

RESOLUTION NO. R-2017- 1648

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2017-00572
(CONTROL NO. 1981-00190)
a Class A Conditional Use
APPLICATION OF American Equities Ltd No 6
BY Urban Design Kilday Studios, AGENT
(Palm Beach Park of Commerce Surf Ranch Florida)

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 ZV/DOA/CA-2017-00572 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 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 a Class A Conditional Use;

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/CA-2017-00572, the Application of American Equities Ltd No 6, by Urban Design Kilday Studios, Agent, for a Class A Conditional Use to allow Outdoor Entertainment, 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 October 26, 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 Bernard 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	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 26, 2017.

Filed with the Clerk of the Board of County Commissioners on November 7th, 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
COUNTY
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 660 FEET OF SECTION 18, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO A ROAD RIGHT-OF-WAY ON THE WESTERLY 60 FEET THEREOF.

LESS AND EXCEPT THEREFROM THAT PORTION OF PROPERTY CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, CONTAINED IN THAT CERTAIN RIGHT OF WAY DEED RECORDED JULY 11, 2016 IN OFFICIAL RECORDS BOOK 28426, PAGE 19, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS:

A PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18, THENCE SOUTH 89°08'21" EAST ALONG THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 60.02 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF PRATT-WHITNEY ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 6, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°08'21" EAST ALONG SAID NORTH LINE OF SECTION 18, A DISTANCE OF 85.60 FEET; THENCE SOUTH 00°27'12" EAST, A DISTANCE OF 67.02 FEET; THENCE SOUTH 45°12'14" WEST, A DISTANCE OF 35.76 FEET TO A POINT ON A LINE PARALLEL WITH AND 60.00 FEET EAST OF SAID EAST RIGHT-OF-WAY LINE OF PRATT-WHITNEY ROAD; THENCE SOUTH 00°27'12" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 567.57 FEET TO A POINT ON THE NORTH LINE OF TRACT B, AS SHOWN ON PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172-176, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FLORIDA; THENCE NORTH 89°08'21" WEST ALONG SAID NORTH LINE OF TRACT B, A DISTANCE OF 60.02 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF PRATT-WHITNEY ROAD; THENCE NORTH 00°27'12" WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF PRATT-WHITNEY ROAD, A DISTANCE OF 660.17 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THE WESTERLY 410 FEET OF THE NORTH 660 FEET OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOTAL LAND AREA CONTAINING 78.906 ACRES MORE OR LESS.

ALSO KNOW AS:

LOT 1:

A PARCEL OF LAND SITUATE IN SECTION 18, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE SOUTH 89°08'21" EAST, ALONG THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 145.62 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 28426, PAGE 19 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE, DEPARTING SAID EAST RIGHT-OF-WAY LINE, CONTINUING ALONG SAID NORTH LINE OF SECTION 18, THENCE SOUTH 89°08'21" EAST, A DISTANCE OF 1992.74 FEET; THENCE, DEPARTING SAID NORTH LINE OF SECTION 18, SOUTH 00°51'39" WEST, A DISTANCE OF 25.06 FEET; THENCE SOUTH 89°08'14" EAST, A DISTANCE OF 46.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG THE

ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°37'01", A DISTANCE OF 10.74 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 58.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 208°20'28", A DISTANCE OF 210.90 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 52°57'29", A DISTANCE OF 23.11 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°08'14" WEST, A DISTANCE OF 4.81 FEET; THENCE SOUTH 00°51'46" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 00°52'01" WEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°49'12", A DISTANCE OF 13.04 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 78.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 61°45'06", A DISTANCE OF 84.07 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 45.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°03'53", A DISTANCE OF 8.69 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 50.68 FEET; THENCE SOUTH 00°51'36" WEST, A DISTANCE OF 296.83 FEET; THENCE SOUTH 89°08'24" EAST, A DISTANCE OF 81.50 FEET; THENCE SOUTH 00°51'36" WEST, A DISTANCE OF 208.52 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF CANAL TRACT 1, PALM BEACH PARK OF COMMERCE, P.I.P.D, PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, ALONG THE NORTH LINE OF SAID CANAL TRACT 1, NORTH 89°08'21" WEST, A DISTANCE OF 2193.27 FEET TO A POINT OF INTERSECTION WITH THE AFORESAID EAST RIGHT-OF-WAY LINE OF PRATT WHITNEY ROAD; THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES, NORTH 00°27'12" WEST, A DISTANCE OF 567.57 FEET; THENCE NORTH 45°12'14" EAST, A DISTANCE OF 35.76 FEET; THENCE NORTH 00°27'12" WEST, A DISTANCE OF 67.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 32.249 ACRES, MORE OR LESS.

TOGETHER WITH:

LOT 2:

A PARCEL OF LAND SITUATE IN SECTIONS 17 AND 18, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE SOUTH 89°08'21" EAST, ALONG THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 2138.36 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID NORTH LINE OF SECTION 18, SOUTH 89°08'21" EAST, A DISTANCE OF 2791.60 FEET TO THE NORTHEAST CORNER OF SAID SECTION 18 AND THE NORTHWEST CORNER OF SAID SECTION 17; THENCE, ALONG THE NORTH LINE OF SAID SECTION 17, SOUTH 88°56'14" EAST, A DISTANCE OF 410.00 FEET; THENCE, DEPARTING SAID NORTH LINE OF SAID SECTION 17, SOUTH 01°06'57" WEST, A DISTANCE OF 660.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF CANAL TRACT 1, PALM BEACH PARK OF COMMERCE, P.I.P.D, PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, ALONG THE NORTH LINE OF SAID CANAL TRACT 1, NORTH 88°56'14" WEST, A DISTANCE OF 410.00 FEET; THENCE, CONTINUING ALONG SAID NORTH LINE OF CANAL TRACT 1, NORTH 89°08'21" WEST, A DISTANCE OF 2598.57 FEET; THENCE, DEPARTING SAID NORTH LINE OF CANAL TRACT 1, NORTH 00°51'36" EAST, A DISTANCE OF 208.52 FEET; THENCE NORTH 89°08'24" WEST, A DISTANCE OF 81.50 FEET; THENCE NORTH

00°51'36" EAST, A DISTANCE OF 296.83 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 50.68 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 45.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°03'53", A DISTANCE OF 8.69 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 78.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 61°45'06", A DISTANCE OF 84.07 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°49'12", A DISTANCE OF 13.04 FEET; THENCE NORTH 00°51'46" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°08'14" EAST, A DISTANCE OF 4.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 52°57'29", A DISTANCE OF 23.11 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 58.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 208°20'28", A DISTANCE OF 210.90 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°37'01", A DISTANCE OF 10.74 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°08'14" WEST, A DISTANCE OF 46.92 FEET; THENCE NORTH 00°51'39" EAST, A DISTANCE OF 25.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 46.657 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

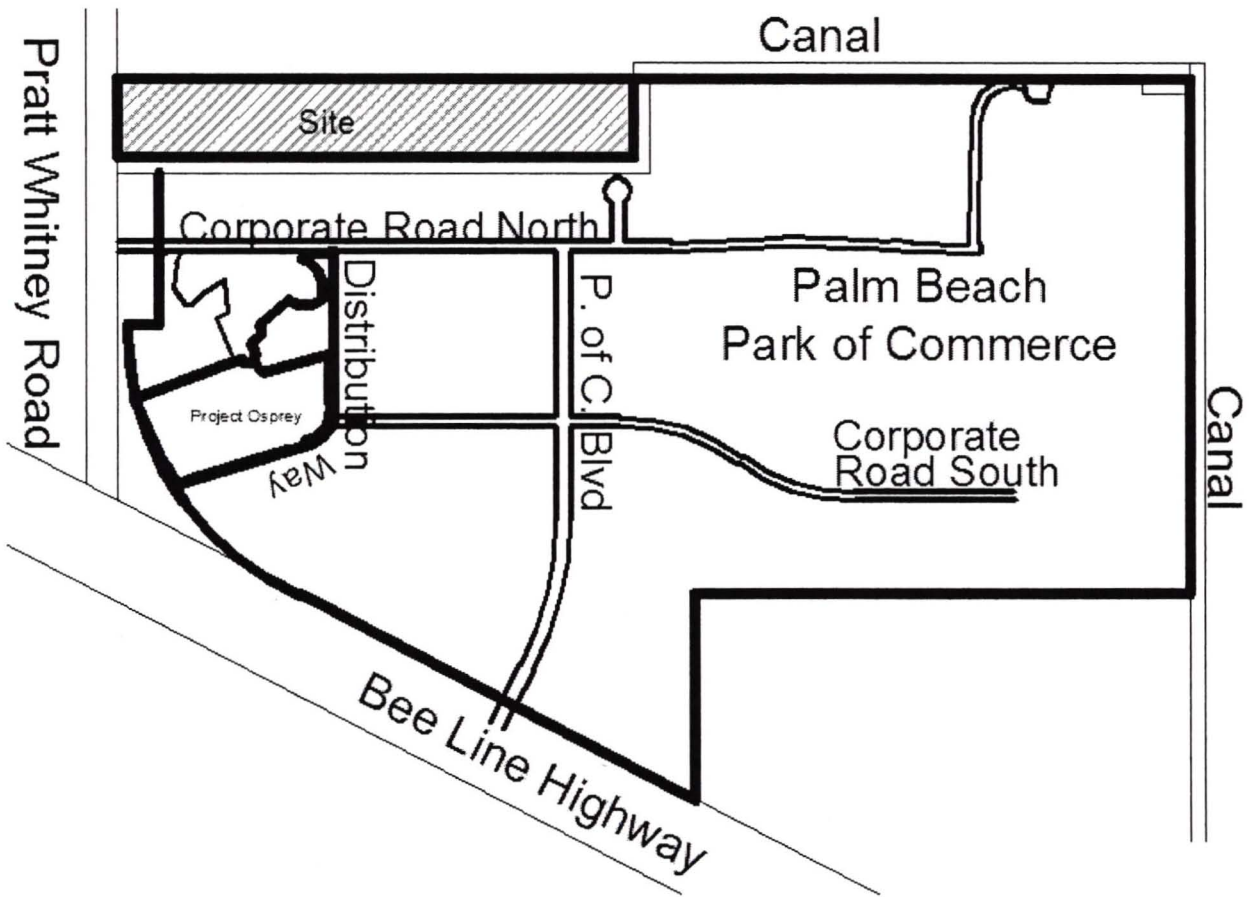


EXHIBIT C

CONDITIONS OF APPROVAL

Exhibit C-4

Conditional Use Class A

ALL PETITIONS REGIONAL RECREATION POD

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated August 17, 2017. 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. (DRO: ZONING - Zoning)

ENGINEERING

1. The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane north approach on Pratt Whitney Rd at Beeline Hwy. This turn lane shall be lengthened to a minimum 570 feet in length plus 50 foot paved taper. 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 for improvements identified above shall be obtained from Palm Beach County 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)

2. The Property Owner shall construct:

i. right turn lane south approach on Pratt Whitney Rd at Project entrance.

ii. Left turn lane north approach on Pratt Whitney Rd at Project entrance.

iii. Separate left and right turn lanes on Project entrance at Pratt Whitney Rd.

The lengths of these turn lanes will be as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for 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)

3. The Property Owner will be required to use appropriate number of police detail at strategic points to direct traffic to/from the site during the special events, that are limited to a maximum of 3 times per year, as per ULDC Article 4. (ONGOING: ENGINEERING - Engineering)

4. Prior to the issuance of the first building permit, the Property Owner shall configure the property into legal lots of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

6. The Property Owner shall fund the construction plans and construction of the project road from Pratt Whitney Road to the east terminus to be consistent with Palm Beach County standards for an 80 right of way non-plan collector street. 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 for Improvements identified above shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: ENGINEERING - Land Development)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: ENGINEERING - Land Development)

7. 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 Pratt Whitney Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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)

ENVIRONMENTAL

1. Onsite lighting shall be designed and shielded so that light shall be contained on the property and that direct or indirect light shall be shielded from the natural area. The Lighting Plan shall be approved by The Department of Environmental Resources Management (ERM) prior to DRO Site Plan approval. Compliance with this condition may limit the nighttime hours of operation of the facility. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Sound generated on the property shall not exceed 70dB at the property line. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit an application for the Preservation of Native Vegetation to the Department of Environmental Resources Management (ERM). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit Site Plan with a Tree Disposition Chart for review and approval. All vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a) the temporary location for the relocated vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved vegetation and identify what type of the permanent tree barricades/ protection devices will be utilized;
- c) a Justification Statement describing the maintenance of the relocated vegetation prior to the installation of the vegetation to a new location, and the length of time associated with the temporary storage of the relocated vegetation; and
- d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. No vegetation shall be removed or relocated and no Preservation of Native Vegetation permit; pursuant to ULDC Article 14.C, shall be issued until ERM conditions 4 and 5 are satisfied. (ONGOING: ERM-ERM)

6. Measurements of the sound levels at the north property line shall be recorded for a continuous 24 hour period bi-monthly during normal operations, and shall be submitted quarterly to the Department of Environmental Resources Management for two years following the commencement of the operation of the Surf Ranch. The Quarterly Monitoring Reports shall include measurement data for any Surf Ranch Special Event occurring during that quarter. (ONGOING: ERM-ERM)

7. Should the Department of Environmental Resources Management (ERM) determine that impacts from the operation of the Surf Ranch are impacting the Natural Area, the Surf Ranch shall eliminate the cause, obtain necessary approvals and take any necessary corrective actions to resolve those impacts. (ONGOING: ERM-ERM)

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)

2. Outdoor lighting system shall be designed and shielded so that light shall be contained on the property and that direct or indirect light is designed, constructed and installed to minimize glare and light trespass, minimize obstructive light, and eliminate the increase of lighting levels on surrounding properties. Compliance with this condition may limit the nighttime hours of operation of the facility. (DRO/ONGOING: ZONING - Zoning)

3. At the north property line, maximum illumination for outdoor lighting shall not exceed 3.0 horizontal and vertical foot-candles measured at six (6) feet above grade level. (ONGOING/BLDG PERMIT: BLDG - Zoning)

PARKING-

1. Prior to final approval by the Development Review Officer, the Property Owner shall confirm that the "drop off" areas delineated on the Preliminary Site Plan dated August 17, 2017 will accommodate all vehicles that may be permitted to provide for the transport of attendees or other entities associated with any future Special Events, or otherwise amend the Plan to delineate adequate pickup and drop-off areas, a transit circulation plan, and appropriate pedestrian connectivity, to include sufficient seating and other safety considerations. (DRO: ZONING-Zoning)

2. All attendees of any Special Event shall be required to park within the subject site or any off site parking that may be permitted as part of the Special Event approval. The parking of any vehicles associated with a Special Event or any attendees shall be prohibited within any right-of-way. If buses or shuttles are permitted as part of the Special Event approval, no such vehicles shall park, stand or stop within any right-of-way. All loading or unloading shall occur within areas designated for loading, unloading, pick up, "drop off" or other similar as may be delineated on the Final Site Plan. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS - EXIT STRATEGY

1. If after construction of the surf lagoon, the conditional use of outdoor entertainment does not commence or the operation ceases for more than 180 days, staff may schedule a

status report to assess any additional conditions which may be required to protect the public health, safety and welfare. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS- HOURS OF OPERATION

1. Hours of business operation shall be limited to 6 a.m. to 11 p.m. daily. Operation of wave equipment or use of the surf lagoon shall cease by no later than 9 p.m. daily. (ONGOING: CODE ENF - Zoning)

USE LIMITATION – SOUND

1. Sound generated on the property shall not exceed 70dB at the property line. (DRO: 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)

COMPLIANCE-ONE-YEAR STATUS REPORT

3. The Applicant shall submit an application for an Annual Report Review to be presented as a Status Report to the Board of County Commissioners on an annual basis for the first two years of operations of the Surf Ranch Florida venue. Applications shall be submitted within three months of each applicable year of operation, with the start of operations defined as the first permitted use of equipment used to generate waves, including testing. The Annual Report Review shall include but not be limited to an evaluation or status update on all Conditions of Approval, an overview of any permitted Special Events, and any other issues as may be determined by County Staff. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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