

4.14.29

RESOLUTION NO. R-2009- 0372

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2008-00315
(CONTROL NUMBER 1984-00058)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF BANK REGIONS
BY INTERPLAN LLC, AGENT
(REGIONS BANK AT PEACH TREE 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 ZV/DOA-2008-00315 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2009; 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 ZV/DOA-2008-00315, the application of Bank Regions, by Interplan LLC, agent, for a Development Order Amendment to to reconfigure the site plan and add square footage. 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 February 25, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
District 4	-	
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 25, 2009.

Filed with the Clerk of the Board of County Commissioners on March 11, 2009.


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

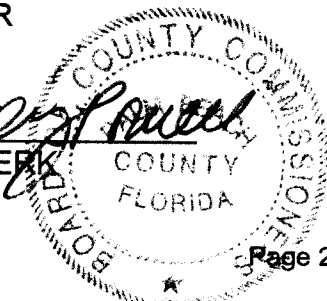


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A parcel of land in Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows:

Commence at the Southwest corner of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida; thence run Northerly along West line of said Section 14, a distance of 127.54 feet to a point on the Southerly right-of-way of state Road No. 806, as recorded in Road Plat Book 3, Page 25, Public Records of Palm Beach County, Florida; thence run Northeasterly along the said Southerly right-of-way of State Road No 806 being a curve concave to the Northwest and having a radius of 1,832.72 feet, a distance of 682.61 feet to the end of said curve; thence continue Northeasterly along the tangent of said curve, being also the said Southerly right-of-way line of State Road No 806, a distance of 172.39 feet to the Point of Beginning; thence North 44°08'14" East, continuing along the said, Southerly right-of-way line of State Road No. 806, a distance of 242.26 feet to the beginning of a curve concave to the Southeast said curve having a radius of 1751.73 feet, thence continue Northeasterly along the arc of said curve being also the said Southerly right-of-way line of State Road No. 806, through a central angle of 02°53'14", a distance of 88.27 feet; thence South 27°58'32" East, a distance of 75.03 feet to the point of curvature of a curve to the right having a radius of 5.00 feet and a central angle of 28°22'59"; thence Southerly along the arc of said curve, a distance of 2.48 feet on intersection with a line 402.50 feet West of and parallel with the East line of the Southwest quarter (SW ¼) of the Southwest quarter (SW ½) of said Section 14; thence 00°24'27" West, along said parallel line a distance of 197.89 feet, then due West, a distance of 168.25 feet; thence South 44°08'14" West; a distance of 45.99 feet; then North 45°51'46" West, a distance of 91.75 feet to the Point of Beginning.

Said land situate, lying and being in Palm Beach County, Florida and containing 43,560 square feet of 1.000 acre, more or less.

EXHIBIT B

VICINITY SKETCH

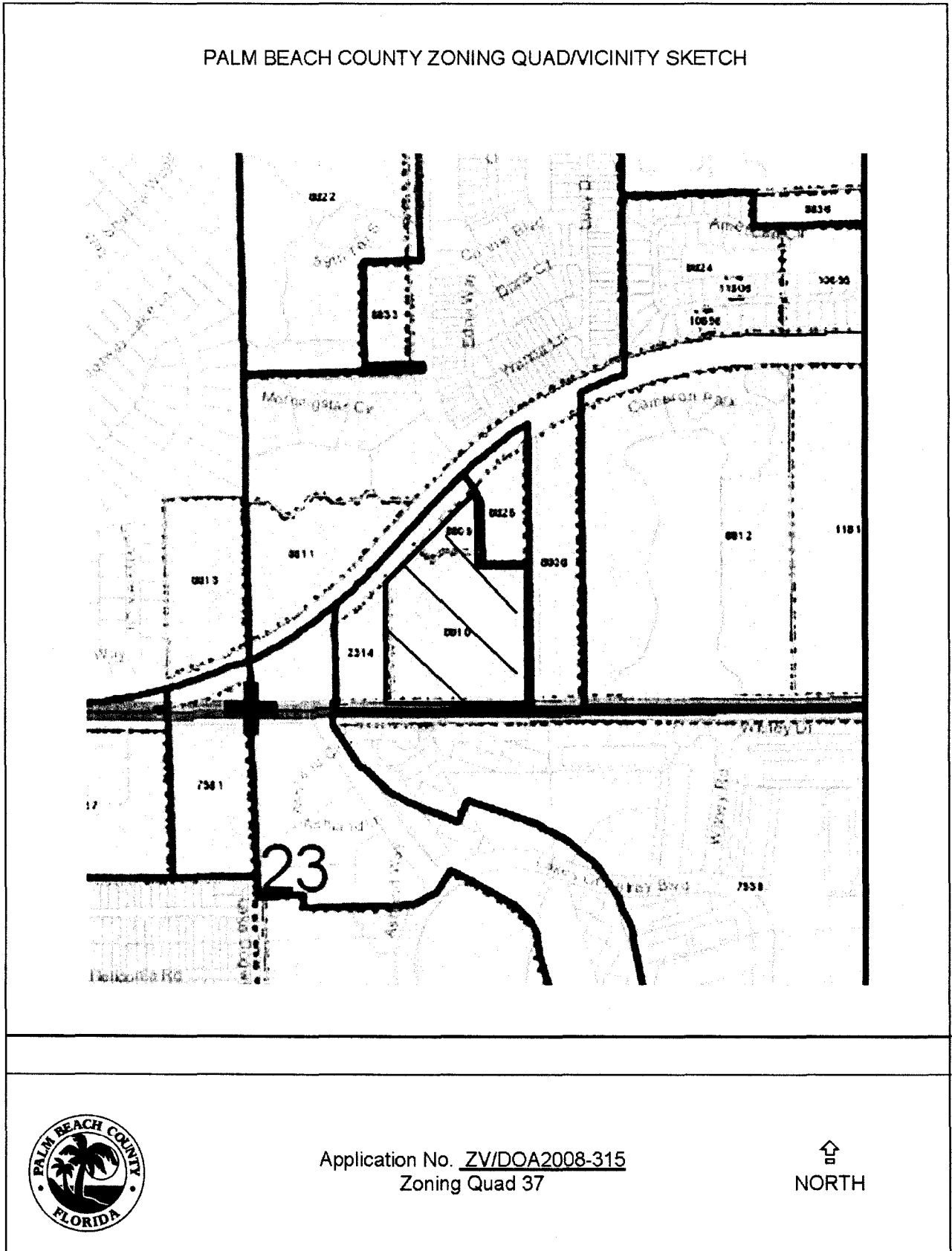


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All Petition Condition 1. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

All previous conditions of approval and time frames as contained in Resolutions R-84-1845 (Petition 84-58) and R-87-877 (Petition 84-58(A)), remain in full effect. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution Resolution No. R-96-1192.1 Control No. 84-58(D), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.All Petition Condition 2. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated April 17, 1996). 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)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site plan is dated December 17, 2008. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the Development Review Officer (DRO) pursuant to Table 3.E.1.B may be allowed subject to the approval by the DRO. All other 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 (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Bank 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.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 Building, and as follows:

- a. Minimum width of five (5) feet, excluding curb;
- b. A planting area shall be provided at each end of the median and 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 grey-wood 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 pre-cast concrete pavers, stamped concrete or any other materials acceptable to the

Landscape Section. (DRO: ARCH REVIEW - Zoning)

BUILDING AND SITE DESIGN

1. Building and Site Condition 1. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

Prior to issuance of a certificate of occupancy (CO) for the self service storage facility, similar architectural character and treatment, which is compatible and harmonious with adjacent buildings, shall be provided on all sides of the self storage building. (CO: BLDG - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

2. Building and Site Condition 2. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

Prior to issuance of a CO for the self service storage facility, all outdoor storage areas and mechanical or electrical equipment on the entire site shall be screened from view on all sides so as not to be visible from any property line. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

ENGINEERING

1. The property owner shall convey for the ultimate right of way of Delray West Road, 60 feet from centerline, within 90 days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. (Previously Condition 5 of Resolution R-96-1192.1 Petition No. DOA1984-58(D)).

[Note: Survey indicates there is 60 from Centerline for West Atlantic Avenue.]

2. The developer shall pay a fair share fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance as it presently exists or as it may from time to time be amended.

Presently the fair share fee for this project is \$86,150. In addition, based upon the amount of traffic generated by this development, the developer has agreed to contribute an additional \$37,906 towards Palm Beach County's existing roadway improvement program to be paid within 12 months of adoption of the resolution by the Board of County Commissioners.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited toward the increase fair share fee. (Previously Condition 6 of Resolution R-96-1192.1 Petition No. DOA1984-58(D)) . (IMPACT FEE COORDINATOR)

3. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- a) A right turn lane, west approach on Delray West Road and the project's west entrance.
- b) A right turn lane, west approach on Delray West Road and Via Flora Road
- c) Raised curb on both sides of the existing median at the project's west entrance onto Delray West Road a distance of 50 feet. [Note: Part c has previously been complied with.]

(Previously Condition 7 of Resolution R-96-1192.1 Petition No. DOA1984-58(D)).

4. The developer shall install two (2) additional street lights at the entrance to the Leisureville Development. The cost of maintenance and electricity shall not be borne by Palm Beach County. (Previously Condition 8 of Resolution R-96-1192.1 Petition No.

5.LANDSCAPE WITHIN MEDIAN

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median of West Atlantic Avenue. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of the Certificate of Occupancy. (CO: MONITORING - Eng)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)
(Previous Condition E1 of Resolution R-96-1192.1 Petition No. DOA1984-58(D)).

[Note: Complete]

6.New Condition of Approval E6:

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

A) No Building Permits for the site may be issued after December 31, 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, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Previous Condition 7 of Resolution R-96-1192.1 Control No. DOA1984-58(D), which currently states:

7. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:
a) A right turn lane, west approach on Delray West Road and the project's west entrance.
b) A right turn lane, west approach on Delray West Road and Via Flora Road
c) Raised curb on both sides of the existing median at the project's west entrance onto Delray West Road a distance of 50 feet. [Note: Part c has previously been complied with.]

Is hereby amended to read:

The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

a) A right turn lane, west approach on Delray West Road and the project's west entrance.

[Note: Deleted] [Reason: No longer Required]

b) A right turn lane, west approach on Delray West Road and Via Flora Road [Note: Deleted] [Reason: No longer Required]

c) Raised curb on both sides of the existing median at the project's west entrance onto

Delray West Road a distance of 50 feet. [Note: Complete]

HEALTH

1. Previous condition B.2 of Resolution R-96-1192.1 which reads:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: CODE ENF/HEALTH)

Is hereby DELETED----Reason Addressed in Justification statement

2. Previous condition B.11. of Resolution R-96-1192.1 which reads;

No building permit shall be issued for the property until such time that the site is connected to a public water system and/or water supply system. (BLDG PERMIT: HEALTH-Utilities)

Is hereby DELETED----Reason: no longer applicable

3. Previous condition B. 12. of Resolution R-96-1192.1 which reads:

Since sewer and water service are available to the property, septic tank and/or well shall not be approved for use on said property. (ONGOING: HEALTH)

Is hereby DELETED----Reason: No longer applicable

ZONING - LANDSCAPING-STANDARD STANDARD

1. All trees required to be planted on site by this approval shall meet the following minimum standards at time of installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F.1. of Resolution No. R-96-1192.1 Control No. 84-58(D).

ZONING - LANDSCAPING-STANDARD

2. All palms required to be planted on site by this approval shall be native species and meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F.2. of Resolution No. R-96-1192.1 Control No. 84-58(D).

ZONING - LANDSCAPING-LANDSCAPING ALONG NORTH PROPERTY LINE (WEST ATLANTIC AVENUE)

3. Landscaping and buffering along the north property line, adjacent to the self service storage facility, and along the west boundary of the adjacent entry drive, shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a continuous two (2) foot high berm, measured from the top of curb;
- c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing

of twenty-five (25) feet on center;

d. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters; and

e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty eight (48) inches. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition G.1. of Resolution No. R-96-1192.1 Control No. 84-58(D)).

ZONING - LANDSCAPING-LANDSCAPING ALONG SOUTH PROPERTY LINE

4.Landscaping and buffering along the south property line shall include:

a. A minimum five (5) foot wide landscape buffer strip;

b. one (1) canopy tree planted every twenty (20) feet on center;

c. one (1) palm or pine tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center. A group of 3 or more palm or pine trees may supersede the requirement for a canopy tree; and

d. 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 thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition I.1. of Resolution No. R-96-1192.1 Control No. 84-58(D)).

ZONING - LANDSCAPING-LANDSCAPING ALONG EAST PROPERTY LINE

5.Landscaping and buffering along the east property line shall include:

a. A six (6) foot solid masonry wall, or a ten (10) foot landscape buffer with thirty-six (36) inch high hedge material of seventy-five percent (75%) opaqueness. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition J.1. of Resolution No. R-96-1192.1 Control No. 84-58(D)).

ZONING - LANDSCAPING-LANDSCAPING ALONG WEST PROPERTY LINE

6.Landscaping and buffering within the existing five (5) foot buffer along the west property line shall include:

a. one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;

b. one (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and

c. 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 thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition H.1. of Resolution No. R-96-1192.1 Control No. 84-58(D)).

ZONING - LANDSCAPING-INTERIOR

7.Prior to final approval by the Development Review Officer (DRO), the plan shall be amended to indicate a focal point or special planting treatment at three (3) points of the site two (2) of which will be adjacent to West Atlantic Avenue. The focal points shall be in the form of a fountain, trellis or any other site element or similar pedestrian oriented public area that is acceptable to the Zoning Division. The design and location of this element(s) shall be subject to review and approval by the Architectural Review Section or

a. a minimum of three (3) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or other specimen palm that is acceptable to the Landscape Section along each side of the outparcel adjacent to West Atlantic Avenue; or,

b. a minimum of three (3) flowering trees along each side of the Right of way frontage. (DRO: ARCH REVIEW - Zoning)

ZONING - LANDSCAPING-FINANCIAL INSTITUTION OUTPARCEL EAST BUFFER ADJACENT TO STRUCTURE NO. 5.

8. Prior to final approval by the Development Review Officer (DRO), the plan shall be amended to indicate a minimum five (5) foot landscape buffer along the east property line of the financial institution outparcel. (DRO: ARCH REVIEW - Zoning)

PALM TRAN

1. Previous Resolution R-96-1192.1, Control DOA84-58(D) is hereby amended to include/read:

Prior to issuance of the first Building Permit, 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 is required. (BLDG PERMIT: MONITORING-PalmTran)

Prior to 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 is required. (BLDG PERMIT: MONITORING-PalmTran)

SIGNS

1. Point of purchase sign on Atlantic Avenue shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 150 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (CO: BLDG) (Previous Sign Condition K.1. of Resolution No. R-96-1192.1 Control No. 84-58(D)).

USE LIMITATIONS

1. Building and Site Condition 2. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

Prior to issuance of a CO for the self service storage facility, all outdoor storage areas and mechanical or electrical equipment on the entire site shall be screened from view on all sides so as not to be visible from any property line. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

2. Use Limitation Condition D.2. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

All rental vehicles and trailers shall be stored along the south property line only. No vehicle or trailers shall be stored or displayed in any other parking area at any time. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

3. Use Limitation Condition D.3. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

The proposed loading area at the northeast corner of the self service storage facility shall be screened from view from the north property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a

manner consistent with the color, character and architectural style of the principle structure.
(CO: BLDG - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001- Architectural Consistency standards will apply to any loading areas that are modified.]

4. Use Limitation Condition D.4. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

The vacant nursery area on the north side of the self service storage area shall remain free and clear of all storage, display and debris at all times. This area shall be maintained by the petitioner in a clear and clean state, free of all trash, debris, weeds, etc, at all times.
(ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001.]

5. Use Limitation Condition D.5. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

Hours of business operation (i.e. open to the public) shall be limited from 7:00 a.m. to 7:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

6. Use Limitation Condition D.5. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

Hours of business operation (i.e. open to the public) shall be limited from 7:00 a.m. to 7:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

7. Use Limitation Condition D.7. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

All site improvements, including, but not limited to, landscaping, buffering, screening, irrigate, paving, striping, sign replacement, compliance with the certified site plan and all other code requirements, shall be completed prior to the issuance of a Certificate of Occupancy (CO) for the self service storage facility. (CO: MONITORING - Bldg / Zoning)

Is hereby deleted. [REASON: Self Service Storage no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

8. Use Limitation Condition D.8. of Resolution No. R-96-1192.1 Control No. 84-58(D) which currently states:

There shall be no gas sales or pumps associated with the vehicle rental facility.
(ONGOING: CODE ENF)

Is hereby deleted. [REASON: Self Service Storage and accessory uses are no longer proposed- revoked pursuant to Resolution No. R-2007-0001]

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 a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)