

RESOLUTION NO. R-2016- 1083

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2015-02533
(CONTROL NO. 2007-00288)

an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF 7 t's Enterprises, Inc.
BY Urban Design Kilday Studios, AGENT
(Thomas Packing Plant MUPD)

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 Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/R-2015-02533 was presented to the Board of County Commissioners at a public hearing conducted on August 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 an Official Zoning Map Amendment to a Planned Development District;

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 PDD/R-2015-02533, the Application of 7 t's Enterprises, Inc., by Urban Design Kilday Studios, Agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer, 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 indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on August 25, 2016 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 Mary Lou Berger, Mayor	-	Aye
Commissioner Hal R. Valeche, Vice Mayor	-	Aye
Commissioner Paulette Burdick	-	Nay
Commissioner Shelley Vana	-	Absent
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 August 25, 2016.

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

**THOMAS PACKING PLANT MUPD
LEGAL DESCRIPTION**

PARCEL 1

TRACTS 113,114 AND 115, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO.3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

TRACTS 116, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEROF AS RECORDE IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3

TRACTS 117, 118 AND 119, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

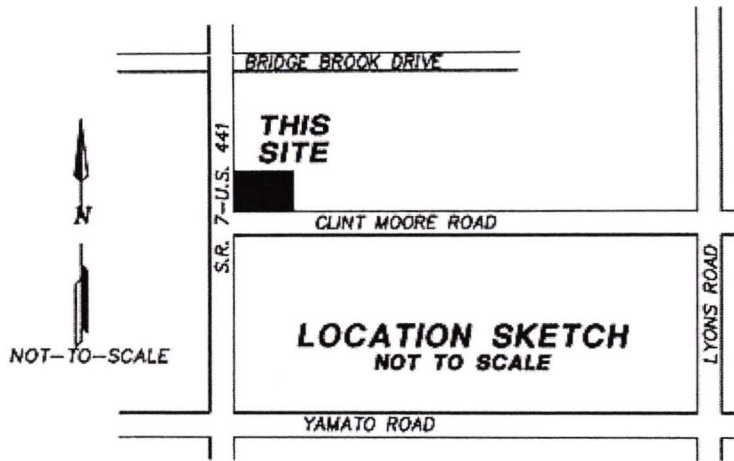


EXHIBIT C

CONDITIONS OF APPROVAL

Non Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Site Plans are dated May 23, 2016, Regulating Plans are dated April 25 and March 28, 2016 and Master Sign Plan is dated February 22, 2016. 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)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for all buildings in Phase I shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

2. Before submittal of Building Permit for Phase II, the Architectural Elevations for all Building "J" shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC).

Development shall be consistent with the approved Architectural Elevations for Phase I of the MUPD, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: BUILDING DIVISION - Zoning)

ENGINEERING

1. 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, 2019. 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 - Engineering)

b. No Building Permits shall be issued until the Property Owner makes a proportionate share payment of \$168,806.22. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in Condition 7. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPM: MONITORING - Engineering)

c. No Building Permits for more than 65,700 sf of General Commercial or development generating more than 109 PM peak hour external inbound trips shall be issued until the contracts have been let for the Assured Construction improvements to widen Lyons Road from Atlantic Ave to Clint Moore Rd from 2 lanes to 4 lanes divided that includes modifying the north approach of the intersection of Clint Moore Road and Lyons Rd to have lane configuration of 2 lefts, 2 through, and 1 right. (BLDGPM: MONITORING - Engineering)

2. In recognition that construction prices may change over the life of the project, the proportionate share payments included in Condition 1 above shall be subject to the following escalator calculation:

Adjusted Payment = Original Payment Amount x (BONSpayment month / BONS Month of Prop Share Execution)

* Original Payment Amount = Proportionate Share Payment amount specified

* BONSpayment = Latest Published Value (including preliminary values) at Time of Payment

* BONS Month of Prop Share Execution = Published Value

The cost adjustment for the total and amount of each payment shall be based on the Bureau of Labor Statistics Producer Price Index (PPI) for Other Non-Residential Construction ((BONS) (Series ID: WPUIP23122301).

As of the effective date of this Agreement, the PPI index information may be accessed through the following link:

<http://data.bls.gov/timeseries/WPUIP2312301>
(ONGOING: ENGINEERING - Engineering)

3. The Property Owner shall provide construction plans for and construct the modifications to the east approach left turn lane and west approach left turn lane on Clint Moore Road approximately 1100 feet east of State Road 7, in alignment with the entrance to The Reserve Shopping Center on the south side of Clint Moore Road, or as approved by the County Engineer.

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

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

4. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Clint Moore Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

5. Prior to issuance of the first building permit, the Property Owner shall reconfigure the property into legal lot(s) of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

6. The Property Owner shall

i. Modify the east approach of the intersection of Clint Moore Road and SR-7 to have a configuration of 3 left turn lanes and 1 right turn lane and any associated tapering/realignment/other modifications required on Clint Moore Rd to accomplish this.

ii. Extend the left turn lane, north approach on SR-7 at Clint Moore Road to 525 ft plus 100 ft taper, or as approved by the Florida Department of Transportation.

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 and Florida Department of Transportation, as appropriate, for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

7. The Property Owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications may also include installation of mast arms as part of the signal modifications. Funding shall be completed within 60 days after receiving notice from Palm Beach County. The County Engineer shall have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety. (ONGOING: MONITORING - Engineering)

8. The Property Owner shall construct right turn lane, south approach on S. R. 7 at project's 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 from Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

9. Prior to DRO approval, the access points with full median openings shall be revised to show separate left and right turn lanes exiting the site. (DRO: MONITORING - Engineering)

10. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate as necessary, all easements in conflict with proposed structures or within proposed right of way dedications. (BLDGPM: MONITORING - Engineering)

11. Landscape Within the Median of Clint Moore Road

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Clint Moore Road. 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 Commissioners' 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. (BLDGPM: MONITORING - Engineering)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy (BLDGPM/CO: MONITORING - Engineering)
- 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 - Engineering)

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 Clint Moore Road. 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/PMT/ONGOING: MONITORING - Engineering)

12. Landscape Within the Median of SR 7

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of SR 7. 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 County Engineer 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 below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

c. 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 Palm Beach 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 SR 7. 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. (ONGOING: MONITORING - Engineering)

ENVIRONMENTAL

1. Documentation that all remediation to the property has been completed shall be submitted to ERM prior to DRO site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE – GENERAL

1. Concurrent with the submittal for Final Approval by the Development Review Officer, the Applicant shall submit a Landscape Plan for review and approval. The Plan(s) shall be prepared in compliance with the ULDC and all landscape related Conditions of Approval as contained herein. (DRO: ZONING - Zoning)

2. All palms required to be planted on the property, except on individual residential lots, [may remove except on individual residential lots if Condition does not apply] shall meet the following minimum standards at installation:

a. palm heights: twelve (12) feet clear trunk;

b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,

c. credit may be given for existing or relocated palms provided they meet current Unified Land Development Code requirements. (DRO/BLDG PERMIT: ZONING - Zoning)

LANDSCAPE – INTERIOR

3. Special planting treatment shall be provided in the two interior roundabouts to create a focal point.

a. A minimum of one mature canopy tree or three (3) specimen palm; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)

b. Appropriate shrub or hedge materials and ground cover. (DRO/BLDG PERMIT: ZONING - Zoning)

4. Special planting treatment shall be provided, along the medians to all means of ingress and egress to the site. The following planting shall be installed for the entire length of the throat and consist of the following:

- a. A minimum of three (3) specimen palm; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
- b. A minimum of four (4) flowering trees; and,
- c. Appropriate shrub or hedge materials and ground cover.

(DRO/BLDG PERMIT: ZONING - Zoning)

LANDSCAPE – PERIMETER

5. Special planting treatment shall be provided at the intersection of Clint Moore Road and State Road 7. Planting shall consist of the following:

- a. A minimum of three (3) specimen palm; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
- b. A minimum of five (5) flowering trees; and,
- c. Appropriate shrub or hedge materials and ground cover. (DRO/BLDG PERMIT: ZONING - Zoning)

6. Special planting treatment shall be provided, within the Right of Way buffer to all means of ingress and egress to the site. The following planting shall be installed on both sides of the access point and consist of the following:

- a. A minimum of one (1) specimen palm; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
- b. A minimum of two (2) flowering trees; and,
- c. Appropriate shrub or hedge materials and ground cover. (DRO/BLDG PERMIT: ZONING - Zoning)

LANDSCAPE – PERIMETER – NORTH AND EAST PROPERTY LINE

7. In addition to the ULDC requirements, the minimum perimeter landscape buffer widths shall:

- a. A minimum thirty (30) foot wide landscape buffer strip. No width reduction and a maximum of five (5) feet easement encroachment shall be permitted;
- b. One canopy tree for each fifteen (15) linear feet of property line;
- c. One (1) palm and one (1) pine for each for each thirty (30) linear feet of the property line. Planting in groups of 3-5 with maximum spacing of 60 feet between clusters; and,
- d. A continuous six (6) hedge, as an alternative to the wall. (DRO/BLDG PERMIT: ZONING - Zoning)

LANDSCAPE – PERIMETER – SOUTH AND WEST PROPERTY LINES

8. In addition to the ULDC requirements, the minimum perimeter landscape buffer widths shall:

- a. A minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. One canopy tree for each twenty (20) linear feet of property line; and
- c. One (1) palm or one (1) pine for each for each thirty (30) linear feet of the property line. Planting in groups of 3-5 with maximum spacing of 60 feet between clusters. (DRO/BLDG PERMIT: ZONING - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. LWDD will require the petitioner to convey a 35 foot exclusive easement on the north side of the L-40 Canal prior to platting. PLAT: ENG LWDD (PLAT: ENGINEERING - Lake Worth Drainage District)

2. LWDD will require the petitioner to convey a 50 foot exclusive easement on the east side of the E-1 Canal prior to platting. PLAT: ENG LWDD (PLAT: ENGINEERING - Lake Worth Drainage District)

PLANNING

1. Per LGA 2014-015, ORD. 2016-014, the site is governed by table A. Land Use Matrix, and shown on the Conceptual Master Plan.

Land Use	Acreage Range Min. – Max.	Intensity/Density ¹	
		Minimum	Maximum
CL	5.0 ac – 28.6 ac.	54,450 sq. ft.	203,643 sq. ft.
LR-2 ² (Congregate Living Facility)	5.0 ac – 28.6 ac.	23 beds/ residents	178 beds/ residents
Usable Open Space ³	3.74 ac. – no max	N/A	N/A
Total Acres	37.40 ac.		

(ONGOING: PLANNING - Planning)

2. Per LGA 2014-015, ORD. 2016-014, part B. Conceptual Plan in Exhibit 2, of the land Use Amendment shall be maintained as a separate plan to govern over the entire site. (ONGOING: PLANNING - Planning)

3. Per LGA 2014-015, ORD. 2016-014, part C.1. Since the residential uses are not integrated, the development of on the CL portion of the site is limited to calculations based upon a maximum of 50% of the land area (18.7) multiplied by the maximum FAR for Commercial Low as identified in Table III.C.2 of the Future Land Use Element. The maximum commercial general square footage is limited to a 0.25 for general commercial projects calculated on a maximum of 18.7 acres (up to 203,643 sf). (ONGOING: PLANNING - Planning)

4. Per LGA 2014-015, ORD. 2016-014, part C.2. Residential uses on the site are limited to a congregate living facility with up to a maximum of 150 residents / beds. (ONGOING: PLANNING - Planning)

5. . Per LGA 2014-015, ORD. 2016-014, part C.3. At a minimum 10% of the property must be committed to Usable Open Space. Usable Open Space is defined as pervious, vegetated areas, parks and squares as well as impervious hardscaped areas which are openly accessible to the public, such as plazas, squares, and courtyards. This open space can be used for passive or active recreation as well as formal and informal gatherings; however, credit shall not be given for; any indoor or climate-controlled spaces, road rights-of-way, building setback areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, parking lots, and any pervious green area not intended for passive or active recreation or gathering of a formal or informal nature. (ONGOING: PLANNING - Planning)

6. Per LGA 2014-015, ORD. 2016-014, part C.4. Development of the site is limited to the equivalent number of traffic generating trips based upon a maximum of 185,130 square feet of commercial retail uses, 44,431 square feet of office general uses, and a congregate living facility with up to 150 beds. (ONGOING: PLANNING - Planning)

7. Per LGA 2014-015, ORD. 2016-014, part C.5. The Conceptual Plan depicts the following:

- a. The general location of useable open spaces where the functional integration of residential with non-residential land uses occur.
- b. A vehicular and pedestrian circulation system that creates an integrated network within the project.
- c. A cross-hatched area along the north of the site where no principal structures are allowed, extending 200 feet from the northern property line and 1,900 feet from the eastern property line.
- d. Minimum landscape buffer widths of 30 feet on the northern and eastern property lines, and minimum 25 feet along the western and southern property lines. (ONGOING: PLANNING - Planning)

8. Per FLUA Policy 4.4.2-b.6., Prior to final approval by the Development Review Officer (DRO), the applicant shall submit a recorded Unity of Control covering The non- residential portions of the MLU project. (ONGOING: PLANNING - Planning)

SITE DESIGN

1. In addition to the Code, along the eastern one thousand nine hundred (1,900) feet of the northern property line, the minimum setback for all principal buildings and/or accessory structures shall be 200 feet from the north property line. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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.