

RESOLUTION NO. R-2021- 0391

RESOLUTION APPROVING ZONING APPLICATION DOA-2020-01883
(CONTROL NO. 1989-00131)
a Development Order Amendment
APPLICATION OF Palm Beach MRI, LLC
BY Managed Land Entitlements, LLC, AGENT
(Fidelity Federal at Jog and Hypoluxo MUPD)

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-2020-01883 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-2020-01883, the Application of Palm Beach MRI, LLC, by Managed Land Entitlements, LLC, Agent, for a Development Order Amendment to reconfigure the Site Plan; add square footage; and, modify and/or delete 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: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION 10,
TOWNSHIP 45 SOUTH,
RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

ALL OF THE PLAT OF FIDELITY FEDERAL AT JOG AND HYPOLUXO M.U.P.D.,
RECORDED IN PLAT BOOK 84,
PAGE 97, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

A PARCEL OF LAND IN THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION 10,
TOWNSHIP 45 SOUTH,
RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

ALL OF THE PLAT OF HYPOLUXO ECKERD'S, RECORDED IN PLAT BOOK 78,
PAGE 193, OF THE
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 3.848 ACRES (167,842 SQUARE FEET), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

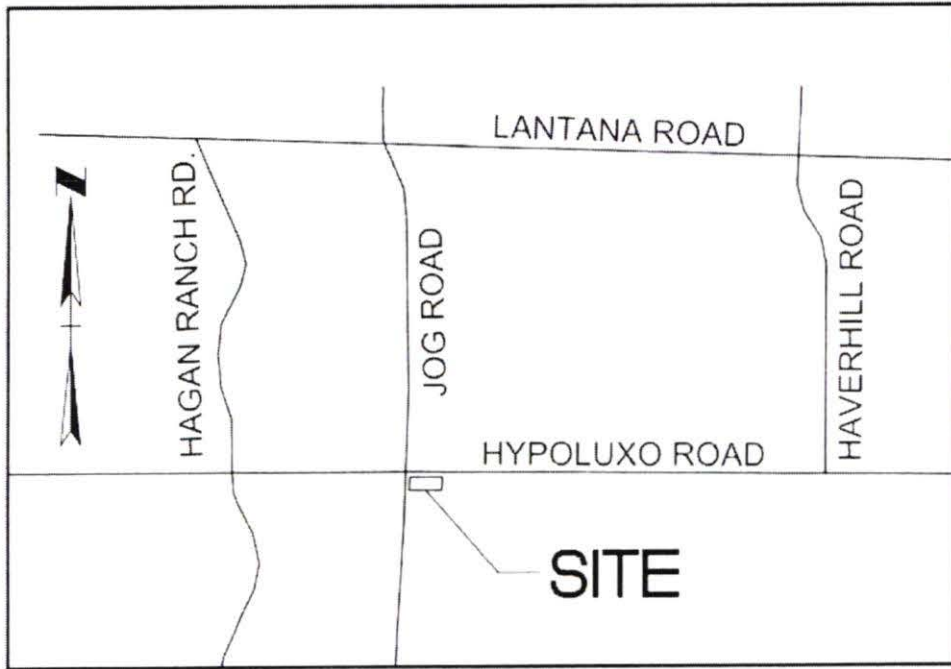


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Multiple Use Planned Development)

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-1996-1016, Control No.1989-00131, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-91-251 (Petition 81-131(A), 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-1996-1016 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. (ONGOING: MONITORING - Zoning)

2. Previous A Condition 2 of Resolution R-1996-1016, Control No.1989-00131, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated May 24, 1996). 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 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 Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. The proposed building shall be designed to be compatible with the character of surrounding residential areas. (BLDG PERMIT: BLDG - Zoning) [Note: COMPLETED] (Previous C Condition 7 of Resolution R-1996-1016, Control No.1989-00131)

2. Similar architectural character and treatment shall be provided on all sides of the proposed building. (BLDG PERMIT: BLDG - Zoning) [Note: COMPLETED] (Previous C Condition 8 of Resolution R-1996-1016, Control No.1989-00131)

3. All mechanical and electrical equipment shall be screened from view so as not to be visible from any property line. (BLDG PERMIT: BLDG - Zoning) [Note: COMPLETED] (Previous C Condition 9 of Resolution R-1996-1016, Control No.1989-00131)

4. Interior and exterior storage and loading areas shall be screened from view and integrated into the building design. (BLDG PERMIT: BLDG - Zoning) [Note: COMPLETED] (Previous C Condition 10 of Resolution R-1996-1016, Control No.1989-00131)

ARCHITECTURAL REVIEW--BUILDING B ADDITION

5. Prior to the issuance of Building Permits for the proposed Building B addition, the Architectural Elevations 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 for the rest of the Multiple Use Planned Development (MUPD). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPM: ZONING - Zoning)

COUNTY ATTORNEY

1. The petitioner shall provide Palm Beach County with an agreement indemnifying the County for the cost of defending any legal actions and for any damages that may arise out of the approval of this petition. The indemnification agreement shall be approved by the County Attorney's office prior to final site plan certification. (DRO: COUNTY ATTORNEY-Zoning) [Note: COMPLETED] (Previous K Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

2. Prior to certification of the final certification by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: COUNTY ATTORNEY- Zoning) [Note: COMPLETED] (Previous K Condition 2 of Resolution R-1996-1016, Control No.1989-00131)

3. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney. (DRO: COUNTY ATTORNEY- Zoning) [Note: COMPLETED] (Previous K Condition 3 of Resolution R-1996-1016, Control No.1989-00131)

ENGINEERING

1. Prior to the issuance of the first certificate of occupancy, this project shall have paved access from both Hypoluxo Road and Jog Road. (BLDGPM/CO: MONITORING - Land Development) [Note: COMPLETED] (Previous E Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 89-131 (B), to be paid at the time of issuance of the Building Permit presently is

- a) \$46,225 for the fast food restaurant (1,682 trips X \$27.50 per trip),
- b) \$55,055 for the general retail (1,001 trips X \$55.00 per trip) and
- c) \$72,545 for the bank and drive in (1,319 trips X \$55.00 per trip (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 2 of Resolution R-1996-1016, Control No.1989-00131)

3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

Building Permits for the 5,236 square foot bank or the 4,938 square foot restaurant shall not be issued until the contract has been let for the construction of eastbound and westbound right turn lanes at the intersection of Military Trail and Gateway Boulevard, plus the appropriate paved tapers. The length of this turn lane shall be determined by the County Engineer.

The mix of the square footage listed above may be adjusted 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. (BLDGPM: MONITORING - Land Development) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-1996-1016, Control No.1989-00131)

4. Prior to the issuance of any building permits the Developer shall record the plat of the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDGPM: MONITORING - Land Development) [Note: COMPLETED] (Previous E Condition 4 of Resolution R-1996-1016, Control No.1989-00131)

5. LANDSCAPE WITHIN MEDIAN

- 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 all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, 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 and 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 - Land Development) [Note: COMPLETED]
- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 on or before the issuance of a Certificate of Occupancy. (BLDGPM/CO: MONITORING - Land Development) [Note: COMPLETED]
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (BLDGPM/CO: MONITORING - Land Development) [Note: COMPLETED] (Previous E Condition 5 of Resolution R-1996-1016, Control No.1989-00131)

6. Previous E Condition 6 of Resolution R-1996-1016, Control No.1989-00131, which currently states:

The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

Is hereby deleted. [REASON: Code requirement]

7. Previous E Condition 7 of Resolution R-1996-1016, Control No.1989-00131, which currently states:

The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.

Is hereby deleted. [REASON: Code requirement]

8. Prior to March 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Jog road, an additional 4.9 feet ss shown on Palm Beach County's Proposed Right-of-Way Map #87098 free of all encumbrances and

encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition 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. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 8 of Resolution R-1996-1016, Control No.1989-00131)

9. Deleted by Resolution R-1996-1016 (Previous E Condition 9 of Resolution R-1996-1016, Control No.1989-00131)

10. The property owner shall convey to the Lake Worth Drainage District the North 75 feet of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 45 south, Range 42 East for the required right-of-way for Lateral Canal No. 18, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to March 1, 1990). (DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 10 of Resolution R-1996-1016, Control No.1989-00131)

ENVIRONMENTAL

1. Proposed interior landscape islands adjacent to the north and western perimeter buffer areas shall be adjusted to maximize existing native vegetation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous J Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

2. A pre-clearing inspection shall be required prior to removal of any vegetation. All native vegetation within the perimeter landscape strips shall be identified and protective devices installed at the time of inspection. Protective barriers shall remain in place throughout the construction process. (BLDGPM/DATE: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous J Condition 2 of Resolution R-1996-1016, Control No.1989-00131)

3. The site shall be cleared of all prohibitive species prior to the issuance of building permit for each phase. (BLDGPM/DATE: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous J Condition 3 of Resolution R-1996-1016, Control No.1989-00131)

HEALTH

1. 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 (PDER) and Agency responsible for sewage work are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous L Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous L Condition 2 of Resolution R-1996-1016, Control No.1989-00131)

3. 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 L Condition 3 of Resolution R-1996-1016, Control No.1989-00131)

4. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 FAC (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous L Condition 4 of Resolution R-1996-1016, Control No.1989-00131)

LANDSCAPE - PERIMETER-LANDSCAPING STANDARDS FOR NORTHWEST PARCEL ONLY

1. All trees required to be planted shall be native species and meet the following minimum standards at time of installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and
- 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.
- d. Credit may be given for existing or relocated native trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) [Note: COMPLETED] (Previous F Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE- Zoning) [Note: COMPLETED] (Previous F Condition 2 of Resolution R-1996-1016, Control No.1989-00131)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH PROPERTY LINE (HYPOLUXO ROAD)

3. Landscaping and buffering along the north property line of the northwest parcel shall include:

- a. minimum fifteen (15) foot wide landscape buffer strip;
- b. continuous two (2) foot high berm with the height of the berm measured from the top of curb. The location of the berm shall be coordinated with Environmental Resource Control to minimize impact to significant native vegetation;
- c. one (1) canopy tree for each twenty (20) feet of frontage with a maximum spacing of twenty-five (25) feet on center;
- d. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters.
- e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: CODE ENF - Zoning) (Previous G Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (JOG ROAD)

4. Landscaping and buffering along the west property line of the northwest parcel shall include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip that is inclusive of an existing ten (10) foot utility easement;
- b. continuous two (2) foot high berm with the height of the berm measured from the top of curb. The location of the berm shall be coordinated with Environmental Resource Control to minimize impact to significant native vegetation;
- c. one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
- d. one (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters;
- e. the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO:/ONGOING: - LANDSCAPE/ CODE ENF - Zoning) [Note: COMPLETED] (Previous H Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG EAST AND SOUTH PROPERTY LINE (INTERNAL TO PLANNED DEVELOPMENT)

5. Landscaping and buffering along the east and south property line internal to the planned development shall include:

- a. A minimum five (5) foot wide landscape buffer strip;
- b. one (1) canopy tree planted every thirty (30) feet on center;
- c. one (1) palm or pine tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center; and
- d. the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE

6. Prior to Final Site approval by the Development Review Officer, the Site Plan shall be revised to provide an additional eight foot wide by 25 foot long Right of Way Buffer planting area, to be located at the northeast corner of the proposed 4,617 square foot expansion to building B. (DRO/ONGOING: ZONING - Zoning)

LIGHTING

1. All site lighting shall be of low intensity, shielded and directed away from residentially zoned property. Lighting fixtures on the south side of the building shall be limited to a maximum of twelve (12) feet in height. (BLDG PERMIT: BLDG.) (Previous C Condition 6 of Resolution R-1996-1016, Control No.1989-00131)

SIGNS

1. Point of purchase signs permitted on site shall be as follows:

- a. Along Hypoluxo Road: A maximum of two (2) signs not exceeding two hundred twenty-seven (227) square feet in total area and not exceeding fifteen (15) feet in height.
- b. Along Jog Road: A maximum of one (1) sign not exceeding eight-one (81) square feet in total area and not exceeding fifteen (15) feet in height.
- c. Prior to site plan certification the petitioner shall submit a Master Sign Program to the Zoning Division with specifications: sign location, sign size, unified color and graphic representation.
- d. In the event the Sign Code is amended prior to issuance of a bulding permit for the project to be restrictive than the conditions of approval the petitioner shall comply with the revised sign regulations.
- e. In addition to the signs listed above, the northwest corner of the approved site plan shall be limited to a maximum of one (1) sign not exceeding sixty (60) square feet in total area and not exceeding eight (8) feet in height. (BLDG PERMIT: BLDG - Zoning) (Previous D Condition 1 of Resolution R-1996-1016, Control No.1989-00131)

2. No off-premise signs shall be permitted on site. (ONGOING: CODE ENF) (Previous D Condition 2 of Resolution R-1996-1016, Control No.1989-00131)

SITE DESIGN

1. No storage or placement of any stock materials, refuse equipment or accumulated debris, shall be permitted behind the Planned Commercial Development. (ONGOING: CODE ENF) (Previous C Condition 3 of Resolution R-1996-1016, Control No.1989-00131)

2. All trash receptacles shall be completely screened by a six (6) foot high solid wooden fence or landscaping. (BLDG PERMT: ZONING) (Previous C Condition 4 of Resolution R-1996-1016, Control No.1989-00131)

3. No parking of any vehicle shall be permitted along the rear of the center except in designated spaces or loading areas. (ONGOING: CODE ENF) (Previous C Condition 5 of Resolution R-1996-1016, Control No.1989-00131)

USE LIMITATIONS

1. Previous B Condition 1 of Resolution R-1996-1016, Control No.1989-00131, which currently states:

Total gross floor area shall not exceed 21,374 square feet (DRC: ZONING)

Is hereby deleted. [REASON: No longer applicable.]

2. The retail uses permitted on the site shall be limited to those commercial activities of a convenience nature designed primarily to provide services to adjacent residential areas. (ONGOING: ZONING) (Previous B Condition 2 of Resolution R-1996-1016, Control No.1989-00131)

3. No stock loading or dumpsters pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m. (ONGOING: CODE ENF) (Previous B Condition 3 of Resolution R-1996-1016, Control No.1989-00131)

4. No outdoor loud speaker system shall be permitted on site. (BLDG PERMIT: ZONING) (Previous B Condition 4 of Resolution R-1996-1016, Control No.1989-00131)

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.