

RESOLUTION NO. R-2022-0900

RESOLUTION APPROVING ZONING APPLICATION DOA-2022-00391
(CONTROL NO. 1997-00027)
a Development Order Amendment
APPLICATION OF BD Congress LLC
BY Bowman Consulting Group, AGENT
(Borluv Commercial - 6950 S. Congress Avenue)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, 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, Zoning Application DOA-2022-00391, submitted on behalf of BD Congress, LLC, by Bowman Consulting Group, Agent, for a Development Order Amendment to modify and delete Conditions of Approval, was presented to the Board of County Commissioners at a public hearing conducted on August 25, 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, the Board of County Commissioners hereby finds that a change of circumstances has occurred which makes it necessary and reasonable to amend, extend, vary or alter the Conditional Overlay Zone.

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-2022-00391, the Application of BD Congress LLC, by Bowman Consulting Group, Agent, for a Development Order Amendment to modify and 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 August 25, 2022, 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 Bernard 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 - Nay
- Commissioner Maria Sachs - Nay
- Commissioner Melissa McKinlay - Aye
- Commissioner Mack Bernard - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 25, 2022.

Filed with the Clerk of the Board of County Commissioners on August 25th, 2022.

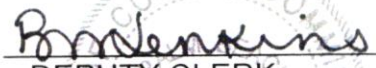
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

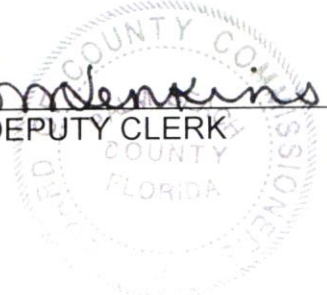


EXHIBIT A

LEGAL DESCRIPTION

PARCEL "A" AND TRACT "L", ECKERD'S-HYPOLUXO, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 87, PAGES 61 AND 62, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL ACREAGE: ±1.925 (±83,843.25 SF)

EXHIBIT B
VICINITY SKETCH

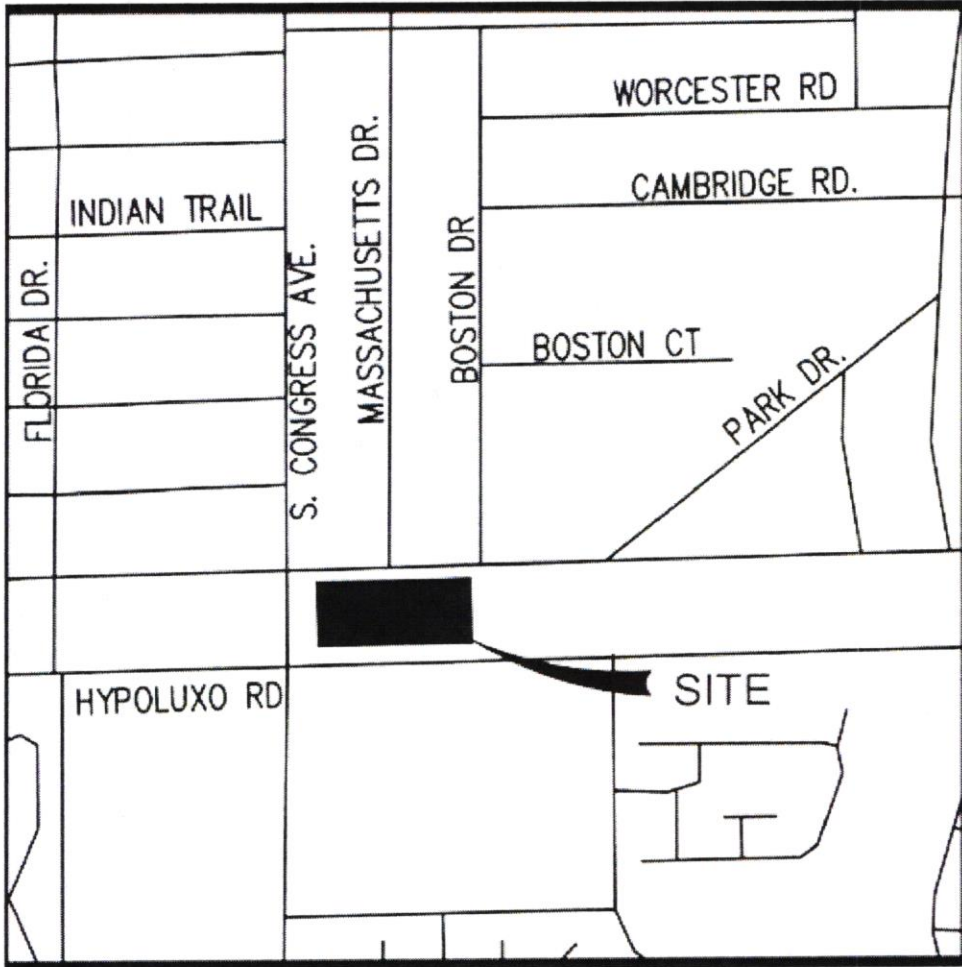


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Conditional Overlay Zone)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2000-718, Control No.1997-00027, which currently states:

Condition A. 1 of Resolution R-99-01 07, Petition DOA97-027(A) which currently states: All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-973 (Petition 97-027) 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 Resolutions R-99-01 07 and R-99-521 (Petition 97-027(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-2000-0718 (Control 1997-00027), 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.

2. Previous ALL PETITIONS Condition 2 of Resolution R-2000-718, Control No.1997-00027, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 20, 2000 and the architectural elevations as shown in Building Permit #B99025207. 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 deleted. [REASON: Deleted to allow future development]

3. Prior to DRC site plan application, the petitioner shall revise the site plan to relocate the wall ten (10) foot south of the north property line pursuant to Section 7.3.F.I.b of the ULDC. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2000-718, Control No.1997-00027)

4. Prior to DRC site plan application, the petitioner shall revise the site plan to reflect the relocation of the dumpster. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-2000-718, Control No.1997-00027)

BUILDING AND SITE DESIGN

1. Similar architectural character and treatment shall be provided on all sides of the building including roof treatment. (BLDGPM: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2000-718, Control No.1997-00027)

2. Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2000-718, Control No.1997-00027, which currently states:

Total gross floor area shall be limited to a maximum of 12,200 square feet with the following breakdown:

- a. 11,200 square feet of retail use (ground level); and
- b. 11,200 square feet of retail use (ground level); and 1,000 square feet of storage/office use (mezzanine).

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 12,200 square feet. (DRO: ZONING - Zoning)

3. The maximum height of the building shall be one story and not exceed thirty-five (35) feet measured from finished grade to highest point. (BLDGPM: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2000-718, Control No.1997-00027)

4. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDGPM: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2000-718, Control No.1997-00027)

5. Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2000-718, Control No.1997-00027, which currently states:

Similar architectural character and treatment of the Ekerds store located at the northeast corner of Lucerne Avenue and Dixie Highway shall be provided on all sides of this building including roof treatment. (BLDGPM: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Deleted to meet current code standards]

6. A minimum rear set back of 39.80 feet is required along the eastern property line. No fences, Parking or Dumpsters are allowed with in the required setback. (DRO: ZONING - Zoning)

DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the residential property line and shall be confined to the area designated on the site plan and shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (DRO/ONGOING: ZONING - Zoning) (Previous DUMPSTER Condition 1 of Resolution R-2000-718, Control No.1997-00027)

ENGINEERING

1. Prior to January 1, 2000 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:

- a. a. Congress Avenue, 64 feet from centerline and
- b) Hypoluxo Road, an additional 12 feet of right-of-way:

This additional right of way shall be along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2000-718, Control No.1997-00027)

2. Prior to the issuance of a building the property owner shall convey a roadway construction easement along the projects entire frontage of Hypoluxo Road and Congress Avenue to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2000-718, Control No.1997-00027)

3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2000-718, Control No.1997-00027)

4. The Developer shall abandon the existing utility easement on the subject site prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2000-718, Control No.1997-00027)

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

a. No Building Permits for the site shall be issued until construction has begun for the widening of Congress Avenue as a 6 lane facility from Miner Road to Hypoluxo Road plus the appropriate paved tapers. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for the site shall be issued until the construction has begun for a right turn lane south approach on Lawrence Road at Hypoluxo Road plus the appropriate paved tapers. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2000-718, Control No.1997-00027)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

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 and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner'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. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2000-718, Control No.1997-00027)

LANDSCAPING ALONG THE DETENTION AREA

1. Landscaping and buffering along the western limit of the detention area shall include:

a. A minimum ten (10) foot wide landscape buffer strip; and

b. A six (6) foot high opaque concrete wall. This wall shall connect the wall as described in Condition H.1, this wall shall measure no less than 130 feet in length and as per site plan dated November 6, 1998. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING ALONG THE DETENTION AREA Condition 1 of Resolution R-2000-718, Control No.1997-00027)

2. The following landscaping requirements shall be installed on the east side of the required wall:

- a. One (1) canopy tree planted every twenty (20) feet on center;
- b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
- c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. The entire hedge shall measure no less than 190 feet in length and as per site plan dated November 6, 1998. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING ALONG THE DETENTION AREA Condition 2 of Resolution R-2000-718, Control No.1997-00027)

3. Landscaping and buffering along the western limit of the detention area shall include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and,
- d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches high. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING ALONG THE DETENTION AREA Condition 3 of Resolution R-2000-718, Control No.1997-00027)

LANDSCAPING - EASTERN PROPERTY LINE

1. Landscaping and buffering along the east property line shall include:

- a. a minimum five (5) foot wide landscape buffer strip;
- b. a six (6) foot high opaque concrete panel wall. The exterior side of the wall shall be given a finished architectural treatment and shall be compatible to the wall along the north property. This wall shall continue from the wall along the north property line and shall measure a minimum of one hundred sixty two (162) feet in length; and,
- c. along the exterior side of the wall, install twenty four (24) inch high shrub or hedge material and spaced at twenty four (24) inches on center and to be maintained at a minimum height of thirty-six (36) inches. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING - EASTERN PROPERTY LINE Condition 1 of Resolution R-2000-718, Control No.1997-00027)

LANDSCAPING - ALONG NORTH EAST NORTH PROPERTY LINE-LANDSCAPING ALONG THE EAST 225 FEET OF NORTH PROPERTY LINE

1. Landscaping and buffering along the above property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A six (6) foot high opaque concrete wall shall be installed along the above property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING - ALONG NORTH EAST NORTH PROPERTY LINE Condition 1 of Resolution R-2000-718, Control No.1997-00027)

2. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every thirty (30) feet on center;
- b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING - ALONG NORTH EAST NORTH PROPERTY LINE Condition 2 of Resolution R-2000-718, Control No.1997-00027)

3. Along the interior side of the required wall, the property owner shall install the following:

- a. 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING -

ALONG NORTH EAST NORTH PROPERTY LINE Condition 3 of Resolution R-2000-718, Control No.1997-00027)

4. The above planting may be exempted in the portion where the lift station is located. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING - ALONG NORTH EAST NORTH PROPERTY LINE Condition 4 of Resolution R-2000-718, Control No.1997-00027)

LANDSCAPE - INTERIOR

1. Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2000-718, Control No.1997-00027, which currently states:

Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. Trees are exempted under building canopy. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Deleted to meet Current ULDC Standards]

2. Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2000-718, Control No.1997-00027, which currently states:

One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Deleted to meet current ULDC standards]

LANDSCAPE - STANDARD

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

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2000-718, Control No.1997-00027)

2. All palms required to be planted on site by this approval shall 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. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2000-718, Control No.1997-00027)

3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2000-718, Control No.1997-00027)

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES-LANDSCAPING ALONG THE SOUTH AND THE WEST PROPERN LINES

1. Landscaping and buffering along the above property lines shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;
- c. One (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
- d. One (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
- 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES Condition 1 of Resolution R-2000-718, Control No.1997-00027)

LANDSCAPING - ALONG NORTH WEST NORTH PROPERTY LINE-LANDSCAPING ALONG THE WEST 115 FEET OF NORTH PROPERTY LINE

1. Landscaping and buffering along the above property line shall be upgraded to include:
 - a. A minimum fifteen (15) 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 twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING - ALONG NORTH WEST NORTH PROPERTY LINE Condition 1 of Resolution R-2000-718, Control No.1997-00027)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDGPM: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2000-718, Control No.1997-00027)
2. All outdoor light poles over six (6) feet in height shall be located a minimum of thirty (30) feet from any residential property line. (BLDGPM: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2000-718, Control No.1997-00027)
3. All outdoor lighting, except security lighting, shall be extinguished no later than 12:30 p.m. daily. (BLDGPM/ONGOING: ZONING - Code Enforcement) (Previous LIGHTING Condition 3 of Resolution R-2000-718, Control No.1997-00027)

PLANNING

1. The eastern 50' of the property (cross-hatched portion) shall be limited to landscaping and/or drainage. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2000-718, Control No.1997-00027)
2. Prior to final site plan certification by the Development Review Committee, the site plan shall be amended to revise the portion of the site subject to cross hatching (eastern .25 acres) to indicate that the site is cross hatched by removing the RS notation and replacing it with hatched lines going through this portion of the site. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2000-718, Control No.1997-00027)
3. The petitioner shall perpetually maintain the exterior sides of all walls. Maintenance shall include the exterior surface of the wall, landscaping, irrigation and daily garbage/trash pick up. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2000-718, Control No.1997-00027)
4. The site is subject to the conditions regarding cross hatching, landscaping/buffering, size and use limitations as contained in Ordinance 1999-002. (ONGOING: PLANNING - Planning)

SIGNS

1. Freestanding point of purchase signs on Congress Avenue and Hypoluxo Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 60 square feet;
- c. Maximum number of signs - one (1) each on Congress Avenue and Hypoluxo Road; and
- d. Style - monument style only. (BLDGPMPT: ZONING - Building Division) (Previous SIGNS Condition 1 of Resolution R-2000-718, Control No.1997-00027)

2. Wall signs shall be limited to the south and west facades of the building. (BLDGPMPT: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-2000-718, Control No.1997-00027)

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2000-718, Control No.1997-00027, which currently states:

The subject property shall be limited to the following:

- a. 12,200 square foot building of retail (drugstore) use.

Is hereby amended to read:

1. The subject property shall be limited to:

- a. 12,200 square foot building of feet of floor area.

b. The following uses:

- a. Auction, Indoor
- b. Catering Service
- c. Financial Institution
- d. Medical or Dental Office
- e. Office, Business or Professional
- f. Personal Services
- g. Retail Sales
- h. Self-storage, Limited Access
- i. Theater and Performance Venue
- j. Vocational Institution
- k. Work/Live Space

(DRO: ZONING - Zoning)

2. Hours of business operation (open to the public) shall be limited to 8:00 a.m. to 11:00 p.m. daily. The drive thru lane adjacent to the building may be open twenty four (24) hours daily and for the sale of pharmaceutical items only. (BLDGPMPT: ZONING - Building Division) (Previous USE LIMITATIONS Condition 2 of Resolution R-2000-718, Control No.1997-00027)

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.