

RESOLUTION NO. R-2021- 0387

RESOLUTION APPROVING ZONING APPLICATION DOA-2020-00116
(CONTROL NO. 1978-00005)
a Development Order Amendment
APPLICATION OF M.C.T. Properties, Inc.
BY WGINC, AGENT
(Hamptons 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 as amended, have been satisfied;

WHEREAS, Zoning Application DOA-2020-00116 was presented to the Board of County Commissioners at a public hearing conducted on March 25, 2021;

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 DOA-2020-00116, the Application of M.C.T. Properties, Inc., by WGINC, Agent, for a Development Order Amendment to reconfigure the Site Plan; modify uses and square footage; add children (Daycare); and, amend Conditions of Approval, 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 March 25, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Absent
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Absent
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 25, 2021.

Filed with the Clerk of the Board of County Commissioners on March 25th, 2021.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

TRACTS 1 THROUGH 46, INCLUSIVE, TRACTS 51 THROUGH 78, INCLUSIVE AND TRACTS 83 THROUGH 96, INCLUSIVE, AND THE NORTH 433 FEET OF TRACTS 97 THROUGH 112, INCLUSIVE, BLOCK 74, TOGETHER WITH TRACTS 2 THROUGH 59, INCLUSIVE, TRACTS 62 THROUGH 89, INCLUSIVE, TOGETHER WITH THE NORTH 433 FEET OF TRACTS 92 THROUGH 101, INCLUSIVE AND TOGETHER WITH THAT PART OF TRACTS 1, 30, 31, 60, 61, AND 90, AND THE NORTH 433 FEET OF TRACT 91, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, ALL IN BLOCK 75, PALM BEACH FARMS COMPANY, PLAT NO. 3, IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54. LESS, HOWEVER, THE WEST 215 FEET OF TRACTS 46, 51, 78, AND 83, BLOCK 74, SAID PALM BEACH FARMS COMPANY, PLAT NO. 3.

EXCEPTING THE NORTH 50.00 FEET OF SAID TRACTS 15 AND 16, BLOCK 74, AND EXCEPTING THE NORTH 50.00 FEET OF THE WEST 215 FEET OF SAID TRACT 14, BLOCK 74, FOR THE LAKE WORTH DRAINAGE DISTRICT L-42 CANAL RIGHT-OF-WAY.

ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF BEING A PORTION OF TRACTS 14, 15, 16, 17, 18, AND 19, BLOCK 74, AND A PORTION OF THE ABANDONED 25.00 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 RIGHT-OF-WAY LYING WESTERLY OF, AND CONTIGUOUS TO, SAID TRACTS 16 AND 17, ALL IN PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PLAT OF FOUR FORTY ONE ASSOCIATES, AS RECORDED IN PLAT BOOK 81, PAGE 177, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00 50' 56" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), A DISTANCE OF 800.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-42 CANAL; THENCE NORTH 89 36' 59" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, AND ALONG A LINE 50 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLE TO, THE NORTH LINES OF SAID TRACTS 14, 15, AND 16 AND THEIR WESTERLY PROLONGATION, A DISTANCE OF 1004.61 FEET TO A POINT ON A LINE 215.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SAID TRACTS 14 AND 19; THENCE SOUTH 00 23' 01" EAST ALONG SAID LINE AND ALONG THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-1 CANAL, A DISTANCE OF 834.40 FEET; THENCE SOUTH 89 36' 59" WEST, DEPARTING SAID LINE AND SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 264.31 FEET; THENCE, NORTH 06 22' 44" WEST, A DISTANCE OF 68.38 FEET; THENCE, NORTH 16 12' 28" WEST, A DISTANCE OF 52.05 FEET; THENCE, NORTH 64 22' 45" WEST, A DISTANCE OF 110.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A Q RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 63 47' 05", A DISTANCE OF 38.96 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 00 35' 40" WEST, A DISTANCE OF 78.62 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 55 55' 24", A DISTANCE OF 34.16 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 56 35' 35" WEST, A DISTANCE OF 39.16 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35 55' 47", A DISTANCE OF 21.95 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 87 28' 38" WEST, A DISTANCE OF 39.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO

THE LEFT HAVING A RADUS OF 35.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 51' 40", A DISTANCE OF 26.18 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 44 36' 58" WEST, A DISTANCE OF 62.51 FEET; THENCE, SOUTH 45 23' 02" EAST, A DISTANCE OF 16.11 FEET; THENCE SOUTH 44 36' 58" WEST, A DISTANCE OF 103.50 FEET; THENCE, SOUTH 10 53' 55" WESET, A DISTANCE OF 161.55 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF SAID PLAT OF PLAT OF FOUR FORTY ONE ASSOCIATES; THENCE, SOUTH 89 36' 59" WEST, ALONG SAID LINE, A DISTANCE OF 324.00 FEET TO THE POINT OF THE BEGINNING.

CONTAINING IN TOTAL: 982.66 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF
RECORD.

EXHIBIT B
VICINITY SKETCH

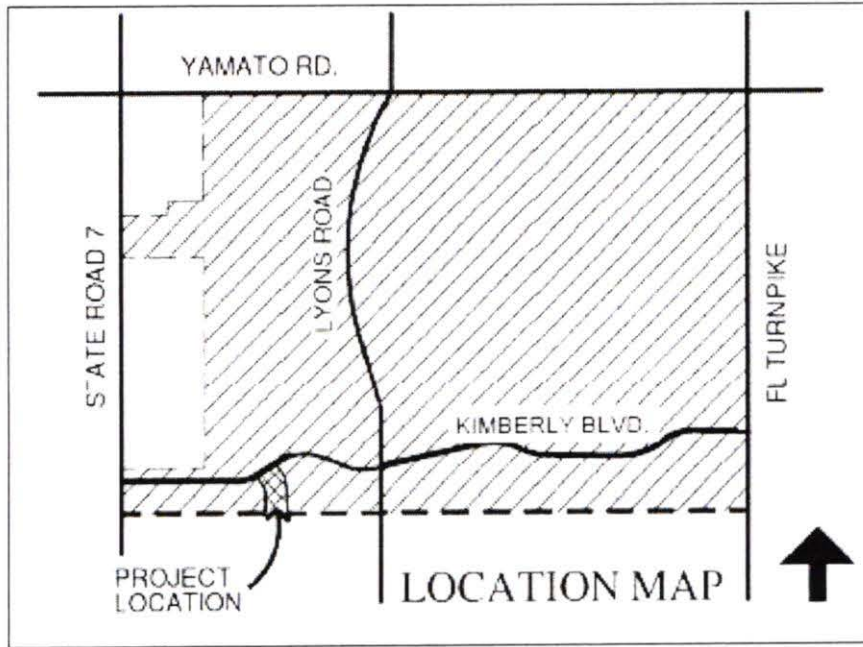


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-1451, Control No.1978-00005, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-99-1683.1, (Control No. 78-005), R-2006-1203 (Control No. 78-005), R-2011-089, (Control No. 1978-005), 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 (ULDC) and the Board of County Commissioners (BCC) or Zoning Commission (ZC), unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-1451, (Control No. 1978-005), 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 (ULDC) and the Board of County Commissioners (BCC) or Zoning Commission (ZC), unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The Preliminary Master Plan is dated June 27, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

3. Development of the site for the Place of Worship Petition 78-05(F) is limited to the uses and site design as approved by the Board of County Commissioners (BCC). The approved Site Plan is dated June 24, 1999. All modifications must be approved by the Board of County Commissioners (BCC) unless the proposed changes are required to meet Conditions of approval or are in accordance with the Unified Land Development Code (ULDC). (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2011-1451, Control No.1978-00005)

4. Previous ALL PETITIONS Condition 4 of Resolution R-2011-1451, Control No.1978-00005, which currently states:

The preliminary site plan for Commercial Pod 14 is dated December 16, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The Preliminary Site Plan for Commercial Pod 14 is dated January 25, 2021. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. All future development shall be consistent with Article 5.C of the ULDC, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDGPM: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

ENGINEERING

1. Palm Beach County Engineering Department to provide design and drainage for Lyons Road to State Road 808 and said road shall be constructed by the developer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

2. Developer shall improve and signalize the intersections of State Road No.7 and development entrance roads, when recommended by the Department of Transportation. Developer shall provide State Road No. 7 by- pass. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

3. Developer shall construct Lyons Road within the property. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2011-1451, Control No.1978-00005)

4. Developer shall construct Lyons Road from the south property line to Glades Road as a two-lane section. Palm Beach County Engineering Department shall provide design and drainage for this section of road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2011-1451, Control No.1978-00005)

5. Developer shall construct Lyons Road within the project limits as a four-lane section; the alignment of which shall be approved by the County Engineer. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-1451, Control No.1978-00005)

6. Developer shall construct a left turn lane, west approach, a right turn lane, east approach, and a right turn lane and dual left turn lane, north approach, at the intersection of Lyons Road and Glades Road. The construction of a second left turn lane, north approach, shall be required when determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2011-1451, Control No.1978-00005)

7. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and S.R. 7. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2011-1451, Control No.1978-00005)

8. Developer shall signalize the intersection of Kimberly Boulevard and SR 7 when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2011-1451, Control No.1978-00005)

9. Developer shall construct a left turn lane, north approach, and a right turn lane, south approach, at the intersection of New England Boulevard and SR 7. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2011-1451, Control No.1978-00005)

10. Developer shall construct left and right turn lanes at the west, north and south approaches at the intersection of Kimberly Boulevard and Lyons Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2011-1451, Control No.1978-00005)

11. Developer shall signalize the intersection of Kimberly Boulevard and Lyons Road when

warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2011-1451, Control No.1978-00005)

12. Developer shall construct a left turn lane, south approach, and a left turn lane, west approach, at the intersection of New England Boulevard and Lyons Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2011-1451, Control No.1978-00005)

13. Developer shall signalize the intersection of New England Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2011-1451, Control No.1978-00005)

14. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2011-1451, Control No.1978-00005)

15. Developer shall construct a right turn lane, south approach, at the intersection of the north entrance road and Lyons Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2011-1451, Control No.1978-00005)

16. Developer shall signalize the intersection of Lyons Road and Glades Road when warranted as determined by the County Engineer. Developer's participation in this requirement shall be limited to a pro-rata share of total cost based upon traffic volumes at the time the traffic warrant is met, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2011-1451, Control No.1978-00005)

17. Developer shall construct a left turn lane, east approach, at the intersection of Kimberly Boulevard and the shopping center entrance. The entrance shall be located a minimum of six hundred sixty (660) feet from the centerline of Lyons Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2011-1451, Control No.1978-00005)

18. Developer shall construct a left turn lane, south approach, at the intersection of Lyons Road and the shopping center entrance. The location of the entrance road shall be approved by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2011-1451, Control No.1978-00005)

19. The main entrances to the shopping center on both Kimberly Boulevard and Lyons Road shall be two (2) lanes in and two (2) lanes out. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 19 of Resolution R-2011-1451, Control No.1978-00005)

20. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall modify the site plan to add stop control striping and signage to the adjacent drive aisles to the driveway connections to allow a free flow ingress pattern from the Kimberly Boulevard and Hampton Drive rights-of-way. (DRO: ENGINEERING - Engineering)

21. The Property Owner shall fund the construction plans and the construction to lengthen the existing right turn lane west approach on Kimberly Boulevard at the Project entrance road. This turn lane shall be lengthened to a greatest extent possible as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

2. Water service is available to the property. Therefore no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

PROPERTY & REAL ESTATE MANAGEMENT

1. Developer shall dedicate two (2) percent of the project area to Palm Beach County or other civic use as allowed by the Code to be determined by Palm Beach County.

(ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

2. Developer shall provide an additional fifty (50) acres of recreation area to be comprised of an eight (8) foot bike path system throughout the project; a passive linear park system forty (40) feet in width around the lake frontage; and three (3) piers for boating access to the lake, one (1) being located on each of the major recreation areas on the lake. In addition, within ninety (90) days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars (\$50,000.00) to Palm Beach County to be utilized offsite in the Boca Greens Park dedication area. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

SOLID WASTE AUTHORITY

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (ONGOING: SOLID WASTE AUTHORITY - Solid Waste Authority) (Previous SOLID WASTE AUTHORITY Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

USE LIMITATIONS - DAY CARE-COMMERCIAL POD 14

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

a. The proposed structure for the day care center, shall be labeled as "two-story".

b. The dumpster, if located outside, shall be completely screened by a six foot (6') high solid fence and located away from the outdoor play area. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS - DAY CARE Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

2. Previous USE LIMITATIONS - DAY CARE Condition 2 of Resolution R-2011-1451, Control No.1978-00005, which currently states:

The day care center shall be limited to a maximum of 97 children.

Is hereby amended to read:

The day care center shall be limited to a maximum of 147 children. (ONGOING: ZONING - Zoning)

3. No outdoor loud speaker system shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 3 of Resolution R-2011-1451, Control No.1978-00005)

4. The petitioner shall install adequate sign area to indicate the drop-off parking stalls and the parking spaces for the employees. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 4 of Resolution R-2011-1451, Control No.1978-00005)

5. Adequate directional sign area shall be installed to enable users to access and leave the site in a controlled manner. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 5 of Resolution R-2011-1451, Control No.1978-00005)

6. The landscaping along the six foot (6') fence, on the south perimeter of the outdoor play area, shall be upgraded to include a minimum of ten foot (10') tall native canopy trees spaced twenty feet (20') on-center. A minimum of one (1) twelve foot (12') tall tree shall be planted for each 500 square feet of outdoor activity area. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS - DAY CARE Condition 6 of Resolution R-2011-1451, Control No.1978-00005)

USE LIMITATIONS-PLACE OF WORSHIP - RECREATION POD

1. Use of and access to parking for the recreation pod shared with the Place of Worship, and other uses including recreational activities, shall not be roped off, specially designated, or restricted in any manner. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

2. Foundation planting or grade level planters shall be provided along the front and side facades of the structure 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. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

3. Additional signage shall be limited to directional and wall signs only. Wall signs shall be limited to one sign with a maximum fifty (50) square feet sign face area to be located on the south facade only (front of the building facing the parking lot). (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2011-1451, Control No.1978-00005)

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.