

RESOLUTION NO. R-2017- 0965

RESOLUTION APPROVING ZONING APPLICATION EAC-2017-00353
(CONTROL NO. 1997-00088)
an Expedited Application Consideration
APPLICATION OF Army Salvation
BY Ciklin Lubitz & O'Connell, AGENT
(Salvation Army)

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 EAC-2017-00353 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2017;

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 Expedited Application Consideration;

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 EAC-2017-00353, the Application of Army Salvation, by Ciklin Lubitz & O'Connell, Agent, for an Expedited Application Consideration to modify Conditions of Approval (Use Limitations), 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 July 27, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Absent
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 27, 2017.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2017.

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

00-42-43-25-03-000-0950:

THE SOUTH ONE-QUARTER (S 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 60 FEET THEREOF CONVEYED TO THE COUNTY OF PALM BEACH FOR ROAD RIGHT-OF-WAY; LESS THE SOUTH 100 FEET OF THE EAST 361 FEET OF THE SOUTH ONE-QUARTER (S 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION; LESS THE NORTH 110 FEET OF THE WEST 239.02 FEET OF THE EAST 292.02 FEET OF THE SOUTH ONE-QUARTER (S 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION; AND LESS THE NORTH 101 FEET OF THE SOUTH 201 FEET THE EAST 281 FEET OF THE SOUTH ONE-QUARTER (S 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION, LESS THE SOUTH 23 FEET THEREOF AS CONVEYED TO LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORD BOOK 3644, PAGE 1934,

AND,

LOTS 95, 96, 97 AND 98, REVISED PLAT OF MERLIN PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 23, PAGE 124; SAID LAND SITUATED, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

AND,

00-42-43-25-00-000-3430:

THE NORTH 101 FEET OF THE SOUTH 201 FEET OF THE SOUTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, LESS THE EAST 60 FEET FOR ROAD RIGHT-OF-WAY ALL IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

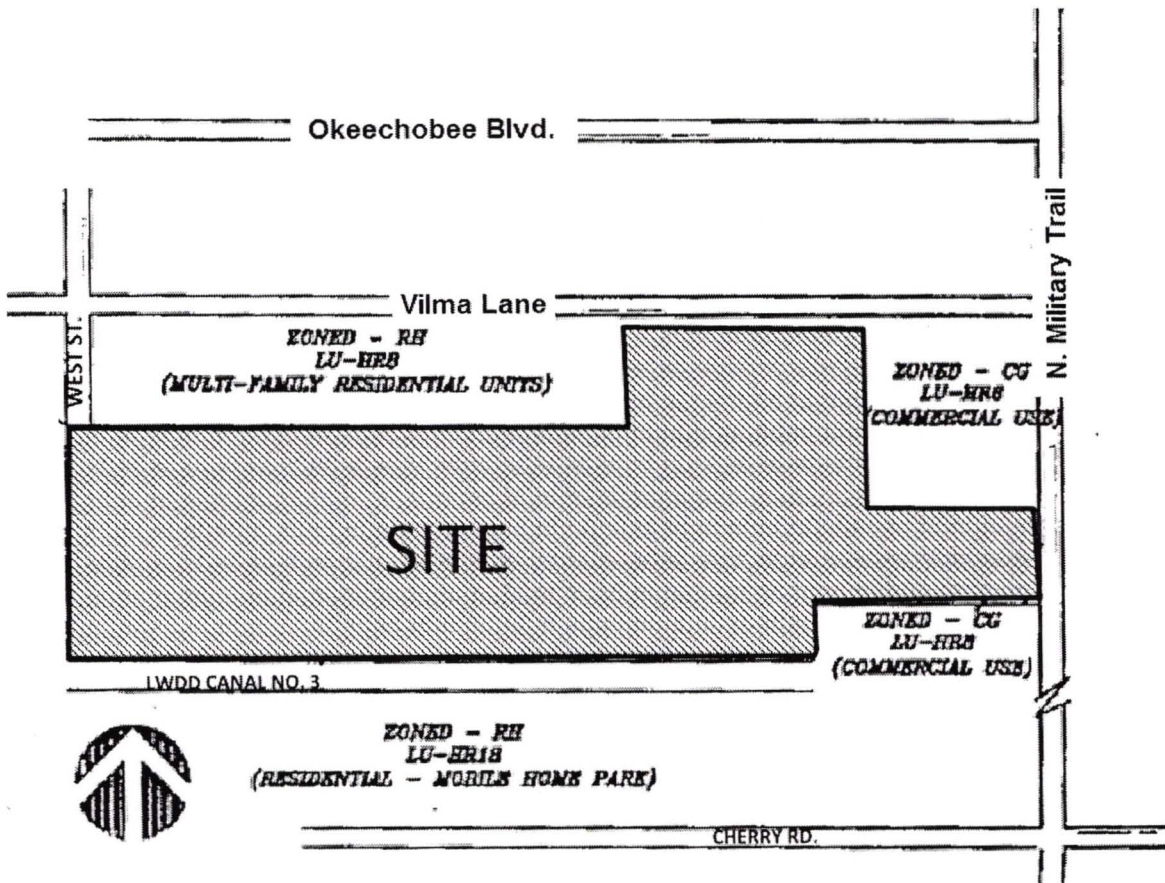


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2001-440, Control No.1997-00088, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-0309 (Petition 1997-088) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2001-440 (Control 1997-088) have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All conditions of approval contained in Resolution R-78-600 (Control No. 1978- 00075) shall remain in full force and effect. (ONGOING: MONITORING - Zoning) (Previous A Condition 2 of Resolution R-2001-440, Control No.1997-00088)

3. Previous A Condition 3 of Resolution R-2001-440, Control No.1997-00088, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 30, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners on Resolutions 78-600 and Resolution 1998-309. The approved site plan is dated May 21, 2017. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ACCESS

1. Vehicular access to the site shall be limited to the existing access on Military Trail. No vehicle access shall be permitted from Vilma Lane. (ONGOING: CODE ENF - Zoning) (Previous B Condition 1 of Resolution R-2001-440, Control No.1997-00088)

2. Prior to the July 1, 2001, the Petitioner shall remove existing asphalt drive to install landscaping and fencing along the property's Vilma Lane frontage consistent with Condition H. (ONGOING: MONITORING - Zoning) [Note: COMPLETED] (Previous B Condition 2 of Resolution R-2001-440, Control No.1997-00088)

3. When this facility is not open, the Military Trail access drive shall be locked and gated. The gate shall be installed a minimum two hundred (200) feet west of the Military Trail right of way. (ONGOING: MONITORING - Zoning) (Previous B Condition 3 of Resolution R-2001-440, Control No.1997-00088)

ARCHITECTURAL REVIEW

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (BLDGPMT: ZONING - Zoning) (Previous C Condition 1 of Resolution R-2001-440, Control No.1997-00088)
2. Architectural character and roof treatment which is compatible and harmonious with abutting residential development shall be provided on all sides of the proposed C.L.F. building. (BLDGPMT: ZONING - Zoning) (Previous C Condition 2 of Resolution R-2001-440, Control No.1997-00088)

BUILDING

1. The maximum height for the C.L.F. building, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous D Condition 1 of Resolution R-2001-440, Control No.1997-00088)
2. A maximum of 165 beds and two freestanding triplexes (6 units) shall be permitted on site. The two freestanding triplexes (6 units) shall be limited to occupancy by one family per unit. (ONGOING: CODE ENF - Zoning) (Previous D Condition 2 of Resolution R-2001-440, Control No.1997-00088)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (ONGOING: CODE ENF - Zoning) (Previous D Condition 3 of Resolution R-2001-440, Control No.1997-00088)
4. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within seventy-five (75) feet of all perimeter property lines. (ONGOING: CODE ENF - Zoning) (Previous D Condition 4 of Resolution R-2001-440, Control No.1997-00088)
5. The open space between the six (6) foot wall and the eight (8) foot fence (Landscape Conditions 4 and 5) shall include planting of thorny plant material and gates to eliminate access and provide regular patrolling from the on-site security. (ONGOING: CODE ENF - Zoning) (Previous D Condition 5 of Resolution R-2001-440, Control No.1997-00088)

ENGINEERING

1. Prior to the issuance of a Certificate of Occupancy, the petitioner shall:
 - a. Vacate and relocate the fifteen (15) foot drainage easement from Vilma Lane to the LWDD L-2 Canal outfall. The final location of the new drainage easement shall be subject to the approval of the County Engineer. (CO: MONITORING - Engineering) (Previously Condition E. 1.a of Resolution R-98-309, Petition CA97-088) [Note: COMPLETED]
 - b. Relocate the existing drainage structures within this easement as required by the County Engineer. Relocation of any drainage structures shall be concurrent with paving and drainage improvements for the site. Relocation of the drainage structures shall be completed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 1.b of Resolution R-2001-440, Control No.1997-00088)
2. Prior to issuance of a building permit for additional building square footage, the Property Owner shall legally create the lot in accordance with Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall

measure at least 3.5 feet in length.

d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 1 of Resolution R-2001-440, Control No.1997-00088)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- 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 ULDC requirements. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 2 of Resolution R-2001-440, Control No.1997-00088)

LANDSCAPE - INTERIOR

3. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (ONGOING: ZONING - Zoning) (Previous G Condition 1 of Resolution R-2001-440, Control No.1997-00088)

LANDSCAPE - PERIMETER-ALONG NORTH PROPERTY LINE (VILMA LANE FRONTAGE)

4. Landscaping and buffering along the Vilma Lane frontage shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A continuous three (3) foot high berm measured from top of curb;
- c. One (1) canopy tree planted every twenty (20) feet on center;
- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches.
- f. Install continuous eight (8) foot high colored vinyl coated fence. The fence shall be installed parallel to Vilma Lane and setback twenty-five (25) feet. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 1 of Resolution R-2001-440, Control No.1997-00088)

LANDSCAPE - PERIMETER-ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

5. The following landscaping requirements shall be required on the north property line behind the existing residences and Daycare on Vilma Lane. The required plant materials shall be located on the interior side of the existing six (6) foot high concrete wall:

- a. An overall twenty-five (25) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.
- e. Install eight (8) foot high colored vinyl coated fence parallel to the north property line and setback twenty-five (25) feet. This section of fence shall continue to the corners of the fencing proposed in.
- f. The plant material within the twenty-five (25) foot buffer shall include thorny groundcover, vine, shrub and hedge material. (ONGOING: ZONING - Zoning) (Previous J Condition 1 of Resolution R-2001-440, Control No.1997-00088)

LANDSCAPE - PERIMETER-ALONG SOUTH PROPERTY LINE (ADJACENT TO LWDD L-2 CANAL)

6. Landscaping and buffering along the LWDD L-2 Canal shall include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A new eight (8) foot high colored vinyl coated fence parallel to the south property line and setback twenty-five (25) feet;
- c. A continuous three (3) foot high berm measured from finished grade;
- d. One (1) canopy tree planted every twenty (20) feet on center;
- e. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
- f. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous L Condition 1 of Resolution R-2001-440, Control No.1997-00088)

LANDSCAPE - PERIMETER-ALONG EAST PROPERTY LINE (ADJACENT TO COMMERCIAL ZONING)

7. Landscaping and buffering along the east property line shall include:

- a. A new eight (8) foot high colored vinyl coated fence located on the east property line. This section of fence shall continue to the corners of the fencing proposed in Conditions H and L with an offset for the Military Trail access;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. Twenty four (24) inch high native shrub material planted every ten (10) feet on center. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous M Condition 1 of Resolution R-2001-440, Control No.1997-00088)

LANDSCAPE - PERIMETER-WEST OF EXISTING TRIPLEXES (ABUTTING RESIDENTIAL)

8. Landscaping and buffering west of the project's existing triplexes on Vilma Lane shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. Continue the six (6) foot high concrete wall along the west property line to the twenty-five foot setback as measured from Vilma Lane;
- c. One (1) canopy tree planted every twenty (20) feet on center; One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
- d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches.
- e. Install eight (8) foot high colored vinyl coated fence parallel to the west property line and setback twenty-five (25) feet. This section of fence shall continue to the west corner of the proposed fence parallel to Vilma Lane.
- f. The plant material within the twenty-five (25) foot buffer shall include thorny groundcover, vine, shrub and hedge material. (ONGOING: ZONING - Zoning) (Previous I Condition 1 of Resolution R-2001-440, Control No.1997-00088)

LANDSCAPE - PERIMETER-ALONG WEST BUFFER (MEASURED APPROXIMATELY 30 FEET EAST OF WEST PROPERTY LINE)

9. Landscaping and buffering along the west buffer shall be located to the east of the existing drainage/utility easements and include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A new eight (8) foot high colored vinyl coated fence. This section of fence shall be setback twenty-five (25) feet and continue to the corners of the fencing proposed in Conditions J and L;
- c. One (1) canopy tree planted every twenty (20) feet on center;
- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede

the requirement for a canopy tree in that location; and

e. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of sixty (60) inches. (ONGOING: ZONING - Zoning) (Previous K Condition 1 of Resolution R-2001-440, Control No.1997-00088)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous N Condition 1 of Resolution R-2001-440, Control No.1997-00088)

2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point and setback a minimum sixty (60) feet from the north, west and south property lines. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous N Condition 2 of Resolution R-2001-440, Control No.1997-00088)

3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous N Condition 3 of Resolution R-2001-440, Control No.1997-00088)

SIGNS

1. The project's signage on Military Trail shall be limited to only an Identification type sign as follows;

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. Maximum sign face area per side - 32 square feet;
- c. Maximum number of signs - one (1);
- d. Location - within twenty (20) feet of driveway (BLDG/PMT: ZONING - Zoning) (Previous O Condition 1 of Resolution R-2001-440, Control No.1997-00088)

2. No additional signs shall be permitted on the property. (DRO/ONGOING: ZONING - Zoning) (Previous O Condition 3 of Resolution R-2001-440, Control No.1997-00088)

USE LIMITATIONS

1. Previous P Condition 1 of Resolution R-2001-440, Control No.1997-00088, which currently states:

A maximum of 70 of the 165 beds shall be designated for Institutional Transfers from the Federal Bureau of Prisons or as otherwise assigned by the Federal Judiciary for probation or parole violation, pre-trial detention or incarceration provided such individuals are consistent with the standards applicable to Institutional Transfers and Condition P.2. Institutional Transfers shall be defined as inmates who are serving the last part of their sentence and are assigned to the CLF for rehabilitative and transitional services, The Salvation Army shall not accept referrals under categories 5 to 7 as listed under the Salvation Army Correctional Services Program Overview (Exhibit E).

Is hereby amended to read:

A maximum of 85 of the 165 beds shall be designated for Institutional Transfers from the Federal Bureau of Prisons or as otherwise assigned by the Federal Judiciary for probation or parole violation, pre-trial detention or incarceration provided such individuals are consistent with the standards applicable to Institutional Transfers and Use Limitation Condition 2. Institutional Transfers shall be defined as inmates who are serving the last part of their sentence and are assigned to the CLF for rehabilitative and transitional services. The Salvation Army shall not accept referrals under categories 5 to 7 as listed under the Salvation Army Correctional Services Program Overview (Exhibit F) (ONGOING: ZONING - Zoning)

2. Residents of the CLF shall not have a history of violent behavior, sex offense, arson, escape or attempted escape, medical condition which requires major medical care or an

unstable psychiatric background. (ONGOING: ZONING - Zoning) (Previous P Condition 2 of Resolution R-2001-440, Control No.1997-00088)

3. Previous P Condition 3 of Resolution R-2001-440, Control No.1997-00088, which currently states:

The petitioner shall submit quarterly (3 month) reports and allow Code Enforcement inspections to ensure compliance with the above conditions. The quarterly reports shall consist of the following: 1) number of residents; 2) date of admission; 3) date of release; 4) type of resident (prison release/transient) and 5) prison release statistics consisting of a) sex (male/female); b) number per day; c) crime/conviction and d) number not completing program.

Is hereby amended to read:

The Property Owner shall submit an annual report to the Code Enforcement Division and allow inspections to ensure compliance with the Conditions of Approval. The reports shall consist of the following:

- 1) number of residents;
- 2) date of admission;
- 3) date of release;
- 4) type of resident (prison release/transient) and
- 5) prison release statistics consisting of
 - (a) sex (male/female);
 - (b) number per day;
 - (c) crime/conviction and
 - (d) number not completing program.

Code Enforcement may request additional reports, to ensure compliance with Conditions of Approval, not to exceed a total of four reports per calendar year. (ONGOING: MONITORING - Zoning)

4. The hours of operation open to the public shall be limited to 7:00 a.m. - 7:00 p.m. daily. (ONGOING: ZONING - Zoning) (Previous P Condition 4 of Resolution R-2001-440, Control No.1997-00088)

5. All services to be provided shall be conducted only in the C.L.F. building and limited to on-site residents of the CLF. (ONGOING: ZONING - Zoning) (Previous P Condition 5 of Resolution R-2001-440, Control No.1997-00088)

6. The outdoor pavilion shall not be used for evening or nighttime activities. (ONGOING: ZONING - Zoning) (Previous P Condition 6 of Resolution R-2001-440, Control No.1997-00088)

7. Prior to issuance of Certificate of Occupancy, the petitioner shall contract for a security service to provide twenty-four (24) hour patrol of the property. (CO/ONGOING: ZONING - Zoning) (Previous P Condition 7 of Resolution R-2001-440, Control No.1997-00088)

8. The Congregate Living Facility shall be used for extended stay commitments and shall not be used for overnight or transient housing. This condition shall not apply to emergency or disaster relief victims. (ONGOING: ZONING - Zoning) (Previous P Condition 8 of Resolution R-2001-440, Control No.1997-00088)

9. Construction hours shall not commence prior to 7:00 a.m. or continue later than 7:00 p.m. Monday thru Friday and 9:00 a.m. thru 5:00 p.m. on Saturday. No construction shall be permitted on Sunday (ONGOING: ZONING - Zoning) (Previous P Condition 9 of Resolution R-2001-440, Control No.1997-00088)

10. Deliveries shall not be allowed to the site prior to 7:00 a.m. or continue later than 6:00 p.m. Monday thru Friday and 9:00 a.m. thru 5:00 p.m. on Saturday. No deliveries shall be permitted on Sunday. (ONGOING: ZONING - Zoning) (Previous P Condition 10 of

Resolution R-2001-440, Control No.1997-00088)

11. The Salvation Army shall ensure the daily cleaning and removal of onsite litter and debris. (ONGOING: CODE ENF - Zoning) (Previous P Condition 11 of Resolution R-2001-440, Control No.1997-00088)

12. Previous P Condition 12 of Resolution R-2001-440, Control No.1997-00088, which currently states:

The Salvation Army shall coordinate the implementation and ongoing existence of a Citizens Advisory Board consisting of two (2) Salvation Army Board Members and five (5) members appointed from the Haverhill and Vilma Lane area and surrounding businesses. A written report will be submitted bi-annually to the Board of County Commissioners regarding the compliance with the conditions of approval of Petition CA97-88. The Citizen Advisory Board is to be formed and have conducted their initial meeting prior to the Certificate of Occupancy for the facility. The Board is to meet monthly and shall remain in existence as long as the Salvation Army facility continues in this location.

Is hereby amended to read:

The Property Owner shall hold a Community Relations Board meeting consisting of two (2) Salvation Army Board Members and five (5) members appointed from the Haverhill and Vilma Lane area and surrounding businesses only if any such community members choose to participate. The Board is to meet monthly or as need or requested by the Citizen Advisory Board. It shall remain in existence as long as the Salvation Army facility continues in this location. Upon request of the Board of County Commissioners the Property Owner shall submit written report regarding the compliance with the Conditions of Approval CA97-88. The Property Owner shall comply with any such request for a Community Relations Board meeting and for submission of a report to the Board of County Commissioners. (ONGOING: BLDG / MONITORING /CODE ENF)

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: MONITORING - Zoning)

DISCLOSURE

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