

RESOLUTION NO. R-2020- 0717

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/CA-2019-01031
(CONTROL NO. 1985-00013)
a Development Order Amendment
APPLICATION OF Daszkal Bros Properties, LLC
BY Miller Land Planning, AGENT
(Hypoluxo Trail Center PCD)

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 (ULDC), Ordinance 2003-067, Supplement 25, have been satisfied;

WHEREAS, Zoning Application ABN/DOA/CA-2019-01031 was presented to the Board of County Commissioners at a public hearing conducted on June 25, 2020;

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 a 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 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/CA-2019-01031, the Application of Daszkal Bros Properties, LLC, by Miller Land Planning, Agent, for a Development Order Amendment to reconfigure the Site Plan, modify uses, add square footage, 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 June 25, 2020, 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 McKinlay and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on June 25, 2020.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2020.

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
PALM BEACH COUNTY
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 6 AND A PORTION OF THAT 15 FOOT WIDE ROAD RIGHT OF WAY LYING NORTH OF SAID LOT 6, AS SHOWN ON THE AMENDED PLAT OF SEC. 12, TWP. 45 S, R 42 E, RECORDED IN PLAT BOOK 9, PAGE 74, AND BEING ALL THOSE PARCELS DESCRIBED IN OFFICIAL RECORD BOOK 13708, PAGE 416; OFFICIAL RECORD BOOK 12599, PAGE 866; OFFICIAL RECORD BOOK 27065, PAGE 330 AND OFFICIAL RECORD BOOK 26514, PAGE 885, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, SOUTH 89° 54'03" EAST, A DISTANCE OF 88.65 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°05'57" WEST, A DISTANCE OF 8.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 8.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12 AND A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF HYPOLUXO ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 12572, PAGE 807, OFFICIAL RECORD BOOK 12718, PAGE 1341, OFFICIAL RECORD BOOK 12705, PAGE 955, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THENCE ALONG SAID PARALLEL LINE AND ALONG SAID SOUTH RIGHT OF WAY LINE OF HYPOLUXO ROAD, SOUTH 89°54'03" EAST, A DISTANCE OF 456.48 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 88°11'00" EAST, A DISTANCE OF 119.64 FEET TO A POINT ON A LINE 4.00 FEET SOUTH OF AND PARALLEL TO, AS MEASURED AT RIGHT ANGLES TO, SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12; THENCE ALONG SAID PARALLEL LINE AND ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 89°54'03" EAST, A DISTANCE OF 3.61 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 6; THENCE ALONG SAID NORTHERLY PROLONGATION AND THE EAST LINE OF SAID LOT 6, SOUTH 04°24'09" WEST, A DISTANCE OF 666.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE ALONG THE SOUTH LINE OF SAID LOT 6, NORTH 89°55'26" WEST, A DISTANCE OF 609.98 FEET TO A POINT ON A LINE PARALLEL WITH AND 66.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 12 AND A POINT ON THE EAST RIGHT OF WAY LINE OF MILITARY TRAIL, AS DESCRIBED IN OFFICIAL RECORD BOOK 6103, PAGE 98, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT OF WAY LINE, AS DESCRIBED IN OFFICIAL RECORD BOOK 6013, PAGE 98, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, NORTH 05°02'59" EAST, A DISTANCE OF 180.88 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 11525.19 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE FOR MILITARY TRAIL, THROUGH A CENTRAL ANGLE OF 01°00'29", A DISTANCE OF 202.77 FEET TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 07°43'33" EAST, A DISTANCE OF 45.31 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 11528.19 FEET AND A CHORD BEARING OF NORTH 03°18'37" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 01°00'48", A DISTANCE OF 203.90 FEET TO A POINT ON A NON-TANGENT LINE; THENCE NORTH 46°27'05" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 43.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.212 ACRES OR 401,257 SQUARE FEET MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Planned Development District)

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2001-817, Control No.1985-00013, which currently states:

All previous conditions of approval shall apply unless expressly modified herein.

Is hereby deleted. [REASON: Code Requirement, All Conditions of approval have been carried forward.]

2. Previous A Condition 2 of Resolution R-2001-817, Control No.1985-00013, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-951 (Petition 85-13), R-85-952 (Petition 85-13) and R-89-365 (Petition 85-13A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2001-0817 (Control 1985-00013), 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: MONITORING - Zoning)

3. Previous A Condition 3 of Resolution R-2001-817, Control No.1985-00013, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated December 22, 2000 and the site plan is dated January 25, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved Preliminary Site Plan is dated April 13, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations, [Note: COMPLETED] (Previous B Condition 1 of Resolution R-2001-817, Control No.1985-00013)

COUNTY ATTORNEY

1. Property owner shall record a Unity of Control on the subject property prior to May 1, 1988 or prior to Site Plan approval subject to approval by the County Engineer and County

Attorney. (ONGOING: ENGINEERING - County Attorney) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-2001-817, Control No.1985-00013)

2. Prior to site plan certification, the petitioner shall execute all necessary cross-access drainage and parking agreements. The executed documents shall be submitted simultaneously with application to Site Plan Review Committee. These documents shall be subject to the approval of the County Attorney and County Engineer. (ONGOING: ENGINEERING - County Attorney) [Note: COMPLETED] (Previous C Condition 4 of Resolution R-2001-817, Control No.1985-00013)

ENVIRONMENTAL RESOURCE MANAGEMENT

1. Simultaneously with the site plan review submittal, the petitioner shall submit a tree survey indicating the location of slash pine, sabal palms and royal poincianas on site with associated native understory. [Note: COMPLETED] (Previous D Condition 1 of Resolution R-2001-817, Control No.1985-00013)

2. Bulkheading of proposed lake shall be done in accordance with Palm Beach County sSubdivision Code and Platting Ordinance, Article 10, Section 6 (Ordinance No. 86-21), as well as other applicable governmental agencies which regulate water quality and quantity, This may include South Florida Water Management District, the Department of Environmental Regulation, and the Army Corps of Engineers. [Note: COMPLETED] (Previous D Condition 2 of Resolution R-2001-817, Control No.1985-00013)

ENGINEERING

1. Previous E Condition 1 of Resolution R-2001-817, Control No.1985-00013, which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

Is hereby deleted. [REASON: Code requirement]

2. The developer shall fund the construction of Military Trail as a 4-lane median divided section from Station 170+00 north to a point 200 feet north of the north right of way line of Hypoluxo Road plus the appropriate-paved tapers. Construction costs shall include sidewalks, bike paths, or sidewalk combinations, curb and gutter, and drainage. Surety acceptable to the County Engineer and County Attorney shall be posted in the amount of 110% prior to July 1, 1988, or prior to certification of the siteplan; or prior to issuance of any building permits, whichever of the three shall first occur. Once surety has been posted, Palm Beach County may call this surety at any time required for the construction of Military Trail. Funding shall be limited to any amount not to exceed \$277,276.00. (DATE: LAND DEVELOPMENT - Land Development) [Note: COMPLETED] (Previous E Condition 2 of Resolution R-2001-817, Control No.1985-00013)

3. Within ninety (90) days of special exception approval, the property owner shall convey by road right-of-way warranty deed any additional right-of-way required by the County Engineer for the construction of an expanded .. intersection, as referenced Palm Beach County's Comprehensive Land Use Plan, at Hypoluxo Road and Military Trail. Prior to site plan certification, the petitioner's site plan shall be modified accordingly. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-2001-817, Control No.1985-00013)

4. The property owner shall be restricted to a Phase I which shall generate no more total traffic than an amount which would be generated under the previous condition of 16 of Zoning Petition No. Sk-13 (Resolution No. R-85-951), which limited the project to no more than 36,500 square feet of general retail until construction has begun by Palm Beach County for Military Trail widening adjacent to this project, Note: Military Trail has been widened to 6 lanes adjacent to the site. (BLDG/PMT: LAND DEVELOPMENT - Land Development) [Note: COMPLETED] (Previous E Condition 4 of Resolution R-2001-817, Control No.1985-00013)

5. The developer shall construct concurrent with the construction of the project's: a. b. C. d. East entrance onto Hypoluxo Road, a left turn lane east approach, if feasible (as determined by the County Engineer) and a right turn lane west approach; West entrance road onto Hypoluxo Road, a right turn lane west approach. This entrance/exit shall not be permitted a median opening onto Hypoluxo Road. North entrance road onto Military Trail, a right turn lane south approach. This entrance shall not be permitted a median opening onto Military Trail. South entrance onto Military Trail, a right turn lane south approach and left turn lane north approach. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 5 of Resolution R-2001-817, Control No.1985-00013)

HEALTH

1. Previous F Condition 1 of Resolution R-2001-817, Control No.1985-00013, which currently states:

Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewerage works are constructed and used by project tenants or owners generating such effluents.

Is hereby amended to read:

Owners and operators of facilities that generate toxic, hazardous, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system, unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Florida Department of Health (FDOH), and the agency responsible for sewerage works are constructed and used.

2. Previous F Condition 2 of Resolution R-2001-817, Control No.1985-00013, which currently states:

Since sewer service is available to the property, septic tank shall not be approved for use on the property.

Is hereby deleted. [REASON: Code Requirement]

3. Previous F Condition 3 of Resolution R-2001-817, Control No.1985-00013, which currently states:

Because water service is available to the property, a well shall not be approved for potable water use.

Is hereby deleted. [REASON: Code Requirement]

4. The petitioner shall relocate the dumpster from the perimeter property lines to the interior portion of the site. [Note: COMPLETED] (Previous F Condition 4 of Resolution R-2001-817, Control No.1985-00013)

5. The petitioner shall eliminate the chain link fence in the perimeter buffer. [Note: COMPLETED] (Previous F Condition 5 of Resolution R-2001-817, Control No.1985-00013)

LANDSCAPE - INTERIOR

1. Previous G Condition 6 of Resolution R-2001-817, Control No.1985-00013, which currently states:

Prior to June 1,2001, the petitioner/property owner(s) shall replace any dead, damaged or missing plant materials in the entire shopping center. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code Requirement]

2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (ONGOING: ZONING - Zoning) (Previous H Condition 2 of Resolution R-2001-817, Control No.1985-00013)

3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum length of this median shall be twenty five (25) feet. A minimum width of eight (8) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (ONGOING: ZONING - Zoning) (Previous H Condition 3 of Resolution R-2001-817, Control No.1985-00013)

4. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (ONGOING: ZONING - Zoning) (Previous H Condition 4 of Resolution R-2001-817, Control No.1985-00013)

5. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (ONGOING: ZONING - Zoning) (Previous H Condition 1 of Resolution R-2001-817, Control No.1985-00013)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to site plan certification, the petitioner shall obtain the necessary improvements to construct improvements within the 25 foot LWDD easement along the north property line. Documentation shall be submitted in duplicate simultaneously with application to the site plan review committee. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 3 of Resolution R-2001-817, Control No.1985-00013)

LANDSCAPE - PERIMETER

1. The western 200 feet of the southern landscape strip shall be upgraded with one (1) ten (10 foot to twelve (12) foot canopy tree planted twenty (20) feet on center. A berm and hedge combination shall be installed to provide for a four (4) foot buffer at planting and to be maintained at a six (6) foot height upon maturity. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous G Condition 3 of Resolution R-2001-817, Control No.1985-00013)

2. Previous G Condition 7 of Resolution R-2001-817, Control No.1985-00013, which currently states:

All canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:

- a, Tree height: fourteen (14) feet;

- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in beneath; and
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements.

Is hereby amended to read:

All canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet; and,
- b. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

1. The petitioner shall preserve and incorporate slash pine and Royal Poincianas in the design of the site meeting the standards of Section 500.36 (Vegetation Protection). The sabal palms shall also be relocated as necessary and incorporated into the project design. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous G Condition 1 of Resolution R-2001-817, Control No.1985-00013)

2. The petitioner may submit an alternate betterment plan, acceptable to the Zoning Division, to meet the preservation requirements. Only variation from interior landscape requirements shall be considered in the approval of said plan. (ONGOING: ZONING - Zoning) (Previous G Condition 2 of Resolution R-2001-817, Control No.1985-00013)

3. The petitioner may utilize Alternative Perimeter Landscape Buffer Number 3 along the two non-frontage perimeters of the site, as noted in Exhibit No. 47. (ONGOING: ZONING - Zoning)-[Note: COMPLETED] (Previous G Condition 4 of Resolution R-2001-817, Control No.1985-00013)

4. A group of three (3) or more palm or pine trees may not supersede the requirement for (all or perimeter) canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous G Condition 9 of Resolution R-2001-817, Control No.1985-00013)

5. All palms required to be planted on site by this approval, except on individual residential lots, 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 ULDC requirements. (ONGOING: ZONING - Zoning) (Previous G Condition 8 of Resolution R-2001-817, Control No.1985-00013)

6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (ONGOING: ZONING - Zoning) (Previous G Condition 10 of Resolution R-2001-817, Control No.1985-00013)

SIGNS

1. Freestanding point of purchase sign fronting on Hypoluxo Road shall be limited as follows

- a. Maximum sign height ten (10) feet;
- b. Maximum sign face area - one hundred (100) square feet;
- c. Maximum number of signs - one (1).
- d. Style- monument. (ONGOING: ZONING - Zoning) (Previous J Condition 1 of Resolution R-2001-817, Control No.1985-00013)

2. No off-premise signs shall be permitted on the site. (ONGOING: ZONING - Zoning) (Previous J Condition 2 of Resolution R-2001-817, Control No.1985-00013)

SITE DESIGN

1. Prior to site plan certification, the Site Plan shall be amended to indicate the following:

- a. A 22 foot pavement dimension in the rear of the 15,600 square foot retail building.
- b. Minimum six foot interior landscape islands.
- c. A minimum side interior setback of fifteen feet for the structure on Parcel B.
- d. Site data for each proposed parcel.
- e. Location of the slash pine, sabal palms and poinciana. The petitioner may submit an alternative Landscape Betterment Plan, acceptable to the Zoning Division to incorporate existing vegetation into the project design.
- f. Number of storage bays in the self storage facility. [Note: COMPLETED] (Previous C Condition 1 of Resolution R-2001-817, Control No.1985-00013)

2. Previous C Condition 5 of Resolution R-2001-817, Control No.1985-00013, which currently states:

Total gross floor area in the affected area shall be limited: fast-food restaurant - maximum 1,939 square feet; and, retail - 2,400 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC.

Is hereby deleted. [REASON: Square footage is determined by the Final Site Plan and the Code.]

3. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. All heights Shall be measured from finished grade to highest point. (Previous C Condition 6 of Resolution R-2001-817, Control No.1985-00013)

4. Previous C Condition 7 of Resolution R-2001-817, Control No.1985-00013, which currently states:

All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material.

Is hereby deleted. [REASON: Code Requirement.]

5. The petitioner shall install a six (6) foot high wall along the western and northern boundary lines of the self service storage facility. Landscaping meeting the perimeter landscape requirements of Section 500.35.E.3.b.(2) o the Landscape Code shall be installed along the northern edge of the retention pond. The site plan shall be redesigned in this area to accommodate the wall and landscaping. [Note: COMPLETED] (Previous G Condition 5 of Resolution R-2001-817, Control No.1985-00013)

6. The petitioner shall install a six (6) foot high wall around the area designated for the freezer unit located to the rear of the restaurant. [Note: COMPLETED] (Previous G Condition 11 of Resolution R-2001-817, Control No.1985-00013)

7. Property owner shall record a Unity of Control on the subject property prior to May I, 1988 or prior to Site Plan approval subject to approval by the County Engineer and County Attorney. [Note: COMPLETED] (Previous I Condition 1 of Resolution R-2001-817, Control No.1985-00013)

8. Prior to site plan certification, the petitioner shall execute all necessary cross-access drainage and parking agreements. The executed documents shall be submitted

simultaneously with application to Site Plan Review Committee. These documents shall be subject to the approval of the County Attorney and County Engineer. (ONGOING: ENGINEERING - County Attorney) [Note: COMPLETED] (Previous C Condition 4 of Resolution R-2001-817, Control No.1985-00013)

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.