

RESOLUTION NO. R-2019-0251

RESOLUTION APPROVING ZONING APPLICATION EAC-2018-01214
(CONTROL NO. 1999-00036)
an Expedited Application Consideration
APPLICATION OF Hardial Sibia, Taz Inc
BY James E Gilgenbach Architect, AGENT
(Coconut Plaza)

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 EAC-2018-01214 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2019;

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 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.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 EAC-2018-01214, the Application of Hardial Sibia, Taz Inc, by James E Gilgenbach Architect, Agent, for an Expedited Application Consideration to amend a Condition of Approval (Landscape), on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 28, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	- Aye
Commissioner Dave Kerner, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Robert S. Weinroth	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 28, 2019.

Filed with the Clerk of the Board of County Commissioners on March 25th, 2019.

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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'FLORIDA' at the bottom, separated by a star on the left. The inner ring contains the text 'BOARD OF COUNTY COMMISSIONERS'.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

ALL OF THE PLAT OF SOUTHERN LIGHT INDUSTRIAL PARK MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120, PAGES 193 THROUGH 197 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 68.725 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

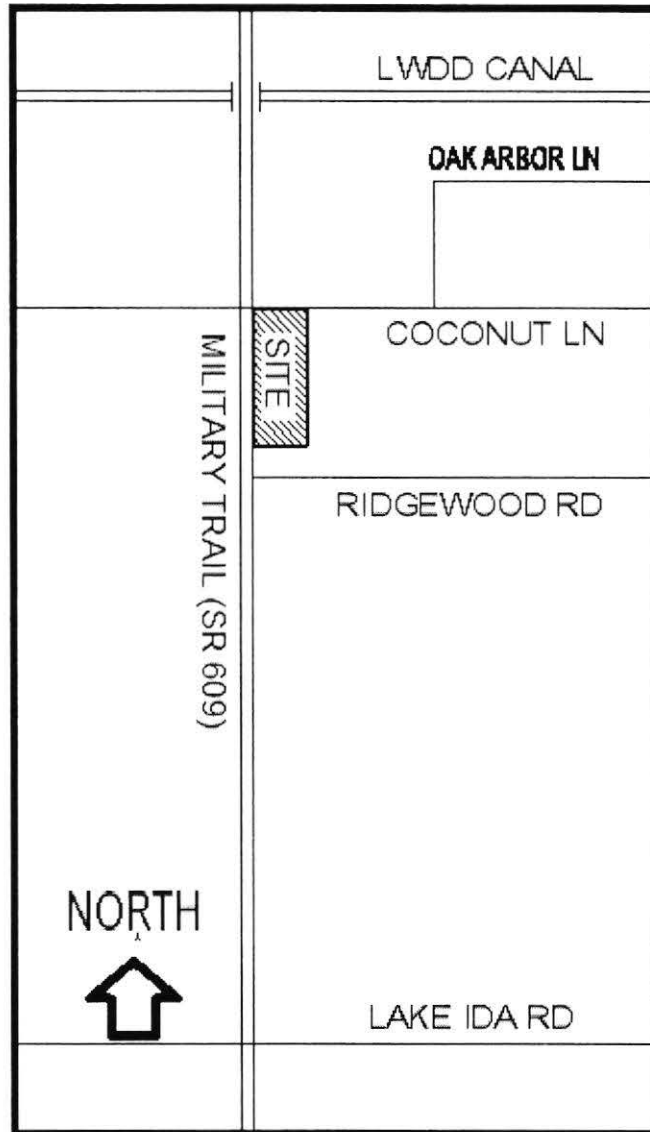


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2017-1123, Control No.1999-00036, which currently states:

The approved Preliminary Site Plan is dated April 24, 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 or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated December 26, 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. Prior to final DRC certification of the site plan, the petitioner/property owner shall provide to the Zoning Division evidence of a restrictive covenant approved by the Coco Pines Estates Homeowners Association to mitigate impacts. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2017-1123, Control No.1999-00036, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2002-0007 (Control 1999-00036), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2002-0007 (Control 1999-00036), and, R-2017-01123 (Control 1999-00036), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW-PARCEL A

1. The proposed buildings shall be designed and constructed to be generally consistent with the facade elevations by Saltz Michelson Architects dated October 10, 2001. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2017-1123, Control No.1999-00036)

2. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet. The northwestern entry /front portion of Building A (Retail Pharmacy) shall not exceed thirty and one half (30.5) feet. The northwestern portion of the Building A may increase to a maximum height of thirty-six (36) feet to accommodate a cuppola. All heights shall be measured from finished grade to highest point of the structures. (ONGOING: ZONING - Zoning) (Previous

ARCHITECTURAL REVIEW-PARCEL B

3. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the structures of Parcel B 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) and shall be generally consistent with the Architectural Elevations dated March 27, 2017. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2017-1123, Control No.1999-00036)

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Flavor Pict Road and Military Trail to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2017-1123, Control No.1999-00036)

2. The Property owner shall construct a five foot pedestrian pathway along the south right of way of Coconut Lane (Flavor Pict Road) from Military Trail east to the project's east property line.

a. 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 pavement markings and signing. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

3. LANDSCAPE WITHIN MEDIAN OF MILITARY TRAIL

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Military Trail Right-of-Way. Landscaping shall consist of: - Concrete median cut out strips - Median Landscaping As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and median plantings are permitted, the Landscape Material within the roadway median shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not

limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2017-1123, Control No.1999-00036)

4. Previous ENGINEERING Condition 4 of Resolution R-2017-1123, Control No.1999-00036, which currently states:

Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to accommodate drainage that currently flows through the property from the adjacent parcel to the north to the point of legal positive outfall.

Is hereby amended to read:

Prior to issuance of the building permit, the Property Owner of Parcel B of Coconut Plaza, MUPD plat shall record proper drainage easements to accommodate drainage that currently flows through the property from Parcel A of Coconut Plaza, MUPD plat to the point of legal positive outfall. This requirement may be satisfied by Unity of Control documents, if approved by the County Attorney. (BLDGPMT: MONITORING - Engineering)

5. 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, 2020. 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) (Previous ENGINEERING Condition 5 of Resolution R-2017-1123, Control No.1999-00036)

ENVIRONMENTAL

1. 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) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2017-1123, Control No.1999-00036)

2. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit a 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) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

3. 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 1 and 2 are satisfied. (ONGOING: ERM-ERM) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2017-1123, Control No.1999-00036)

4. All conditions of the amended Settlement Agreement for vegetation violations shall be complied with before issuance of the Certificate of Occupancy. [Note: COMPLETED] (Previous F Condition 4 of Resolution R-2017-1123, Control No.1999-00036)

5. All native vegetation that is to be planted as a result of the Settlement Agreement, which is not utilized in the planting on the buffer area along the eastern property line, shall be planted consistent with the location specified in the revised Settlement Agreement. [Note: COMPLETED] (Previous F Condition 5 of Resolution R-2017-1123, Control No.1999-00036)

LANDSCAPE - GENERAL

1. Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation: a. tree height: fourteen (14) feet. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2017-1123, Control No.1999-00036)

2. All palms (except for Medjool or Canary palms) required to be planted on site by this approval 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); and,
c. feet; and credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2017-1123, Control No.1999-00036)

4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2017-1123, Control No.1999-00036)

5. All Medjool or Canary palms required to be planted on site by this approval shall meet the following minimum standards at installation:

a. palm heights: seven (7) to eight (8) feet clear trunk. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2017-1123, Control No.1999-00036)

LANDSCAPE - INTERIOR

6. 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. (Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2017-1123, Control No.1999-00036)

7. Foundation planter strip shall be provided along the front and side facades of all structures. The minimum width of the required foundation planter strip shall be six and one half (6.5) feet. The combined length of the required foundation planter strip shall be no less than fifty (50%) percent of the accumulative length of the structure. All required foundation planter strips shall be planted with a minimum of one (1) flowering tree or palm every twenty (20) feet and appropriate ground cover. (ONGOING: ZONING - Zoning) [Note:

COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2017-1123, Control No.1999-00036)

8. Special planting treatment shall be provided on both sides of the north access point of Military Trail, and at the intersection of Military Trail and Coconut Lane. Planting shall consist of the following: a. one (1) specimen palm (Medjool or Canary) for the Military Trail access point and a minimum of three (3) specimen palms (Medjool or Canary) for the intersection planting; a minimum of three (3) flowering trees; and shrub or hedge materials. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 8 of Resolution R-2017-1123, Control No.1999-00036)

9. Special planting treatment shall be provided at the median of the north access point on Military Trail. Planting shall consist of the following:

a. a minimum of two (2) specimen palms (Royal); and,
b. shrub or hedge materials. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2017-1123, Control No.1999-00036)

10. Special planting treatment shall be provided on both sides of the south access point on Military Trail and access point on Coconut Lane. Planting shall consist of the following:

a. a minimum of one (1) specimen palms (Royal); and,
b. shrub or hedge materials. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 10 of Resolution R-2017-1123, Control No.1999-00036)

11. Landscape median located between the drive-thru lanes and the dumpster area of the pharmacy shall be increased to a minimum width of ten (10) feet. Landscaping for this median shall consist of:

a. a solid concrete wall shall be installed. The wall shall have a minimum height of six (6) feet. Decorative caps along the top of the wall, and a medallion at alternate panel shall be installed on the exterior side of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development;
b. one (1) flowering tree planted for each twenty (20) linear feet of the median;
c. one (1) palm for each twenty (20) linear feet of the median with a maximum spacing of sixty (60) feet between clusters; and,
d. one (1) small shrub for each two (2) linear feet of the median. Shrub shall be a minimum height of twenty-four (24) inches. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 11 of Resolution R-2017-1123, Control No.1999-00036)

12. Special planting treatment shall be provided in the open space at the southwest corner of Building A: This open space shall consist of the following:

a. a minimum of three (3) specimen palms;
b. a minimum of five (5) flowering trees;
c. shrub or hedge materials;
d. the above planting in Condition 7.a through 7.c shall not be counted towards planting for the focal point; and,
e. a focal point. Prior to final DRO approval of the site plan, the Property Owner shall submit details of the focal point. This focal point shall be pedestrian oriented public areas, and shall be in the form of a plaza, fountain, sculpture, planter, or any other vertical site element or architectural design acceptable to the Zoning Division. Should a planter be used as a focal point, the planter shall have a minimum height of eighteen (18) inches, a minimum diameter of twelve (12) feet, and a decorative cap with a minimum width of (18) inches. Planting within the planter shall consist of one (1) specimen palm (Medjool or Canary Date) and appropriate shrubs or groundcovers. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 12 of Resolution R-2017-1123, Control No.1999-00036)

13. Decorative pavers shall be installed at each expansion and construction joints of the concrete sidewalk and at the pedestrian crossing areas. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 13 of Resolution R-2017-1123, Control No.1999-00036)

14. The interior landscape for Building B and dry detention area shall be completed prior to the issuance of the Certificate of Occupancy for Building B. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 14 of Resolution R-2017-1123, Control No.1999-00036)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (COCONUT LANE AND MILITARY TRAIL FRONTAGES)

15. Landscaping and buffering along the north and west property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree for each thirty (30) linear feet of the frontage;
- d. one (1) Royal palm for each twenty (20) linear feet of the frontage;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- g. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation; and,
- h. All shrub or hedge material shall be planted in a tiered layers consisting of a minimum of three (3) varying heights as follows: eighteen (18) to twenty-four (24) inches - groundcover and small shrub; twenty-four (24) to thirty-six (36) inches - medium shrub; and, forty-eight (48) to sixty (60) inches - large shrub.

Shrub materials shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 15 of Resolution R-2017-1123, Control No.1999-00036)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

16. Previous LANDSCAPE - PERIMETER Condition 16 of Resolution R-2017-1123, Control No.1999-00036, which currently states:

Landscaping and buffering along the south property line shall include:

- a. a minimum thirty (30) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous three (3) foot high berm measured from top of curb;
- c. and, a solid concrete wall to be installed at the plateau of the berm. The wall shall have a minimum height of six (6) feet from the plateau of the berm to the top of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with a butting development;
- d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall;
- e. one (1) palm for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and to be planted on both sides of the wall.

Is hereby amended to read:

Landscaping and buffering along the south property line shall include:

- a. a minimum twenty (20) foot wide landscape buffer strip with an easement that may traverse on the southwest corner of the buffer;
- b. a continuous three (3) foot high berm measured from top of curb;
- c. a solid concrete wall to be installed at the plateau of the berm. The wall shall have a minimum height of six (6) feet from the plateau of the berm to the top of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with a butting development;
- d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall; and,
- e. one (1) palm for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and to be planted on both sides of the wall. (ONGOING: ZONING - Zoning)

17. The following landscaping requirements shall be installed on the interior side of the required wall:

- a. one (1) small shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- b. one (1) medium shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- c. one (1) large shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
- d. all shrub or hedge materials shall be planted in a tiered layers consisting of a minimum of three (3) varying heights as follows:
eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches - medium shrub; and/or, forty-eight (48) to sixty (60) inches - large shrub.

Shrub materials shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 17 of Resolution R-2017-1123, Control No.1999-00036)

18. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) shrub for every two (2) linear feet of the property line. Fifty (50) percent of the shrubs shall be placed at the plateau of the required berm. Shrub shall be a minimum height of thirty (30) inches at installation, and shall be maintained at a minimum height of forty-eight (48) inches at maturity. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 18 of Resolution R-2017-1123, Control No.1999-00036)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH 290 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

19. Landscaping and buffering along the north 290 feet of the east property line shall include:

- a. a minimum thirty (30) foot wide landscape buffer strip along the north 290 feet of the east property line. No width reductions or encroachment shall be permitted;
- b. a continuous four (4) foot high berm measured from top of curb;
- c. a solid concrete wall shall be installed at the plateau of the berm. The wall shall have a minimum height of six (6) feet from the plateau of the berm to the top of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development;
- d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall;
- e. one (1) palm or pine for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and to be planted on both sides of the wall. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 19 of Resolution R-2017-1123, Control No.1999-00036)

20. The following landscaping requirements shall be installed on the interior side of the required wall:

- a. one (1) native small shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- b. one (1) native medium shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- c. one (1) native large shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation;
- d. all shrub materials shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:
eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches - medium shrub; and, forty-eight (48) to sixty (60) inches - large shrub.

Shrub materials shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 20 of Resolution R-2017-1123, Control No.1999-00036)

21. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and shall be maintained at a minimum height of forty-eight (48) inches at maturity. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 21 of Resolution R-2017-1123, Control No.1999-00036)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH 355 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

22. Landscaping and buffering along the south 355 feet of the east property line shall include:

- a. a minimum forty (40) foot wide landscape buffer strip along the south 355 feet of the east property line. No width reductions or encroachment shall be permitted;
- b. a continuous four (4) foot high berm measured from top of curb;
- c. a solid concrete wall shall be installed at the plateau of the berm. The wall shall have a minimum height of six (6) feet from the plateau of the berm to the top of the wall. Both sides of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development;
- d. one (1) native canopy tree for every twenty (20) linear feet of the property line to be planted in a staggered manner, on both sides of the wall;
- e. one (1) palm or pine for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and to be planted on both sides of the wall. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 22 of Resolution R-2017-1123, Control No.1999-00036)

23. The following landscaping requirements shall be installed on the interior side of the required wall:

- a. one (1) native small shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- b. one (1) native medium shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- c. one (1) native large shrub for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation;
- d. all shrub material shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:
eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches - medium shrub; and,
forty-eight (48) to sixty (60) inches - large shrub.

Shrub material shall be planted in interlocking masses with varying heights. These heights shall be continuously maintained to achieve the hierarchical /tiered effect; and,

e. one (1) flowering tree for every thirty (30) linear feet of the property line. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 23 of Resolution R-2017-1123, Control No.1999-00036)

24. The following landscaping requirements shall be installed on the exterior side of the required wall:

a. one (1) shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and shall be maintained at a minimum height of forty-eight (48) inches at maturity. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 24 of Resolution R-2017-1123, Control No.1999-00036)

LANDSCAPE - PRESERVATION OF VEGETATION

25. Prior to the issuance of any Building Permit(s) the Property Owner shall:

a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;

b. include the approved DRO plan(s) with the approved Disposition Chart with the barricade permit application;

c. complete the installation of all vegetation protection barricades and tagging; and,

d. schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity.

(BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 25 of Resolution R-2017-1123, Control No.1999-00036)

LIGHTING

1. All outdoor lighting poles, with the exception of those placed on the north 290 feet of the east property line, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. All outdoor light poles placed on the north 290 feet of the east property line shall not exceed fifteen (15) feet in height. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

2. All outdoor light poles shall be located a minimum of fifty (50) feet from the east (residential) property line, except for the lights located within the north 290 feet of the east property line. Outdoor light poles located within the north 290 feet of the east property line shall be setback a minimum of 30 feet from the east property line. All lights shall be equipped with house-side cutoff shields to prevent lighting from spilling into residential areas. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2017-1123, Control No.1999-00036)

3. All outdoor lighting shall be extinguished no later than 10:30 p.m. daily, excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2017-1123, Control No.1999-00036)

4. Prior to final Development Review Officer (DRO) approval, the Property Owner shall submit pictures/photographs of the proposed freestanding/wall-mounted lighting fixtures for review and approval of Building A. Decorative freestanding and wall-mounted lighting fixtures shall be provided for the site and the buildings. The wall-mounted lighting fixtures shall be located at each column of the front entry portion of Building A. (DRO: ZONING - Zoning) (Previous LIGHTING Condition 5 of Resolution R-2017-1123, Control No.1999-00036)

SIGNS

1. Freestanding sign fronting on Military Trail shall be limited as follows:

a. Maximum sign height - six (6) feet - measured from the finished grade;

b. Maximum sign face area per side - sixty (60) square feet;

- c. Maximum number of signs - two (2). Should the Property Owner choose to reduce the number of freestanding signs to one (1) the maximum sign height for this one sign may increase to eight (8) feet in height and eighty (80) square feet per sign face area;
- d. Monument style only; and,
- e. No freestanding signs shall be permitted on Coconut Lane. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2017-1123, Control No.1999-00036)

2. Wall signs shall be limited to the north and west facades of Building A and the west facade of Building B. Dimension of wall signs shall be limited to a height of twenty-four (24) inches. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

3. Signs shall not utilize exposed neon, nor shall exposed neon be allowed as an architectural feature. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 3 of Resolution R-2017-1123, Control No.1999-00036)

SITE DESIGN

1. The minimum setback for all structures adjacent to the east property line, except for the drive-thru canopy, shall be seventy-five (75) feet. The drive-thru canopy shall be setback a minimum of fifty-eight (58) feet from the east property line. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

USE LIMITATIONS

1. Hours of operation for business activities, including deliveries, shall be 8:00 a.m. to 10:00 p.m. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2017-1123, Control No.1999-00036)

2. Outdoor retail and associated business activities shall not be allowed on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2017-1123, Control No.1999-00036)

3. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading spaces. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2017-1123, Control No.1999-00036)

4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2017-1123, Control No.1999-00036)

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.