

RESOLUTION NO. R-2015- 1348

RESOLUTION APPROVING ZONING APPLICATION DOA/R/ABN-2015-00323
(CONTROL NO. 1984-00099)
a Development Order Amendment
APPLICATION OF Ramco-Gershenson Properties L.P.
BY Holland & Knight LLP, AGENT
(Mission Bay)

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) (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/R/ABN-2015-00323 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2015;

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 ULDC 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 ULDC 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 ULDC 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/R/ABN-2015-00323, the application of Ramco-Gershenson Properties L.P., by Holland & Knight LLP, Agent, for a Development Order Amendment to reconfigure the site plan and add a Requested Use, 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 September 24, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

| | |
|--|----------|
| Commissioner Shelley Vana, Mayor | - Absent |
| Commissioner Mary Lou Berger, Vice Mayor | - Aye |
| Commissioner Hal R. Valeche | - Absent |
| Commissioner Paulette Burdick | - Aye |
| Commissioner Steven L. Abrams | - Aye |
| Commissioner Melissa McKinlay | - Aye |
| Commissioner Priscilla A. Taylor | - Aye |

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2015.

Filed with the Clerk of the Board of County Commissioners on September 29th, 2015

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY


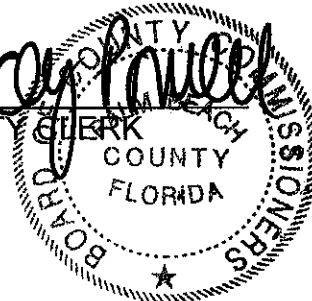
BY: 
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL 1:

Tracts A and B, MISSION BAY PLAZA, according to the Plat thereof, recorded in Pat Book 49, Pages 160-162, as amended by Surveyor's Affidavit recorded in Official Records Book 4465, Page 1514, Public Records of Palm Beach County Florida.

ALSO, all of the lands which constitute a portion of the 30 foot right-of-way as shown on the Florida Fruit Lands Company's Subdivision No 2 of Section, 13, Township 47 South Range 41 East, which was abandoned per Resolution No. R-64-1932 adopted by the Board of County Commissioners of Palm Beach County as recorded in Official Records Book 4438, Pages 1770-1773, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the most Northerly Northeast corner of Tract A of the Plat of Mission Bay Plaza, as recorded in Plat Book 49, Pages 160-162, Public Records of Palm Beach County Florida; thence South 00 degrees 51 minutes 43 seconds East, a distance of 560.64 feet; thence South 01 degree 06 minutes 06 seconds West, a distance of 36.68 feet to the Point of Beginning, the last two courses being coincident with the East boundary of Tract A of said Mission Bay Plaza; thence continue South 01 degree 06 minutes 06 seconds West, a distance of 30.01 feet; thence South 89 degrees 47 minutes 02 seconds West, a distance of 1062.72 feet to the West boundary of said Mission Bay Plaza; thence along said West boundary North 12 degrees 51 minutes 43 seconds West, a distance of 30.75 feet; thence North 89 degrees 47 minutes 02 seconds East, a distance of 1070.15 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM the following described lands:

A parcel of land within the Plat of MISSION BAY PLAZA, as recorded in Plat Book 49, Pages 160 through 162, inclusive, of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the most southerly and the most westerly Southwest corner of said Mission Bay Plaza; thence, North 89 degrees 08 minutes 17 seconds East, a distance of 375.00 feet; thence North 37 degrees 08 minutes 16 seconds East, distance of 180.00 feet; thence North 89 degrees 08 minutes 17 seconds East, a distance of 2.55 feet to the Point Of Beginning, the last three described courses being coincident with the Southerly boundary of said Mission Bay Plaza; thence North 00 degrees 51 minutes 43 seconds West, a distance of 142.00 feet; thence North 89 degrees 08 minutes 17 seconds East, a distance of 137.45 feet; thence South 00 degrees 51 minutes 43 seconds East, a distance of 142.00 feet; thence South 89 degrees 08 minutes 17 seconds West, a distance of 137.45 feet to the Point Of Beginning, the last two (2) described courses being coincident with the boundary of said Mission Bay Plaza.

PARCEL 2:

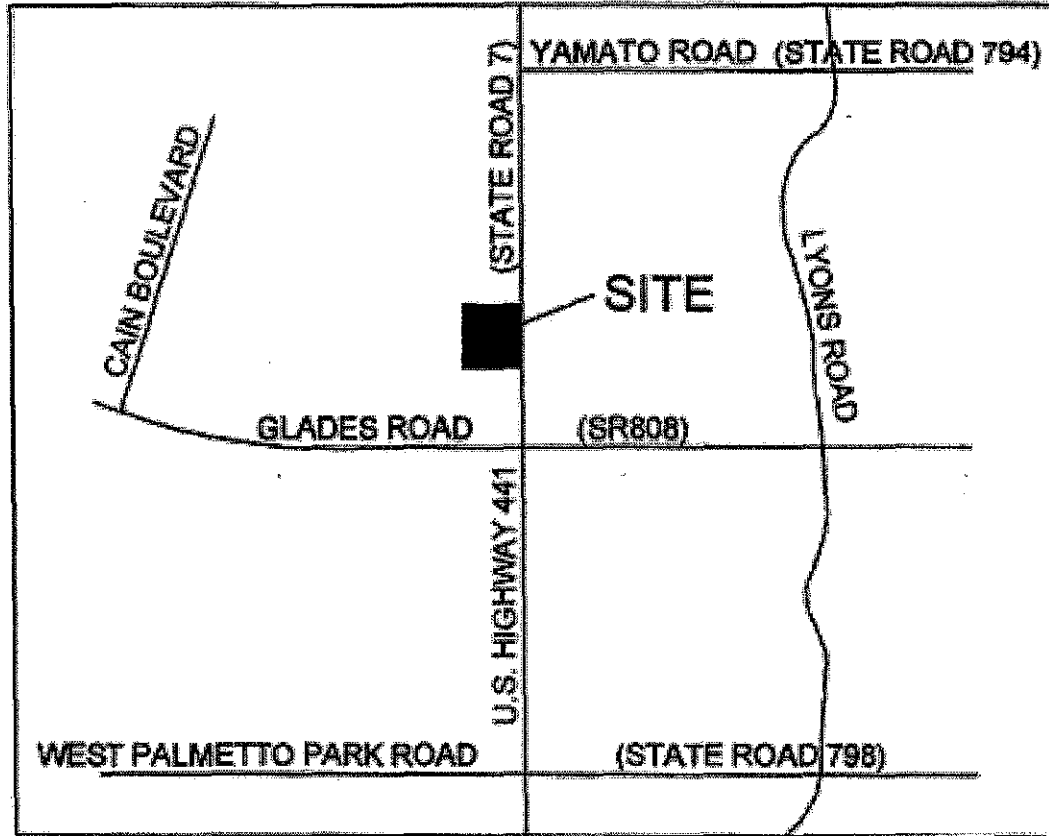
Non-exclusive ingress/egress and utility easement for the benefit of Parcel 1 as contained in that certain Easement Deed granted by Mission Bay Development Co., Inc., and Mission Bay Community Association, Inc. to Mission Bay Plaza Associates recorded in Official Records Book 5014, Page 866 over the following described property:

A portion of the Plat of Mission Bay, a P.U.D., as recorded in Plat Book 53, Pages 112-120, inclusive, Public Records of Palm Beach County Florida, being more particularly described as follows:

Commence at the Southwest corner of Mission Bay Plaza, as recorded in Plat Book 49, Pages 160-162, inclusive. Public Records of Palm Beach County, Florida; thence North 89 degrees 08 minutes 17 seconds East along a South line of said Mission Bay Plaza, a distance of 270.00 feet to the Point of Beginning; thence continued North 89 degrees 08 minutes 17 seconds East a distance of 105.00 feet; thence North 37 degrees 08 minutes 16 seconds East, a distance of 24.36 feet; thence South 00 degrees 51 minutes 43 seconds East a distance of 142.20 feet; thence South 83 degrees 25 minutes

39 seconds West, a distance of 120.60 feet; thence North 00 degrees 51 minutes 43 seconds West, a distance of 135.00 feet to the Point of Beginning.

EXHIBIT B
VICINITY SKETCH



VICINITY MAP
SCALE: N.T.S.

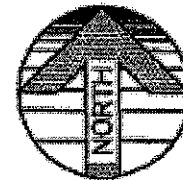


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-1119, Control No.1984-00099, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-1163 and R-2010-1164 (Control 1984-00099), 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 or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-1163, R-2010-1164 and R-2011-1119 (Control 1984-00099), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 1 of Resolution R-2010-1163, Control No.1984-00099, which currently states:

The approved preliminary site plan is dated June 7, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated July 9, 2015. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the site plan shall be amended to reflect:

A. All mechanical and air conditioning equipment to be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

B. The north and west facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible appearance and a negative visual impact upon nearby residential development. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2010-1163, Control No.1984-00099)

2. Structures in this Planned Commercial Development shall be limited to two stories, and in no event shall the height of the finished roof exceed 30 feet. (BLDGPMT: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2010-1163, Control No.1984-00099)

3. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the 3,964-SF financial institution 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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2010-1164, Control No.1984-00099)

4. The exterior elevations of all buildings shall include exterior colors that shall be similar to those already used within the development. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims and massing (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors. (DRO: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2010-1164, Control No.1984-00099)

ENGINEERING

1. The property owner shall convey for the ultimate right-of-way of S.R.7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (BLDG/PMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-1119, Control No.1984-00099)

2. The property owner shall convey the ultimate right-of-way for Glades Road necessary to provide for a 120 foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval within ninety (90) days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-1119, Control No.1984-00099)

3. The property owner shall convey from the subject property the ultimate right-of-way for the "Special Exception" at Glades Road and S.R. 7 per the County Engineer's approval. This right-of-way shall be conveyed within ninety (90) days of adoption of the Resolution by the Board of County Commissioners and accepted by Palm Beach County or prior to the issuance of a building permit. (BLDG/PMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2011-1119, Control No.1984-00099)

4. Based on traffic impacts and total traffic projected in the impact area, the project shall be issued a building permit until the 21 months after the approval date by the Board of County Commissioners. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2011-1119, Control No.1984-00099)

5. The petitioner shall provide the construction plans for S.R. 7 as a four-lane, median-divided section (expandable to 6-lanes), compatible with the Department of Transportation typical section from Palmetto Park Road south of the Hillsboro Canal plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within six (6) months of the approval date by the Board of County Commissioners or prior to the issuance of a Certificate of Occupancy, whichever first occurs. The cost of these plans shall not exceed \$100,000.00. (CO/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-1119, Control No.1984-00099)

6. The petitioner shall provide the construction plans for Glades Road as a six-lane, median-divided facility from Powerline/Jog Road to just east of the Florida Turnpike entrance plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within eighteen (18) months of the resolution date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2011-1119, Control No.1984-00099)

7. The additional right-of-way for S.R. 7, as determined by the Florida Department of Transportation, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers for the road construction for S.R. 7, shall be acquired by Palm Beach County at the Developer's expense. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2011-1119, Control No.1984-00099)

8. The Developer shall construct S.R. 7 as a four-lane divided section from Palmetto Park Road South to the Hillsboro Canal, plus, the appropriate tapers, per the County Engineer's approval. The construction shall include an asphalt overlay of the two (2) existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by Florida Department of Transportation within nine (9) months of Palm Beach County's acquisition of the right-of-way described in Condition No. 8. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2011-1119, Control No.1984-00099)

9. The Developer shall construct Glades Road as a six-lane divided section from Powerline/Jog Road to just east of the Florida Turnpike entrance in conjunction with the construction of the Florida Turnpike interchange. In addition, the Developer shall provide a cash contribution to the Florida Department of Transportation for their construction of the Florida Turnpike underpass expansion. The total commitment by the Developer for plan preparation (as noted in Condition No. 7) construction, and Florida Department of Transportation contribution shall not exceed \$1,000,000.00. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2011-1119, Control No.1984-00099)

10. Previous ENGINEERING Condition 10 of Resolution R-2011-1119, Control No.1984-00099, which currently states:

The Developer shall construct concurrent with paving and drainage improvements pursuant to a Paving and Drainage Permit issued from the Office of the County Engineer:

- a. Glades Road S.R. 7 West to the project's West property line as a four-lane median divided section. [Note: COMPLETED]
- b. At the project's North and South entrance road onto S.R.7:
 - 1) Left turn lane, South approach. [Note: COMPLETED]
 - 2) Right turn lane, North approach. [Note: COMPLETED]
- c. At the project's West entrance road and Glades Road a left turn lane, West approach and a right turn lane, west approach. [Note: COMPLETED]
- d. The Developer shall also construct at the intersection of Glades Road and S.R. 7 concurrent with the four-laning of S.R.7 fronting this parcel:
 - 1) Right turn lane South approach.

Is hereby amended to read:

The Developer shall construct concurrent with paving and drainage improvements pursuant to a Paving and Drainage Permit issued from the Office of the County Engineer:

- a. Glades Road S.R. 7 West to the project's West property line as a four-lane median divided section. [Note: COMPLETED]
- b. At the project's North and South entrance road onto S.R.7:
 - 1) Left turn lane, South approach at the North and South entrance roads. [Note: COMPLETED]
 - 2) Right turn lane, North approach at the North entrance road. [Note: COMPLETED]
- c. At the project's West entrance road and Glades Road a left turn lane, West approach and a right turn lane, East approach. [Note: COMPLETED]
- d. The Developer shall also construct at the intersection of Glades Road and S.R. 7 concurrent with the four-laning of S.R.7 fronting this parcel:
 - 1) Right turn lane South approach [Note: COMPLETED] (ONGOING: ENGINEERING - Engineering)

11. Previous ENGINEERING Condition 11 of Resolution R-2011-1119, Control No.1984-00099, which currently states:

The property owner 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. The Fair Share fee for this project presently is \$777.00 for the proposed car wash (29 trips X \$26.79 per trip). (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Code requirement]

12. Previous ENGINEERING Condition 12 of Resolution R-2011-1119, Control No.1984-00099, which currently states:

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. The Fair share Fee for this proposed expansion is \$4,290.00 (78 additional trips X \$55.00 per trip). (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Code requirement]

13. Previous ENGINEERING Condition 13 of Resolution R-2011-1119, Control No.1984-00099, which currently states:

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 \$163,288.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, the developer shall pay the increased fee and be entitled to credits towards the construction of State Road 7 and Glades Road. The construction of S.R. 7 and Glades Road as outlined in Conditions 6, 7, 8, 9 & 10, shall be credited toward the Fair Share Impact Fee of \$163,288.00 based upon a Certified Cost Estimates by the Developer's Engineer, subject to review by the County Engineer. Surety must be posted with the County Engineer an amount equivalent to the road construction for S.R. 7 and Glades Road as outlined in Condition Nos. 6, 7, 8, 9 & 10 within ninety (90) days of the adoption of the resolution by the Board of County Commissioners. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Code requirement]

14. If any of the improvements listed above are completed by others prior to the date required by this petition, then the Developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing Developer commitments which are earmarked for the construction of Glades Road from Jog/Powerline Road to just east of the Florida Turnpike entrance prior to the same being constructed. In the event that another entity other than the property owner of Petition No. 84-95 or Petition No. 84-99 constructs S.R. 7 from the Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline Road to just east of the Florida Turnpike entrance, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$888,870.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a six-lane median divided section from west of the Florida Turnpike to 1-95 at the time of construction for its presently budgeted four-lane divided section. This would be accomplished, provided that the Board of County Commissioners approve, with the use of impact fee money or other developer commitment which may be granted zoning approvals. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2011-1119, Control No.1984-00099)

15. The property owner shall provide Palm Beach County with a road drainage easement through this project's internal lake system for the road drainage of Cain Boulevard, Glades Road, and S.R.7. This drainage easement shall be subject to all Governmental Agency Requirements. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2011-1119, Control No.1984-

00099)

16. Previous ENGINEERING Condition 16 of Resolution R-2011-1119, Control No.1984-00099, which currently states:

The property owner 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. The Fair Share Fee for this project, Zoning Petition Number 84-99(F), to be paid at the time of issuance of the Building Permit presently is \$97,075. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Code requirement]

LANDSCAPE - GENERAL

1. 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. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-1119, Control No.1984-00099)

LANDSCAPE - GENERAL-CAR WASH

2. Petitioner shall provide a six (6) foot high berm between car wash area and the north property line, extending a minimum of 150 feet from the west right-of-way line of SR 7. This berm shall be supplemented with canopy trees a minimum of eight (8) feet in height, planted 30 feet on center, and a hedge or wall an additional three (3) feet in height. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2011-1119, Control No.1984-00099)

LANDSCAPE - INTERIOR

3. A divider median shall be provided between each adjacent drive-thru lane as follows:

- a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the East and West boundaries of the overhead canopy;
- b. the East and West extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten OW feet and appropriate ground cover; and,
- c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface. (BLDG PERMIT: LANDSCAPE - Zoning)(Previous Landscape condition 1 of Zoning Resolution R-2010-1164, Control No. 1984-099)

Is hereby amended to read:

3. A divider median shall be provided between each adjacent drive-thru lane as follows:

- a. A minimum width of three (3) feet excluding curb on the east side of the drive-thru canopy. This median shall extend a minimum distance of nine (9)feet beyond the East and West boundary of the overhead canopy to provide a minimum planting area of twenty-six (26) square feet;
- b. The East and West extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum height of ten (10) feet and appropriate ground cover;
- c. The remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2011-1119, Control No.1984-00099)

4. 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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2011-1119, Control No.1984-

00099)

5. Special planting treatment shall be provided along the access drive abutting the north side of the outparcel. Planting shall consist of the following:

- a. a minimum of six (6) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or other specimen palm that is acceptable to the Landscape reviewers; and,
- b. flowering groundcover accent planting. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 5 of Resolution R-2011-1119, Control No.1984-00099)

SIGNS

1. No off premises signs shall be erected on site. (ONGOING: CODE ENF - Zoning) (Previous SIGNS Condition 1 of Resolution R-2010-1163, Control No.1984-00099)

USE LIMITATIONS-OVERALL SITE

1. No storage or placement of any materials, refuse, equipment or accumulate debris in the rear of the shopping area shall be permitted. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2010-1163, Control No.1984-00099)

2. No parking of any vehicles along the rear of the shopping center except in designated spaces or unloading areas shall be permitted. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2010-1163, Control No.1984-00099)

USE LIMITATIONS-INDOOR ENTERTAINMENT

3. Previous USE LIMITATIONS Condition 3 of Resolution R-2010-1163, Control No.1984-00099, which currently states:

To ensure safe pedestrian access to and from the indoor entertainment use the petitioner shall, prior to site plan approval by the DRC, amend the site plan to indicate a pedestrian crossing to and from the indoor entertainment use and the parking area to the east. In addition the petitioner shall stripe the pedestrian crossing and install the appropriate pedestrian crossing signage indicating a warning for small children in area. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

USE LIMITATIONS-CAR WASH

4. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) Labeling, location, delineation, and dimension of required parking areas convenient to the automobile service station and car wash area.
- b) A five (5) car stacking distance for each gasoline pump island and the car wash facility.
- c) Delineation of the handicap spaces. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 4 of Resolution R-2010-1163, Control No.1984-00099)

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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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