

RESOLUTION NO. R-2011- 1119

RESOLUTION APPROVING ZONING APPLICATION EAC-2011-00931
(CONTROL NO. 1984-00099)
an Expedited Application Consideration
APPLICATION OF Boca Mission LLC
BY Siegel, Lipman, Dunay, Shepard, & Miskel, LLP, AGENT
(Mission Bay - TD Bank)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application EAC-2011-00931 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2011; and

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; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a an Expedited Application Consideration.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application EAC-2011-00931, the petition of Boca Mission LLC, by Siegel, Lipman, Dunay, Shepard, & Miskel, LLP, agent, for an Expedited Application Consideration to modify a Condition of Approval (Landscaping) in the General Commercial/Special Exception (CG/SE) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 28, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Absent
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 28, 2011.

Filed with the Clerk of the Board of County Commissioners on August 2, 2011.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: PARCEL 3 OF MISSION BAY PLAZA

PARCEL 1:

LEASEHOLD ESTATE IN AND TO THE FOLLOWING DESCRIBED LANDS:

(OUTLOT D):

A PARCEL OF LAND WITHIN THE PLAT OF MISSION BAY PLAZA, AS RECORDED IN PLAT BOOK 49, PAGES 160 THROUGH 162 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF A 30 FOOT RIGHT-OF-WAY ABANDONED PER RESOLUTION NO. R-84-1932, AS RECORDED IN OFFICIAL RECORD BOOK 4438, PAGE 1770, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID MISSION BAY PLAZA; THENCE SOUTH 00°51'43" EAST ALONG THE EAST LINE OF SAID MISSION BAY PLAZA, A DISTANCE OF 560.64 FEET; THENCE SOUTH 01°06'06" WEST ALONG SAID EAST LINE AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 41.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°06'06" WEST ALONG SAID EAST LINE A DISTANCE OF 194.61 FEET; THENCE SOUTH 89°08'17" WEST, A DISTANCE OF 191.90 FEET; THENCE NORTH 00°51'43" WEST; A DISTANCE OF 194.50 FEET; THENCE NORTH 89°08'17" EAST, A DISTANCE OF 198.56 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

NON-EXCLUSIVE INGRESS/EGRESS AND UTILITY EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CONTAINED IN THAT CERTAIN EASEMENT DEED GRANTED BY MISSION BAY DEVELOPMENT CO., INC. AND MISSION BAY COMMUNITY ASSOCIATION, INC. TO MISSION BAY PLAZA ASSOCIATES RECORDED IN OFFICIAL RECORDS BOOK 5014, PAGE 866 OVER THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF THE PLAT OF MISSION BAY, A PUD, AS RECORDED IN PLAT BOOK 53, PAGES 112-120, INCLUSIVE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF MISSION BAY PLAZA, AS RECORDED IN PLAT BOOK 49, PAGES 160-162, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°08'17" EAST ALONG A SOUTH LINE OF SAID MISSION BAY PLAZA, A DISTANCE OF 270.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUED NORTH 89°08'17" EAST A DISTANCE OF 105.00 FEET; THENCE NORTH 37°08'16" EAST, A DISTANCE OF 24.36 FEET; THENCE SOUTH 83°25'39" WEST, A DISTANCE OF 120.60 FEET; THENCE NORTH 00°51'43" WEST, A DISTANCE OF 135.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

SIGNAGE EASEMENT REMOVAL AND MAINTENANCE AGREEMENT BETWEEN MISSION BAY DEVELOPMENT CO., INC., AND MISSION BAY PLAZA ASSOCIATED AND MISSION BAY COMMUNITY ASSOCIATION, INC. RECORDED IN OFFICIAL RECORDS BOOK 5710, PAGE 1130, AFFECTING THE FOLLOWING DESCRIBED AS FOLLOWS:

A PORTION OF THE PLAT OF MISSION BAY, A PUD, RECORDED IN PLAT BOOK 53, PAGES 112-120, INCLUSIVE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHWEST RIGHT-OF-WAY OF STATE ROAD 7 AND THE NORTH RIGHT-OF-WAY OF GLADES ROAD AS SHOWN ON THE PLAT OF MISSION BAY. A PUD RECORDED IN PLAT BOOK 53, PAGES 112-120, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID POINT ALSO BEING A POINT IN A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 80.00 FEET, A CENTRAL ANGLE OF 14°24'12" AND WHOSE RADIUS POINT BEARS NORTH 15°15'55" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT-OF-WAY OF GLADES ROAD AN ARC DISTANCE OF 20.11 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°08'17" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF GLADES ROAD, A DISTANCE OF 341.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°08'17" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 10.64 FEET; THENCE NORTH 45°51'43" WEST, A DISTANCE OF 35.36 FEET TO THE EAST RIGHT-OF-WAY OF CALLE COMMERCIO AS SHOWN ON SAID PLAT; THENCE NORTH 00°51'43" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 89°08'17" EAST A DISTANCE OF 35.36 FEET; THENCE SOUTH 00°51'43" EAST A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

NON-EXCLUSIVE DRAINAGE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CONTAINED IN PARAGRAPHS 1, 4, AND 5 OF THAT CERTAIN EASEMENT DEED AND LICENSE GRANTED BY MISSION BAY DEVELOPMENT CO., INC., TO CENTRUM MISSION BAY, LTD., DATED FEBRUARY 19, 1995 IN OFFICIAL RECORDS BOOK 4470, PAGE 216, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

NON-EXCLUSIVE DRAINAGE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CONTAINED IN EASEMENT DEED IN FAVOR OF MISSION BAY PLAZA ASSOCIATED, DATED AUGUST 19, 1996, AND RECORDED SEPTEMBER 23, 1996 IN OFFICIAL RECORDS BOOK 5014, PAGE 870, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 6:

NON-EXCLUSIVE EASEMENT, LICENSE AND PRIVILEGE OF INGRESS, EGRESS AND ACCESS FOR PEDESTRIAN AND VEHICULAR TRAFFIC OVER, THROUGH AND ACROSS AND UPON ALL DRIVEWAYS, SIDEWALKS AND PARKING AREAS LOCATED ON THE SHOPPING CENTER PROPERTY AS CONTAINED IN THAT CERTAIN DECLARATION OF RECIPROCAL PARING, INGRESS AND EGRESS DATED JULY 28, 1988 AND RECORDED IN OFFICIAL RECORDS BOOK 5761, PAGE 574, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 7:

A PERPETUAL NON-EXCLUSIVE EASEMENT RIGHT(S) FOR INGRESS AND EGRESS OVER, ACROSS, UNDER AND THROUGH A 15 FOOT AREA AROUND THE PERIMETER OF THE PREMISES AS DESCRIBED IN THAT CERTAIN WARRANTY DEED DATED JULY 14, 1994 AND RECORDED IN OFFICIAL RECORDS BOOK 8373, PAGE 1351, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

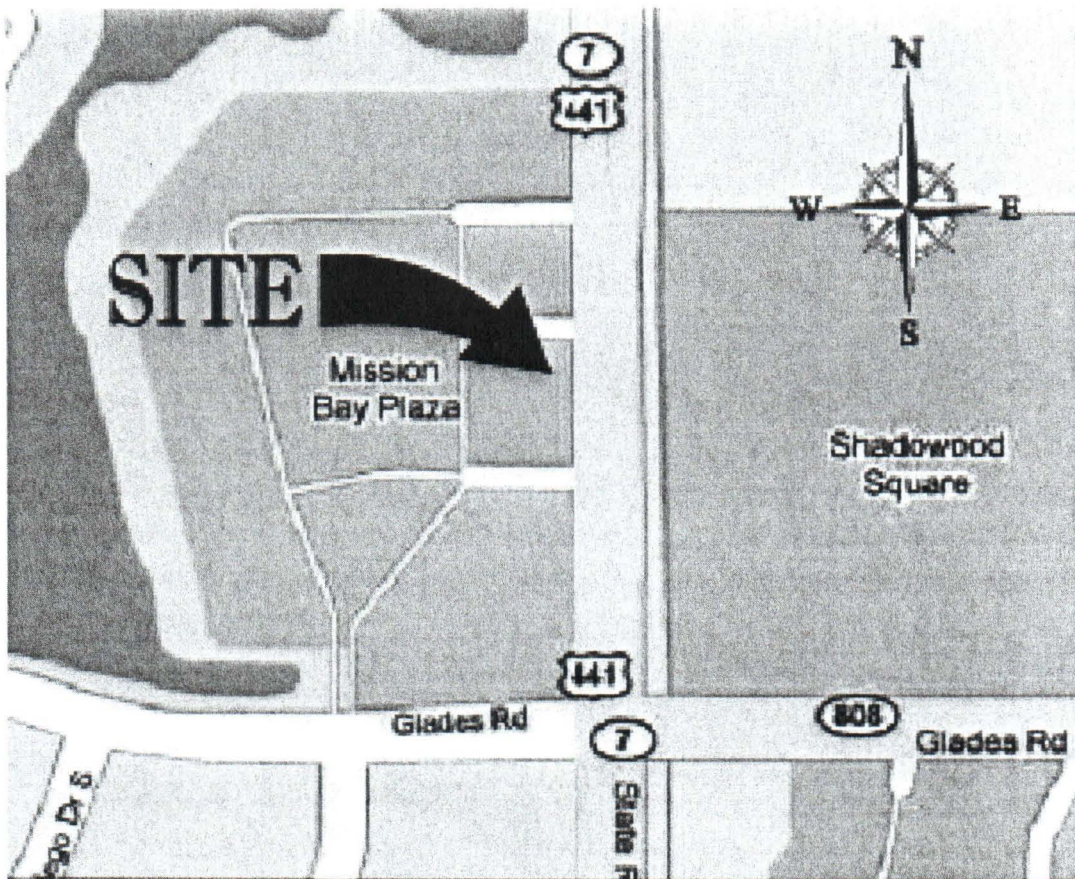


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1995-1467 and R-2001- 814 (Control 1984-099), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-1163 and R-2010-1164 (Control 1984-00099), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. The property owner shall convey for the ultimate right-of-way of S.R.7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (ONGOING/BLDG PERMIT: MONITORING-Eng) (Previous condition E3 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

2. The property owner shall convey the ultimate right-of-way for Glades Road necessary to provide for a 120 foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval within ninety (90) days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (ONGOING: ENGINEERING-Eng) (Previous condition E4 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

3. The property owner shall convey from the subject property the ultimate right-of-way for the "Special Exception" at Glades Road and S.R. 7 per the County Engineer's approval. This right-of-way shall be conveyed within ninety (90) days of adoption of the Resolution by the Board of County Commissioners and accepted by Palm Beach County or prior to the issuance of a building permit. (ONGOING: ENGINEERING-Eng) (Previous condition E5 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

4. Based on traffic impacts and total traffic projected in the impact area, the project shall be issued a building permit until the 21 months after the approval date by the Board of County Commissioners. (ONGOING: ENGINEERING-Eng) (Previous condition E6 of Zoning Resolution R-2010-1163, Control No. 1984-099)

5. The petitioner shall provide the construction plans for S.R. 7 as a four-lane, median-divided section (expandable to 6-lanes), compatible with the Department of Transportation typical section from Palmetto Park Road south to the Hillsboro Canal plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within six (6) months of the approval date by the Board of County Commissioners or prior to the issuance of a Certificate of Occupancy, whichever first occurs. The cost of these plans shall not exceed \$100,000.00. (ONGOING/CO: MONITORING-Eng) (Previous condition E7 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

6. The petitioner shall provide the construction plans for Glades Road as a six-lane, median-divided facility from Powerline/Jog Road to just east of the Florida Turnpike entrance plus the appropriate tapers, per the County Engineer's approval. These plans

shall be completed within eighteen (18) months of the resolution date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00. (ONGOING: ENGINEERING-Eng) (Previous condition E8 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

7.The additional right-of-way for S.R. 7, as determined by the Florida Department of Transportation, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers for the road construction for S.R. 7, shall be acquired by Palm Beach County at the Developer's expense. (ONGOING: ENGINEERING-Eng) (Previous condition E9 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

8.The Developer shall construct S.R. 7 as a four-lane divided section from Palmetto Park Road South to the Hillsboro Canal, plus, the appropriate tapers, per the County Engineer's approval. The construction shall include an asphalt overlay of the two (2) existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by Florida Department of Transportation within nine (9) months of Palm Beach County's acquisition of the right-of-way described in Condition No. 8. (ONGOING: ENGINEERING-Eng) (Previous condition E10 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

9.The Developer shall construct Glades Road as a six-lane divided section from Powerline/Jog Road to just east of the Florida Turnpike entrance in conjunction with the construction of the Florida Turnpike interchange. In addition, the Developer shall provide a cash contribution to the Florida Department of Transportation for their construction of the Florida Turnpike underpass expansion. The total commitment by the Developer for plan preparation (as noted in Condition No. 7) construction, and Florida Department of Transportation contribution shall not exceed \$1,000,000.00. (ONGOING: ENGINEERING-Eng) (Previous condition E11 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

10.The Developer shall construct concurrent with paving and drainage improvements pursuant to a Paving and Drainage Permit issued from the Office of the County Engineer:

- a. Glades Road S.R. 7 West to the project's West property line as a four-lane median divided section. [Note: COMPLETED]
- b. At the project's North and South entrance road onto S.R.7:
 - 1) Left turn lane, South approach. [Note: COMPLETED]
 - 2) Right turn lane, North approach. [Note: COMPLETED]
- c. At the project's West entrance road and Glades Road a left turn lane, West approach and a right turn lane, west approach. [Note: COMPLETED]
- d. The Developer shall also construct at the intersection of Glades Road and S.R. 7 concurrent with the four-laning of S.R.7 fronting this parcel:
 - 1) Right turn lane South approach. (ONGOING: ENGINEERING-Eng) (Previous condition E12 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

11.The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share fee for this project presently is \$777.00 for the proposed car wash (29 trips X \$26.79 per trip). (ONGOING: ENGINEERING-Eng) (Previous condition E13 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

12.The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair share Fee for this proposed expansion is \$4,290.00 (78 additional trips X \$55.00 per trip. (ONGOING: ENGINEERING-Eng) (Previous condition E14 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

13.The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it

may from time to time be amended. Presently, the Fair Share Fee for this project is \$163,288.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, the developer shall pay the increased fee and be entitled to credits towards the construction of State Road 7 and Glades Road. The construction of S.R. 7 and Glades Road as outlined in Conditions 6, 7, 8, 9 & 10, shall be credited toward the Fair Share Impact Fee of \$163,288.00 based upon a Certified Cost Estimates by the Developer's Engineer, subject to review by the County Engineer. Surety must be posted with the County Engineer an amount equivalent to the road construction for S.R. 7 and Glades Road as outlined in Condition Nos. 6, 7, 8, 9 & 10 within ninety (90) days of the adoption of the resolution by the Board of County Commissioners. (ONGOING: ENGINEERING-Eng) (Previous condition E15 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

14.If any of the improvements listed above are completed by others prior to the date required by this petition, then the Developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing Developer commitments which are earmarked for the construction of Glades Road from Jog/Powerline Road to just east of the Florida Turnpike entrance prior to the same being constructed. In the event that another entity other than the property owner of Petition No. 84-95 or Petition No. 84-99 constructs S.R. 7 from the Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline Road to just east of the Florida Turnpike entrance, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$888,870.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a six-lane median divided section from west of the Florida Turnpike to 1-95 at the time of construction for its presently budgeted four-lane divided section. This would be accomplished, provided that the Board of County Commissioners approve, with the use of impact fee money or other developer commitment which may be granted zoning approvals. (ONGOING: ENGINEERING-Eng) (Previous condition E16 of Zoning Resolution R-2010-1163, Control No. 1984-099)

15.The property owner shall provide Palm Beach County with a road drainage easement through this project's internal lake system for the road drainage of Cain Boulevard, Glades Road, and S.R.7. This drainage easement shall be subject to all Governmental Agency Requirements.(ONGOING: ENGINEERING-Eng) (Previous condition E17 of Zoning Resolution R-2010-1163, Control No. 1984-099) [Note: COMPLETED]

16.The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 84-99(F), to be paid at the time of issuance of the Building Permit presently is \$97,075 (ONGOING: ENGINEERING-Eng) (Previous condition E18 of Zoning Resolution R-2010-1163, Control No. 1984-099)

ENVIRONMENTAL

1.Previous Condition No. ERM.2. of Resolution No. R-2010-1163, Control No. 84-99 which currently states:

The Developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction. (ERM) [NOTE:COMPLETED]

LANDSCAPE - GENERAL

1.Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape condition 1 of Zoning Resolution R-2010-1163, Control No. 1984-099)

LANDSCAPE - GENERAL-CAR WASH

2. Petitioner shall provide a six (6) foot high berm between car wash area and the north property line, extending a minimum of 150 feet from the west right-of-way line of SR 7. This berm shall be supplemented with canopy trees a minimum of eight (8) feet in height, planted 30 feet on center, and a hedge or wall an additional three (3) feet in height. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape condition 4 of Zoning Resolution R-2010-1163, Control No. 1984-099)

LANDSCAPE - INTERIOR

3. A divider median shall be provided between each adjacent drive-thru lane as follows:

- a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the East and West boundaries of the overhead canopy;
- b. the East and West extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten OW feet and appropriate ground cover; and,
- c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape condition 1 of Zoning Resolution R-2010-1164, Control No. 1984-099)

Is hereby amended to read:

3. A divider median shall be provided between each adjacent drive-thru lane as follows:

- a. A minimum width of three (3) feet excluding curb on the east side of the drive-thru canopy. This median shall extend a minimum distance of nine (9) feet beyond the East and West boundary of the overhead canopy to provide a minimum planting area of twenty-six (26) square feet;
- b. The East and West extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum height of ten (10) feet and appropriate ground cover;
- c. The remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface.

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: LANDSCAPE - Zoning) (Previous Landscape condition 2 of Zoning Resolution R-2010-1164, Control No. 1984-099)

5. Special planting treatment shall be provided along the access drive abutting the north side of the outparcel. Planting shall consist of the following:

- a. a minimum of six (6) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or other specimen palm that is acceptable to the Landscape reviewers; and,
- b. flowering groundcover accent planting. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape condition 3 of Zoning Resolution R-2010-1164, Control No. 1984-099)

SIGNS

1. No off premises signs shall be erected on site. (ONGOING: CODE ENF - Zoning/Building) (Previous Condition Signs 1 of Resolution R-2010-1163, Control No. 84-99)

USE LIMITATIONS

1. No storage or placement of any materials, refuse, equipment or accumulate debris in the rear of the shopping area shall be permitted. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation Condition 1 of Resolution R-2010-1163, Control No. 84-99)

2. No parking of any vehicles along the rear of the shopping center except in designated spaces or unloading areas shall be permitted. ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 2 of Resolution R-2010-1163, Control No. 84-99)

USE LIMITATIONS-INDOOR ENTERTAINMENT

3.To ensure safe pedestrian access to and from the indoor entertainment use the petitioner shall, prior to site plan approval by the DRC, amend the site plan to indicate a pedestrian crossing to and from the indoor entertainment use and the parking area to the east. In addition the petitioner shall stripe the pedestrian crossing and install the appropriate pedestrian crossing signage indicating a warning for small children in area. (DRO: ZONING - Bldg) (Previous Use Limitation Condition 3 of Resolution R-2010-1163, Control No. 84-99)

USE LIMITATIONS-CAR WASH

4.Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) Labeling, location, delineation, and dimension of required parking areas convenient to the automobile service station and car wash area.
- b) A five (5) car stacking distance for each gasoline pump island and the car wash facility.
- c) Delineation of the handicap spaces. (DRO: ZONING - Bldg) (Previous Use Limitation Condition 4 of Resolution R-2010-1163, Control No. 84-99)

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 (CO); 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; 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 (ULDC) 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; 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)