

RESOLUTION NO. R-2014- 0106

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2013-02365
(CONTROL NO. 1988-00088 and 1993-00052)

a Development Order Amendment

APPLICATION OF Palm Beach County

BY PLACE Planning & Design, Michael E. Wood Consultant Inc, AGENT
(National/Alamo Rent-A-Car)

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, is authorized and empowered to consider applications relating to zoning;

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

WHEREAS, Zoning Application ZV/DOA-2013-02365 was presented to the Board of County Commissioners at a public hearing conducted on January 30, 2014;

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;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

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 ZV/DOA-2013-02365, the petition of Palm Beach County, by PLACE Planning & Design, Michael E. Wood Consultant Inc, agent, for a Development Order Amendment to reconfigure the Site Plan, to add land area, to modify Conditions of Approval and to delete square footage in the General Commercial (CG) and the Public Ownership (PO) Zoning Districts, 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 January 30, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 30, 2014.

Filed with the Clerk of the Board of County Commissioners on February 3rd, 2014


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 COUNTY
FLORIDA

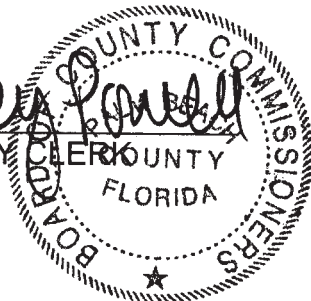


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1 : 2125 BELVEDERE ROAD, PER DEED BOOK 0856 PAGE 31 & 32 ALSO BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD WITH THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, SAID INTERSECTION BEING 660 FEET EAST AND 66 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE NORTH, 660 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 29; THENCE EAST, 365 FEET; THENCE SOUTH 42° EAST TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BELVEDERE ROAD 1650 FEET EAST OF THE WEST LINE AND 66 FEET NORTH OF THE SOUTH LINE OF SECTION 29; THENCE WEST, 990 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD TO THE POINT OF BEGINNING.
LESS THE RIGHT OF WAY IN ORB ORB 992 PAGE 35.

PARCEL 2 : 2121 BELVEDERE ROAD: PER DEED BOOK 687 PAGE 038 ALL OF THAT CERTAIN PLOT OR PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1025 FEET EAST OF THE WEST LINE AND 726 FEET NORTH OF THE SOUTH LINE OF SAID SECTION; THENCE SOUTH 42° EAST TO A POINT IN THE NORTH RIGHT OF WAY LINE OF BELVEDERE ROAD, 1650 FEET EAST OF THE WEST LINE AND 66 FEET NORTH OF THE SOUTH LINE OF SAID SECTION; THENCE EAST ALONG THE NORTH LINE OF SAID BELVEDERE ROAD 280 FEET; THENCE NORTH AT RIGHT ANGLES OR NEARLY SO TO BELVEDERE ROAD 660 FEET AND THENCE WESTERLY PARALLEL OR NEARLY SO TO SAID NORTH LINE OF BELVEDERE ROAD 909.58 FEET TO THE POINT OF PLACE OF BEGINNING.
LESS THE SOUTH 1.0 FOOT PER ORB 6395 PAGE 571.

PARCEL 3: EASTERLY 50 FEET: PER ORB 4274 PG 224:
A STRIP OF LAND, BEING 50 FEET IN WIDTH, LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWESTERLY CORNER OF THE PLAT OF BELVEDERE HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGE 163, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 01°55' 46 WEST, ALONG THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID PLAT, A DISTANCE OF 0.79 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE SOUTH 01°55'46' WEST ALONG SAID LINE, A DISTANCE OF 660.01 FEET TO THE NORTH RIGHT OF WAY LINE OF BELVEDERE ROAD; THENCE, NORTH 88°26'57" WEST, ALONG SAID RIGHT OF WAY LINE AND ALONG A LINE PARALLEL WITH AND 66 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 29, A DISTANCE OF 50.00 FEET; THENCE NORTH 01°55'46" EAST, A DISTANCE OF 660.01 FEET; THENCE, SOUTH 88°26'57" EAST, ALONG A LINE PARALLEL WITH AND 726 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 29, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.
LESS THE WEST 0.78 FEET THEREOF PER DEED BOOK 976, PAGE 506.
AND LESS THE SOUTH 1.0 FOOT PER ORB 4285 PAGE 1197.

ALSO KNOWN AS:

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29;
THENCE S88°26'54"E, AS A BASIS OF BEARINGS, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 665.89 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 29;
THENCE N01°38'24"E, ALONG SAID WEST LINE, A DISTANCE OF 75.00 FEET TO THE NORTH RIGHT OF WAY OF BELVEDERE ROAD AND THE POINT OF BEGINNING;
THENCE CONTINUE N01°38'24"E, ALONG SAID WEST LINE, A DISTANCE OF 651.00 FEET TO A POINT ON A LINE 726.00 FEET NORTH OF, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 29;
THENCE S 88°26'54"E, ALONG SAID PARALLEL LINE, BEING THE NORTH LINE OF THE LANDS IN DEED BOOK 0856 PAGES 31 & 32, DEED BOOK 687 PAGE 38, AND ORB 4274 PAGE 224
A DISTANCE OF 1317.63 FEET;
THENCE S01°55'43"W, ALONG THE EAST LINE OF THE LAND IN ORB 4274 PAGE 224, BEING THE WEST LINE OF THE LAND IN ORB 976, PAGE 506, A DISTANCE OF 659.01 FEET TO A POINT ON A LINE 67.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION;
THENCE N 88°26'54"W, ALONG SAID PARALLEL LINE, BEING THE NORTHERLY LINE OF THE LANDS CONVEYED (THE GRANTEE'S LAND) IN ORB 4285 PAGE 1197 AND ORB 6395 PAGE 571, A DISTANCE OF 331.26 FEET;
THENCE S41°53'33"W, ALONG THE EAST LINE OF THE LAND IN DEED BOOK 0856 PAGES 31 & 32, A DISTANCE OF 1.38 FEET TO A POINT IN A LINE 66.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION;
THENCE N 88°26'54"W, ALONG SAID PARALLEL LINE, BEING THE SOUTH LINE OF THE LAND IN DEED BOOK 0856 PAGES 31 & 32, A DISTANCE OF 32.46 FEET;
THENCE N01°32'37"E, ALONG THE EAST LINE OF THE WEST 1617.54 FEET OF SAID SECTION 29, PER ORB 992 PAGE 35, A DISTANCE OF 9.00 FEET TO A POINT IN A LINE 75.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 29;
THENCE N88°26'54"W, ALONG THE NORTH LINE OF THE SOUTH 75 FEET OF SAID SECTION 29, A DISTANCE OF 951.52 FEET TO THE POINT OF BEGINNING.
CONTAINING IN TOTAL, AS MEASURED, 859,675 SQUARE FEET OR 19.735 ACRE.

EXHIBIT B
VICINITY SKETCH

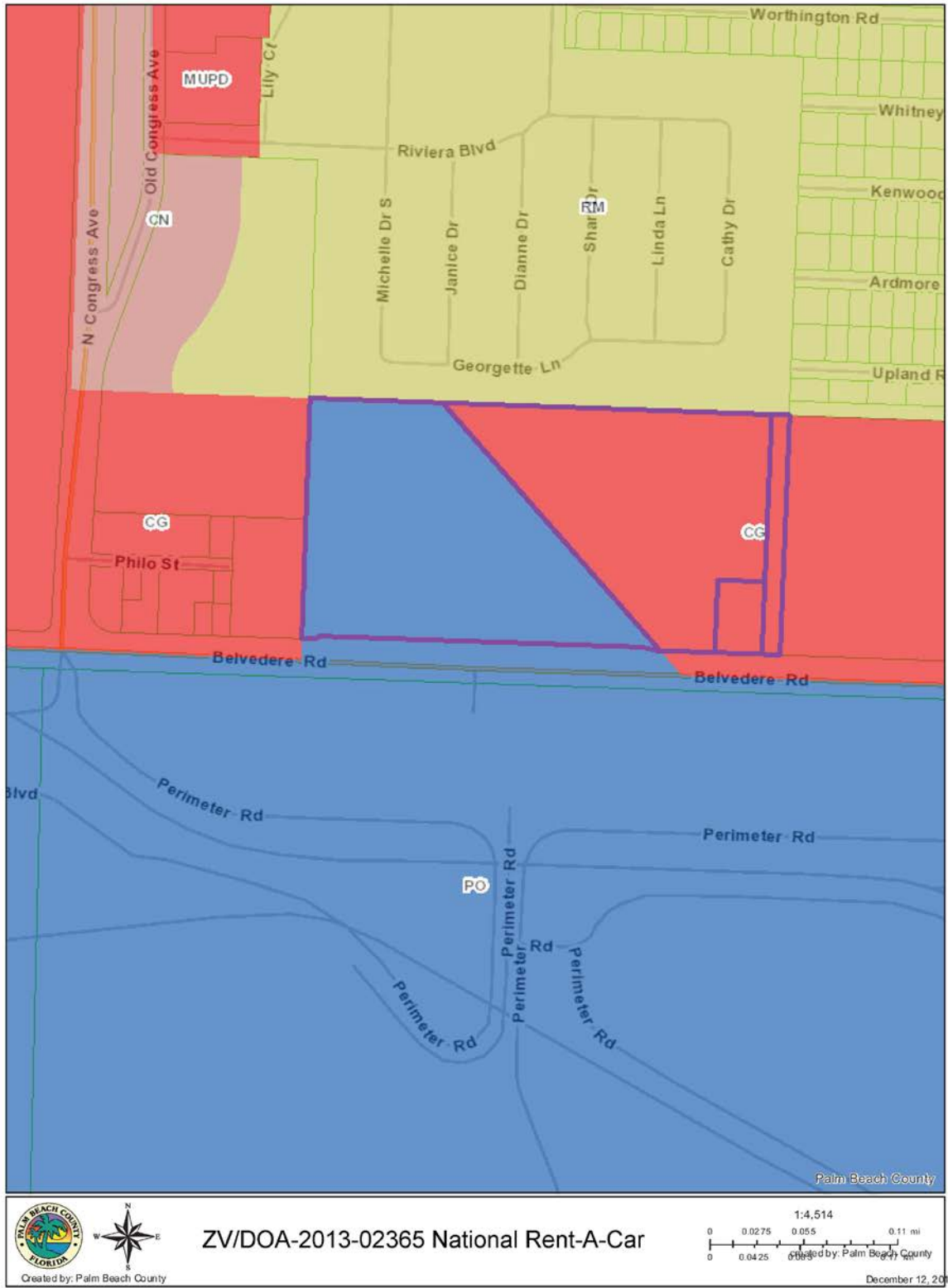


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-89-1043 (Control No. 1988-00088), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated November 13, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (ONGOING: ZONING - Zoning)

3. Previous Condition 5 of Resolution R-89-1043, (Control No. 1988-00088), which currently states:
Prior to Site Plan certification, the developer shall record a Unity of Title on the subject property.

Is hereby amended to read:

Prior to the Final Approval by the Development Review Officer , the Property Owner shall record the Unity of Control and a Boundary Agreement for the subject properties. (DRO: ZONING/ATTY-Zoning) (DRO/ONGOING: MONITORING - Zoning)

4. Previous Condition 1 of Resolution R-89-1043, (Control No. 1988-00088), which currently states:

Zoning Resolution No. R-83-1073 (Petition No. 83-61, Special Exception To Allow An Automobile Rental Facility) and Zoning Resolution No. R-83-110 (Petition No. 82-101, Special Exception To Allow A Commercial New And Used Automobile, Truck, Motorcycle Sales, Rental And Repair Facilities And Lots, Including Car Wash And Gasoline Pump Island Facilities) are hereby repealed in their entirety.

Is hereby deleted: [REASON: Superseded by new Resolution]. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Prior to issuance of the first building permit, the Property Owner shall configure the property into legal lot(s) of record in accordance with the provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng) (BLDGPERMIT: MONITORING - Engineering)

2. Prior to DRO approval, the Property Owner shall revise the Site Plan to show the ultimate right of way for Belvedere Road 110 feet north of the south right of way line. This area shall be labeled as reserved as future right of way. (DRO: ENGINEERING-Eng) (DRO: ENGINEERING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall have all drainage easements required for legal positive outfall shown on the site plan and dedicated, reserved and recorded as required by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (BLDGPERMIT: MONITORING - Engineering)

4. The Property Owner shall modify the median configuration on Belvedere Rd in front of the western driveway, as required by the County Engineer. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

5. No Building Permits for the site may be issued after December 31, 2016. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng) (DATE: MONITORING - Engineering)

6. Previous Condition 2 of Resolution R-89-1043, Control No. 1988-088, which currently states:

There shall be no direct access from Belvedere Road to Parcel 2. Access shall be provided by internal roads through Parcel 1.

Is hereby deleted. [Reason: No longer required] (ONGOING: ENGINEERING - Engineering)

7. Previous Condition 15 of Resolution R-89-1043, Control No. 1988-088, which currently states:

The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. [Reason: Stormwater managements is a code requirement] (ONGOING: ENGINEERING - Engineering)

8. Previous Condition 16 of Resolution R-89-1043, Control No. 1988-088, which currently states:

Access to the subject site shall be limited to: (1) a maximum thirty (30) foot entrance way; and (2) a fifteen (15) foot exitway. The entrance and exit accessway shall be separated with a minimum ten (10) foot wide median. The median shall be designed subject to the approval of the County Engineer. The median shall be landscaped at a minimum according to Section 500.35 .E (Interior Landscape) of the Zoning Code respective of all safe sight distances.

Is hereby deleted. [Reason: No longer required] (ONGOING: ENGINEERING - Engineering)

9. Previous Condition 21 of Resolution R-89-1043, Control No. 1988-088, which currently states:

Prior to the issuance of a Certificate of Occupancy:

a. The developer shall close the existing median opening on Belvedere Road located 150 feet west of the east entrance to the CoTran facility; and

b. Construct a left turn lane west approach on Belvedere Road at the project's west entrance per County Engineer's approval.

Is hereby deleted. [Reason: No longer required] (ONGOING: ENGINEERING - Engineering)

10. Previous Condition 22 of Resolution R-89-1043, Control No. 1988-088, which currently states:

This development must retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [Reason: Stormwater management is a code requirement] (ONGOING: ENGINEERING - Engineering)

11. The property owner shall convey to Palm Beach County within ninety (90) days of approval 54 feet from the centerline for the ultimate right-of-way for Belvedere Road, approximately an additional one (1) foot of right-of-way. (ONGOING: MONITORING - Eng) (Previous Condition 23 of Resolution R-89-1043, Control No. 1988-088)

[Note: COMPLETED for the PBIa parcel] (ONGOING: MONITORING - Engineering)

12. Previous Condition 25 of Resolution R-89-1043, Control No. 1988-088, which currently states:

The property owner shall extend the existing traffic separator on Belvedere Road East, a distance of 40 plus feet and extend the proposed traffic separator, within the entrance/exit south to the right of way on Belvedere Road. All signage and striping and construction shall be subject to approval by this County Engineer.

Is hereby deleted. [Reason: No longer required] (ONGOING: ENGINEERING - Engineering)

HEALTH

1. Previous condition number 13 of Resolution R-83-1073; control 1993-0052 which reads:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

(ONGOING:HEALTH-Health)

Note [COMPLETED] (ONGOING: HEALTH DEPARTMENT - Health Department)

2. Previous condition number 14 of Resolution R-83-1073; Control 1993-0052 which reads:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

(ONGOING:HEALTH-Health)

Is Hereby DELETED---Reason: Duplicated (ONGOING: HEALTH DEPARTMENT - Health Department)

3. The developer shall take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (ONGOING:HEALTH-Health) (Previous condition number 19 of Resolution R-83-1073; control 1993-052) (ONGOING: HEALTH DEPARTMENT - Health Department)

4. Previous condition number 20 of Resolution R-83-1073; Control 1993-052 which reads:

The developer shall take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (ONGOING: HEALTH-Health)

is Hereby DELETED: Reason-- Code Requirement (ONGOING: HEALTH DEPARTMENT - Health Department)

LANDSCAPE - GENERAL

1. Significant native vegetation shall be incorporated into the site plan where possible. Previous Condition 17 of Resolution R-89-1043; (Control No. 1988-00088)).

2. 1. Previous Condition 24 Resolution R-89-1043; (Control No. 1988-00088) which currently states:

The petitioner shall install a 36 inch high ficus hedge along the entire southern boundary of the lake located within the northern portion of the site. The hedge shall be maintained at a maximum height of eight (8) feet.

Is hereby deleted. [Reason: No longer required] (ONGOING: MONITORING - Zoning)

SIGNS

1. No off-premise signs shall be permitted on site. (Previous Condition 3 of Resolution R-89-1043; (Control No. 1988-00088). (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

2. No advertising flags, foreign flags, pennants, banners, streamers, balloons, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code. (Previous Condition 7 of Resolution R-89-1043; (Control No. 1988-00088)). (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

SITE DESIGN

1. Previous Condition 4 of Resolution R-89-1043; (Control No. 1988-00088), which currently states:

Site lighting shall be low intensity, shielded from neighboring properties and shall not exceed fifteen (15) feet in height. (ONGOING: MONITORING - Zoning)

Is hereby deleted. [Reason: No longer required]
(ONGOING: ZONING - Zoning)

2. No stock loading or dumpster loading will be permitted between the hours of 9:00 p.m. and 7:00 a.m. (Previous Condition 6 of Resolution R-89-1043; (Control No. 1988-00088)). (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

3. Areas designated for the off-loading of vehicles and for loading and deliveries shall be located to the rear of buildings and shall be located so as to minimize off-site noise impacts. These areas shall not be located closer than 100 feet from any residentially zoned lot and shall be appropriately designated, marked and signed. (Previous Condition 9 of Resolution No. R-89-1043 (Control No. 1988-00088)). (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

4. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way, or interior drives. (Previous Condition 10 of Resolution No. R-89-1043; (Control No. 1988-00088)). (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

5. No outdoor loudspeaker system shall be permitted on the site. (Previous Condition 11 of Resolution No. R-89-1043; (Control No. 1988-00088)). (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

6. Previous Condition 12 of Resolution No. R-89-1043; (Control No. 1988-00088) which currently states:

Outside storage of vehicles or parts shall be restricted to the maintenance area as shown on Exhibit No. 3 and shall be visually shielded from adjacent properties.

Is hereby deleted: [REASON: Code Requirement. Regulated by Site Plan and Conditions of Approval] (ONGOING: MONITORING - Zoning)

USE LIMITATIONS

1. 1. Previous Condition 8 of Resolution No. R-89-1043; (Control No. 1988-00088) which currently states:

Use of this site shall be limited to: 1) the rental and leasing of cars and trucks: 2) automobile parking (SIC Code 7521): and customary accessory land uses, including vehicle maintenance and sales. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

Use of this site shall be limited to: 1) the rental and leasing of cars and trucks: 2) automobile parking and customary accessory land uses, including vehicle maintenance

and sales. (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

2. Previous Condition 18 of Resolution No. R-89-1043 (Control No. 1988-00088) which currently states:

As a consumer service entity, retail uses shall be prohibited.

Is hereby deleted: [REASON: Code Requirement. Regulated by Site Plan and Conditions of Approval] (ONGOING: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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) (ONGOING: MONITORING - Zoning)

5. 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; the 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 Unified Land Development Code 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 of Approval; 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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.