

RESOLUTION NO. R-2014- 0111

RESOLUTION APPROVING ZONING APPLICATION DOA-2013-01607
(CONTROL NO. 2006-00147)
a Development Order Amendment
APPLICATION OF Northlake Land Group LLC, Coconut Northlake LLC
BY Land Design South, Inc., Atlantic Land Management, AGENT
(Shops at Indian Trails)

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 DOA-2013-01607 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 DOA-2013-01607, the petition of Northlake Land Group LLC, Coconut Northlake LLC, by Land Design South, Inc., Atlantic Land Management, agent, for a Development Order Amendment (DOA) to reconfigure the Site Plan to relocate square footage; to modify Conditions of Approval (Engineering, Landscaping, Planning and Site Design); and, to modify the date for Commencement of Development in the Multiple Use Planned Development (MUPD) 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 January 30, 2014, subject to the Conditions of Approval described in EXHIBIT C,

attached hereto and made a part hereof.

Commissioner Vana 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	-	Nay

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 FLORIDA



EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15

BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 30.71 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

NET ACREAGE (LESS ADDITIONAL RIGHT-OF-WAY): 29.59 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

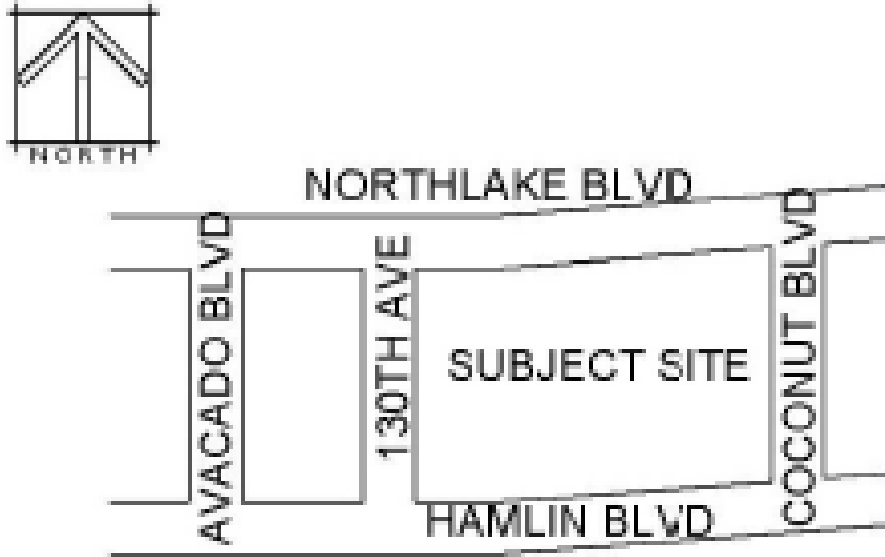


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous Condition All Petitions 1 of Resolution R-2011-1240, Control No. 2006-0147, which currently states:

The approved Preliminary Site Plan is dated May 13, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC). (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The Preliminary Site Plan is dated November 14, 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-01240 (Control 2006-0147), 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)

3. Commencement of the Development Order shall start by January 13, 2017, modifications maybe permitted administratively as allowed by Article 2.E of the Unified Land Development Code (ULDC). (DATE: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings and structures 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 Unified Land Development Code (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: ZONING - Zoning) (Previous Condition Architectural Review 1 of Resolution R-2011-1240, Control No. 2006-0147)

2. All required porches and drive-thrus shall be designed to meet the minimum standards as defined by Article 5.C, as amended, and shall include a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted or as otherwise approved by Architecture Review Section. (BLDG PERMIT: ZONING - Zoning) (Previous Condition Architectural Review 2 of Resolution R-2011-1240, Control No. 2006-0147)

3. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be amended to include:

- a. Decorative trellis work along the primary entrances into the site from both Northlake Boulevard and Coconut Boulevard; and
- b. A minimum forty (40) feet of trellis shall be provided on each side of each entrance drive isle or as approved by the Architectural Review Section. (DRO: ZONING - Zoning) (Previous Condition Architectural Review 3 of Resolution R-2011-1240, Control No. 2006-0147)

ENGINEERING

1. Previous Condition E.1 of Resolution R-2011-1240, Control No. 2006-0147, 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.No Building Permits for the site may be issued after December 31, 2014. 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)

b.The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at SR 7 and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 4,000 sq. ft. Medical Office, 14,820 sq. ft. Pharmacy and 7,200 sq. ft. Drive-In Bank (or the equivalent of 156 net peak hour trips) shall not be issued until the developer shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).

c.In order to request release of the surety for the traffic signal required by condition E.1.b, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-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 may be issued after December 31, 2017. 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)

b. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at SR 7 and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 14,820 sq. ft. Pharmacy and 3,000 sq. ft. of Convenience Store plus 8 gas pumps (or the equivalent of 97 net peak hour trips) shall not be issued until the developer shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).

c. In order to request release of the surety for the traffic signal required by condition E.1.b, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be

returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)

2. Previous Condition E.2 of Resolution R-2011-1240, Control No. 2006-0147, which currently states:

Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall permit, fund, install and have operational the traffic signal at the western driveway connection and Northlake Boulevard. Signalization shall be a span-wire installation. The cost of signalization paid by the Property Owner shall also include all design costs and any required utility relocation and right of way or easement acquisition. (CO:MONITORING-Eng).

Is hereby amended to read:

Prior to the issuance of a first Certificate of Occupancy for the western phase of the project, the Property Owner shall permit, fund, install and have operational the traffic signal at the western driveway connection and Northlake Boulevard. Signalization shall be a span-wire installation. The cost of signalization paid by the Property Owner shall also include all design costs and any required utility relocation and right of way or easement acquisition. (CO: MONITORING-Eng).

3. Prior to the issuance of the first 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 right turn lanes:

- i. at the western driveway connection onto Northlake Boulevard
- ii. at the middle driveway connection onto Northlake Boulevard
- iii. at the eastern driveway connection onto Northlake Boulevard
- iv. at the driveway connection onto Coconut Boulevard

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. 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, including a topographic survey. The Property Owner shall not record the required right of way 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)

4. Previous Condition E.4 of Resolution R-2011-1240, Control No. 2006-0147, which currently states:

The Property Owner shall construct:

- i. a west approach right turn lane on Northlake Blvd., an east approach left turn lane on Northlake Blvd. and a south approach shared left/right lane, all at the western driveway connection (interim condition) and an on-site paved 2-lane drive aisle connecting this driveway to development on the eastern portion of the property,
- ii. a west approach right turn lane on Northlake Blvd. at the middle driveway connection,
- iii. a west approach right turn lane on Northlake Blvd. at the eastern driveway connection,
- iv. a north approach right turn lane on Coconut Blvd. at the project driveway connection,
- v. a traffic separator on Coconut Blvd. from Northlake Blvd. to approximately 50 feet south of the project driveway connection or as approved by the County Engineer, and
- vi. south approach dual left turn lanes and an exclusive right turn lane on Northlake Blvd. at the western driveway connection, including the appropriate westbound receiving lanes on Northlake Blvd. and any necessary signal modifications.

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 the construction identified in items i-v above shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction identified in items i-v above shall be completed prior to the issuance of the first building permit. (CO: MONITORING-Eng)

c. Permits required from Palm Beach County for the construction identified in item vi above shall be obtained prior to the issuance of the first building permit for buildings A thru C (i.e. any buildings west of the central driveway). (BLDG PERMIT: MONITORING-Eng)

d. Construction identified in item vi above shall be completed prior to the issuance of the first Certificate of Occupancy for buildings A thru C (i.e. any buildings west of the central driveway). (CO: MONITORING-Eng)

Is hereby amended to read:

The Property Owner shall construct:

- i. a west approach right turn lane on Northlake Blvd. at the middle driveway connection,
- ii. a west approach right turn lane on Northlake Blvd. at the eastern driveway connection,
- iii. a north approach right turn lane on Coconut Blvd. at the project driveway connection,
- iv. a traffic separator on Coconut Blvd. from Northlake Blvd. to approximately 50 feet south of the project driveway connection or as approved by the County Engineer, and
- v. a west approach right turn lane, an east approach left turn lane, south approach dual left turn lanes and an exclusive right turn lane at the western driveway connection on Northlake Blvd, including the appropriate westbound receiving lanes on Northlake Blvd.

This construction shall be concurrent with the corresponding paving and drainage improvements for the site as outlined in items a to d below. 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 the construction identified in items i-iv above shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction identified in items i-iv above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

c. Permits required from Palm Beach County for the construction identified in item v above shall be obtained prior to the issuance of the first Building Permit for buildings A thru C (i.e. any buildings west of the central driveway). (BLDG PERMIT: MONITORING-Eng)

d. Construction identified in item v above shall be completed prior to the issuance of the first Certificate of Occupancy for buildings A thru C (i.e. any buildings west of the central driveway). (CO: MONITORING-Eng)

5. Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way to include the existing sidewalk along the west side of Coconut Boulevard entirely within Palm Beach County right of way. This additional right of way shall be as approved 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, excluding the existing sidewalk, including a topographic survey. The Property Owner shall not record the required right of way 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 E.5 of Resolution R-2011-1240, Control No. 2006-0147)

6. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Northlake 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 Commissioner's 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 c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.6.a of Resolution R-2011-1240, Control No. 2006-0147)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng) (Previous Condition E.6.b of Resolution R-2011-1240, Control No. 2006-0147)

c. 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: ENGINEERING-Eng) (Previous Condition E.6.c of Resolution R-2011-1240, Control No.2006-0147)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Northlake 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. (BLDG PERMIT: MONITORING -Eng)

7. Prior to issuance of the first building permit, the Property Owner shall create a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.7 of Resolution R-2011-1240, Control No. 2006-0147)

8. The Property Owner shall construct a driveway connection to Hamlin Blvd, a right turn lane, east approach at the driveway connection and a 6-foot sidewalk between Coconut Blvd and the driveway connection on the north side of Hamlin Blvd, or as approved by Indian Trails Improvement District. This construction should 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. Construction of these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.8.a of Resolution R-2011-1240, Control No. 2006-0147)

b. Commercial vehicles shall be prohibited from using Hamlin Blvd. to access the site. (ONGOING: CODE ENF-Eng) (Previous Condition E.8.b of Resolution R-2011-1240, Control No. 2006-0147)

9. Prior to issuance of a building permit for proposed improvements within the portion of the 50-foot Rural Parkway Easement that overlaps with the 10-foot Embankment Easement along the north property line, the Property Owner shall coordinate with Roadway Production for approval on proposed grading. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.9 of Resolution R-2011-1240, Control No. 2006-0147)

10. The Property Owner shall construct:

- i. a median opening on Northlake Blvd at the middle driveway that allows only left turns out (temporary construction). The design shall be as approved by the County Engineer.
- ii. a temporary signal at the above location that would allow left turns out from the middle driveway (temporary construction).

The two temporary constructions, as identified in i and ii shall be removed once the western driveway has been modified and a signal has been installed, as specified in condition Eng.2.

Signalization shall be a span-wire installation. The Property Owner would be responsible for all the cost associated with this temporary signal installation. These costs shall include, but not limited to, all design costs and required utility relocation and right-of-way or easement acquisition, if any.

a. Permits required from Palm Beach County for the construction identified in i and ii above shall be obtained prior to the issuance of the first Building Permit (BLDG PERMIT: MONITORING:Eng).

b. Construction identified in i and ii above shall be completed prior to the issuance of second Certificate of Occupancy (CO:MONITORING-Eng).

ENVIRONMENTAL

1. Incorporate existing native trees and under-story into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 6 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH). (DRO:ERM-Erm) (Previous Condition Environment 1 of Resolution R-2011-1240, Control No. 2006-0147)

LANDSCAPE - GENERAL

1. Previous Condition Landscape 1 of Resolution R-2011-1240, Control No. 2006-0147 which currently states:

Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative 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)

Is hereby deleted - [Reason: Consolidated in Landscape Condition number 4.]

2. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet to meet grade and standards requirements; and,

b. credit may be given for existing or relocated trees provided they meet Unified Land Development Code (ULDC) requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 2 of Resolution R-2011-1240, Control No. 2006-0147)

3. A group of three (3) or more palms or pines may supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 3 of Resolution R-2011-1240, Control No. 2006-0147)

4. Previous Condition Landscape 4 of Resolution R-2011-1240, Control No. 2006-0147 which currently states:

At time of submittal for final Development Review Officer (DRO) approval, the applicant shall submit a Landscape Plan for the south property line 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)

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the applicant shall submit a Landscape Plan for the south property line 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)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG THE SOUTH PROPERTY LINE (ABUTTING HAMLIM BOULEVARD)

5. Previous Condition Landscape 5 of Resolution R-2011-1240, Control No. 2006-0147 which currently states:

In addition to code requirements, the landscape buffer along the south property line shall be upgraded to include:

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. one (1) canopy tree for each twenty (20) linear feet on center; and
- c. one (1) palm/pine with staggering height in groups of three (3) for every thirty (30) linear feet. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to code requirements, the landscape buffer along the south property line shall be upgraded to include:

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. one (1) canopy tree for each twenty (20) linear feet; and
- c. one (1) palm or pine with staggering height in groups of three (3) for every thirty (30) linear feet. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG THE 540 FEET BEHIND BUILDING A AND THE 270 FEET BEHIND BUILDING H OF THE SOUTH PROPERTY LINE (ABUTTING HAMLIM BOULEVARD)

6. Previous Condition Landscape 6 of Resolution R-2011-1240, Control No. 2006-0147, which currently states:

In addition to Landscape Conditions 4 and 5 above, the applicant shall provide:

- a. a three (3) foot high berm along the 540 feet behind Building A and along the 270 feet behind Building H;

- b. a minimum six (6) foot high concrete, panel or block wall shall be installed on the plateau of the berm along the 540 feet of the south property line, behind Building A to completely screen the loading area as indicated on the Preliminary Site Plan dated May 13, 2011;
- c. a minimum of six (6) foot high hedge to be installed on the plateau of the berm along the 270 feet behind Building H; and
- d. one (1) canopy tree for each twenty (20) linear feet on center to be staggered on both sides of the wall or hedge. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to Landscape Conditions 4 and 5 above, the applicant shall provide:

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. a three (3) foot high continuous berm in two areas of this buffer. A minimum 540 linear feet of berm in the buffer behind Building A, and a minimum 270 linear feet of berm in the buffer behind Building H;
- c. a minimum six (6) foot high concrete panel or block wall shall be installed on the plateau of the berm along the 540 linear feet to completely screen the loading area of Building A;
- d. a minimum six (6) foot high hedge to be installed on the plateau of the berm along the 270 linear feet behind Building H; and
- e. one (1) canopy tree for each twenty (20) linear feet of the entire perimeter buffer; and
- f. one (1) palm or pine with staggering height in groups of three (3) for every thirty (30) linear feet. Palms shall have a minimum range of six (6) to eight (8) feet of clear trunk or grey wood. Pines shall have a minimum height range from eight (8) to twelve (12) feet. . (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

7. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: LANDSCAPE - Zoning) (Previous Condition Landscape 7 of Resolution R-2011-1240, Control No. 2006-0147)

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Condition Lighting 1 of Resolution R-2011-1240, Control No. 2006-0147)

2. The lighting condition above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Condition Lighting 2 of Resolution R-2011-1240, Control No. 2006-0147)

PLANNING

1. Development of the site under the Commercial Low designation shall be limited to a maximum of 106,566 square feet of non-residential uses. (ONGOING: PLANNING-Planning) (Previous Planning Condition 1 of Resolution R-2011-1240, Control No. 2006-147)

2. Prior to final Site Plan approval by the Development Review Officer (DRO), the property owner shall provide a Rural Parkway Landscape Plan, which shall recreate the native habitat appropriate for the site, subject to review and approval by the Landscape Section and the Planning Division and at a minimum shall include the following:

- a. an overall fifty (50) foot wide Rural Parkway which may include the twenty (20) foot right-of-way buffer;
- b. An eight (8) foot wide paved multipurpose meandering pathway;
- c. The minimum quantities of trees and shrubs within the twenty (20) foot right-of-way portion shall be consistent with Article 7 and quantities for the remaining thirty (30) foot Rural Parkway shall be determined based on site restrictions and existing native vegetation. These overall quantities may be adjusted prior to final approval of the landscape plan to achieve a native habitat;

d. A minimum of eighty percent 80% native vegetation. Credit may be given for native vegetation that is relocated or is part of an approved mitigation plan; and flowering trees and/or shrubs; (DRO: LANDSCAPE/PLANNING-Planning) (Previous Planning Condition 2 of Resolution R-2011-1240, Control No. 2006-147)

3. Prior to final Site Plan approval by the Development Review Officer (DRO), the property owner shall submit a Rural Parkway Management Plan (RPMP) maintenance agreement for perpetual maintenance of the Rural Parkway subject to approval by Planning. (DRO-PLANNING-Planning) (Previous Planning Condition 3 of Resolution R-2011-1240, Control No. 2006-147)

4. Prior to recordation of a Plat or issuance of a Plat Waiver or other approval as allowed by the Subdivision Ordinance, the property owner shall submit a recorded Rural Parkway Easement. The Easement shall include but is not limited to: an approved Rural Parkway Landscape Plan, an approved Rural Parkway Maintenance Plan. (PLAT: MONITORING-Planning) (Previous Planning Condition 4 of Resolution R-2011-1240, Control No. 2006-147)

5. The conservation easement for the Rural Parkway shall include, but not be limited to, the following items:

a. The Rural Parkway easement shall not include:

- i. Walls or berms in the Rural Tier;
- ii. No structures shall be allowed in the Rural Parkway Easement with the exception of benches/pedestrian gathering area and a drinking water fountain;

b. The Rural Parkway easement may include:

- i. A ten (10) foot utility easement located adjacent to the right-of-way;
- ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Rural Parkway Easement to place drainage/utilities in the developable portion of the approved site plan.
- iii. Other drainage easements may be permitted in the Rural Parkway Easement solely for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.
- iv. Overlap of the Rural Parkway and Embankment Easement as long as the purposes of both easements are consistent. (ONGOING: PLANNING-Planning)

6. Previous Planning Condition 6 of Resolution R-2011-1240, Control No. 2006-147, which currently states:

Prior to November 1, 2013, should a Rural Parkway Conservation Easement not be recorded for the subject property by the property owner in a form acceptable to the County Attorney, Engineering Department, and Planning Division, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING-Planning)

Is hereby amended to read:

Prior to November 1, 2017, should a Rural Parkway Conservation Easement not be recorded for the subject property by the property owner in a form acceptable to the County Attorney, Engineering Department, and Planning Division, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING-Planning)

7. Previous Planning Condition 7 of Resolution R-2011-1240, Control No. 2006-147, which currently states:

The property owner shall commence construction of the Rural Parkway, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the building permit. (BLDG PERMIT: MONITORING-Landscape/Planning)

Is hereby amended to read:

The property owner shall commence construction of the Rural Parkway within Phase 1, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first building permit within Phase 1. (BLDG PERMIT: MONITORING-Landscape/Planning)

8. Previous Planning Condition 8 of Resolution R-2011-1240, Control No. 2006-147, which currently states:

The Rural Parkway shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the Certificate of Occupancy (CO) subject to a final inspection by a Landscape inspector and designated Planning staff. (CO: MONITORING-Landscape/Planning)

Is hereby amended to read:

The Rural Parkway within Phase 1, shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO) within Phase 1, subject to a final inspection by a Landscape inspector and designated Planning staff. (CO: MONITORING-Landscape/Planning)

9. Prior to final Site Plan approval by the Development Review Officer (DRO), all notations identifying possible future locations for signage within the Rural Parkway shall be removed. (DRO-PLANNING-Planning) [Note: COMPLETED]

10. Signs of any type shall not be permitted to be located within the Rural Parkway. (ONGOING: PLANNING-Planning)

11. The property owner shall commence construction of the Rural Parkway within Phase 2, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first building permit within Phase 2. (BLDG PERMIT: MONITORING-Landscape/Planning)

12. The Rural Parkway within Phase 2, shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO) within Phase 2, subject to a final inspection by a Landscape inspector and designated Planning staff. (CO: MONITORING-Landscape/Planning)

SIGNS

1. Ground Mounted Freestanding Signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - Eight (8) feet;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - Northlake Boulevard and Coconut Boulevard. (BLDG PERMIT: BLDG - Zoning) (Previous Condition Sign 1 of Resolution R-2011-1240, Control No. 2006-0147)

2. Freestanding Outparcel Identification signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

a. maximum number of signs - five (5). (BLDG PERMIT: BLDG - Zoning) (Previous Condition Sign 2 of Resolution R-2011-1240, Control No. 2006-0147)

SITE DESIGN

1. Previous Condition Site Design 1 of Resolution R-2011-1240, Control No. 2006-0147 which currently states:

The site is limited to the design shown on the preliminary site plan dated May 13, 2011 with the detention areas and the wetland areas to the south and west of the property. No parking or development shall be allowed within these areas. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

The site is limited to the design shown on the preliminary site plan dated November 14, 2013 with the detention areas and the wetland areas to the south and west of the property. No parking or development shall be allowed within these areas. (ONGOING: CODE ENF - Zoning) (Previous Condition Site Design 1 of Resolution R-2011-1240, Control No. 2006-0147)

2. Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall revise the site plan to include a minimum of Fifty (50) linear feet of pavers along the entire width of the entrance on Hamlin Boulevard. (DRO: BLBG/ZONING Zoning) (Previous Condition Site Design 2 of Resolution R-2011-1240, Control No. 2006-0147)

3. Previous Condition Site Design 3 of Resolution R-2011-1240, Control No. 2006-0147 which currently states:

All entrances from the proposed right of way shall include pavers as indicated on the site plan dated May 13, 2011. (ONGOING: CODE ENF Zoning)

Is hereby amended to read:

All entrances from the proposed right of way shall include pavers as indicated on the site plan dated November 14, 2013. (ONGOING: CODE ENF Zoning)

USE LIMITATIONS

1. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility on the property. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation 1 of Resolution R-2011-1240, Control No. 2006-0147)

2. Construction traffic shall be prohibited from utilizing Hamlin Boulevard to access the site. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation 2 of Resolution R-2011-1240, Control No. 2006-0147)

3. Hours of construction activity during all stages of site development shall be limited to 7 a.m. to 7 p.m. Monday through Friday. Construction shall be prohibited on Saturday, Sunday, and statutory holidays. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitation 3 of Resolution R-2011-1240, Control No. 2006-0147)

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)

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; 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)

DISCLOSURE

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