RESOLUTION NO. R-2022-0763

RESOLUTION APPROVING ZONING APPLICATION EAC-2021-01590
(CONTROL NO. 1975-00069)
a Development Order Amendment
(Expedited Application Consideration)
APPLICATION OF Home Depot USA, Inc.
BY Corporate Property Services, AGENT
(Home Depot Lantana)

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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, the Zoning Director and County Engineer approved Zoning Application EAC-2021-01590 for Expedited Application Consideration pursuant to Article 2.B.7.C

WHEREAS, Zoning Application EAC-2021-01590 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2022;

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 EAC-2021-01590, the Application of Home Depot USA, Inc., by Corporate Property Services, Agent, for a Development Order Amendment (Expedited Application Consideration) to reconfigure the site plan 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 July 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner 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 July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: _____
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

Legal Description Overall MUPD

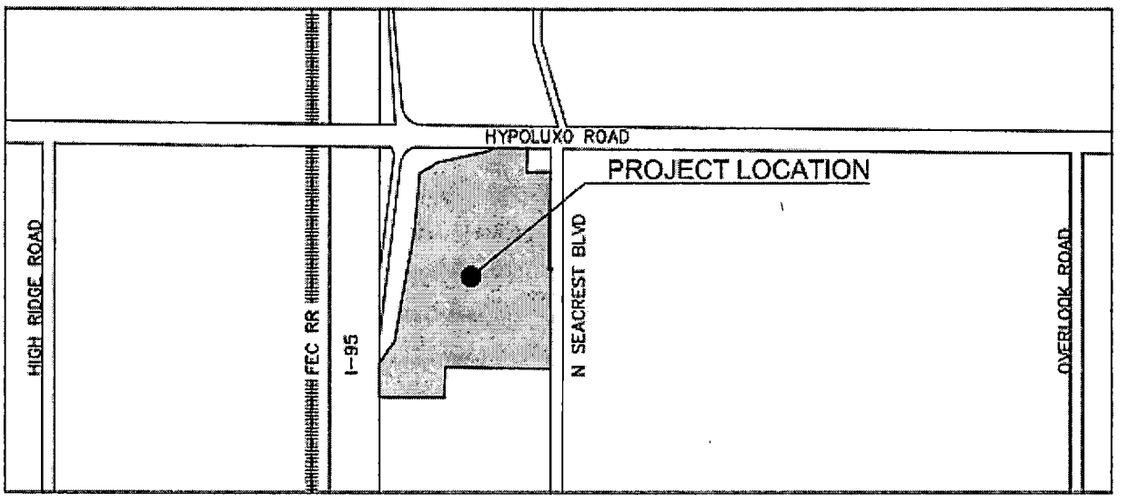
Hy-Crest Center, according to the plat thereof, as recorded in plat book 64, page 177 and 178, of the public records of Palm Beach County, Florida, being more particularly described as follows:

A Parcel of land lying in the northwest quarter (NW 1/4) of Section 9, Township 45 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the northeast corner of said northwest quarter of Section 9; bear north 88° 53' 16" west, along the south line of said northwest quarter; being also the centerline of Hypoluxo Road, a distance of 40.01 feet to the intersection thereof with the northerly extension of the westerly right-of-way line of Seacrest Boulevard; thence south 02° 29' 14" west along said right-of-way line, a distance of 190.02 feet to the point of beginning of the herein described parcel; thence continue south 02° 29' 14" west, along said westerly right-of-way line, a distance of 1,027.81 feet; thence north 88° 55' 16" west, a distance of 545.43 feet; thence south 03° 27' 44" west, a distance of 160.14 feet; thence north 88° 55' 16" west, a distance of 344.35 feet to an intersection with the west line plat "A" of Palm Beach Memorial Park, according to the plat thereof, as recorded in plat book 25, page 226 of the public records of Palm Beach County, Florida; thence north 01° 01' 59" east, along the west line of said plat "A", said lines being further described as the easterly right-of-way line of interstate highway no. 95 (I-95), a distance of 180.00 feet to the northwest corner of said plat "A"; thence north 36° 02' 54" east, along said easterly right-of-way line, a distance of 143.16 feet; thence north 10° 38' 03" east along said easterly right-of-way line, a distance of 587.24 feet; thence north 07° 25' 24" east along said easterly right of way line a distance of 7.25 feet' thence north 07 25' 24" east, a distance of 297.95 feet; thence north 61 09' 47" east, along said easterly right-of-way line, a distance of 116.44 feet; thence north 78 28' 40" east, along said easterly right-of-way line, a distance of 265.19 feet; thence north 51° 28' 34"east, along said easterly right-of-way line, a distance of 45.45 feet to a point, said point being 53 feet south of as measured at right angles to the centerline of Hypoluxo Road; thence with the south right-of-way line of Hypoluxo Road; thence with the south right-of-way line of Hypoluxo Road south 88° 53' 16" east a distance of 167.20 feet, thence S 02 29' 14" west a distance of 137.00 feet, thence S 88° 53' 16" east, distance of 150.00 feet, to the point of beginning.

Containing 20.609 acres

EXHIBIT B

VICINITY SKETCH



CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment (ExpeditedApplication Consideration)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2017-841, Control No.1975-00069, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2017-0497 (Control 1975-00069), 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2017-841 (Control 1975-00069), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2017-841, Control No.1975-00069, which currently states:

The approved Preliminary Site, Regulating and Master Sign Plan are dated April 13, 2017. 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 asestablished in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site, Regulating and Master Sign Plan are dated May 23, 2022. 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 asestablished in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

3. Prior to certification 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 - County Attorney) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2017-841, Control No.1975-00069)

ENGINEERING

1. Upon the completion of I-95 improvements, the Property Owner shall construct at the intersection of Seacrest Boulevard and Hypoluxo Road:
a. Left turn lane, east approach
b. Right and left turn lane, west approach
c. Signalization or signal upgrading, one (1) year after last building permit, if warranted. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2017-841, Control No.1975-00069)

2. Property Owner shall construct the following improvements on Seacrest Boulevard:
a. Left turn lane and by-pass at both entrances
b. Right turn lane, north entrance
c. Right and left turn lanes, south approach at Hypoluxo Road. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2017-841, Control No.1975-00069)

3. Prior to the issuance of any building permits, the Property Owner shall execute a Unity of Title to insure that the drainage parcels will be under unity of title with the shopping center. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2017-841, Control No.1975-00069)

4. If required by the County Engineer or the South Florida Water Management District the Property

Owner shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2017-841, Control No.1975-00069)

5. Within 90 days of approval of this project, the Property Owner shall convey to Palm Beach County by road right-of-way warranty deed sufficient right-of-way required for the construction of a right turn lane north approach on Seacrest Boulevard at the project's main entrance. This right-of-way shall be a minimum of 12 feet in width, 180 feet taper length, and a 150 feet storage length 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2017-841, Control No.1975-00069)

6. The Property Owner shall construct:

a) left turn lane, south approach and a right turn lane north approach at the project's main entrance onto Seacrest Boulevard
b) right turn lane, west approach on Hypoluxo at the project's entrance road onto Hypoluxo Road concurrent with onsite paving and drainage improvements.

All Construction shall be completed prior to the issuance of any Certificates of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2017-841, Control No.1975-00069)

7. The Property Owner shall provide construction plans for the construction of dual left turn lanes plus a separate right turn lane on the southbound exit ramp of I-95 onto Hypoluxo Road. This turn lane shall
be a minimum of 250 feet plus the appropriate tapers. These construction plans shall be approved by the Florida Department of Transportation and the County Engineer based upon Palm Beach County and Florida Department of Transportation's minimum Construction Plan Standards as they presently exist or as they may
from time to time be amended. These construction plans shall be completed within 12 months of the approval of the Resolution approving this project. Plan costs shall be approved by the County Engineer and shall be 100% completed, including all required permits, within eighteen (18) months of the adoption of the resolution for this project. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2017-841, Control No.1975-00069)

8. The Property Owner shall construct the dual left turn lanes plus a separate right turn lane on the southbound exit ramp of I-95 onto Hypoluxo Road. This construction shall be completed within six (6) months of the issuance of the permit by the Florida Department of Transportation. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2017-841, Control No.1975-00069)

9. Surety required for the offsite road improvements as outlined in the above two conditions shall be posted with the Office of the County Engineer within sixty (60) days of approval of the resolution for this project, or prior to the issuance of a building permit, whichever shall first occur. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2017-841, Control No.1975-00069)

10. Within 90 days of approval of this project, the Property Owner shall convey to Palm Beach County by road right-of-way warranty deed for the construction of a right turn lane, north approach on Seacrest Boulevard from the project's middle entrance north to the project's north property line, a minimum of 12 feet in width 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. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2017-841, Control No.1975-00069)

11. The Property Owner shall construct a right turn lane, north approach on Seacrest Boulevard north to a point 50 feet north of the project's North entrance on Seacrest Boulevard plus appropriate paved tapers. This construction shall include relocation of the existing sidewalk and curb and gutter

concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. (BLDGPMT/CO:MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2017-841, Control No.1975-00069)

12. Prior to Site Plan approval the Property Owner shall execute a Unity of Control and provide cross parking, cross access and cross drainage easements. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2017-841, Control No.1975-00069)

13. Prior to the issuance of building permits for buildings affected by the existing utility/drainage easements or prior to June 24, 2014, whichever occurs first, the Property Owner shall abandon or release, and relocate if necessary, the existing utility/drainage easements in conflict with building locations and relocate the existing drainage structures, subject to approval by the County Engineer. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2017-841, Control No.1975-00069)

14. Prior to Site Plan approval, this Property Owner shall convey a cross access agreement to the adjacent Mobil Service Station. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2017-841, Control No.1975-00069)

15. The Property Owner shall construct the dual left turn lanes plus a separate right turn lane on the southbound exit ramp of I-95 onto Hypoluxo Road. This construction shall be commenced within forty-five (45) days of the final receipt of the permit from the Florida Department of Transportation. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2017-841, Control No.1975-00069)

16. Previously deleted by R-2013-976. (Previous ENGINEERING Condition 16 of Resolution R-2017-841, Control No.1975-00069)

17. 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 the adjacent median of Hypoluxo Road right-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. 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. (BLDGPMT: MONITORING - Engineering) [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 Property Owner 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. (BLDGPMT/CO: MONITORING - Engineering) [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. (BLDGPMT/CO: MONITORING - County Attorney) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2017-841, Control No.1975-00069)

18. Property Owner shall ensure all property owners within the MUPD have access to the platted water management tract and all other shared drainage facilities located within the MUPD. The drainage system for the CLF shall continue to operate so the fenced in area be upstream of the master drainage system. Other areas within the MUPD, but outside of the fenced in area, shall not drain through the CLF fenced in area. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 18 of Resolution R-2017-841, Control No.1975-00069)

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, 2020. 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) (Previous ENGINEERING Condition 19 of Resolution R-2017-841, Control No.1975-00069)

20. Prior to the issuance of the first building permit for the 2,788 square foot restaurant, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 20 of Resolution R-2017-841, Control No.1975-00069)

ENVIRONMENTAL

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2017-841, Control No.1975-00069)

2. Prior to any construction on the site, the property shall be investigated by a qualified expert to determine if there are any endangered species inhabiting the site. If the study determines that such species exist on the property, no construction may begin until a relocation program is established in conjunction with the appropriate environmental agency, and such a program implemented. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2017-841, Control No.1975-00069)

3. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRO site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2017-841, Control No.1975-00069)

LANDSCAPE - GENERAL

1. Prior to site plan certification, the site shall be amended to satisfy Landscape Code provisions of Section 500.35 of the Zoning Code. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2017-841, Control No.1975-00069)

2. The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow flexibility in the relocation of interior landscape islands which will allow for the
preservation of more slash pines and understory vegetation. The vegetation, specifically, "native slash pine" which are located in clusters shall be incorporated into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase. [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2017-841, Control No.1975-00069)

3. The petitioner shall install a three (3) foot earth berm, supplemented with a solid twenty-four (24) inch hedge and native canopy trees along Seacrest Boulevard. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2017-841, Control No.1975-00069)

4. Prior to Site Plan Review approval, the site plan for the outparcel containing two (2) restaurants shall be revised to include:
a. Landscaping of the off-street parking area to meet the 1990 Landscape Code;
b. Native canopy trees shall be provided at one (1) tree per 1,500 square feet of outparcel area and shall be:
1. 20% - 14 feet tall
2. 30% - 12 feet tall
3. 50% - 10 feet tall
c. The twenty-five (25) foot buffer between the outparcel and Hypoluxo Road shall contain 10 foot tall native canopy trees 30 feet on center and a 24 inch hedge 24 inches on center. (DRO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2017-841, Control No.1975-00069)

5. Prior to the issuance of the first building permit of the expansion of Sam's Wholesale Club facility, the petitioner/property owner(s) shall replace any dead, missing or damaged plant materials and shall remove all invasive vines and/or plants in the area affecting the entire MUPD. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2017-841, Control No.1975-00069)

6. The following landscaping requirements shall be installed at the base and perimeter of the existing signs (Tag. no 36275, Sam's Wholesale Club):
a. a minimum of eleven (11) slash pines. Pines shall be a minimum height of sixteen (16) feet at installation and shall be planted at the rear of the signs;
b. a minimum of fifteen (15) Wax Myrtles. Wax Myrtles shall be a minimum height of twelve (12) feet at installation and shall be planted in the front of the signs facing I-95; and,
c. a minimum of thirty-five (35) Saw Palmetto. Saw Palmetto shall be a minimum height of twenty-four (24) inches at installation; and,
d. all pines, trees and shrubs shall be planted in a naturalistic pattern. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2017-841, Control No.1975-00069)

LANDSCAPE - PERIMETER-BUFFER ALONG WEST PROPERTY LINE
7. The perimeter landscape buffer required along the west property line (adjacent to the hotel/restaurant parcel) shall be installed on the east side of the dry detention area. (DRO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2017-841, Control No.1975-00069)

LANDSCAPE - PERIMETER-BUFFER ALONG THE SOUTH PROPERTY LINE
8. Along the south property line, 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 seventy-two (72) inches. Shrub or hedge material shall be exempted in area where existing canopy trees are located. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2017-841, Control No.1975-00069)

PLANNING
1. Previous PLANNING Condition 1 of Resolution R-2017-841, Control No.1975-00069, which currently states:

Any additional development to the Commercial Center shall be reviewed to ensurethat proposed Site Plan modification does not exceed one hundred percent (100%) of the combination of the site's residential density and its commercial intensity. (ONGOING: PLANNING- Planning)

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

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to reflect the correct maximum FAR of 0.85 and remove the planning note at the bottom of the sheet. (DRO: PLANNING - Planning)

SIGNS
1. No off-premise signs shall be permitted on the site. (ONGOING: CODE ENF - Zoning) (Previous SIGNS Condition 1 of Resolution R-2017-841, Control No.1975-00069)

2. Should the existing freestanding signs (Tag no. 36275) for Sam's Wholesale Club be either relocated or replaced, the new freestanding point of purchase sign 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 - 100 square feet;
c. Maximum number of signs - one (1);
d. Location - rear of the facility; and
e. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2017-841, Control No.1975-00069)

SITE DESIGN
1. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets, or be contained within the enclosed loading and service area. (ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2017-841, Control No.1975-00069)

2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (ONGOING: BUILDING DIVISION- Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2017-841, Control No.1975-00069)

3. Previous SITE DESIGN Condition 3 of Resolution R-2017-841, Control No.1975-00069, which currently states:

No outdoor storage of any materials, pellets, refuse, equipment or accumulated debris shall be allowed in the rear of the shopping center.

Is hereby amended to read:

No outdoor storage shall be allowed in the rear of the shopping center, except at the rear of Building A, within the southern 700 feet of the rear of the shopping center along Interstate 95, if adequately screened from Interstate 95.
a. Minimum 20 foot setback from west propety line.
b. Minimum 15 foot setback from south property line. (ONGOING: CODE ENF- Zoning)

4. All storage areas shall be screened on all four sides. The storage area shall be enclosed by a minimum eight (8) foot high concrete block or panel wall. A solid, opaque gate shall be provided at the opening of the enclosure. All heights shall be measured from finished grade to the highest point of the enclosure. (ONGOING: CODE ENF - Building Division) (Previous SITE DESIGN Condition 4 of Resolution R-2017-841, Control No.1975-00069)

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-2017-841, Control No.1975-00069)

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.