

RESOLUTION NO. R-2023- 0058

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CAW-2022-00485
(CONTROL NO. 2005-00593)
a Development Order Amendment
APPLICATION OF Duke Realty Land LLC
BY Schmidt Nichols, AGENT
(Southern Blvd Industrial Center)

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, Zoning Application ZV/DOA/CAW-2022-00485 submitted on behalf of Duke Realty Land LLC, by Schmidt Nichols, Agent for a Development Order Amendment to reconfigure the Site Plan, to add square footage, add a use, add access points; and to modify/or delete Conditions of Approval on 6.98 acres; and a Class A Conditional Use to allow a single use, exceeding 100,000 square feet for a Warehouse on 6.98 acres was presented to the Board of County Commissioners at a public hearing conducted on January 11, 2023;

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 an Official Zoning Map Amendment for the Development Order Amendment to a Conditional Overlay Zone (COZ);

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 ZV/DOA/CAW-2022-00485, the Application of Duke Realty Land LLC, by Schmidt Nichols, Agent, for a Development Order Amendment to reconfigure the Site Plan, to add

square footage, add a use, add access points; and to modify/or delete Conditions of Approval, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 11, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

- Commissioner Gregg K. Weiss, Mayor - Aye
- Commissioner Maria Sachs, Vice Mayor - Aye
- Commissioner Maria G. Marino - Aye
- Commissioner Michael Barnett - Aye
- Commissioner Marci Woodward - Aye
- Commissioner Sara Baxter - Aye
- Commissioner Mack Bernard - Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on January 11, 2023.

Filed with the Clerk of the Board of County Commissioners on January 11, 2023.

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOSEPH ABRUZZO, CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACT 68, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THEREFROM THE WEST 200 FEET OF TRACT 68 AND LESS THAT PROPERTY CONVEYED BY WARRANTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED JUNE 14, 2002 IN OFFICIAL RECORDS BOOK 13805, AT PAGE 1832 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACT 73, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80; LESS AND EXCEPT THEREFROM THAT PART OF THE PROPERTY CONVEYED BY WARRANTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED JUNE 14, 2002 IN OFFICIAL RECORDS BOOK 13805, AT PAGE 1832 AND THAT PART OF THE PROPERTY LYING WITHIN THE RIGHT OF WAY OF STATE ROAD 80.

ALSO DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 68 AND 73, BLOCK 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 68, RUN THEN SOUTH 01 DEGREES 06 MINUTES 49 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT 68 A DISTANCE OF 659.68 FEET TO THE NORTHWEST CORNER OF SAID TRACT 73; THENCE NORTH 89 DEGREES 01 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 73 A DISTANCE OF 200.00 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 49 SECONDS WEST A DISTANCE OF 8.32 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. RUN THENCE SOUTH 88 DEGREES 29 MINUTES 03 SECONDS EAST A DISTANCE OF 391.65 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 8,682.40 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 DEGREES 27 MINUTES 25 SECONDS A DISTANCE OF 69.24 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 73; THENCE NORTH 01 DEGREES 11 MINUTES 14 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 11.41 FEET TO THE NORTHEAST CORNER OF SAID TRACT 73; THENCE CONTINUE NORTH 01 DEGREES 11 MINUTES 14 SECONDS WEST ALONG THE EAST LINE OF SAID TRACT 68, A DISTANCE OF 659.68 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 39 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT 68 A DISTANCE OF 459.56 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 49 SECONDS EAST ALONG THE EAST LINE OF WEST 200 FEET OF SAID TRACT 68, A DISTANCE OF 651.36 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 304,207 SQUARE FEET (6.9836 ACRES), MORE OR LESS

EXHIBIT B
VICINITY SKETCH

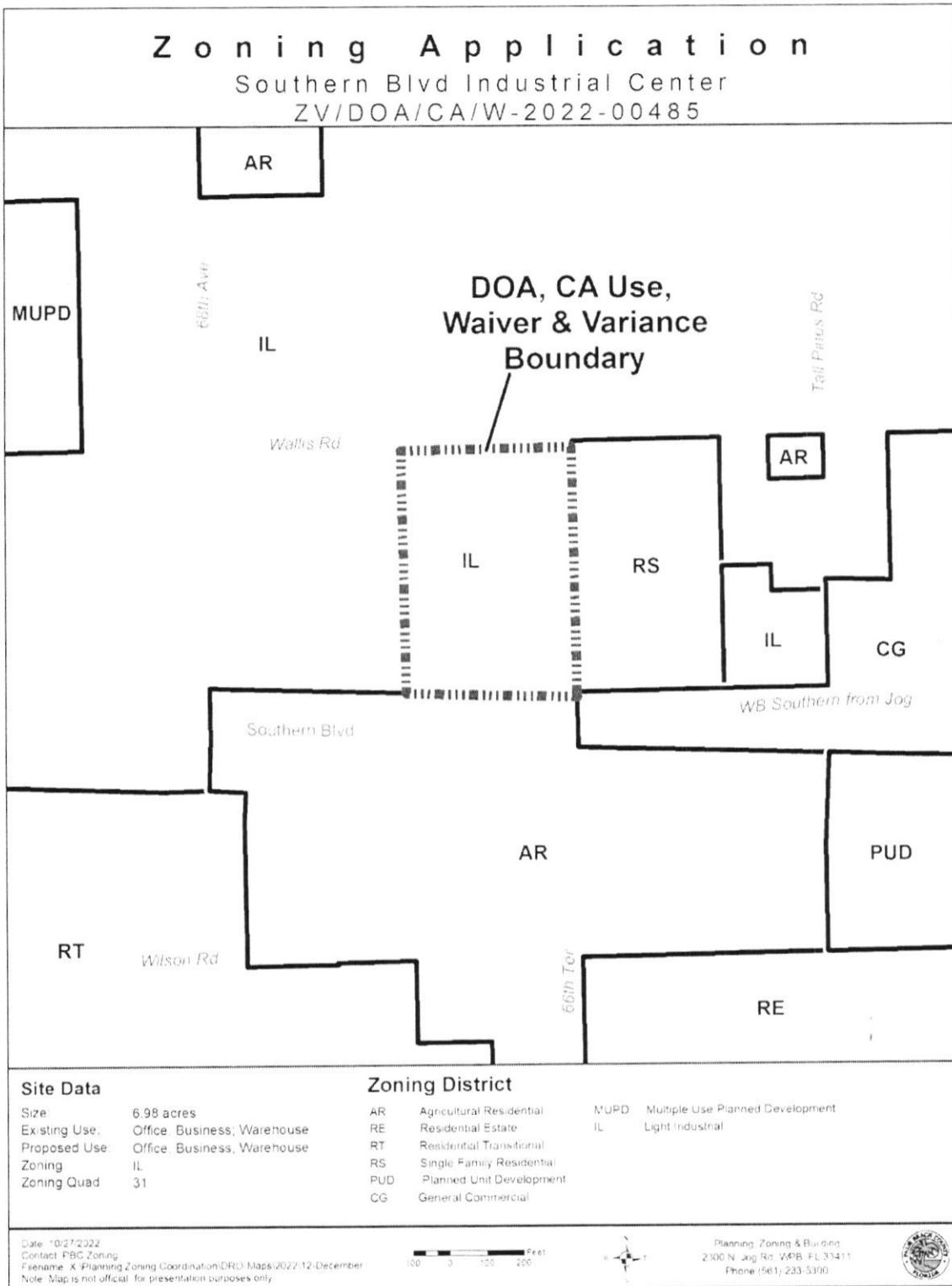


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Conditional Overlay Zone)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2006-1196, Control No.2005-00593, which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated March 28, 2006. 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 October 13, 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

2. Prior to approval by the Development Review Officer (DRO), the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. All dry retention area which conflict with the location of a proposed structure or landscape buffer shall be abandoned prior to the issuance of a building permit. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 2 of Resolution R-2006-1196, Control No.2005-00593)

3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2006-1196 (Control 2005-00593, 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)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2006-1196, Control No.2005-00593, which currently states:

At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

Is hereby amended to read:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for final review and approval by the Zoning Division and shall be generally consistent with the Architectural Elevations dated July 25, 2022. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2006-1196, Control No.2005-00593, which currently states:

Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: ULDC requirement.]

3. Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2006-1196, Control No.2005-00593, which currently states:

The maximum height of all buildings shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable, as the Applicant is proposing a structure greater in height.]

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2006-1196, Control No.2005-00593, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after June 22, 2009. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

Is hereby deleted. [REASON: Superseded by new condition]

2. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Wallis Road 30 feet from centerline. This right of way shall be conveyed prior to the issuance of the first building permit and 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2006-1196, Control No.2005-00593)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Wallis Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2006-1196, Control No.2005-00593)

4. 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, 2026, 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)

5. The Property Owner shall construct right turn lane east approach on Southern Blvd at project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)

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

6. The Property Owner shall reconstruct Wallis Road within the property frontage plus 100 feet and tapers to the existing section on each side of the property to be consistent with Palm Beach County standards for a local commercial street. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

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

7. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required platting or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMPT/PLAT: ENGINEERING - Engineering)

8. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the south side of Wallis Road within the property frontage. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMPT/CO: MONITORING - Engineering)

9. Prior to the issuance of the first building permit, the Property Owner shall provide Palm Beach County Engineering a sidewalk easement for the locations where the public sidewalk encroaches into the private property. (BLDGPMPT: MONITORING - Engineering)

ENVIRONMENTAL

1. Previous ENVIRONMENTAL Condition 1 of Resolution R-2006-1196, Control No.2005-00593, which currently states:

All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

Is hereby deleted. [REASON: Under the current assessment, a Tree Preservation Area will not be required.]

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste 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, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2006-1196, Control No.2005-00593)

ZONING - LANDSCAPING-STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2006-1196, Control No.2005-00593)

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements.

(BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2006-1196, Control No.2005-00593)

3. 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.

(BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2006-1196, Control No.2005-00593)

4. 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) (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2006-1196, Control No.2005-00593)

5. Field adjustment of berm, plant material, and wall locations may be permitted to provide

pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2006-1196, Control No.2005-00593)

6. Prior to issuance of the first building permit, the landscape buffers for Southern Boulevard and the southern 325 feet of the east property line shall be installed in accordance with the Conditions of Approval. (BDGPMT: ZONING – Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINES (ABUTTING WALLIS ROAD)

7. In addition to code requirements, the landscape buffers along the north property lines shall be upgraded to include:

a minimum of one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.

(BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2006-1196, Control No.2005-00593)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH PROPERTY LINES (ABUTTING SOUTHERN BOULEVARD)

8. Previous Condition Zoning-Landscaping 1 of Resolution R-2006-1196, Control No. 2005-00593, which currently states:

In addition to code requirements, the landscape buffers along the south property line shall be upgraded to include:

a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and

b. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.

(BLDGPMPT: ZONING - Zoning)

Is hereby amended to read:

In addition to code requirements, the landscape buffers along the south property line shall be upgraded to include:

a. a three (3) foot high continuous berm;

b. a six (6) foot hedge planted on top of the berm; and

c. one (1) palm or pine tree for each twenty (20) linear feet of the property line. (BLDGPMPT: ZONING - Zoning)

ZONING – LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING FDOT PARCEL)

9. In addition to code requirements, the landscape buffer along the southern 325 feet of the east property line, where adjacent to the FDOT parcel, the shrubs shall be upgraded as follows:

a. a six (6) foot hedge at time installation. (BLDGPMPT: ZONING – Zoning)

LIGHTING

1. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2006-1196, Control No.2005-00593)

2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2006-1196, Control No.2005-00593)

MASS TRANSIT

1. 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 Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran.

(DRO: PALM-TRAN - Palm-Tran) (Previous MASS TRANSIT Condition 1 of Resolution R-2006-1196, Control No.2005-00593)

2. Prior issuance of the first Building Permit, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDGPMT: ENGINEERING - Monitoring) (Previous MASS TRANSIT Condition 2 of Resolution R-2006-1196, Control No.2005-00593)

SIGNS

1. Freestanding sign fronting on Southern Boulevard 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 - eighty (80) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only;
- e. location - within one hundred-fifty (150) feet of the access point measured from edge of pavement;
- f. Signs shall be limited to tenants only. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2006-1196, Control No.2005-00593)

2. Ground Mounted Freestanding signs fronting on Wallis Road shall be limited as follows:

- a. maximum sign height - eight (8) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - eighty (80) square feet;
- c. maximum number of signs - two (2); and,
- d. style - monument style only. (BLDGPMT: ZONING - Zoning)

SITE DESIGN

1. Prior to Final DRO approval, the Applicant shall revise the Site Plan to:

- a. include a 12-foot high wall from the southeast corner of the building, extending east approximately 130-feet to screen the loading and maneuvering area, including the dumpster enclosure; and
- b. the interior side of the wall shall include sound dampening panels. (DRO: ZONING – Zoning)

SITE DESIGN - NOISE

1. The maximum sound levels shall be as follows:

- a. Monday through Friday shall comply with Table 5.E.4.B, Maximum Sound Levels; and
- b. Saturday and Sunday shall not exceed 50db. (ONGOING: CODE ENF - Zoning)

2. Prior to final approval of the Site Plan, the Applicant/Owner shall provide a letter clarifying the type of alternative method to be used in place of the audible vehicle backing-up alarm between the hours of 10:00 p.m. and 7:00 a.m. daily. (DRO: ZONING - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) (Previous UTILITIES Condition 1 of Resolution R-2006-1196, Control No.2005-00593)

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.