

RESOLUTION NO. R-2016-0211

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2015-02172
(CONTROL NO. 2005-00641)
a Development Order Amendment
APPLICATION OF Manheim Remarketing Inc, JMC IV Real Estate Company
BY Urban Design Kilday Studios, AGENT
(Manheim Auto Auction)

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 pursuant to Article 2 (Development Review Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2015-02172 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2016;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, THE Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for Development Order Amendment (DOA);

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the 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 ZV/DOA-2015-02172, the application of Manheim Remarketing Inc, JMC IV Real Estate Company, by Urban Design Kilday Studios, Agent, for a Development Order Amendment (DOA) to reconfigure the Site Plan; reduce square footage; relocate access points; eliminate public access to Benoist Farms Road; modify/delete Conditions of Approval (Signs, Architectural Review, Engineering, Landscape, Site Design, and Utilities); and to restart the date of commencement of the development, on a parcel of land generally described as shown on the legal description 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 February 25, 2016, subject to

the Conditions of Approval described in EXHIBIT C-2, 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 Mary Lou Berger, Mayor - Aye
- Commissioner Hal R. Valeche, Vice Mayor - Aye
- Commissioner Paulette Burdick - Aye
- Commissioner Shelley Vana - Aye
- Commissioner Steven L. Abrams - Aye
- Commissioner Melissa McKinlay - Absent
- Commissioner Priscilla A. Taylor - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 25, 2016.

Filed with the Clerk of the Board of County Commissioners on February 25th, 2016

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

TRACTS A, B, C AND D, OF WEST PALM BEACH AUTO AUCTION, M.U.P.D., REPLAT NO. 1, ACCORDING TO THE PLAT OR MAP THEREOF AS RECORDED IN PLAT BOOK 113, PAGES 193 THROUGH 197 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 91.598 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

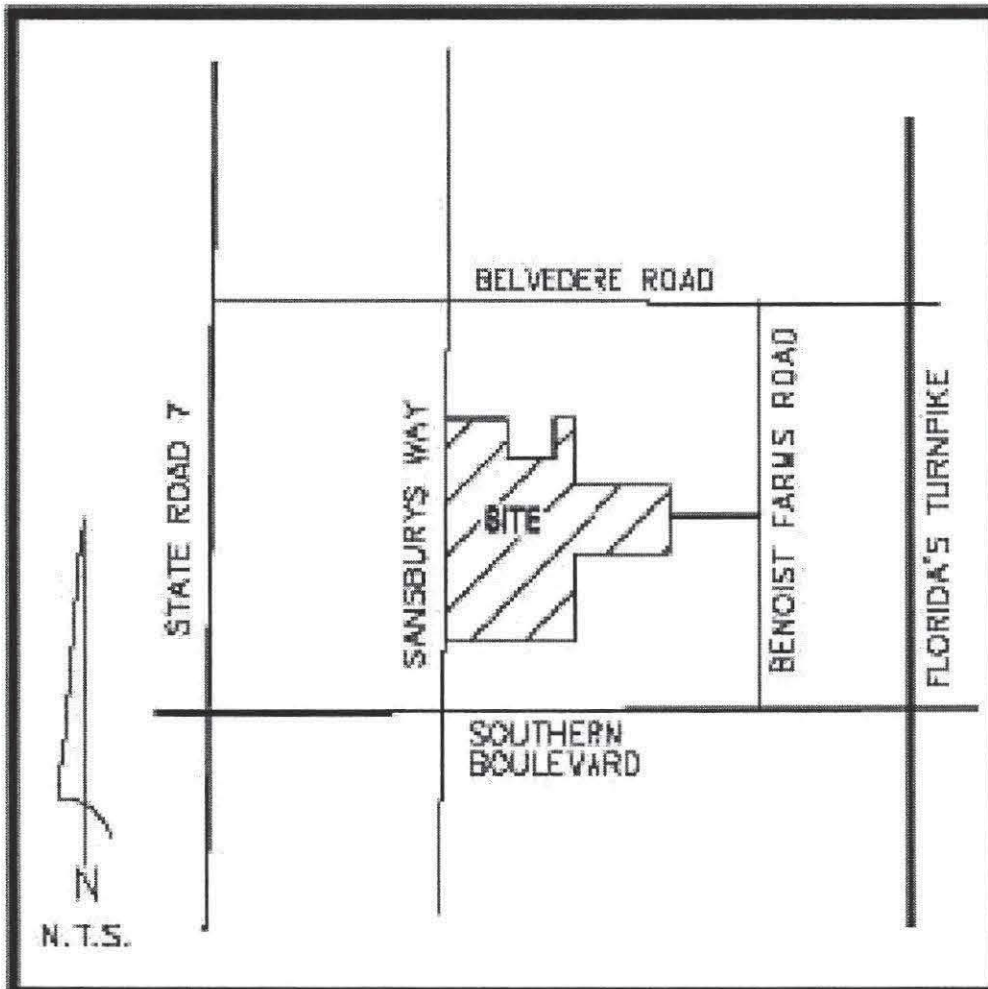


EXHIBIT C-2

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2010-961, Control No.2005-00641, which currently states:

The approved Preliminary Site Plan is dated April 19, 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 Zoning Commission. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Site Plan dated December 10, 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 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 conditions of approval contained in Resolution R-2004-2423 for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Multiple Use Planned Development District are associated with Control Number 2004-326 for the Palm Beach Post Production Facility which was never constructed are not applicable to Control Number 2005-641 for the Auto Auction and Open Storage (Automobiles) uses known as Manheim Palm Beach MUPD and are therefore hereby deleted. (Previous ALL PETITIONS Condition 2 of Resolution R-2010-961, Control No.2005-00641)

3. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of Resolution R-2009-486. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2010-961, Control No.2005-00641)

4. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-0961 (Control 2005-00641), 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: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the administration/auction building A 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 1 of Resolution R-2010-961, Control No.2005-00641)

2. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for buildings C and D 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 2 of Resolution R-2010-961, Control No.2005-00641)

3. Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2010-961, Control No.2005-00641, which currently states:

At least ten percent (10%) of the total roof area of building A shall be vegetated green roof and the remaining roof area shall use high solar reflectance roof or any equivalent effective method of reducing heat. (ONGOING: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Previously approved building A will not be constructed. Existing buildings were renumbered accordingly.]

ENGINEERING

1. Prior to August 1, 2006 the Property Owner shall convey a temporary roadway construction easement along Sansbury's Way to Palm Beach County. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2010-961, Control No.2005-00641)

2. Previous ENGINEERING Condition 2 of Resolution R-2010-961, Control No.2005-00641, which currently states:

The Property Owner shall construct a left turn lane south approach on Benoist Farms Road at Falcon Crane Way. This construction shall be concurrent with improvements for Building J. 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 for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit for Building J shown on the certified site plan from Application ZV/DOA-2008-1698. (BLDG/PMT: MONITORING - Engineering)
- b. onstruction shall be completed prior to the issuance of the first Certificate of Occupancy for Building J shown on the certified site plan from Application ZV/DOA-2008-1698. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: Benoist Farms Road access deleted.]

3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

- The Property Owner shall convey to Palm Beach County Land Development Division by warranty deed for:

- a. Benoist Farms Road, 80 feet west of the ultimate west right of line of the LWDD E2 Canal.
- b. 25-foot Corner Clip at the northeast and southeast corners of the intersection of Sansbury s Way and Fairgrounds Road.
- c. Sansbury's Way, 60 feet from centerline
- d. All right of way shall be dedicated prior to August 1, 2006. Right of way conveyance shall be free of all encumbrances and encroachments. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2010-961, Control No.2005-00641)

4. Prior to August 1, 2006, the Property Owner shall convey a roadway construction easement as follows:

- a. Falcon Crane Way at Benoist Farms Road
- b. Construction by the Applicant within this easement shall conform to all Palm Beach County Standards and Codes. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2010-961, Control No.2005-00641)

5. Previous ENGINEERING Condition 5 of Resolution R-2010-961, Control No.2005-00641, which currently states:

The Property Owner shall fund any required utility relocation costs associated with the Benoist Farms Road left turn lane construction required in engineering condition E2 above. Limits of the required utility relocation shall be from the north right of way of McAllister Way, north, to the end of the construction limits. There are also turn lanes required on Benoist Farms Road at McAllister Way that are to be constructed by others where Palm Beach County will be responsible for Utility relocation costs along Benoist Farms Road from the north right of way of McAllister Way south to the end of Palm Beach County construction limits. (ONGOING: MONITORING - Engineering)

Is hereby deleted. [REASON: Benoist Farms Road access deleted.]

6. Previous ENGINEERING Condition 6 of Resolution R-2010-961, Control No.2005-00641, which currently states:

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

- a. No building permits for the site shall be issued after December 31, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code.

Is hereby amended to read:

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

- a. No building permits for the site shall be issued after December 31, 2021. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

7. The Property Owner shall construct:

- i. Right turn lane south approach on Sansbury's Way at project's middle entrance.
- ii. Left turn lane north approach on Sansbury's Way at project's middle entrance.

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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for the modification of the site. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Construction shall be completed prior to the issuance of the first Certificate Occupancy

for any buildings permitted after the initial development order amendment. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2010-961, Control No.2005-00641)

8. Property Owner shall provide Land Development a copy of the Piping, Paving, Parking license agreement from LWDD for improvements within the L-4 canal right of way prior to DRO final site plan approval. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2010-961, Control No.2005-00641)

9. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer on Sansbury's Way at project's middle entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division within 6 months of the Development Order. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2010-961, Control No.2005-00641)

10. In order to be relieved from this requirement and to have the surety posted for the traffic signal on Sansbury's Way at project's middle entrance returned, 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 above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2010-961, Control No.2005-00641)

11. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2010-961, Control No.2005-00641)

12. Prior to final site plan approval, the Property Owner shall provide a 20 foot drainage easement along the east side of the southern portion of the property to Palm Beach County. The easement shall extend from the south property line and continue north to the LWDD L-4 canal right of way. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2010-961, Control No.2005-00641)

13. Prior to December 31, 2016, the Property Owner shall remove the existing turnout within the Benoist Farms Road right of way for Falcon Crane Way, unless this driveway is gated and utilized for emergency vehicle access only in which case the turnout may remain. (DATE/ONGOING: MONITORING - Engineering)

ENVIRONMENTAL

1. Incorporate existing native trees and under-story into the site plan and label them for the 20-acre undeveloped land area located south of the southern limits of the LWDD L-4 canal. 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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2010-961, Control No.2005-00641)

LANDSCAPE - GENERAL

1. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2010-961, Control No.2005-00641)

2. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2010-961, Control No.2005-00641)

3. Prior to final approval by the Development Review Officer (DRO), the approved Landscape plans dated June 9, 2008 shall be amended to include the 20-acre added land area and the LWDD L-4 Canal area (if the Triple P licensing agreement is approved). The Landscape Plan shall be in compliance with all landscape related conditions of approval as contained herein. Trees and medium shrub plantings shall be maximized to the greatest extent possible (as determined by the Landscape Review Section) within the pervious area of the 20-acre added area indicated on the Preliminary Site Plan dated February 2, 2009, including the additional Divider median provided under Landscape Condition 10. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2010-961, Control No.2005-00641)

4. Prior to final approval by the Development Review Officer (DRO), the property owner shall obtain LWDD approval of the proposed planting plan for the LWDD L-4 canal. The planting plan shall include the right-of-way buffer area and the area between Phase 1 Lake and Phase 2 Lake as indicated on the Preliminary Site Plan dated February 2, 2009. To mitigate for the variance to eliminate trees and medium shrubs in the inventory storage are, the LWDD L-4 canal area planting plan shall maximize trees and medium shrubs to the greatest extent possible except that a minimum clear area for LWDD vehicles and minimum required separation between trees and the pipe shall be provided as required by the LWDD Triple P licensing agreement. If the LWDD does not approve the proposed planting plan for the above referenced areas, an alternative plan shall be submitted for approval by Palm Beach County. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2010-961, Control No.2005-00641)

LANDSCAPE - INTERIOR

5. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be revised to include divider medians between every row of parking in the Dealer and Employee Parking area. Building A side setback from the LWDD L-4 canal as indicated on the Preliminary Site Plan dated February 2, 2009 may be reduced to comply with this condition. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 5 of Resolution R-2010-961, Control No.2005-00641)

6. Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2010-961, Control No.2005-00641, which currently states:

Prior to final approval by the Development Review Officer (DRO), the pervious area to the west and southwest of proposed Building A shall be designated as a Special Planting Area.

Trees and medium shrubs shall be planted to maximize landscape material in this area. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Previously approved Building A will not be constructed and was removed from the Preliminary Site Plan dated December 10, 2015.]

LANDSCAPE - PERIMETER

7. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers (new and replacement) shall be native and meet the following minimum standards at installation: Tree height: Fourteen (14) feet. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2010-961, Control

No.2005-00641)

8. In addition to the proposed landscaping and Code requirements, landscaping along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a minimum tree height of sixteen (16) feet; and,
- c. one (1) palm or pine for each for each twenty-five (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2010-961, Control No.2005-00641)

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 LIGHTING Condition 1 of Resolution R-2010-961, Control No.2005-00641)

2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2010-961, Control No.2005-00641)

PALM TRAN

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG -Palm Tran) [Note: COMPLETED] (Previous Palm Tran 1 of Resolution R-2010-961, Control No. 2005-641)

PARKING

1. Prior to the submittal for Final Approval by the Development Review Officer, the Applicant shall revise the Site Plan to indicate a paved pedestrian pathway for parking areas in excess of 400 feet from a public entrance. (DRO: ZONING - Zoning)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2010-961, Control No.2005-00641, which currently states:

Freestanding signs fronting on Sansbury's Way shall be limited as follows:

- a. maximum sign height eight (8) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs: one (1);
- d. style - monument style only;
- e. location - within fifty (50) feet of the southern access point on Sansbury's Way; and,
- f. sign shall be limited to identification of tenant only.

(BLDG PERMIT: BLDG - Zoning) (Previous Signs 1 of Resolution R-2009-486, Control No. 2005-641)

Is hereby amended to read:

Freestanding signs fronting on Sansbury's Way shall be limited as follows:

- a. maximum sign height eight (8) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs: one (1);
- d. style - monument style only;
- e. location - within fifty (50) feet of the access on Sansbury's Way, west of building A; and,
- f. sign shall be limited to identification of tenant only. (BLDGPMT: BUILDING DIVISION -

Zoning)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2010-961, Control No.2005-00641, which currently states:

Prior to final approval by the Development Review Officer (DRO), a note shall be added to the Site Plan to indicate that approximately 18 acres of paved area shall be "High Solar Reflectance Pavement" per the Petition ZV/DOA-2008-1698. The subject paved area is the parcel to the south supporting new Building A and includes the LWDD L-4 canal area if the Triple P agreement is approved. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Previously approved Building A will not be constructed and was removed from the Preliminary Site Plan dated December 10, 2015.]

SITE DESIGN-EXISTING UNPERMITTED STRUCTURES

2. Prior to Oct 1, 2010, application for building permit(s) shall be made for all existing unpermitted structures on the site to either demolish or bring into compliance with applicable zoning and building code regulations. The permits must be issued within 180 days of application and certificate of completion or certificate of occupancy issued within one year of application date. Any prior permits without valid certificate of completion or certificate of occupancy shall be re-activated and completed during this time. The value for all work requiring a permit shall be based on the total replacement cost in accordance with 108.3 Palm Beach County Amendments to the 2007 Florida Building Code. (DATE: MONITORING - Building Division) (Previous SITE DESIGN Condition 2 of Resolution R-2010-961, Control No.2005-00641)

UTILITIES

1. Previous UTILITIES Condition 1 of Resolution R-2010-961, Control No.2005-00641, which currently states:

Prior to first Service Initiation in Phase 3, the Developer shall construct a 30" sewer Force Main along the west property line from the south property line to the LWDD Canal L-4. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities)

Is hereby deleted. [REASON: Condition no longer applies.]

2. Previous UTILITIES Condition 2 of Resolution R-2010-961, Control No.2005-00641, which currently states:

If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities)

Is hereby deleted. [REASON: Condition no longer applies.]

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.