

RESOLUTION NO. R-2023- 0552

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2021-01006
(CONTROL NO. 2006-00147)
a Development Order Amendment
APPLICATION OF Coconut Northlake LLC
BY JMorton Planning & Landscape Architecture, AGENT
(Shops at Indian Trails)

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 DOA/CA-2021-01006 submitted on behalf Coconut Northlake LLC, by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to modify the Site Plan; add and delete uses, buildings, and square footage; relocate buildings, add access points; and, modify Conditions of Approval (Overall MUPD- R-2014-0111); a Development Order Amendment to modify uses (Type 1 Restaurant and Convenience Store with Gas Sales and an accessory Car Wash R-2011-1241); a Class A Conditional Use to allow a Type 1 Restaurant with drive-through; a Type 1 Restaurant greater than 5,000 sq. ft. with no drive-through; and, a Type 2 Restaurant; a Class A Conditional Use to allow a General Daycare; a Class A Conditional Use to allow a Car Wash was presented to the Board of County Commissioners at a public hearing conducted on April 27, 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 a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/CA-2021-01006, the Application of Coconut Northlake LLC, by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to modify the Site Plan; add and delete uses, buildings, and square footage; relocate buildings, add access points; and, modify Conditions of Approval (Overall MUPD), 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 April 27, 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 A. Barnett	-Aye
Commissioner Marci Woodward	-Aye
Commissioner Sara Baxter	-Aye
Commissioner Mack Bernard	-Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 27, 2023.

Filed with the Clerk of the Board of County Commissioners on April 27, 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: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15
BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 86°53'58" EAST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 40.11 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF 130TH AVENUE NORTH, AS RECORDED IN OFFICIAL RECORD BOOK 1229, PAGE 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE NORTH 01°06'33" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 532.19 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF NORTHLAKE BOULEVARD, AS RECORDED IN OFFICIAL RECORD BOOK 12017, PAGE 1009 OF SAID PUBLIC RECORDS; THENCE NORTH 44°00'15" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 54.45 FEET; THENCE NORTH 86°53'58" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2,175.25 FEET; THENCE SOUTH 47°19'56" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD, AS RECORDED IN SAID OFFICIAL RECORD BOOK 12017, PAGE 1009; THENCE SOUTH 01°33'49" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 98.03 FEET; THENCE SOUTH 02°50'12" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 225.05 FEET; THENCE SOUTH 01°33'49" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 164.84 FEET; THENCE SOUTH 42°40'04" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 55.81 FEET TO A POINT OF INTERSECTION WITH AFORESAID SOUTH LINE OF SECTION 15; THENCE SOUTH 86°53'58" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2,246.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,286,414 SQUARE FEET/29.5320 ACRES, MORE OR LESS

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH

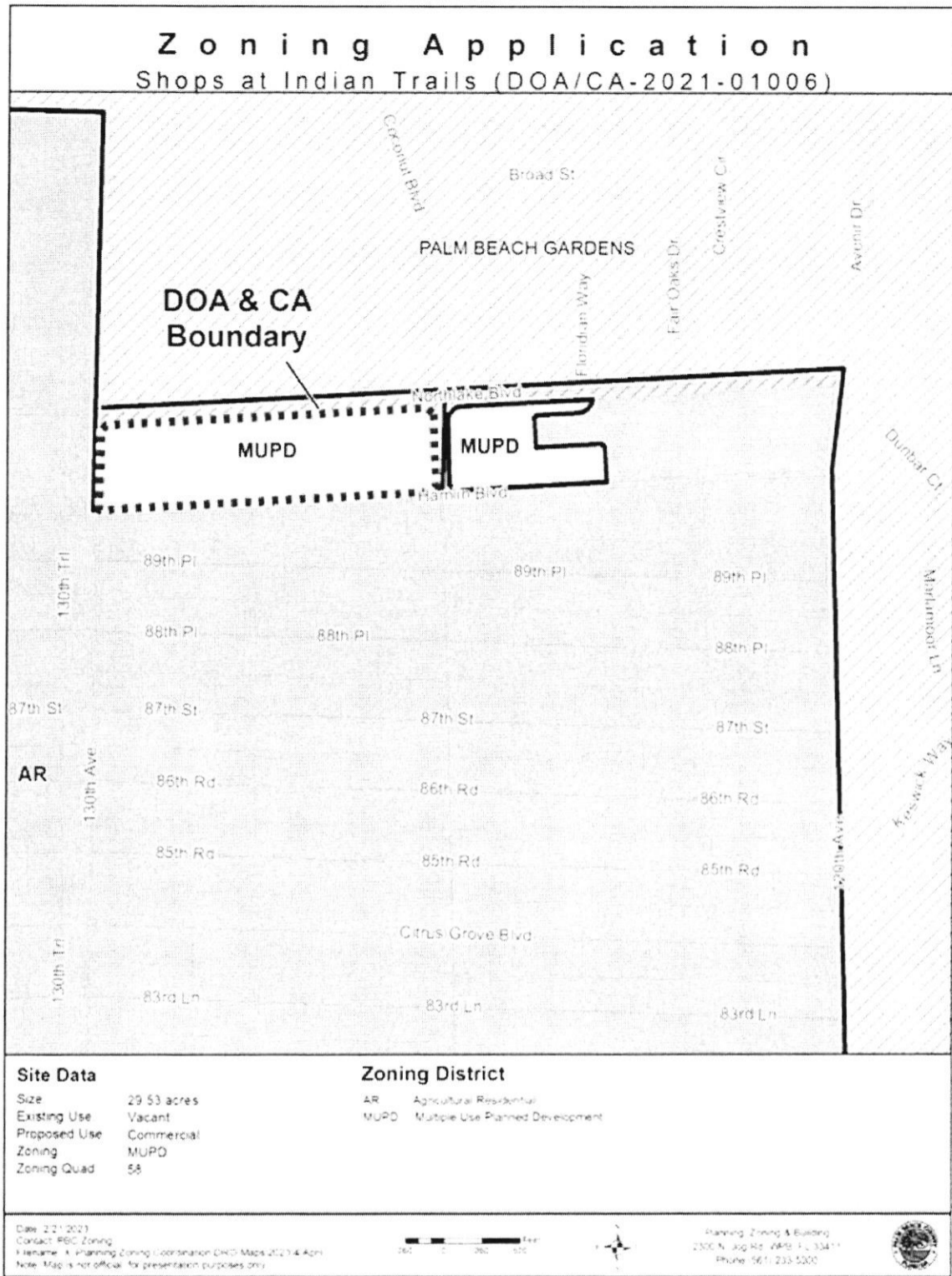


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment – Overall MUPD

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Preliminary Site Plan is dated November 14, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The Preliminary Site Plan is dated February 9, 2023. 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. Previous ALL PETITIONS Condition 2 of Resolution R-2014-111, Control No.2006-00147, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-01240 (Control 2006-0147), 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-2014-0111 (Control 2006-0147), 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)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Commencement of the Development Order shall start January 13, 2017, modifications maybe permitted administratively as allowed by Article 2.E of the Unified Land Development Code (ULDC).

Is hereby amended to read:

Commencement of the Development Order for the MUPD shall start no later than four years from the effective date of this approval. Modifications maybe permitted administratively as allowed by Article 2.E of the Unified Land Development Code (ULDC). (DATE: MONITORING - Zoning)

4. Prior to final approval by the Development Review Officer, the Site Plan shall be revised to have consistent tabular data for the total square footage for Concurrency and the Building Data, as outdoor seating is considered square footage. (DRO: ZONING – Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings and structures 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 Unified Land Development Code (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: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2014-111, Control No.2006-00147)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2014-111, Control No.2006-00147, which currently states:

All required porches and drive-thrus shall be designed to meet the minimum standards as defined by Article 5.C, as amended, and shall include a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted or as otherwise approved by Architectural Review Section.

Is hereby amended to read:

All required porches, drive-thrus and Buildings roof shall be designed to meet the minimum standards as defined by Article 5.C, as amended, and shall include a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted or as otherwise approved by Architectural Review Section. (BLDGPM: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be amended to include:

- a. Decorative trellis work along the primary entrances into the site from both Northlake Boulevard and Coconut Boulevard; and
- b. A minimum forty (40) feet of trellis shall be provided on each side of each entrance drive isle or as approved by the Architectural Review Section. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2014-111, Control No.2006-00147)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

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, 2017. 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)
- b. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at SR 7 and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 14,820 sf Pharmacy and 3,000 sf of Convenience Store plus 8 gas pumps (or the equivalent of 97 net peak hour trips) shall not be issued until the developer shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)
- c. In order to request release of the surety for the traffic signal required by condition E.1.b, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

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

2. Previous ENGINEERING Condition 2 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to the issuance of a first Certificate of Occupancy for the western phase of the project, the Property Owner shall permit, fund, install and have operational the traffic signal at the western driveway connection and Northlake Boulevard. Signalization shall be a span-wire installation. The cost of signalization paid by the Property Owner shall also include all design costs and any required utility relocation and right of way or easement acquisition.

Is hereby amended to read:

Prior to the issuance of a first Certificate of Occupancy for the project, the Property Owner shall permit, fund, install and have operational the traffic signal at the main full access driveway connection at Northlake Boulevard. Signalization shall be a mast installation. The cost of signalization paid by the Property Owner shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the signal has already been constructed and accepted by the County. The County shall have 60 days after the request within which verification of the acceptance of the signal shall be determined and the surety returned. (ONGOING: ENGINEERING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of right turn lanes:

- i. at the western driveway connection onto Northlake Boulevard
- ii. at the middle driveway connection onto Northlake Boulevard
- iii. at the eastern driveway connection onto Northlake Boulevard
- iv. at the driveway connection onto Coconut Boulevard

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate, as determined by the County Engineer. 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, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

Is hereby amended to read:

Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of right turn lanes at all driveway connections on Northlake Boulevard and Coconut Boulevard and at the intersection of Northlake Boulevard and Coconut Boulevard.

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. 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, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

4. Previous ENGINEERING Condition 4 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Property Owner shall construct:

- i. a west approach right turn lane on Northlake Blvd. at the middle driveway connection,
- ii. a west approach right turn lane on Northlake Blvd. at the eastern driveway connection,
- iii. a north approach right turn lane on Coconut Blvd. at the project driveway connection,
- iv. a traffic separator on Coconut Blvd. from Northlake Blvd. to approximately 50 feet south of the project driveway connection or as approved by the County Engineer, and

v. a west approach right turn lane, an east approach left turn lane, south approach dual left turn lanes and an exclusive right turn lane at the western driveway connection on Northlake Blvd, including the appropriate westbound receiving lanes on Northlake Blvd.

This construction shall be concurrent with the corresponding paving and drainage improvements for the site as outlined in items a to d below. 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 Palm Beach County for the construction identified in items i-iv above shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction identified in items i-iv above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

c. Permits required from Palm Beach County for the construction identified in item v above shall be obtained prior to the issuance of the first Building Permit for buildings A thru C (i.e. any buildings west of the central driveway). (BLDGPM: MONITORING - Engineering)

d. Construction identified in item v above shall be completed prior to the issuance of the first Certificate of Occupancy for buildings A thru C (i.e. any buildings west of the central driveway). (CO: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall construct a traffic separator on Coconut Blvd. from Northlake Blvd. to approximately 50 feet south of the project driveway connection or as approved by the County Engineer.

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 Palm Beach County for the construction shall be obtained 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 entire condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)

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

c. In lieu of parts a and b, if approved by the County Engineer, the Property Owner may submit an acceptable surety for the improvements required by Condition 4. Acceptable surety for the design, right of way acquisition, and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements as outlined in Condition No. 4, shall be posted with the Land Development Division on or before the issuance of the first Building Permit. Surety in the amount of 110% shall be based upon an acceptable Certified Cost Estimate provided by the Property Owner's Engineer. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety. (BLDGPM: MONITORING - Engineering)

d. If the Property Owner elects to submit an acceptable surety for the improvements required by Condition 4, the improvements in Condition 4 shall be completed within 12 months of being requested by the County Engineer and the surety shall be released upon completion of the improvements required in Condition 4. (CO/ONGOING: ENGINEERING - Engineering)

5. Previous ENGINEERING Condition 5 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way to include the existing sidewalk along the west side of Coconut Boulevard entirely within Palm Beach County right of way. This additional right of way shall be as approved by the County Engineer. 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, excluding the existing sidewalk, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal

sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

Is hereby amended to read:

The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Coconut Boulevard 40 feet plus expanded intersection requirements, measured from centerline of the proposed right of way on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant 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 Property Owner, the Property Owner agrees to hold the County 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents.
(BLDGPMT/ONGOING: MONITORING - Engineering)

6. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Northlake Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Northlake Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2014-111, Control No.2006-00147)

7. Prior to issuance of the first building permit, the Property Owner shall create a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2014-111, Control No.2006-00147)

8. The Property Owner shall construct a driveway connection to Hamlin Blvd, a right turn lane, east approach at the driveway connection and a 6-foot sidewalk between Coconut Blvd and the driveway connection on the north side of Hamlin Blvd, or as approved by Indian Trails Improvement District. This construction should 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. Construction of these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

b. Commercial vehicles shall be prohibited from using Hamlin Blvd. to access the site. (ONGOING: CODE ENF - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2014-111, Control No.2006-00147)

9. Prior to issuance of a building permit for proposed improvements within the portion of the 50-foot Rural Parkway Easement that overlaps with the 10-foot Embankment Easement along the north property line, the Property Owner shall coordinate with Roadway Production for approval on proposed grading. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2014-111, Control No.2006-00147)

10. Previous ENGINEERING Condition 10 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Property Owner shall construct:

i. a median opening on Northlake Blvd at the middle driveway that allows only left turns out (temporary construction). The design shall be as approved by the County Engineer.

ii. a temporary signal at the above location that would allow left turns out from the middle driveway (temporary construction).

The two temporary constructions, as identified in i and ii shall be removed once the western driveway has been modified and a signal has been installed, as specified in condition Eng.2.

Signalization shall be a span-wire installation. The Property Owner would be responsible for all the cost associated with this temporary signal installation. These costs shall include, but not limited to, all design costs and required utility relocation and right-of-way or easement acquisition, if any.

a. Permits required from Palm Beach County for the construction identified in i and ii above shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction identified in i and ii above shall be completed prior to the issuance of second Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

11. Prior to final approval of the Site Plan by the Development Review Officer, the Property Owner shall modify the Site Plan to show the proposed curb and gutter on Coconut Boulevard, as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

12. Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along Northlake Boulevard and Coconut Boulevard, a minimum of 10 feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering)

13. Prior to the issuance of the first building permit, the Property Owner shall provide to Indian Trails Improvement District an easement, 6 feet in width, for the construction of a right turn lane on Hamlin Boulevard at the project's entrance. (BLDGPM: MONITORING - Engineering)

14. The Property Owner shall reconstruct Hamlin Boulevard from Coconut Boulevard to the entrance road to be consistent with Palm Beach County standards for a non-plan collector road or as approved by Indian Trails Improvement District and the County Engineer. 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

15. Prior to final approval of the Site Plan by the Development Review Officer, the Property Owner shall modify the drainage statement to address how the drainage will be accommodated for the Hamlin Boulevard roadway improvements. (DRO: ENGINEERING - Engineering)

16. The Property Owner shall construct i) right turn lanes west approach on all driveways on Northlake Blvd, except for the westernmost out-only driveway ii) left turn lanes east approach and south approach dual left turn lanes and an exclusive south approach right turn lane at the main full access and iii) left turn lane east approach on Northlake Blvd at the driveway east of the main driveway iv) right turn lane north approach on Coconut 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 Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM/CO: MONITORING - Engineering)

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

17. 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. 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)

ENVIRONMENTAL

1. Incorporate existing native trees and under-story into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 6 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2014-111, Control No.2006-00147)

2. All mitigation plantings shall be planted on-site or as approved by ERM. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. The applicant shall relocated native understory growth (e.g., saw palmetto, cocoplum, etc.) where feasible. (VEGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

a. tree height: fourteen (14) feet to meet grade and standards requirements; and,
b. credit may be given for existing or relocated trees provided they meet Unified Land Development Code (ULDC) requirements. (BLDGPM/CO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2014-111, Control No.2006-00147)

2. A group of three (3) or more palms or pines may supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM/CO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2014-111, Control No.2006-00147)

3. At time of submittal for final Development Review Officer (DRO) approval, the Applicant shall submit a Landscape Plan for the south property line to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2014-111, Control No.2006-00147)

LANDSCAPE - INTERIOR

4. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2014-111, Control No.2006-00147)

5. In addition the requirements for interior landscaping for a non-residential development an additional landscape buffer/open space area along the north side of the Wetland Preserve, detention, and water management tracks which are located north of Hamlin Boulevard and west of the access point on Hamlin Boulevard shall be provided as follows:

- a. Width: a minimum 50 feet in width for approximately 720 feet west of the proposed 30x40 lift station, and a minimum 15 feet in width east of the lift station to the access point.
- b. A minimum 5 foot pedestrian pathway, that may be pervious paved, or grass permeable pathway which will connect to the pathway along the west property line, and along the access point to Hamlin Boulevard.
- c. One canopy tree for each 20 lineal feet and one pine for each 20 lineal feet. The pines may be clustered.
- d. The landscape design shall also incorporate six foot hedge south of the Building A, Car Wash, that will screen drive-through, by pass lanes and the entrance to the Car Wash tunnel.
- e. Additional hedging shall be incorporated into the design, in areas south of each dumpster location. The dumpsters all align the southern drive into the development that can create noise when picked up, traveling across these water management and preserve areas to the south.(DRO/BLDG PERMIT: ZONING - Zoning)

6. Prior to final DRO approval the Applicant shall revise the Regulating Plan to indicate the details of the Pedestrian Amendment required for non-residential PDDs. This focal point shall be a minimum area of 70 feet wide by 30 feet deep at the terminus of the main western entrance off of Northlake Boulevard. In addition to landscape material an architectural structure shall be included consistent with the character of the place and the Exurban Tier. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG THE SOUTH PROPERTY LINE (ABUTTING HAMLIN BOULEVARD)

7. Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2014-111, Control No.2006-00147 which currently states:

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

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. one (1) canopy tree for each twenty (20) linear feet on center; and
- c. one (1) palm/pine with staggering height in groups of three (3) for every thirty (30) linear feet.

Is hereby amended to read:

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

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;
- b. one (1) canopy tree for each twenty (20) linear feet on center; and
- c. one (1) pine with staggering height in groups of three (3) for every twenty (20) linear feet. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG THE 540 FEET BEHIND BUILDING A AND THE 270 FEET BEHIND BUILDING H OF THE SOUTH PROPERTY LINE (ABUTTING HAMLIN BOULEVARD)

8. Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2014-111, Control No.2006-00147, which currently states:

In addition to Landscape Conditions 4 and 5 above, the applicant shall provide:

- a. a minimum thirty-five (35) foot wide landscape buffer, no width reduction is permitted;

- b. a three (3) foot high continuous berm in two areas of this buffer. A minimum 540 linear feet of berm in the buffer behind Building A, and a minimum 270 linear feet of berm in the buffer behind Building H;
- c. a minimum six (6) foot high concrete panel or block wall shall be installed on the plateau of the berm along the 540 linear feet to completely screen the loading area of Building A;
- d. a minimum six (6) foot high hedge to be installed on the plateau of the berm along the 270 linear feet behind Building H; and
- e. one (1) canopy tree for each twenty (20) linear feet of the entire perimeter buffer; and
- f. one (1) palm or pine with staggering height in groups of three (3) for every thirty (30) linear feet. Palms shall have a minimum range of six (6) to eight (8) feet of clear trunk or grey wood. Pines shall have a minimum height range from eight (8) to twelve (12) feet.

Is hereby deleted. [REASON: Uses and Site design have changed, and covered by condition 5.]

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2014-111, Control No.2006-00147)
2. The lighting condition above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2014-111, Control No.2006-00147)
3. Maximum height of light poles for southern 225 feet shall be a maximum of 15 feet in height. The orientation of the lights shall be away from the residential and the preservation or wetland areas proposed or located on the adjacent western property. There shall be zero foot candles along the south and west property lines. (BLDG PERMIT: BUILDING DIVISION – Zoning)

PARKING

1. Prior to final DRO, the site plan shall be revised to indicate the 37 parking spaces that are adjacent and back out onto the southern driveway that traverses the entire development east to west, to be constructed with pervious or porous pavement, pavers, grass parking, or other similar design the assist in heat reduction. (DRO: ZONING – Zoning)

PLANNING

1. Development of the site under the Commercial Low designation shall be limited to a maximum of 106,566 square feet of non-residential uses. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2014-111, Control No.2006-00147)
2. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall provide a Rural Parkway Landscape Plan, which shall recreate the native habitat appropriate for the site, subject to review and approval by the Landscape Section and the Planning Division and at a minimum shall include the following:
 - a. an overall fifty (50) foot wide Rural Parkway which may include the twenty (20) foot right-of-way buffer;
 - b. An eight (8) foot wide paved multipurpose meandering pathway;
 - c. The minimum quantities of trees and shrubs within the twenty (20) foot right-of-way portion shall be consistent with Article 7 and quantities for the remaining thirty (30) foot Rural Parkway shall be determined based on site restrictions and existing native vegetation. These overall quantities may be adjusted prior to final approval of the landscape plan to achieve a native habitat;
 - d. A minimum of eighty percent 80% native vegetation. Credit may be given for native vegetation that is relocated or is part of an approved mitigation plan; and flowering trees and/or shrubs. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2014-111, Control No.2006-00147)
3. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall submit a Rural Parkway Management Plan (RPMP) maintenance agreement for perpetual maintenance of the Rural Parkway subject to approval by Planning. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2014-111, Control No.2006-00147)
4. Previous PLANNING Condition 4 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to recordation of a Plat or issuance of a Plat Waiver or other approval as allowed by the Subdivision Ordinance, the Property Owner shall submit a recorded Rural Parkway Easement.

The Easement shall include but is not limited to: an approved Rural Parkway Landscape Plan, an approved Rural Parkway Maintenance Plan.

Is hereby amended to read:

Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit a recorded Rural Parkway Easement with prior approval from The County Attorney and Planning. The Easement shall include, but is not limited to: an approved Rural Parkway Landscape Plan, an approved Rural Parkway Management Plan. (DRO: PLANNING - Planning)

5. Previous PLANNING Condition 5 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The conservation easement for the Rural Parkway shall include, but not be limited to, the following items:

a. The Rural Parkway easement shall not include:

- i. Walls or berms in the Rural Tier;
- ii. No structures shall be allowed in the Rural Parkway Easement with the exception of benches/pedestrian gathering area and a drinking water fountain;

b. The Rural Parkway easement may include:

- i. A ten (10) foot utility easement located adjacent to the right-of-way;
- ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Rural Parkway Easement to place drainage/utilities in the developable portion of the approved site plan.
- iii. Other drainage easements may be permitted in the Rural Parkway Easement solely for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.
- iv. Overlap of the Rural Parkway and Embankment Easement as long as the purposes of both easements are consistent.

Is hereby amended to read:

The Rural Parkway Easement shall include, but not be limited to, the following items:

a. The Rural Parkway easement shall not include:

- i. Walls, with the exception of retaining walls or seating walls which are used to enhance the parkway easement or lessen the impact of the development on this area;
- ii. Habitable structures, provided however, structures such as, but not limited to, a bus shelter, benches, pedestrian gathering area, fitness trail elements, trellis structures for shade, or pedestrian water fountains, or as otherwise approved by the Palm Beach County Planning Division; and
- iii. Such other uses as are prohibited within the Rural Parkway pursuant to the Comprehensive Plan or the ULDC.

b. The Rural Parkway easement may include the following activities and uses:

- iv. Landscaping, landscape mitigation and buffer requirements consisting of plant and shrub/groundcover material as approved by the Palm Beach County Zoning, Planning and/or Environmental Resource Management Division;
- v. Pedestrian and equestrian pathways;
- vi. Undulating berms, no taller than five feet;
- vii. Benches/pedestrian gathering areas/fitness stations/or other similar hardscape features such as trellis or shade structures found in similar parkway areas;
- viii. Required utility and embankment easement(s) located adjacent to the Northlake Boulevard right-of-way, or traversing through the parkway easement into the site;
- ix. Bus shelter easement(s);
- x. Drainage/utility easements which primarily transverse (run perpendicular to) the Property to place drainage/utilities in the developable portion of the adjoining development area;
- xi. Maintenance and upkeep of the Property area;
- xii. Irrigation piping, pumps, electrical systems, lighting elements, and lighting fixtures necessary to irrigate and illuminate the Property area, the developable portion of the adjoining development area and landscape materials planted therein;

- xiii. Vehicular and pedestrian interconnects traversing the Property area to provide ingress and egress to the developed portion of the MUPD; and
- xiv. Such other uses as are permitted within the Northlake Boulevard Rural Parkway pursuant to the Comprehensive Plan or the ULDC. (ONGOING: PLANNING - Planning)

6. Previous PLANNING Condition 6 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Prior to November 1, 2017, should a Rural Parkway Conservation Easement not be recorded for the subject property by the property owner in a form acceptable to the County Attorney, Engineering Department, and Planning Division, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING - Planning)

Is hereby deleted. [REASON: Covered by condition 4.]

7. Previous PLANNING Condition 7 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Property Owner shall commence construction of the Rural Parkway within Phase 1, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first building permit within Phase 1.

Is hereby amended to read:

The Property Owner shall commence construction of the Rural Parkway, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first Building Permit. (BLDGPM: MONITORING - Planning)

8. Previous PLANNING Condition 8 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Rural Parkway within Phase 1, shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO) within Phase 1, subject to a final inspection by a Landscape inspector and designated Planning staff.

Is hereby amended to read:

The Rural Parkway shall be completed and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO), subject to a final inspection by a Landscape inspector and designated Planning Staff. (CO: MONITORING - Planning)

9. Prior to final site plan approval by the Development Review Officer (DRO), all notations identifying possible future locations for signage within the Rural Parkway shall be removed. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2014-111, Control No.2006-00147)

10. Signs of any type shall not be permitted to be located within the Rural Parkway. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 10 of Resolution R-2014-111, Control No.2006-00147)

11. Previous PLANNING Condition 11 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The property owner shall commence construction of the Rural Parkway within Phase 2, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the first building permit within Phase 2. (BLDGPM: MONITORING - Planning)

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

12. Previous PLANNING Condition 12 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Rural Parkway within Phase 2, shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the first Certificate of Occupancy (CO) within Phase 2, subject to a final inspection by a Landscape inspector and designated Planning staff. (CO: MONITORING - Planning)

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

SIGNS

1. Ground Mounted Freestanding Signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - Eight (8) feet;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - Northlake Boulevard and Coconut Boulevard. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2014-111, Control No.2006-00147)

2. Previous SIGNS Condition 2 of Resolution R-2014-111, Control No.2006-00147, which currently states:

Freestanding Outparcel Identification signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

- a. maximum number of signs - five (5).

Is hereby amended to read:

Freestanding Outparcel Identification signs fronting on Northlake Boulevard and Coconut Boulevard shall be limited as follows:

- a. maximum number of signs - nine (9) (BLDGPMT: BUILDING DIVISION - Zoning)

3. Prior to final approval by the Development Review Officer, the Master Sign Plan shall be revised to indicate a maximum of one Freestanding Sign along Northlake Boulevard and One Freestanding Sign along Coconut Boulevard. (DRO: ZONING – Zoning)

4. No other ground mounted signs may be allowed beyond what is described within this Development Order. (BLDG PERMIT ONGOING: ZONING – Zoning)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The site is limited to the design shown on the preliminary site plan dated November 14, 2013 with the detention areas and the wetland areas to the south and west of the property. No parking or development shall be allowed within these areas.

Is hereby amended to read:

The site is limited to the design shown on the preliminary site plan dated February 9, 2023 with the detention areas and the wetland areas along the southern portion of the property (not including area proposed for daycare). No parking or development shall be allowed within these areas. (ONGOING: ZONING - Zoning)

2. Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall revise the site plan to include a minimum of Fifty (50) linear feet of pavers along the entire width of the entrance on Hamlin Boulevard. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2014-111, Control No.2006-00147)

3. Previous SITE DESIGN Condition 3 of Resolution R-2014-111, Control No.2006-00147, which currently states:

All entrances from the proposed right of way shall include pavers as indicated on the site plan dated November 14, 2013.

Is hereby amended to read:

Application No. DOA/CA-2021-01006
Control No. 2006-00147
Project No 05765-000

All entrances from the proposed right of way shall include pavers as indicated on the site plan dated February 9, 2023. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS

1. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2014-111, Control No.2006-00147)
2. Construction traffic shall be prohibited from utilizing Hamlin Boulevard to access the site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2014-111, Control No.2006-00147)
3. Hours of construction activity during all stages of site development shall be limited to 7 a.m. to 7 p.m. Monday through Friday. Construction shall be prohibited on Saturday, Sunday, and statutory holidays. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2014-111, Control No.2006-00147)

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.