

RESOLUTION NO. R-2018- 1697

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2018-00739
(CONTROL NO. 1997-00096)
a Development Order Amendment
APPLICATION OF Theodore Winsberg, Gertrude Winsberg, BRP Delray LLC
BY Miller Land Planning, AGENT
(Green Cay Village Senior Housing)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/DOA-2018-00739 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2018;

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 (Application Processes and 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 Processes) for Development Order Amendment;

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 Board of County Commissioners has considered Application ABN/DOA-2018-00739, to partially abandon two of the three previously approved Requested Uses, a General Daycare and a Type II Restaurant (including related Conditions of Approval). The Type 3 Congregate Living Facility shall remain in full force and effect.

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.B.6.C (Board Action) 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 ABN/DOA-2018-00739, the Application of BRP Delray, LLC, Theodore & Gertrude Winsberg, by Miller Land Planning, Agent, for Development Order Amendment to reconfigure the Site Plan; add residents/beds; add square footage; modify or delete Conditions of Approval (All Petitions, Architectural Review, Landscape, Engineering);

modify uses, and restart the commencement of development clock 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 25, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on October 25, 2018.

Filed with the Clerk of the Board of County Commissioners on November 5th, 2018.

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

BY:


COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY FOR THE CANAL L-29, IN ACCORDANCE TO THAT RIGHT-OF-WAY WIDTH (55.77 FEET) REFERRED TO IN THE CHANCERY NO. 407, RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, IN ACCORDANCE TO THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5867, PAGES 561 THROUGH 563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 00°58'10" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, A DISTANCE OF 621.31 FEET; THENCE S 00°18'04" W, A DISTANCE OF 370.34 FEET; THENCE S 06°32'38" W, A DISTANCE OF 101.62 FEET; THENCE S 00°58'10" E, A DISTANCE OF 280.00 FEET, THE PREVIOUS THREE (3) DESCRIBED COURSES BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 11789, PAGES 54 THROUGH 56, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 54°07'19" W, A DISTANCE OF 66.37 FEET; THENCE N 70°48'16" W, A DISTANCE OF 445.46 FEET, THE PREVIOUS TWO (2) DESCRIBED COURSES BEING COINCIDENT WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FLAVOR PICT ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 11789, PAGES 54 THROUGH 56, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE PREVIOUS FIVE (5) DESCRIBED COURSES ALSO BEING COINCIDENT WITH THE BOUNDARY OF WINSBERG WETLAND RESTORATION PROJECT, AS RECORDED IN PLAT BOOK 102, PAGES 93 THROUGH 97, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N 00°54'50" W, ALONG THE EASTERLY BOUNDARY OF THE PLAT OF GREEN CAY VILLAGE, AS RECORDED IN PLAT BOOK 106, PAGES 120 THROUGH 124, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1257.21 FEET TO A POINT OF INTERSECTION WITH SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY FOR THE CANAL L-29; THENCE N 89°05'10" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 492.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.99 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

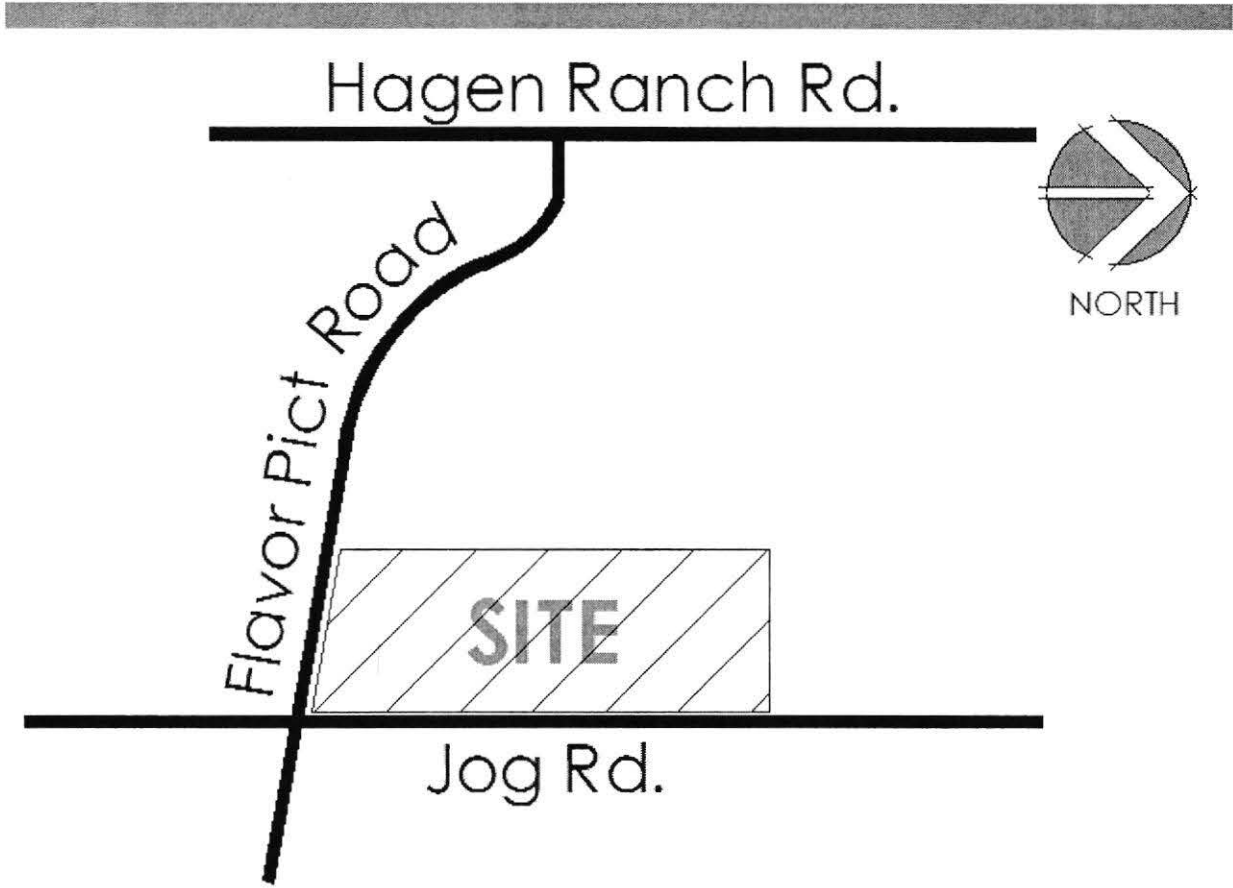


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-883, Control No.1997-00096, which currently states:

The certified Preliminary Site Plan is dated April 24, 2014. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated August 27, 2018. 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 previous Conditions of Approval as contained in Resolutions R-1998-0424, R-1998-0869, R-2000-1569, R-2002-0840 and R-2006-1535 are hereby revoked. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2014-883, Control No.1997-00096)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2014-883, Control No.1997-00096, which currently states:

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

Is hereby deleted. [REASON: The Applicant has an option per ULDC to submit the Final Architectural Elevations at the time of building permit or final Development Review Officer (DRO),]

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2014-883, Control No.1997-00096, which currently states:

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, 2018. 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)

Is hereby amended to read:

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, 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 Art. 2.E of the Unified Land Development (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit the, Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2014-883, Control No.1997-00096)

3. Landscape Within the Median of Jog Road

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Jog 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. Prior to issuance of a building permit, the necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the first certificate of occupancy, all installation of the landscaping and irrigation shall be completed. (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 Jog 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. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2014-883, Control No.1997-00096)

4. Previous ENGINEERING Condition 4 of Resolution R-2014-883, Control No.1997-00096, which currently states:

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 Flavor Pict Road and Jog 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 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. (BLDGPM: MONITORING - Engineering)

Is hereby deleted. [REASON: Not applicable to the proposed development]

ENVIRONMENTAL

1. Prior to Final Approval by the Development Review Officer (DRO), the site plan shall be modified if required, to be consistent with the construction standards pursuant to ULDC Article 14.B Wellfield Protection. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2014-883, Control No.1997-00096)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2014-883, Control No.1997-00096, which currently states:

Concurrent with the submittal for Building Permits, the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: This is a Code Requirement.]

2. All trees planted within the perimeter buffers shall be installed with a variation of heights with an average height of fourteen (14) feet. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2014-883, Control No.1997-00096)

3. All palms required to be planted on the property, 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. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2014-883, Control No.1997-00096)

LANDSCAPE - PERIMETER-NORTH PROPERTY LINE

4. Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2014-883, Control No.1997-00096, which currently states:

In addition to the requirements of the Land Use Ordinance 97-29 and the Code, the perimeter buffer shall be upgraded to include:

- a. one (1) palm or pine for each for each twenty (20) linear feet of the property line;
- b. the palms and pines shall be installed in clusters; and,
- c. maximum separation of clusters is sixty (60) feet on center.

(BLDGPM: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to the requirements of the Land Use Ordinance 97-29 and the Code, the perimeter buffer shall be upgraded to include:

- a. one (1) palm or pine for each for each twenty (20) linear feet of the property line; and,
- b. the palms and pines shall be installed in clusters. (BLDGPMPT: ZONING - Zoning)

LANDSCAPE - PERIMETER - EAST PROPERTY LINE

5. Spacing of the required Canopy Trees within the buffer along the east property line shall be: One (1) Canopy Tree for each twenty (20) linear feet of the property line. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2014-883, Control No.1997-00096)

LANDSCAPE - PERIMETER - WEST PROPERTY LINE

6. Prior to Final Approval of the Site Plan, the landscape buffer along the west property line shall be revised to be a minimum width of twenty (20) feet in accordance with Unified Land Development Code Article 7 or the Property Owner must apply for a Type II Variance to allow a reduction of the buffer width. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2014-883, Control No.1997-00096)

7. In addition to the requirements of the Code, the perimeter buffer shall be revised and upgraded to include:

- a. one (1) palm or pine for each for each twenty (20) linear feet of the property line; and,
- b. the palms and pines shall be installed in clusters.
(BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2014-883, Control No.1997-00096)

PLANNING

1. Per LGA 97-94, Ordinance 97-29 condition 2, The total commercial building area limited to no more than 120,000 square feet, with no single store to exceed 20,000 square feet. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2014-883, Control No.1997-00096)

2. Per LGA 97-94, Ordinance 97-29 condition 1, The following uses shall not be permitted on the subject 290.2 acres:

- a. Gas stations;
- b. Fast food restaurants;
- c. Adult entertainment enterprises; and,
- d. Communication towers.

(ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2014-883, Control No.1997-00096)

3. Per LGA 97-94, Ordinance 97-29 condition 3, Height of buildings in areas designated HR-8 shall be limited to no more than 3 stories. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2014-883, Control No.1997-00096)

4. Per LGA 97-94, Ordinance 97-29 condition 4, Entrance signs shall be monument type. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 4 of Resolution R-2014-883, Control No.1997-00096)

5. Per LGA 97-94, Ordinance 97-29 condition 5, All lighted signs and parking lot signs shall be non-intrusive with respect to the surrounding communities. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 5 of Resolution R-2014-883, Control No.1997-00096)

6. Per LGA 97-94, Ordinance 97-29 condition 6, A six (6) foot high earthen berm shall be placed along the northern and eastern ends of the commercial area. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 6 of Resolution R-2014-883, Control No.1997-00096)

7. Per LGA 97-94, Ordinance 97-29 condition 7, Sufficient landscaping shall be installed at the top of the berm to effectively screen the commercial buildings. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 7 of Resolution R-2014-883, Control No. 1997-00096)

SCHOOL BOARD

1. The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the facility no later than six (6) months after DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: COUNTY ATTORNEY - School Board)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to show the AT&T Riser Electric and Service Panel within an easement, or label to be removed, or relocate the AT&T Riser Electric and Service Panel outside the Landscape Buffer. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to graphically depict how access to the 1.52 acre lake will be accommodated for maintenance purposes without impacting parking layout, circulation, and Landscape Islands. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2014-884, Control No. 1997-00096, which currently states:

The Type II Restaurant may be relocated internal to the Congregate Living Facility Development subject to Development Review Officer approval. (DRO/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: The Applicant is requesting DOA to delete the Type II Restaurant Use.]

2. Previous USE LIMITATIONS Condition 2 of Resolution R-2014-884, Control No. 1997-00096, which currently states:

A drive-up window or queing lanes associated with the Type II Restaurant is prohibited. (DRO/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: The Applicant is requesting DOA to delete the Type II Restaurant Use.]

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) (Previous COMPLIANCE Condition 1 of Resolution R-2014-883, Control No. 1997-00096)

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) (Previous COMPLIANCE Condition 2 of Resolution R-2014-883, Control No.1997-00096)

DISCLOSURE

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