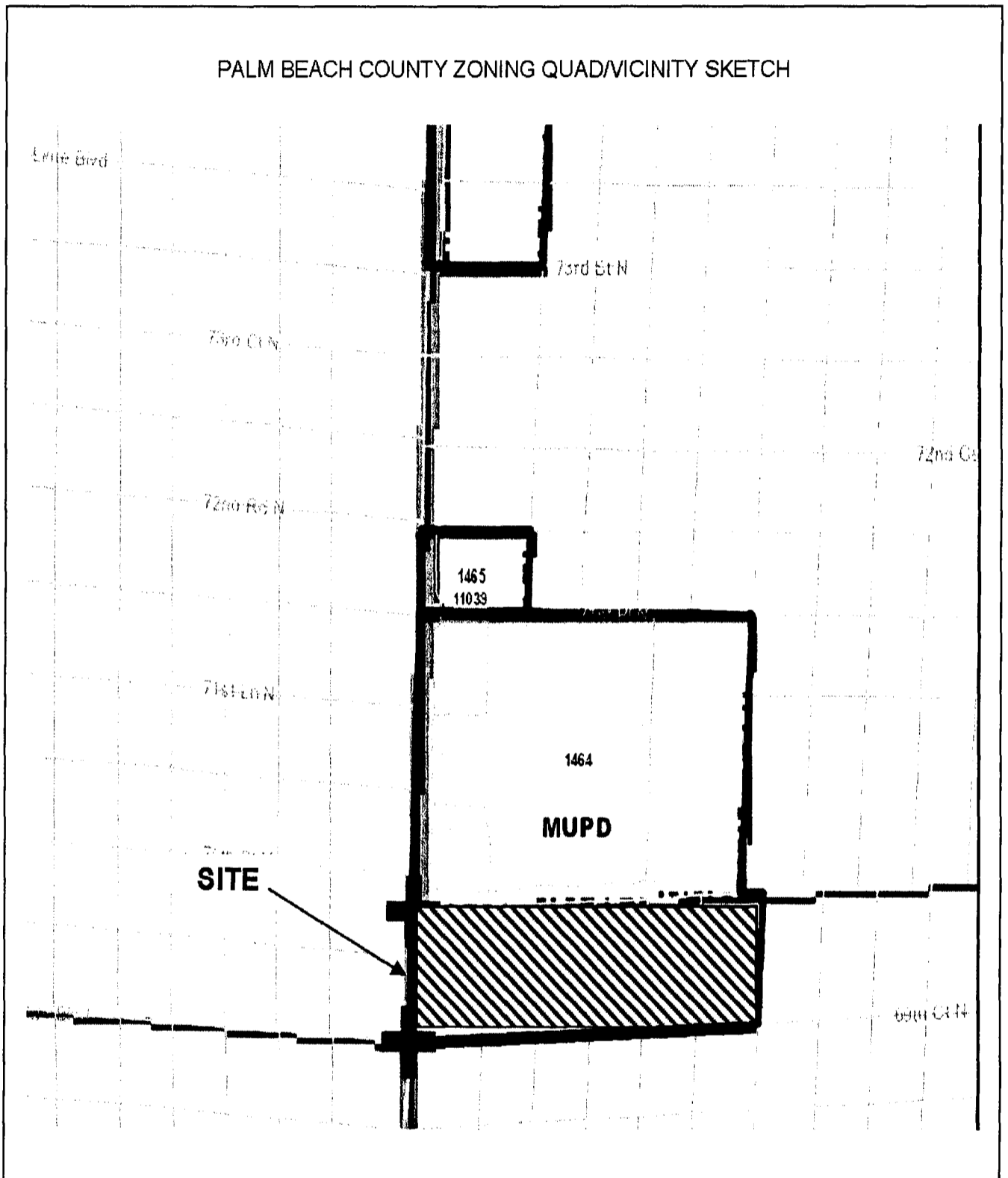
THE WEST 234.5 FEET OF THE EAST 4127.4 FEET OF THE NORTH 385.86 FEET OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST. SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET AND THE EAST 30 FEET.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 517,699 SQUARE FEET / 11.8847 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY

EXHIBIT B
VICINITY SKETCH



Application No. 2008-628
Zoning Quad 74
Date July 24, 2008



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All Petitions Condition 1 of Resolution R-2007-1871, Control 2006-012 Which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated March 26, 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.)

is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated April 16, 2008. 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) (Previous All Petitions Condition 2 of Resolution R-2007-1871, Control 2006-012)
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) (Previous All Petitions Condition 3 of Resolution R-2007-1871, Control 2006-012)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for The Seminole Orange Plaza MUPD 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) (Previous Architectural Review Condition 1 of Resolution R-2007-1871, Control 2006-012)
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) (Previous Architectural Review Condition 2 of Resolution R-2007-1871, Control 2006-012)

ENGINEERING

1. Condition E1 of Zoning Resolution R2007-1871 Control No. 2006-012, which currently states:
In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

A. Building permits for no more than 3,250 S.F. of Retail (the equivalent of 36 net 2-way PM peak hour trips) shall be issued until construction commences for a traffic signal at the intersection of Northlake Boulevard and Seminole Pratt Whitney Road OR a warrant study at this intersection shows that signalization is not warranted. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation, and shall be constructed to accommodate the ultimate expanded intersection geometry. (BLDG PERMIT: MONITORING - Eng)

B. If the signal is not warranted at the threshold identified in part A above, the Property Owner must conduct an annual warrant study at the intersection of Northlake Boulevard and Seminole Pratt Whitney Road during the peak season (January 1 through March 31 inclusive). The first warrant analysis must be submitted on or before April 15, 2009 and every year thereafter through April 15, 2013 or until the road impact fees paid for this project exceed the amount of surety required by condition 2 below. (DATE: MONITORING - Eng)

C. If the warrant study required in part B above shows that a traffic signal is warranted AND the road impact fees paid for this project do not exceed the amount of surety required by condition 2 below, no additional building permits for new construction shall be issued until construction commences for a traffic signal at the intersection of Northlake Boulevard and Seminole Pratt Whitney Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation, and shall be constructed to accommodate the ultimate expanded intersection geometry. (BLDG PERMIT: MONITORING - Eng)

D. No building permits for the site shall be issued after January 1, 2011. 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.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

E. The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if 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)

Is hereby amended to read:

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 shall be issued after January 1, 2013. 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.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Condition E2 of Zoning Resolution R2007-1871 which currently states: Acceptable surety required for the offsite road improvements as outline in Condition No. 1.a above shall be posted with the Office of the Land Development Division on or before March 24, 2008. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the

property owner's Engineer. This surety may be reduced by the amount of road impact fees paid for this project. (TPS Maximum 6 month time extension) (DATE: MONITORING Eng)

Is hereby deleted. [Reason the signalization surety is no longer required.]

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:

A. Orange Boulevard 43 feet from center line

B. an Expanded Intersection at Seminole Pratt Whitney Road and Orange Boulevard .

C. All right of way deed(s) and associated documents shall be provided and approved prior to December 3, 2007 or prior to the issuance of a Building Permit whichever shall first occur.

D. 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 where provisions for a "Corner Clip." 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) Note: Condition Completed (Previous Condition E3 of Zoning Resolution R2007-1871, Control Number 2006-012)

4. Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along both Seminole Pratt Whitney Road and Orange Boulevard to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road. 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) (Previous Condition E4 of Zoning Resolution R2007-1871, Control Number 2006-012)

5. Landscape Within the Median of Seminole Pratt Whitney Road

A. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Seminole Pratt Whitney Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by 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)

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)

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 Seminole Pratt Whitney Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING) (Previous Condition E5 of Zoning Resolution R2007-1871, Control Number 2006-012)

6. The Property owner shall construct::

A. on Seminole Pratt Whitney Road at the Project's entrance road, a right turn lane south approach

B. 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.

C. Permits required for this improvement shall be obtained by Palm Beach County prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

D. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E6 of Zoning Resolution R2007-1871, Control Number 2006-012)

ENVIRONMENTAL

1. The requirements of the preserve cash buy-out option pursuant to ULDC Subsection 14.C.11.C.2 shall be completed prior to DRO site plan certification. (DRO:ERM - ERM) (Previous ERM Condition 1 of Resolution R-2007-1871, Control 2006-012)

is hereby deleted. Reason: Completed

HEALTH-WATER AND SEWER

1. The site shall be served by sanitary sewer and a community water system. Neither an onsite sewage treatment and disposal system (OSTDS) nor non-community potable water wells shall be approved for use on the property. All existing OSTDS shall be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. All existing onsite potable water supply systems shall be abandoned in accordance with Chapter 64E-8, FAC, and Palm Beach County ECR-II. (ONGOING: CODE ENF/HEALTH - Health) (Previous Health Condition 1 of Resolution R-2007-1871, Control 2006-012)

LANDSCAPING- STANDARD

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 the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution R-2007-1871, Control 2006-012)
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. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 2 of Resolution R-2007-1871, Control 2006-012)
3. All palm or pine trees required to be planted on the property by this approval shall meet the following minimum standards at installation:
 - a. 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 or pines provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 3 of Resolution R-2007-1871, Control 2006-012)
4. Field adjustment of plant material 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) (Previous Landscape Condition 4 of Resolution R-2007-1871, Control 2006-012)
5. Special planting treatment shall be provided within a median at the central access point from Orange Boulevard, as shown on the site plan dated March 26, 2007. Planting shall consist of the following:
 - a. a minimum of three (3) native palms or flowering trees;
 - b. appropriate ground cover and native shrubs;
 - c. all plant materials shall be planted in a naturalistic and meandering pattern. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 5 of Resolution R-2007-1871, Control 2006-012)

LANDSCAPING-INTERIOR

6. A divider median shall be provided between each adjacent drive-thru lane of any building or use as follows:
 - a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries of the overhead canopy;
 - b. the extensions of these median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
 - c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paver block, or other decorative paving surface. (BLDG PERMIT: LANDSCAPE - Zoning)
(Previous Landscape Condition 6 of Resolution R-2007-1871, Control 2006-012)

LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING ORANGE BOULEVARD)

7. In addition to code requirements, the landscape buffer along the north property line shall be upgraded to include:
 - a. a minimum of one (1) palm or slash pine for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)
(Previous Landscape Condition 7 of Resolution R-2007-1871, Control 2006-012)

LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SEMINOLE PRATT WHITNEY ROAD)

8. In addition to code requirements, the landscape buffer along the west property line shall be upgraded to include:
 - a. one (1) palm or slash pine for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 8 of Resolution R-2007-1871, Control 2006-012)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 1 of Resolution R-2007-1871, Control 2006-012)
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) (Previous Lighting Condition 2 of Resolution R-2007-1871, Control 2006-012)

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) (Previous Mass Transit Condition 1 of Resolution R-2007-1871, Control 2006-012)

2. Prior to Plat Recordation, 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: ENG-Palm Tran) (Previous Mass Transit Condition 2 of Resolution R-2007-1871, Control 2006-012)

3. The location of a Bus Bay and/or Bulb Out at 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). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Mass Transit Condition 3 of Resolution R-2007-1871, Control 2006-012)

PLANNING

1. The southernmost 50 feet of the site north of the right-of-way and the easternmost 100 feet of the site shall be crosshatched, limited to drainage and landscaping. (DRO/ONGOING: Planning Planning)(Previous Planning Condition 1 of Resolution R-2007-1871, Control 2006-012)

2. The site shall have no vehicular access to 69th Court North. (DRO/ONGOING: Planning Planning) (DRO/ONGOING: Planning Planning)(Previous Planning Condition 2 of Resolution R-2007-1871, Control 2006-012)

3. Development shall be in the form of a Village Center that:
 - A. Is limited to a maximum of 50,000 square feet of non-residential uses; and
 - B. Provides for neighborhood shopping, entertainment, services and cultural opportunities by allowing a mix of retail, office, and institutional uses; and
 - C. Promotes a mix of uses in a manner that creates a strong pedestrian-orientation through design, placement and organization of buildings, pedestrian gathering areas, common open space and dispersed parking; and
 - D. At a minimum, complies with the following design requirements:

Building design and landscaping shall be designed to reflect the rural character of the community.

The building height shall not exceed 30 feet;

All ground floor commercial frontages must have a minimum of 70% transparent glazed area which provides views into a commercial use or window display;

Parking shall be located to the rear of buildings, to the greatest extent possible. Consistent with the rural character of this area, at least 15% of the parking spaces shall have pervious or semi-pervious surfaces;

Parking areas shall be landscaped with at least one canopy tree planted for every six parking spaces;

At least 50% of sidewalk surfaces shall be shaded or covered;

All outdoor lighting must be fully shielded and shall be a maximum of 20 feet in height; and

A centrally located pedestrian gathering area of sufficient size to promote civic activities shall be included. At least 50% of this area shall be shaded by landscaping or shade structures. (DRO/ONGOING: Planning

Planning)(Previous Planning Condition 3 of Resolution R-2007-1871, Control 2006-012)

SIGNS

1. Freestanding signs fronting on Seminole Pratt Whitney Road shall be limited as follows:
 - a. maximum sign face area per side - 100 square feet;
 - b. maximum number of signs - one (1);
 - c. style - monument style only;
 - d. location - within fifty (50) feet of the access point measured from edge of pavement. (ONGOING: BLDG - Zoning) (Previous Sign Condition 1 of Resolution R-2007-1871, Control 2006-012)

USE LIMITATIONS

1. Outdoor retail business activities shall not be allowed on the property, excluding deliveries and drive-thru activities only. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition 1 of Resolution R-2007-1871, Control 2006-012)
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) (Previous Use Limitations Condition 2 of Resolution R-2007-1871, Control 2006-012)

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. (DRO/ONGOING: PBCWUD - PBCWUD)(Previous Utilities Condition 1 of Resolution R-2007-1871, Control 2006-012)

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 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)