

RESOLUTION NO. R-2024- 0201

RESOLUTION APPROVING ZONING APPLICATION DOA-2023-00534
(CONTROL NO. 1974-00126)
a Development Order Amendment
APPLICATION OF Gun Club Rd SS LLC
BY Urban Design Studio, AGENT
(Burlington Self Storage at Gun Club Road)

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-2023-00534 the Application of Gun Club Rd SS LLC, by Urban Design Studio, Agent, for a Development Order Amendment to modify the Site Plan to add square footage and to add a use, and to modify Conditions of Approval on 18.25 acres was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2024;

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

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA-2023-00534, the Application of Gun Club Rd SS LLC, by Urban Design Studio, Agent, for a Development Order Amendment to modify the Site

Plan to add square footage and to add a use, and to modify Conditions of Approval on 18.25 acres, 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 February 22, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	- Aye
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- 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 February 22, 2024.

Filed with the Clerk of the Board of County Commissioners on February 22, 2024.

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

LEGAL DESCRIPTION - MUPD

PARCEL 1

A PARCEL OF LAND LYING WITHIN A PORTION OF TRACTS 1 AND 2, GUN CLUB CENTER NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGE 41, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 1, ACCORDING TO SAID PLAT OF GUN CLUB CENTER NO. 1,

THENCE NORTH 00 DEGREES 05'07" EAST ALONG THE WEST LINE OF SAID TRACT 1 (THE WEST LINE OF SAID TRACT 1 IS ASSUMED TO BEAR NORTH 00 DEGREES 05'07" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE NORTH 00DEGREES 05'07" EAST, ALONG SAID WEST LINE, A DISTANCE OF 388.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1; THENCE NORTH 89 DEGREES 50'07" EAST, ALONG THE NORTH LINE OF SAID TRACTS 1 AND 2, A DISTANCE OF 292.56 FEET TO A POINT; THENCE SOUTH 00 DEGREES 05'07" WEST A DISTANCE OF 400.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 2; THENCE SOUTH 89 DEGREES 50'07" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 29.81 FEET TO A POINT; THENCE NORTH 76 DEGREES 39'16" WEST, DEPARTING FROM SAID SOUTH LINE, A DISTANCE OF 51.37 FEET TO A POINT; THENCE SOUTH 89 DEGREES 50'07" WEST, ALONG A LINE 12.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINES OF SAID TRACTS 1 AND 2, A DISTANCE OF 212.75 FEET TO THE POINT OF BEGINNING.

PARCEL 2

PARCEL I:

A PORTION OF TRACT 2, OF GUN CLUB CENTER NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 62, PAGE 41, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2; THENCE RUN NORTH 89 DEGREES 50'07" EAST ALONG THE SOUTH LINE OF SAID TRACT 2 FOR A DISTANCE OF 92.56 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00DEGREES 05'07" EAST FOR A DISTANCE OF 225.42 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 50'07" EAST FOR A DISTANCE OF 339.44 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 05'07" WEST ALONG THE WEST LINE OF THE EAST 5.00 FEET OF SAID TRACT 2 FOR A DISTANCE OF 197.60 FEET TO A POINT; THENCE RUN SOUTH 44 DEGREES 57'37" WEST FOR A DISTANCE OF 39.43 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 50'07" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD FOR A DISTANCE OF 311.62 FEET TO THE POINT OF BEGINNING.

PARCEL II: (EASEMENT)

PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL I, AS SET FORTH IN THAT CERTAIN DECLARATION OF CERTAIN EASEMENTS, COVENANTS AND RESTRICTIONS, DATED DECEMBER 3, 2001 AND RECORDED DECEMBER 7, 2001 IN OFFICIAL RECORDS BOOK 13162, PAGE 790 AND RECORDED DECEMBER 26, 2001 IN OFFICIAL RECORDS BOOK 13232, PAGE 428 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3

A PARCEL OF LAND LYING WITHIN A PORTION OF TRACT 2, ACCORDING TO THE

PLAT ON GUN CLUB CENTER NO.1, AS RECORDED IN PLAT BOOK 62, PAGE 41, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 1 ACCORDING TO SAID PLAT OF GUN CLUB CENTER NO. 1; THENCE NORTH 00 DEGREES 05'07" EAST ALONG THE WEST LINE OF SAID TRACT 1 (THE WEST LINE OF SAID TRACT 1 IS ASSUMED TO BEAR NORTH 00 DEGREES 05'07" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 400.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1; THENCE NORTH 89 DEGREES 50'07" EAST, ALONG THE NORTH LINE OF SAID TRACTS 1 AND 2, A DISTANCE OF 292.56 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE NORTH 89 DEGREES 50'07" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 161.44 FEET TO A POINT; THENCE SOUTH 00 DEGREES 05'07" WEST A DISTANCE OF 2.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 50'07" EAST A DISTANCE OF 178.00 FEET TO A POINT ON A LINE 5.00 FEET WEST OF, MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE EAST LINE OF SAID TRACT 2; THENCE SOUTH 00 DEGREES 05'07" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 172.59 FEET TO A POINT; THENCE SOUTH 89 DEGREES 50'07" WEST A DISTANCE OF 339.44 FEET TO A POINT; THENCE NORTH 00 DEGREES 05'07" EAST A DISTANCE OF 174.59 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 2 AND THE POINT OF BEGINNING.

PARCEL 4

TRACT 3, PLAT OF GUN CLUB CENTER NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 62, PAGES 41 AND 42 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT:

(AS REFERENCED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13196, PAGE 787)

A PORTION OF TRACT "3", GUN CLUB CENTER NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 62, PAGE 41 AND 42, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "3"; THENCE SOUTH 88 DEGREES 47'48" EAST ALONG THE NORTH LINE OF SAID TRACT "3", A DISTANCE OF 52.372 METERS (171.82 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 47'48" EAST ALONG SAID NORTH LINE, A DISTANCE OF 3.407 METERS (11.18 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY FOR STATE ROAD 809 (MILITARY TRAIL) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY FOR SECTION 93120-2553; THENCE SOUTH 01 DEGREES 25'54" WEST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 48.236 METERS (158.25 FEET) TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A CHORD BEARING OF NORTH 02 DEGREES 36'33" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,096.400 METERS (3,597.11 FEET), THROUGH A CENTRAL ANGLE OF 02 DEGREES 31'35", AN ARC DISTANCE OF 48.346 METERS (158.62 FEET) TO THE END OF SAID CURVE AND THE POINT OF BEGINNING. CONTAINING 73.6 SQUARE METERS (792 SQUARE FEET), MORE OR LESS.

PARCEL 1:

TRACT "A", GUN CLUB CENTER NO. 2, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGE 125, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

EASEMENT ESTATES AS PER OFFICIAL RECORDS BOOK 2776, PAGE 1716

A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER AND ACROSS THE NORTH 88 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE WEST 644 FEET OF THE EAST 697 FEET OF THE NORTH 400 FEET OF THE SOUTH 440 FEET OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHEAST ONE-

QUARTER (NE 1/4 OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

AND ALSO A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER, UPON AND ACROSS THE WEST 53 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE WEST 644 FEET OF THE EAST 697 FEET OF THE NORTH 400 FEET OF THE SOUTH 440 FEET OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4 OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

PARCEL 3:

EASEMENT ESTATES AS PER OFFICIAL RECORDS BOOK 2776, PAGE 1716 A NON-EXCLUSIVE SIGN EASEMENT OVER THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 30 FEET OF THE NORTH 118 FEET OF THE EAST 30 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE WEST 644 FEET OF THE EAST 697 FEET OF THE NORTH 400 FEET OF THE SOUTH 440 FEET OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4 OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY,

FLORIDA.

MUPD FURTHER DESCRIBED AS:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, BEING ALL OF THE PLAT OF GUN CLUB CENTER NO. 2, RECORDED IN PLAT BOOK 66, PAGE 125, AND TRACTS "1", "2", AND "3" OF GUN CLUB CENTER NO. 1, RECORDED IN PLAT BOOK 62, PAGE 41, LESS RIGHTS-OF WAY RECORDED IN OFFICIAL RECORD BOOK 6548, PAGE 1314, OFFICIAL RECORD BOOK 13690, PAGE 1622, AND OFFICIAL RECORD BOOK 13500, PAGE 1139, ALL RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID PLAT OF GUN CLUB CENTER NO.2; THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, N01°23'28"E FOR 627.75 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE ALONG THE NORTH BOUNDARY OF SAID PLAT OF GUN CLUB CENTER NO.2, AND ALONG THE NORTH BOUNDARY OF SAID TRACT "3", S88°47'37"E FOR 1266.00 FEET TO THE WEST RIGHT-OF-WAY OF MILITARY TRAIL, RECORDED IN SAID OFFICIAL RECORD BOOK 13500, PAGE 1139, BEING A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 3597.11 FEET, WHERE A RADIAL LINE BEARS S86°07'48"W; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY AND CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 2°31'35" FOR 158.62 FEET TO A NON-TANGENT POINT ON THE WEST RIGHT-OF-WAY OF MILITARY TRAIL AS SHOWN ON SAID PLAT OF GUN CLUB CENTER NO.1; THENCE ALONG SAID WEST RIGHT-OF-WAY, S01°26'03"W FOR 71.00 FEET TO THE BOUNDARY OF SAID RIGHT-OF-WAY PARCEL RECORDED IN RECORD BOOK 13690, PAGE 1622; THENCE ALONG THE BOUNDARY OF SAID RIGHT-OF-WAY PARCEL FOR THE FOLLOWING THREE COURSES: THENCE N88°48'57"W FOR 5.00 FEET; THENCE S01°26'03"W FOR 358.00 FEET; THENCE S46°18'33"W FOR 56.69 FEET TO THE SOUTH LINE OF SAID TRACT "2", AND THE NORTH RIGHT-OF-WAY OF GUN CLUB ROAD, AS SHOWN ON SAID PLAT OF GUN CLUB CENTER NO. 1; THENCE ALONG SAID SOUTH LINE AND NORTH RIGHT-OF-WAY, N88°48'57"W FOR 329.25 FEET TO THE BOUNDARY OF SAID RIGHT-OF-WAY PARCEL RECORDED IN OFFICIAL RECORD BOOK 13690, PAGE 1622; THENCE ALONG THE BOUNDARY OF SAID RIGHT-OF-WAY PARCEL FOR THE FOLLOWING THREE COURSES; THENCE N75°18'20"W FOR 51.37 FEET; THENCE N88°48'57"W FOR 212.75 FEET; THENCE S01°26'03"W FOR 12.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "A" OF SAID GUN CLUB CENTER NO.2; THENCE ALONG THE SOUTH LINE OF SAID TRACT "A" AND THE NORTH RIGHT-OF-WAY OF GUN CLUB ROAD, N88°48'57"W FOR 639.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 794,841 SQUARE FEET (18.247 ACRES), MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

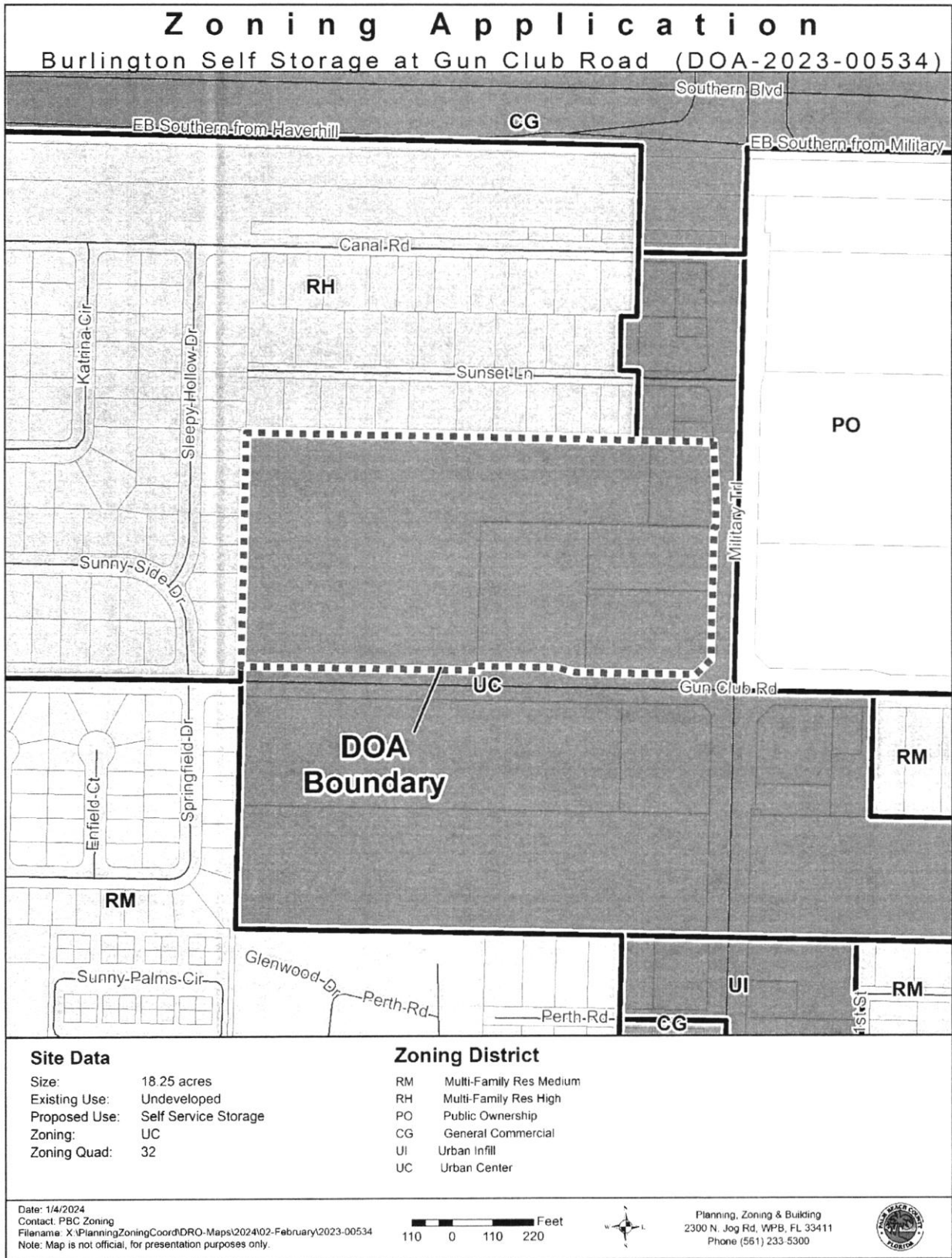


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2000-1945, Control No.1974-00126, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-74-768, Petition 74-I 26; R-86-573, Petition 74- 126(A); R-87-497, Petition 74-I 26(B) and R-89-71 7, Petition 74-I 26(C) 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-2000-1945 (Control 1974-00126), 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 ULDC and the Board of County Commissioners unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2000-1945, Control No.1974-00126, 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 Preliminary development Plan and site plan for Phase I are dated October 2, 2000. 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 Master Plan is dated February 2, 2024. 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 - Monitoring)

3. Prior to site plan certification, the site plan shall be amended to show the following:

- a. The required number of handicap parking spaces.
- b. The required landscaping for the entire center, including the required number of trees. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-2000-1945, Control No.1974-00126)

4. Prior to site plan certification, the developer shall record cross-access agreements between Phases I, II, and III, subject to approval by the County Attorney's office. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 5 of Resolution R-2000-1945, Control No.1974-00126)

5. The development of Phase 3 shall be subject to the Board of County Commissioners approval. (DRO: ZONING - County Attorney) (Previous ALL PETITIONS Condition 10 of Resolution R-2000-1945, Control No.1974-00126)

ARCHITECTURAL REVIEW- (BUILDINGS A AND B)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDGPMT:

BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for the drugstore to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. Prior to the issuance of Building permit for each retail building, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (BLDGPM: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

ARCHITECTURAL REVIEW (BUILDING C)

1. At time of submittal for a building permit application, the Architectural Elevations for the Limited Access Self Service Storage Facility shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) (BUILDING PERMIT: ZONING - Zoning)

BUILDING AND SITE DESIGN - (BUILDING A AND B)

1. Previous ZONING Condition 1 of Resolution R-2000-1945, Control No.1974-00126, which currently states:

Total gross floor area shall be limited to a maximum of 39,280 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC.

Is hereby amended to read:

Total gross floor area for Buildings A and B shall be limited to a maximum of 27,280 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRO/BLDG PERMIT: ZONING - Zoning)

2. The maximum height for all structures including air conditioning, mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDGPM: ZONING - Building Division) (Previous ZONING Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. All ground or roof-mounted air conditioning, mechanical equipment and satellite dishes 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. (BLDGPM: ZONING - Zoning) (Previous ZONING Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

ENGINEERING

1. Developer shall construct Gun Club Road as a four-(4) laned paved facility from Military Trail (S.R. 809) to the development's main entrance. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Deleted per resolution R-2000-1945 (Previous ENGINEERING Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. Deleted per resolution R-2000-1945 (Previous ENGINEERING Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

4. The Property owner shall construct a right turn lane north approach on Military Trail at

Gun Club Road.

a. 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 not including the existing signal pole mast arm which shall be relocated if necessary by Palm Beach County. [Note: COMPLETED] (BLDGPM: MONITORING - Engineering)

b. Permits required by Palm Beach County and the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. [Note: COMPLETED] (BLDGPM: MONITORING - Engineering)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2000-1945, Control No.1974-00126)

5. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 5 of Resolution R-2000-1945, Control No.1974-00126)

6. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 6 of Resolution R-2000-1945, Control No.1974-00126)

7. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 7 of Resolution R-2000-1945, Control No.1974-00126)

8. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 8 of Resolution R-2000-1945, Control No.1974-00126)

9. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 9 of Resolution R-2000-1945, Control No.1974-00126)

10. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 10 of Resolution R-2000-1945, Control No.1974-00126)

11. The property owner shall plat the subject parcel (entire Gun Club Shopping Center Site) prior to certification of the Site Plan per the requirements of the Subdivision and Platting Regulations Ordinance 73- 4 as amended. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2000-1945, Control No.1974-00126)

12. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 12 of Resolution R-2000-1945, Control No.1974-00126)

13. Deleted per resolution R-2000-1945. (Previous ENGINEERING Condition 13 of Resolution R-2000-1945, Control No.1974-00126)

14. Prior to the issuance of any Building permit for any portion of the Gun Club center the property owner (s) shall record a plat/replat which includes Phase I, Phase II and Phase III subject to approval by the County Engineer, which may be platted/replatted in phases. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2000-1945, Control No.1974-00126)

15. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of: a) W right turn lane on Gun Club Road at the project's main entrance road 600 feet west of Military Trail. right turn lane on Military Trail at the project's entrance road. Dedication shall be limited to that portion of additional right of way owned by this petitioner. Right-of-way identified in condition a) above shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. All 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. This 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. (BLDGPM:

MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2000-1945, Control No.1974-00126)

16. The property owner for Phase 1 shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, 65 feet from centerline on or before July 1,2001 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 as determined by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2000-1945, Control No.1974-00126)

17. The Property owner shall fund the construction of a right turn lane north approach on Military Trail at the projects entrance road. Funding for this construction shall be based upon a certified cost estimate provided by the Developers Engineer. Funding shall be completed prior to the issuance of a certificate of occupancy for the drive thru drugstore. These funds shall then be administered by Palm Beach County for the Construction of the Right Turn Lane when the adjacent out parcel is developed. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2000-1945, Control No.1974-00126)

18. The Property owner shall construct a right turn lane east approach on Gun Club Road at the projects entrance road located 600 feet west of Military Trail.

a. 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.

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2000-1945, Control No.1974-00126)

19. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule: The use of the 14520 square foot commercial building shall be limited to a drugstore or equivalent traffic as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 19 of Resolution R-2000-1945, Control No.1974-00126)

20. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF MILITARY TRAIL

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 provide landscape cutouts within the concrete median of Military Trail Right-of-Way contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. 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. Alternative plant and paver block material otherthan those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material

shall be funded at the property owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

c. If the County does not assume maintenance responsibility, then appropriate property owner documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 20 of Resolution R-2000-1945, Control No.1974-00126)

21. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

22. 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 lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

23. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT/PLAT: MONITORING - Engineering)

24. 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)

ENVIRONMENTAL

1. The developer shall preserve existing vegetation wherever possible and incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Building Division) (Previous ENVIRONMENTAL Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

HEALTH

1. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with chapter 17-30, FAFD. (ONGOING: HEALTH

DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

4. Previous HEALTH Condition 4 of Resolution R-2000-1945, Control No.1974-00126, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH DEPARTMENT - Health Department)

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

5. Previous HEALTH Condition 5 of Resolution R-2000-1945, Control No.1974-00126, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH DEPARTMENT - Health Department)

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

LANDSCAPE –GENERAL (PHASE 1)

1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. All palms required to be planted on-site 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. (CO: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. All canopy trees to be planted within the overhead utility easement shall be consistent with FP&Ls tree list suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG PERMIT: ZONING – Zoning) (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

LANDSCAPE –GENERAL

4. Developer shall provide a wall and screening along the west and north property lines. (BLDG PERMIT: ZONING – Zoning) (Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2000-1945, Control No.1974-00126)

LANDSCAPING - EASTERN PROPERTY LINE (ADJACENT TO MILITARY TRAIL, PHASE I)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip.
 - b. one (1) canopy tree planted every thirty (30) feet on the center.
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a

maximum spacing of sixty (60) feet between clusters; 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. (CO: ZONING - Zoning) (Previous LANDSCAPING - EASTERN PROPERTY LINE Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

LANDSCAPE - INTERIOR-(PHASE I)

1. A minimum of one (1) 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. A minimum of one (1) landscape island shall be provided for every eleven (11) parking spaces in area adjacent to the northwestern building. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Foundation planting 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 eight (8) 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;
- 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; and,
The required foundation planting may be reconfigured on-site so long the area is equivalent to the total required area referenced in 2.a and 2. b. (CO/DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. Landscaping within the Military Trail access easement of Phase 1 shall be installed at the property owner's expense. All existing and proposed landscaping shall be the perpetual maintenance obligation of the petitioner and its successors or assigns or duly established Property Owner's Association. Perpetual maintenance includes but is not limited to, pruning, fertilizing, irrigation, and alternate watering of plant material during periods of drought in order to maintain healthy plant material. A declaration of maintenance covenants shall be recorded prior to the issuance of the first building permit. (BLDGPM: MONITORING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

LANDSCAPING ALONG SOUTH PROPERTY LINE - (PHASE I)

1. Landscaping and buffering along the south 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 the center.
c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; 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. (CO: ZONING - Zoning) (Previous LANDSCAPING ALONG SOUTH PROPERTY LINE Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. 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-2000-1945, Control No.1974-

00126)

4. All outdoor lighting for Phase 1 shall be extinguished no later than, one half (1/2) hour after the closing of each individual use, excluding security light only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2000-1945, Control No.1974-00126)

MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous MASS TRANSIT Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Zoning) (Previous MASS TRANSIT Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

MULTIPLE USE PLANNED DEVELOPMENT

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification of Phase 1. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner of Phase 1 shall record a covenant in the public record indicating that all structures, uses and parking areas within Phase 1 are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (CO: ZONING - County Attorney) [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

SIGNS

1. No off-premise signs shall be permitted on the site. (DRO/ONGOING: ZONING - Code Enforcement) (Previous SIGNS Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Proposed freestanding point of purchase signs fronting on Military Trail (Phase 1) 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 - one hundred (100) square feet;
- c. Maximum number of signs - one (1) for Military Trail and Style - monument style only.

(CO: ZONING - Building Division) (Previous SIGNS Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

3. Proposed freestanding point of purchase signs fronting on Military Trail (Phase 1) 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 - one hundred (100) square feet.
- c. Maximum number of signs - one (1) for Military Trail and
- d. Style - monument style only. (CO: ZONING - Building Division) (Previous SIGNS Condition 3 of Resolution R-2000-1945, Control No.1974-00126)

4. Proposed freestanding point of purchase signs fronting on Gun Club Road (Phase 1) 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 - one hundred (100) square feet;
- c. Maximum number of signs - one (1);
- d. Style - monument style only. (CO: ZONING - Building Division) (Previous SIGNS Condition 4 of Resolution R-2000-1945, Control No.1974-00126)

5. No relocated billboards shall be permitted on the site. (DRO/ONGOING: ZONING - Code Enforcement) (Previous SIGNS Condition 5 of Resolution R-2000-1945, Control No.1974-00126)

6. Wall signs for Phase 1 shall be limited to the south and east facades for the drugstore and the westernmost retail building and the north and east facade for the northernmost building and shall be limited to eighteen (18) inches high letters. (CO: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 6 of Resolution R-2000-1945, Control No.1974-00126)

7. All signs with changeable copies shall be limited to two (2) lines and shall be limited to twelve (12) inches high letters. (CO: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 7 of Resolution R-2000-1945, Control No.1974-00126)

USE LIMITATIONS

1. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure. . (DRO: ZONING - Zoning)(Previous USE LIMITATIONS Condition 1 of Resolution R-2000-1945, Control No.1974-00126)

2. Hours of operation for all uses in Phase 1 shall be limited to 6:00 a.m. to 11:00 p.m. except for drugstore. (DRO: ZONING - Zoning) (Previous ZONING Condition 2 of Resolution R-2000-1945, Control No.1974-00126)

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.