

RESOLUTION NO. R-2020- 0719

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2019-01227
(CONTROL NO. 1980-00103)
a Development Order Amendment
APPLICATION OF West Ridge South, Inc.
BY Schmidt Nichols, AGENT
(Sandalfot Square)

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 ZV/DOA-2019-01227 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 ZV/DOA-2019-01227, the Application of West Ridge South, Inc., by Schmidt Nichols, Agent, for a Development Order Amendment to reconfigure the Site Plan, to add square footage, delete land area, add an access point and a use, and amend Conditions of Approval for the Planned Commercial Development, 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.

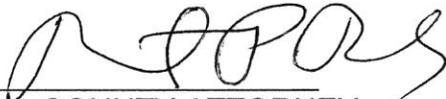
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

ALL OF THE PLAT OF SANDALFOOT PLAZA PHASE 1 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 146 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

ALL OF THE PLAT OF SANDALFOOT PLAZA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, PAGE 186 THROUGH 187 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 32.18 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

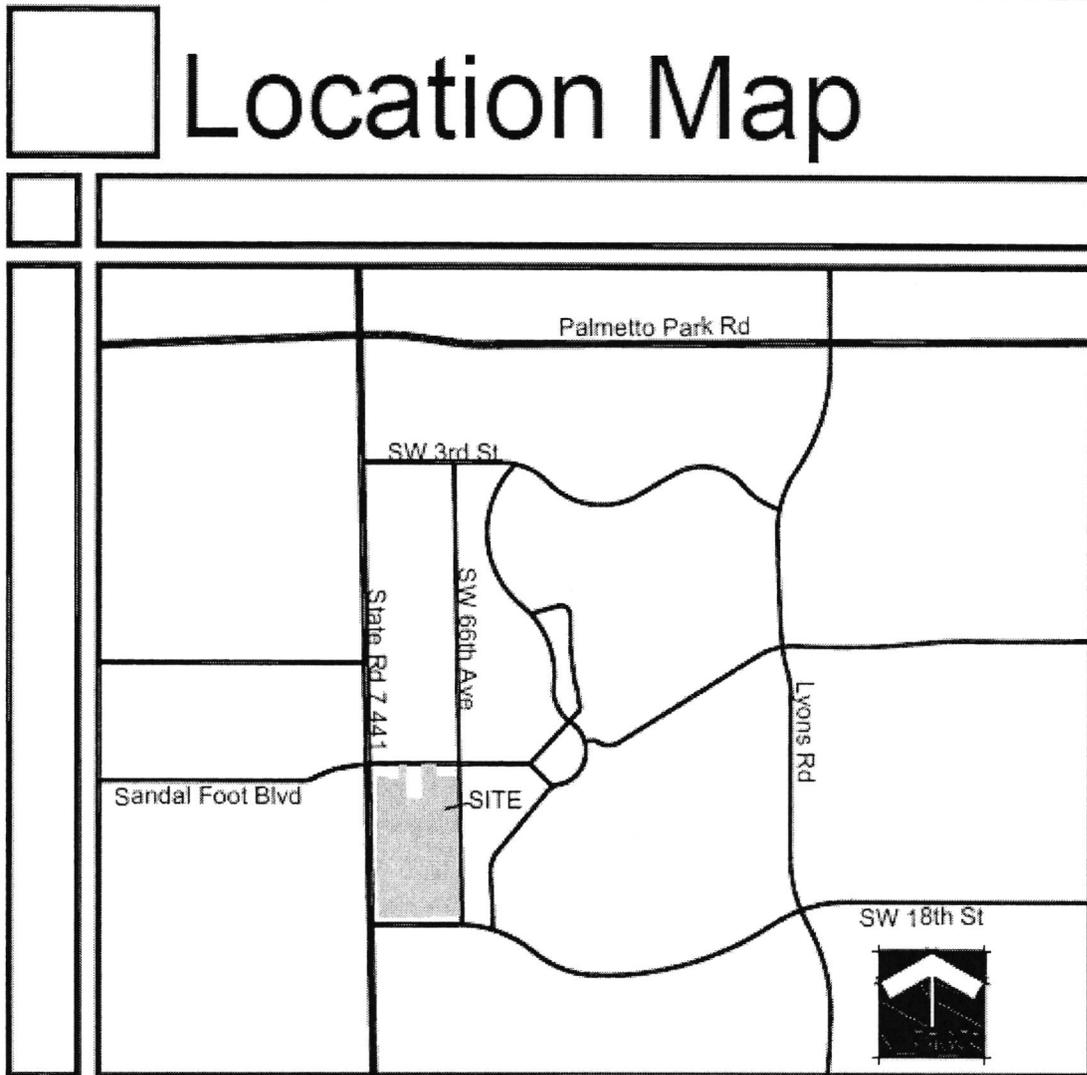


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Planned Commercial Development)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-1999-699, Control No.1980-00103, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-35 (Petition 74-180), R-80-853 (Petition 80-103), R-87-225 (Petition 80-103(A)), R-88-1212 (Petition 80-103(B), R-89-333 (Petition 80-103(C), R-89-910 (Petition 80-103 (D)), R-89-1444 (Petition 80-103(E)) and R-94-0502 (Petition 80-103(F)), R-96-813, (Petition DOA80-103(H)) have been consolidated 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 Resolutions R-75-35 (Petition 74-180), R-80-853 (Petition 80-103), R-87-225 (Petition 80-103(A)), R-88-1212 (Petition 80-103(B), R-89-333 (Petition 80-103(C), R-89-910 (Petition 80-103 (D)), R-89-1444 (Petition 80-103(E)), R-94-0502 (Petition 80-103(F)), R-96-813, (Petition DOA80-103(H)), and R-1999-699 as amended by R-2000-259 (Petition DOA80-103(I)) 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 5 of Resolution R-1999-699, Control No.1980-00103, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 29, 1999. 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 27, 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. (ONGOING: ZONING - Zoning)

3. Prior to site plan certification, the petitioner shall record a Unity of Title agreement covering the entire site. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-1999-699, Control No.1980-00103)

4. Simultaneously with submittal to the Site Plan Review Committee, the petitioner shall submit, in duplicate, an executed cross access agreement with the overall shopping center. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-1999-699, Control No.1980-00103)

ENGINEERING

1. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 1 of Resolution R-1999-699, Control No.1980-00103)

2. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 2 of

Resolution R-1999-699, Control No.1980-00103)

3. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$6,758.00 shall be credited toward the increased Fair Share Fee. [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-1999-699, Control No.1980-00103)

4. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$6,758.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$33,789.00 to be paid prior to the issuance of the first building permit or prior to certification of the Master Plan, or prior to October 1, 1987 whichever shall first occur. (BLDGPMT/CO/DATE/DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-1999-699, Control No.1980-00103)

5. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 5 of Resolution R-1999-699, Control No.1980-00103)

6. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 6 of Resolution R-1999-699, Control No.1980-00103)

7. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 7 of Resolution R-1999-699, Control No.1980-00103)

8. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 8 of Resolution R-1999-699, Control No.1980-00103)

9. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 9 of Resolution R-1999-699, Control No.1980-00103)

10. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for S.W. 19th Street, 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include Safe Sight Corners where appropriate at intersections as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-1999-699, Control No.1980-00103)

11. The petitioner shall convey to the Lake Worth Drainage District an easement 20 feet in width, lying east of and parallel and/or concentric with the existing east top of bank for the required right-of-way for Equalizing Canal No. 1, by Quit Claim Deed or an Easement Deed in the form provided by the District within ninety (90) days of the approval of the Resolution approving this project. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-1999-699, Control No.1980-00103)

12. Deleted by Resolution R-1999-0699 (Previous ENGINEERING Condition 12 of Resolution R-1999-699, Control No.1980-00103)

13. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Australian Avenue Road Right-of-Ways State Road 7. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the 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 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. Landscape plantings shall then be completed prior to the issuance of a certificate of occupancy for the additional 5200 square foot General Repair and Maintenance facility. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit for the 5200 square foot General Repair and Maintenance facility. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 13 of Resolution R-2000-259, Control No.1980-00103)

14. 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, 2024, or as amended. 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)

ENVIRONMENTAL

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to final DRC site plan certification. (DRC: ERM) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-1999-699, Control No.1980-00103)

2. Petitioner shall comply with the design requirements of the proposed wellfield protection ordinance applicable to wellfield protection Zone Two. (ONGOING: ERM) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-1999-699, Control No.1980-00103)

3. Petitioner shall have a water recycling system for the carwash facility. (ONGOING: ERM) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-1999-699, Control No.1980-00103)

4. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: ERM) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 4 of Resolution R-1999-699, Control No.1980-00103)

5. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper reuse or disposal of waste oil. (ONGOING: ERM/SWA) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 5 of Resolution R-1999-699, Control No.1980-00103)

6. There is a potential for restricted materials to be stored onsite including petroleum products and solvents. An Affidavit of Notification must be executed and the petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the wellfield. It is recommended that double walled tanks and piping be included as part of

those measures. (ONGOING: ERM) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 6 of Resolution R-1999-699, Control No.1980-00103)

HEALTH

1. Previous HEALTH Condition 1 of Resolution R-1999-699, Control No.1980-00103, which currently states:

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

Is hereby deleted. [REASON: Code requirement]

2. Previous HEALTH Condition 2 of Resolution R-1999-699, Control No.1980-00103, which currently states:

Since water service is available to the property, a well shall not be approved for use on said property.

Is hereby deleted. [REASON: Code requirement]

3. Previous HEALTH Condition 3 of Resolution R-1999-699, Control No.1980-00103, which currently states:

Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent.

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 sewage works is installed and used. (ONGOING: HEALTH DEPARTMENT - Health Department)

4. The owner, occupant or tenant of this facility shall participate in an oil recycling program that ensures proper re-use or disposal of any waste oil. (Previous HEALTH Condition 4 of Resolution R-1999-699, Control No.1980-00103)

5. Previous HEALTH Condition 5 of Resolution R-1999-699, Control No.1980-00103, which currently states:

Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC.

Is hereby deleted. [REASON: Cover by number 3]

LANDSCAPE - GENERAL-OUTPARCEL L - AUTO SERVICE STATION USE ONLY

1. Prior to July 1,1999, the petitioner shall remove and replace any existing dead or damaged plant materials. (DATE: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-1999-699, Control No.1980-00103)

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

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC

requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-1999-699, Control No.1980-00103)

LANDSCAPE - GENERAL-OUTPARCEL L - AUTO SERVICE STATION USE ONLY

3. All 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) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 2 of Resolution R-1999-699, Control No.1980-00103)

LANDSCAPE - GENERAL-OUTPARCEL P - AUTO SERVICE STATION USE ONLY

4. Trees planted in perimeter landscape strips shall be a minimum of ten (10) to twelve (12) feet upon planting. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-1999-699, Control No.1980-00103)

LANDSCAPE - INTERIOR-OUTPARCEL L - AUTO SERVICE STATION USE ONLY

5. 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. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-1999-699, Control No.1980-00103)

6. 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 five (5) feet;
- b. The length of the required landscaped areas shall be no less than 40% 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-1999-699, Control No.1980-00103)

PALM TRAN

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. (DRO: PALM-TRAN - Palm-Tran) [Note: COMPLETED] (Previous SITE DESIGN Condition 12 of Resolution R-1999-699, Control No.1980-00103)

SIGNS-OUTPARCEL L - AUTO SERVICE STATION USE ONLY

1. Wall signs shall be limited to the west facade of the building only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 5 of Resolution R-1999-699, Control No.1980-00103)

SIGNS-OUTPARCEL N - FAST FOOD RESTAURANT WITH A DRIVE-THROUGH

2. Signage proposed for each of the development areas as outlined in DOA 80-103H shall not exceed 15 feet in height or 150 square feet in copy area. [Note: COMPLETED] (Previous SIGNS Condition 2 of Resolution R-1999-699, Control No.1980-00103)

SIGNS-OUTPARCEL O - AUTO SERVICE STATION USE ONLY

3. Prior to site plan certification, the petitioner shall submit a master signage program to consist of uniform color and character in keeping with the architecture character of the building. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-1999-699, Control No.1980-00103)

4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a building, or similar objects, gimmicks, or advertising designed to attract the public's attention offsite shall be displayed outdoors, upon any buildings, vehicles or wall, other than inside a window as may be

permitted by the Sign Code. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-1999-699, Control No.1980-00103)

SIGNS-OUTPARCEL P - AUTO SERVICE STATION USE ONLY

5. No off-premise signs shall be permitted on the site. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 3 of Resolution R-1999-699, Control No.1980-00103)

6. Maximum height of free standing signs on the site shall be twenty-five (25) feet. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 4 of Resolution R-1999-699, Control No.1980-00103)

SITE DESIGN

1. Concurrent with Site Plan submittal, the petitioner shall submit a current, legible overall master site plan for the Sandalfoot Planned Commercial Development. Revised tabular data for all building square footage, required parking and landscaping shall be keyed to the respective outparcels and the overall center. This tabular data shall be subject to final approval by the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition C.8 of Resolution R-1999-699, Control No.1980-00103)

SITE DESIGN-OUTPARCEL L - GENERAL REPAIR AND MAINTENANCE USE ONLY

2. Total gross floor area shall be limited to a maximum of 5,220 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 and subject to the approval of Engineering Department.) (DRO: ENGINEERING - Zoning) (Previous BUILDING AND SITE DESIGN Condition B.1 of Resolution R-1999-699, Control No.1980-00103)

3. The maximum height for all structures, including all air conditioning and mechanical equipment including satellite dishes, measured from finished grade to highest point, shall not exceed twenty-five (25) feet. (BLDGPM: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition B.2 of Resolution R-1999-699, Control No.1980-00103)

4. Openings shall not be permitted on the west facade of the building, except required emergency exits. (BLDGPM: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition B.3 of Resolution R-1999-699, Control No.1980-00103)

5. Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-1999-699, Control No. 1980-00103, which currently states:

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

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

SITE DESIGN-OUTPARCEL M - AUTOMOBILE REPAIR FACILITY WITH GASOLINE PUMP ISLANDS USE ONLY

6. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. Square foot coverage of the canopy in the site data tabular.
- b. A total interior landscape requirement in the site data tabular based on the number of parking spaces and the specialized vehicular use area. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition C.1 of Resolution R-1999-699, Control No.1980-00103)

7. Prior to site plan certification, the site plan shall be amended to reflect the (1) loading space. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition C.2 of Resolution R-1999-699, Control No.1980-00103)

SITE DESIGN-OUTPARCEL O - AUTOMOBILE SERVICE STATION (WITH MAJOR REPAIRS) USE ONLY

8. Prior to certification, the site plan shall be amended to indicate the following:

- a. A twenty (20) foot wide by seventy (70) foot long landscape area north of the 2,100

square foot car wash. A paved access area for loading and periodic maintenance is allowed;

- b. Seven (7) foot wide sidewalk along the eastern facade as indicated on Exhibit 141;
- c. Thirty (30) foot dimension between the westernmost parking spaces and the five (5) foot wide sidewalk;
- d. Location of vacuum stations associated with the car wash;
- e. Directional signage and pavement striping for all stacking areas;
- f. Required handicap spaces adjacent to the seven (7) foot wide sidewalk;
- g. Pavement markings identifying the six (6) easternmost parking spaces as "car wash only" detail areas for drying, polishing, waxing, etc.; and,
- h. Thirty-four (34) foot dimension between the car wash and easternmost parking spaces;
- i. Pedestrian access to the parcel to the south by providing a minimum four (4) foot sidewalk through the landscape strips connecting the front of the building; and,
- j. All perimeter landscape strips shall be upgraded with mahogany trees twelve (12) feet in height spaced twenty (20) feet on center with a hedge thirty-six (36) inches in height and spaced twentyfour (24) inches on center. Also trees in terminal parking islands shall be upgraded to a minimum of twelve (12) feet in height at the time of installation. All landscaping shall be maintained in a viable healthy condition. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition C.7 of Resolution R-1999-699, Control No.1980-00103)

SITE DESIGN-OUTPARCEL O - AUTO SERVICE STATION USE ONLY

9. The western facade of the buildings shall be given architectural treatment consistent with the front facade. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition C.11 of Resolution R-1999-699, Control No.1980-00103)

SITE DESIGN-OUTPARCEL P - AUTO SERVICE STATION USE ONLY

10. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. A clearly defined five (5) car stacking distance with by pass lane which does not conflict or interfere with other traffic utilizing the site;
- b. Clearly labeled access dimensions;
- c. Required perimeter landscape strips;
- d. Required transfer of interior landscaping from specialized vehicular use areas to the perimeter of the site; and
- e. A clear back up distance for all parking stalls. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition C.4 of Resolution R-1999-699, Control No.1980-00103)

11. The petitioner shall relocate all parking stalls which conflict with:

- a. Traffic entering the site at the northeast corner; and
- b. Traffic exiting to the one-way drive in a easterly direction. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition C.5 of Resolution R-1999-699, Control No.1980-00103)

12. The petitioner shall relocate the dumpster to an alternative location that allows for the realignment of the west to east one-way drive around the stacking area. [Note: COMPLETED] (Previous SITE DESIGN Condition C.6 of Resolution R-1999-699, Control No.1980-00103)

SITE DESIGN-BUILDING G - DAYCARE USE ONLY

13. To ensure vehicles do not enter the outdoor play area, the petitioner shall, prior to certification of a final site plan by the DRC, amend the site plan to indicate a solid concrete wall or bollards, with a minimum height of three (3) feet, between the outdoor play area and the adjacent access isle. The wall and/or bollards shall be installed prior to the issuance of the Certificate of Occupancy (C.O.) for the day care center. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous D Condition 1 of Resolution R-1999-699, Control No.1980-00103)

USE LIMITATIONS - DAY CARE

1. The day care facility shall be limited to 175 students. (ONGOING: CODE ENF - Zoning) (Previous D Condition 2 of Resolution R-1999-699, Control No.1980-00103)

USE LIMITATIONS-OUTPARCEL O - AUTO SERVICE STATION USE ONLY

2. Use of the subject sub parcel shall be limited to:

- a. 2,100 square foot car wash;
- b. 1,440 square foot oil/lube facility; and,
- C. 2,880 square feet of retail and/or consumer uses as outlined in the traffic report and approved by the County Engineer. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition C.9 of Resolution R-1999-699, Control No.1980-00103)

3. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way or interior drives. (ONGOING: CODE ENF - Zoning) (Previous SITE DESIGN Condition C.10 of Resolution R-1999-699, Control No.1980-00103)

USE LIMITATIONS-OUTPARCEL O AND P - AUTO SERVICE STATION USE ONLY

4. No outside storage of disassembled vehicles or parts thereof shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition L.2 of Resolution R-1999-699, Control No.1980-00103)

USE LIMITATIONS-OUTPARCEL P - AUTO SERVICE STATION USE ONLY

5. No retail sales shall be allowed on site, except ancillary to the proposed auto service uses. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition L.4 of Resolution R-1999-699, Control No.1980-00103)

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.