

RESOLUTION NO. R-2021-1755

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/CA-2021-00249  
(CONTROL NO. 1992-00023)  
a Development Order Amendment  
APPLICATION OF Military Crossing LLC, Murphy Oil USA - Kara Richards  
BY Dunay, Miskel and Backman, LLP, CPH Engineers Inc., AGENT  
(BMC/Wal-Mart)

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 ABN/DOA/CA-2021-00249 was presented to the Board of County Commissioners at a public hearing conducted on November 22, 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 ABN/DOA/CA-2021-00249, the Application of Military Crossing LLC, Murphy Oil USA - Kara Richards, by Dunay, Miskel and Backman, LLP, CPH Engineers Inc., Agent, for a Development Order Amendment to modify the Site Plan; add and delete square footage; and, modify 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 November 22, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on November 22, 2021.

Filed with the Clerk of the Board of County Commissioners on November 22nd, 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

ALL OF BMC REPLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGE 24, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL CONTAINING 975,713 SQUARE FEET OR 22.399 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

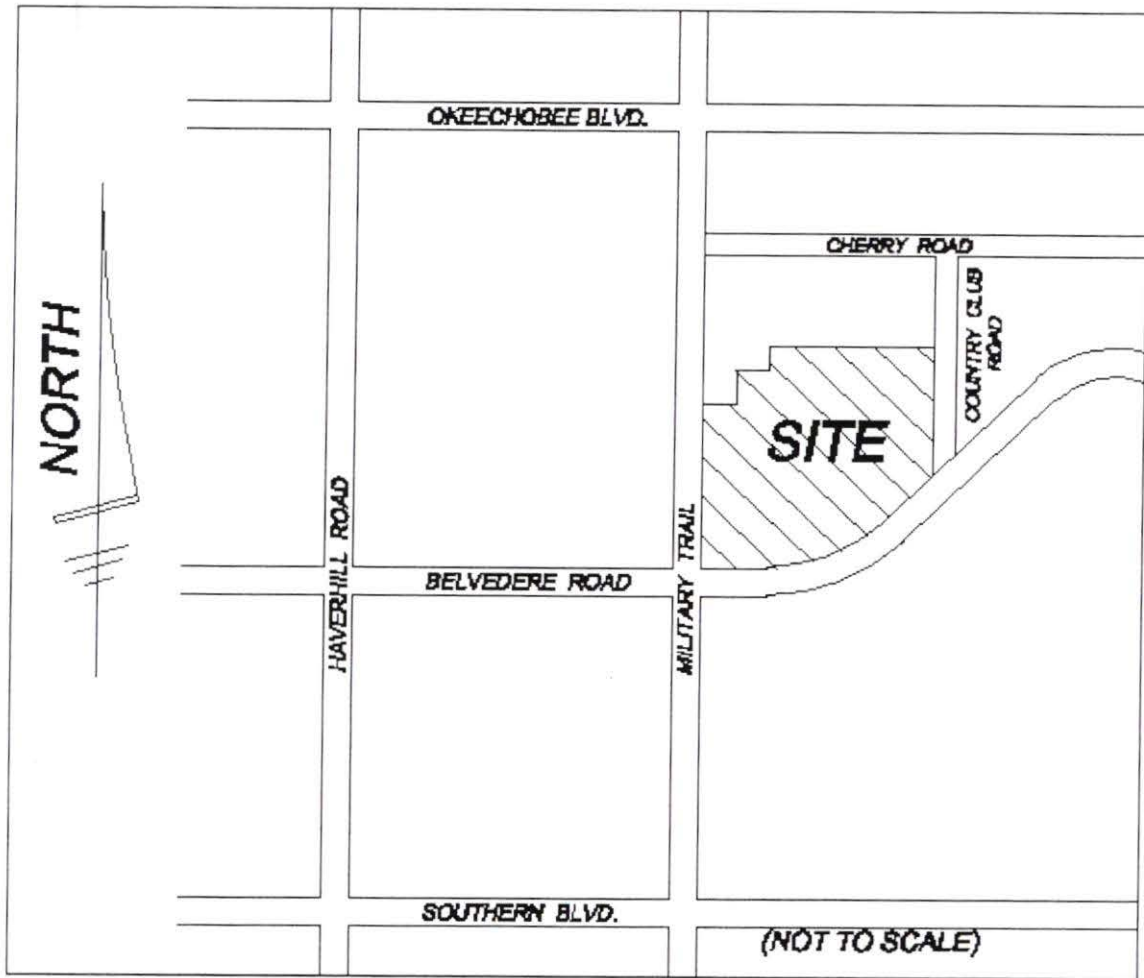


EXHIBIT C

CONDITIONS OF APPROVAL

**Development Order Amendment**

**ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Resolutions R-94-1316 and R-94-1317 are hereby revoked. Resolution R- 93-0509 is hereby reinstated. (ONGOING: CTY ATTY) NOTE: Per Settlement Agreement.

**Is hereby deleted.** [REASON: No longer Applicable]

2. Previous ALL PETITIONS Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-1708, (Control No. DOA92-023(B)), 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-2003-0940 (Control No. DOA 1992-00023), 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 ALL PETITIONS Condition 3 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated May 2, 2003, and the Alternative Landscape Plan is dated June 19, 2003. 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 September 27, 2021, and the Alternative Landscape Plan is dated May 2, 2003. 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)

4. A. Prior to issuance of the first building permit, the petitioner shall deposit \$50,000.00 in an escrow account approved by the County Attorney to be drawn upon by the Town of Haverhill for use in creating a streetscape program along Belvedere Road and Haverhill Road, or other designated public purpose determined by the Town Council. (BLDG PRMT: MONITORING -Ct Atty) [Note: COMPLETED] (Previous ALL PETITIONS CONDITION 6.A of Resolution R-2003-940, Control No. 1992-00023)

B. Any landscaping proposed within the rights-of-way of Palm Beach County shall be subject to approval by the County Engineer. (ONGOING: ENG- Eng) [Note:

COMPLETED] (Previous ALL PETITIONS CONDITION 6.A of Resolution R-2003-940, Control No. 1992-00023)

- C. Concurrent with Condition 8.A, above, the petitioner shall submit to the Town of Haverhill the proposed streetscape plan for both sides of Belvedere Road between Military Trail and Haverhill Road, and the northernmost corporate limits of the Town of Haverhill, which were prepared by Kilday and Associates, Inc. (Drawing #92-20, dated 3/25/93). (BLDG PRMT: MONITORING -Ct Atty) [Note: COMPLETED] (Previous ALL PETITIONS CONDITION 6.C of Resolution R-2003-940, Control No. 1992-00023)

#### **DEPARTMENT OF AIRPORTS (DOA)**

1. Prior to site plan certification, the petitioner shall amend the site plan to be in full compliance with FAA Advisory Circular 150/5300-13, Section 212 Runway Protection Zone (RPZ) issued September 29, 1989, FAA Regulation, Part 77, and submit documentation to the Department of Airports, Zoning Division and County Attorney which competently and substantially demonstrates that the proposed facility does not violate FAA Advisory Circular or any Airport Zoning regulations that are in effect at that time. (DRO: AIRPORTS - Zoning) [Note: COMPLETED] (Previous AIRPORTS Condition 1 of Resolution R-2003-940, Control No. 1992-00023)

2. Prior to site plan certification, the petitioner shall amend the site plan to remove any structure or building within the aviation easement as described in the easement deed recorded in OR Book 1664, PG1709 of the Official Records of Palm Beach County. Use of the portion of the subject site encumbered by the aviation easement shall be limited to parking, access, or such other uses as may be acceptable to the Division of Airports and the Federal Aviation Administration. (DRO: AIRPORTS - Zoning) [Note: COMPLETED] (Previous AIRPORTS Condition 2 of Resolution R-2003-940, Control No. 1992-00023)

#### **ARCHITECTURAL REVIEW**

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2003-940, Control No. 1992-00023, which currently states:

At time of submittal for final Development Review Committee (DRC) approval of the master plan, the architectural elevations for all buildings shall be submitted simultaneously with the master plan for final architectural review and approval. The elevations and the master plan shall be designed to be consistent with Section 6.6.E and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code requirement to be completed at time of building permit.]

2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the architecture, color and character of the principle structure or equivalent landscape material acceptable to the Zoning Division. (BLDGPRMT: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2003-940, Control No. 1992-00023)

#### **BUILDING**

1. The maximum height for all structures, measured from finished grade to highest point, shall be in compliance with FAA Regulation Part 77 and the ULDC. (ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING Condition 1 of Resolution R-2003-940, Control No. 1992-00023)

2. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to delete or relocate the twenty (20) foot wide unrecorded drainage easement lying along the south property line adjacent to Belvedere Road, to allow for sufficient planting area in the required right-of-way landscape buffer. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING Condition 5 of Resolution R-2003-940, Control No. 1992-00023)

## **DUMPSTER**

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within seventy five (75) feet of the east, south and west ultimate right-of-way lines; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ONGOING: ZONING - Zoning) (Previous DUMPSTER Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation, Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (ONGOING: ZONING - Zoning) (Previous DUMPSTER Condition 2 of Resolution R-2003-940, Control No.1992-00023)

## **ENGINEERING**

1. Deleted by Resolution R-2003-940 (Previous ENGINEERING Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments on Military Trail required for the expanded intersection at Belvedere Road. Said easements shall be no less than twenty (20) feet in width. The expanded intersection right-of-way referenced herein is exclusive of the intersection right-of-way currently proposed to be purchased as part of County Road Project 9312. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. Prior to the issuance of building permits for the big-boxer in-line store, the property owner shall submit road construction plans to Palm Beach County Engineering for construction of Country Club Road as a three lane section. The property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoffs from those segments of Country Club Road, along the property frontage and for a maximum four hundred (400) feet distance north of the project's north property line. Said drainage easements shall be no less than twenty (20) feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and the ultimate Thoroughfare Plan Road section(s) of the Included segment. If required and approved by the County Engineer, the property owner shall construct within the proposed easements, a minimum of twenty-four (24) inches closed piping system and appropriate wing wall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2003-940, Control No.1992-00023)

4. Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Belvedere Road, sufficient right-of-way along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded Intersection, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, on an alignment approved by the County Engineer. This right-of-way conveyance shall be 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. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2003-940, Control No.1992-00023)

5. a. Within ninety (90) days of approval of the: Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail sufficient right-of-way along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded intersection alignment, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, approved by the County Engineer. This r-o-w conveyance shall be free of all encumbrances and encroachments; providing the property owner shall be permitted to leave the existing Bar-B-Q Ben's sign until such time as the contract for construction of the expanded intersection is let, at which time property owner shall move the sign to the east of the right-of-way, subject to appropriate removal and hold harmless agreements with Palm Beach County, Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure the property is free of all encumbrances and encroachments. (DATE: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to site plan certification, the County agrees to convey to the petitioner any right-of-way for Military Trail adjacent to the subject site not required for the expanded intersection. The cost (without privilege fee) of abandoning this right-of-way shall be borne by the Developer. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2003-940, Control No.1992-00023)

6. Prior to the issuance of building permits for the big box or in line store, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of a right turn land on Belvedere Road, at the project's main entrance road. This right turn lane conveyance shall be a minimum of three hundred twenty (320) feet in storage length and twelve (12) feet in width and a taper length of fifty (50) feet. This right of- way dedication shall be in excess of the dedication required in Condition E.5. This right-of-way conveyance shall be 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2003-940, Control No.1992-00023)

7. Prior to the issuance of the next building permit, the property owner shall:

a. Obtain from the Pam Beach County Airports Department, as approved by the Board of County Commissioners, release of property measuring 40 feet from centerline of Country Club Road to be used as road right of way and a 10 foot temporary roadway construction easement. This release is for that portion of property being deleted from the original 1992-023(0) Zoning Petition. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Convey by road right-of-way warranty deed for Country Club Road, forty (40) feet from center line for the remaining portion of property not deleted from the original 1992-023(0) Zoning Petition and a temporary roadway construction easement. The road right-of-way conveyance shall be 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2003-940, Control No.1992-00023)

8. At such time that a permit is issued for the big box or in-line store construction, the



property owners shall simultaneously obtain permits to connect its project to County Club Road, the property owner shall construct Country Club Road as a three (3) lane section from Belvedere Road to the project's north access. Construction of Country Club Road shall be completed prior to the issuance of Certificates of Occupancy for the above uses. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2003-940, Control No.1992-00023)

9. a. At the project's main entrance onto Belvedere Road, the property owner shall construct a left turn lane, west approach, and a right turn lane, east approach, onto Belvedere Road. Permits required by Palm Beach County for this construction shall be obtained prior to issuance of the first building permit for the big box or inline store construction. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

b. Construction of the above requirement shall be completed prior to issuance of the certificate of occupancy (CO) for the big box or in-line store construction. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Simultaneous with the construction of E above, the property owner shall reconstruct the median at Belvedere Road and the project's main entrance to provide for a directional median opening. The directional median opening shall be constructed to permit only left turns into the project and shall be so constructed as to prohibit left turns out of the project for eastbound movements onto Belvedere Road. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2003-940, Control No.1992-00023)

10. Deleted by Resolution R-2003-940 (Previous ENGINEERING Condition 10 of Resolution R-2003-940, Control No. 1992-00023)

11. In order to comply with the mandatory traffic performance standards, the Developer shall be restricted to a total trip generation of 9,229 new net external trips per day. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2003-940, Control No. 1992-00023)

12. The Developer shall fund the installation of signalization if warranted as determined by the County Engineer, at the intersection of Country Club Road and Belvedere Road. Should signalization not be warranted 12 months after the final Certificate of Occupancy for this property is issued, the owner shall be relieved from this condition. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2003-940, Control No.1992-00023)

13. Prior to site plan certification, the site plan (including the portion within the Town of Golfview) shall be revised to reflect only one (1) entrance/exit onto Country Club Road; one main entrance and two right turn in and right turn out entrances on Belvedere Road. The entrances/exits are subject to the approval of the County Engineer. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2003-940, Control No.1992-00023)

14. Prior to issuance of the first building permit, the petitioner shall contribute \$100,000 toward intersection improvements to the intersection of Military Trail and Belvedere Road. This contribution shall not be creditable against the project's fair share road impact fee. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2003-940, Control No.1992-00023)

15. Prior to site plan certification, the petitioner shall resolve the survey considerations involving the west right-of-way of Country Club Road and the hiatus between the Wilson Parcel and Plat Book 32 Page 145. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2003-940, Control No.1992-00023)

16. Prior to Site Plan Certification, the petitioner shall apply to the Palm Beach County

Engineering and Public Works Department for a permit to landscape all adjacent medians i.e., Belvedere Road and Military Trail). When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singularly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list:

<u>Trees:</u>	<u>Ground cover:</u>
Laurel Oak	Wedilta
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

a. All plants shall be container grown or field collected and transplanted from the project site. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2003-940, Control No.1992-00023)

17. The concurrency Standards approval is subject to the project aggregation rule set forth in the Traffic Performance Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2003-940, Control No.1992-00023)

18. Prior to building permit, a restrictive covenant for the property shall be recorded to reflect a site distance restriction for the east entrance onto Belvedere Road in accordance with FDOT requirements. The site distance restriction shall be shown on the final site plan submitted to the DRC. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2003-940, Control No.1992-00023)

19. 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, 2022, 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)

20. The westernmost in-only access on Belvedere Road will be restricted to fuel delivery trucks only, if it is determined, at the sole discretion of the County Engineer, that doing so will make the traffic circulation safer and more efficient. Within 45 calendar days of the notice by the County Engineer, the Property Owner shall make all necessary modifications at this driveway, at its own expense, to restrict the access to fuel delivery trucks only and make all the necessary changes, as approved by the County Engineer. (ONGOING:

ENGINEERING - Engineering)

21. The Property Owner shall record a non-exclusive utility easement. The easement shall be approved by the Land Development prior to recordation and recorded by the Property Owner prior to the issuance of the next building permit. (BLDGPMT: MONITORING - Engineering)

**ENVIRONMENTAL**

1. Secondary containment for stored regulated substances, including but not limited to fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater, Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. The petitioner shall preserve or relocate on site the existing native sabal palms and incorporate them into the project design. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2003-940, Control No.1992-00023)

4. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following: a All sabal palms to be relocated or preserved shall be identified in the field, tagged and numbered, b. The sabal palms shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 4 of Resolution R-2003-940, Control No.1992-00023)

**CONVENIENCE STORE WITH GAS SALES**

1. Previous CONVENIENCE STORE WITH GAS SALES Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

There shall be no repair or maintenance of vehicles on site. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Previously approved Special Exception for Gas and Fuel Sales being abandoned.]

2. Previous CONVENIENCE STORE WITH GAS SALES Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Previously approved Special Exception for Gas and Fuel Sales being abandoned.]

3. Previous CONVENIENCE STORE WITH GAS SALES Condition 4 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Gas station canopies shall be designed consistent with the following standards:

- a. A maximum height of twenty-five (25) feet. If a pitched roof is used, the roof shall have a minimum slope of 5:12. No flat roof shall be permitted;
- b. The clearance of the canopy shall be a maximum of sixteen{16) feet, measured from finished grade to the underside of the canopy;
- c. Lighting for the gas station canopy shall be flush mounted or recessed; and, d. canopy signage shall be limited to a maximum of one (1) wall sign per right-of-way frontage with a maximum height of twenty-four (24) inches, (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Previously approved Special Exception for Gas and Fuel Sales being abandoned.]

## **HEALTH**

1. Previous HEALTH Condition 1 of Resolution R-2003-940, Control No.1992-00023, 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 sewage works are constructed and used by project tenants or owners generating such effluents. (Previous Condition 1.1 of Resolution R- 2000-1708, Petition DOA92-023(B))

### **Is hereby amended to read:**

1. Operators and owners of facilities that generate toxic, hazardous, or industrial wastes shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Florida Department of Health in Palm Beach County (FDOH-PBC), and the agency responsible for sewage works has been constructed. (ONGOING: CODE ENF-Health) (Previous Condition Number 1 of Resolution R2003-940; Control Number 1992-0023)
2. Water service and sewer service are available to the property. Therefore, no potable well and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval. (ONGOING: HEALTH-Health) (Previous HEALTH Condition 2 of Resolution R-2003-940, Control No.1992-00023)
3. The owner occupant, or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of the waste oil. (ONGOING: HEALTH-Health) (Previous HEALTH Condition 3 of Resolution R-2003-940, Control No.1992-00023)
4. Any toxic or hazardous waste that may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: CODE ENF-Health) (Previous HEALTH Condition 4 of Resolution R-2003-940, Control No.1992-00023)

## **WATER UTILITIES**

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirement so the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (ONGOING: PBC WATER UTILITIES - Zoning) (Previous IRRIGATION QUALITY WATER Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **LANDSCAPE – GENERAL - ALTERNATIVE LANDSCAPE PLAN**

1. Prior to final Development Review Committee (DRC), WCRA and DOA approval of the master/site plan, an Alternative Landscape Plan (ALP) shall be submitted for review and approval, to be consistent with the ALP dated June 19, 2003, submitted by Kimley Horn and Associates, Inc. The ALP shall include all areas encumbered by the Additional Avigation and Clearance Zone indicated on the survey dated March 5, 2003, and the safe sight line required for Belvedere Road. (DRO: ZONING – Zoning) [Note: COMPLETED] (Previous Q Condition 1 of Resolution R-2003-940, Control No.1992-00023)

## **LANDSCAPE - INTERIOR**

1. One landscape island, a minimum of six (6) feet wide, shall be provide for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2003-940, Control No.1992-00023)
2. Landscaping along all interior vehicular use drives shall include native canopy trees planted a minimum of twenty-five (25) feet on center. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2003-940, Control No.1992-00023)
3. Foundation planting or grade level planters shall be provided along all the facades of the Wal-Mart store to consist of the following:
  - a. The minimum width of the required landscape areas along the northeast, northwest and southeast facades of the retail anchor shall be eight (8)feet;
  - b. The length of the required landscaped areas for the retail anchor shall be no less than fifty (50) percent of the total length of the southwest and northeast facades; and the length of the required landscaped areas shall be no less than forty (40) percent of the total length of the northwest and southeast facades; and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2003-940, Control No.1992-00023)
4. 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 and egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One native canopy tree or native palm tree and appropriate ground cover shall be planted for each twenty (20) linear feet of tha divider median. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 5 of Resolution R-2003-940, Control No.1992-00023)
5. Landscaping for terminal islands in the parking area shall consist of the following:
  - a. One (1) canopy tree for each island; and,
  - b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2003-940, Control No.1992-00023)
6. Landscaping for the main divider median in the parking area shall consist of the following:
  - a. One (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
  - b. One (1) palm for each thirty-five (35) linear feet of the median; and,
  - c. A continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2003-940, Control No.1992-00023)
7. Landscaped diamonds shall be provided between every row of abutting parking for the retail anchor. The minimum size, location and planting for these diamonds shall be consistent with the Alternative Landscape Plan dated June 19, 2003. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 8 of Resolution R-2003-940, Control No.1992-00023)
8. Special planting treatment shall be provided on both sides of all the access points on Belvedere Road and Military Trail. Planting shall consist of the following:

- a. A minimum of three (3) Royal Palms, or other specimen palms subject to approval by the Zoning Division;
- b. A minimum of three (3) flowering tress along the access drive; and,
- c. Shrub or hedge materials. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2003-940, Control No.1992-00023)

9. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to realign the access-way located to the east of the drugstore, to allow for the extension of the landscape divider median adjacent to the drugstore drive-thru, as follows:

- a. The planting area for this median shall have a minimum width of five (5) feet;
- b. The divider median shall be consistent with the Alternative Landscape Plan dated June 19,2003;
- c. The divider median shall be planted with one canopy, palm or flowering tree for each twenty-five (25) linear feet; and,
- d. A continuous hedge shall be provided between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2003-940, Control No.1992-00023)

### **LANDSCAPING - PERIMETER**

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2003-940, Control No.1992-00023)

2. All palms required to be planted on the property 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. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2003-940, Control No.1992-00023)

3. All new shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches - large shrub; and,
- d. This condition does not apply to the five (5) foot wide compatibility buffer or where a single row of shrubbery/hedge is required. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2003-940, Control No.1992-00023)

4. All new trees and palms shall be planted in a meandering and naturalistic pattern. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2003-940, Control No.1992-00023)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein or allowed as part of an approved Alternative Landscape Plan. (ONGOING: ZONING - Zoning) (Previous ZONING -

LANDSCAPING Condition 8 of Resolution R-2003-940, Control No.1992-00023)

6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 9 of Resolution R-2003-940, Control No.1992-00023)

**LANDSCAPE – PERIMETER - LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGE OF BELVEDERE ROAD AND MILITARY TRAIL)**

7. Landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- c. One (1) native canopy tree for each thirty (30) feet of the property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of the property line;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (ONGOING: ZONING - Zoning) (Previous O Condition 1 of Resolution R-2003-940, Control No.1992-00023)

8. Landscaping and buffering along the east property line abutting Country Club Road shall be upgraded to include:

- a. A minimum fifteen (15) foot right-of-way buffer strip;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. One (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- e. One (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.
- f. One (1) canopy tree planted for each thirty (30) linear feet of the property line;
- g. One (1) cluster of palms or pines;
- h. Exceptions may be permitted to address DOA and/or FAA requirements. (ONGOING: ZONING - Zoning) (Previous P Condition 1 of Resolution R-2003-940, Control No.1992-00023)

**LIGHTING**

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. All outdoor lighting shall comply with the requirements of the WCRA Overlay District, aviation easement, the Palm Beach County Department of Airports, the Federal Aviation Administration design guidelines, standards, advisory circulars or other requirements deemed necessary by the Director of Airports. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. Prior to final Development Review Committee (DRC) approval, the master/site plans and ALP shall be revised to located all proposed light poles in a landscape diamond, terminal island or median island. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 3 of Resolution R-2003-940, Control No.1992-00023)

**LAKE WORTH DRAINAGE DISTRICT**

1. Prior to site plan certification, the petitioner shall fund a onetime cleanout of the existing section of the L-2B Canal between the L-2 Canal and Belvedere Road. The total expenditure shall not exceed \$8,500.00. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous Y Condition 2 of Resolution R-2003-940, Control No.1992-00023)

**MASS TRANSIT**

1. Previous MASS TRANSIT Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Prior to final approval of the Master/Site plans, the petitioner shall amend the Master/Site Plan to indicate mass transit circulation, bus access and/or bus stops on or adjacent to the subject property.

**Is hereby deleted.** [REASON: The easements for bus stops and circulation have already been included in the site plan approved under Resolution R-2003-0940.]

2. Previous MASS TRANSIT Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final sits plan prior to the final approval at the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran.

**Is hereby deleted.** [REASON: The easements for bus stops and circulation have already been included in the site plan approved under Resolution R-2003-0940.]

3. Previous MASS TRANSIT Condition 3 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents, All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (BLDG PRMT: MONITORING - Eng) (Previous Condition R6 of Resolution R-2000-1708, Petition DOA92-023(B))

**Is hereby deleted.** [REASON: The easements for bus stops and circulation have already been included in the site plan approved under Resolution R-2003-0940.]

**RECYCLE SOLID WASTE**

1. As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan to be approved by the Solid Waste Authority of Palm Beach County. (ONGOING: SOUTH FLORIDA WATER MANAGEMENT - Zoning) (Previous RECYCLE SOLID WASTE Condition 1 of Resolution R-2003-940, Control No.1992-00023)

**SIGNS**

1. Previous SIGNS Condition 1 of Resolution R-2003-940, Control No.1992-00023, which currently states:

Free standing point of purchase signs fronting on Military Trail shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet for principal sign; and, six (6) feet for the drugstore and convenience store with gas sales;
- b. Maximum sign face area per side: two hundred (200) square feet for principal sign; and, thirty-six (36) square feet for the drugstore and convenience store with gas saies;



- c. Maximum number of signs: three (3);
- d. Style: monument style only; and,
- e. Location: principal sign - within fifty (50) feet of the north access point; and the drugstore and convenience store with gas sales out parcels;
- f. Signs shall be limited to identification of tenants only. Exceptions may be made for the convenience store with gas sales to ensure compliance with state requirements.

**Is hereby amended to read:**

Free standing point of purchase signs fronting on Military Trail shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet for principal sign; and, seven (7) feet for the drugstore and convenience store with gas sales;
- b. Maximum sign face area per side: two hundred (200) square feet for principal sign; and, seventy-four (74) square feet for the drugstore and convenience store with gas sales;
- c. Maximum number of signs: three (3);
- d. Style: monument style only; and,
- e. Location: principal sign - within fifty (50) feet of the north access point; and the drugstore and convenience store with gas sales out parcels;
- f. Signs shall be limited to identification of tenants only. Exceptions may be made for the convenience store with gas sales to ensure compliance with state requirements. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Freestanding point of purchase signs fronting on Belvedere Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: fifteen (15) feet;
- b. Maximum sign face area per side: one hundred fifty (150) square feet;
- c. Maximum number of signs: one (1);
- d. Style: monument style only;
- e. Location: within fifty (50) feet of the eastern most access point; and,
- f. Sign shall be limited to identification of tenants only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-2003-940, Control No.1992-00023)

3. No freestanding point of purchase signage shall be permitted on Country Club Road. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 3 of Resolution R-2003-940, Control No.1992-00023)

4. Wall signs for the Wal-Mart store shall be limited to the southwest (front) facade of the building and individual lettering size shall be limited to sixty (60) inches high. Wall signs shall be limited to identification of tenants only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 4 of Resolution R-2003-940, Control No.1992-00023)

5. Wall signs for all other uses (excluding the gas station canopy) shall be limited to any two facades of the building and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 5 of Resolution R-2003-940, Control No.1992-00023)

6. Signage, subject to approval by the County Engineer, shall be installed at all points of egress from the loading areas that require all service and delivery vehicles to turn right only onto Country Club Road. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 8 of Resolution R-2003-940, Control No.1992-00023)

7. A minimum of two signs, subject to approval by the County Engineer, shall be installed on Cherry Road east of the Intersection of Country Club Road and Cherry Road restricting truck traffic east of this intersection. (ONGOING: ZONING - Engineering) (Previous SIGNS Condition 9 of Resolution R-2003-940, Control No.1992-00023)

## **SITE DESIGN**

1. Prior to final Development Review Officer Approval, the square footage for the Type 2 Restaurant identified as the Quality Restaurant on the Site Plan, shall be revised to match the square footage of the originally approved site plan. The original approval indicated 2,013 square feet with 611 square feet of future area, for a total of 2, 624 square foot. All site data including parking calculations, concurrency, and building square footages shall be revised accordingly. (DRO: ZONING - Zoning)

### **UNITY OF CONTROL**

1. Prior to site plan certification, petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. This Unity of Control may be discharged with the approval of the Executive Director of Planning, Zoning and Building and the County Engineer. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous UNITY OF CONTROL Condition 1 of Resolution R-2003-940, Control No.1992-00023)

2. Previous UNITY OF CONTROL Condition 2 of Resolution R-2003-940, Control No.1992-00023, which currently states:

There shall be no modification to the site plan approved in connection with the reinstated development order, nor any building permits issued for the site until the releases have been disbursed from escrow per the Settlement Agreement dated September 2, 1997.

**Is hereby deleted.** [REASON: Site Plan is being modified as part of this request]

3. Prior to certification of the site plan, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner 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 UNITY OF CONTROL Condition 3 of Resolution R-2003-940, Control No.1992-00023)

### **USE LIMITATIONS**

1. Outdoor storage or placement of any material, refuse or equipment shall be screened from view in accordance with the ULDC. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2003-940, Control No.1992-00023)

2. All delivery and/or loading areas shall be screened from view from Military Trail, Belvedere Road, Country Club Road and principal parking areas with a combination of landscaping and walls. Where necessary, a screening wall up to twelve (12) feet in height may be used subject to approval by the Zoning Division. The exterior side of all walls shall be consistent with the color and character of the attached structure. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2003-940, Control No.1992-00023)

3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within designated loading areas indicated on the approved master/site plans. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2003-940, Control No.1992-00023)

4. No outdoor speaker or public address systems which are audible offsite shall be permitted. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 7 of Resolution R-2003-940, Control No.1992-00023)

### **UTILITIES**

1. When irrigation quality water is available within 500feet of the property, the petitioner shall connect to the system subject to permitting and/or requirement so the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (ONGOING: PBC WATER UTILITIES - Zoning) (Previous L Condition 1 of Resolution R-2003-940, Control No.1992-00023)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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 Voluntary Commitments 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.