

RESOLUTION NO. R-2016- 0398

RESOLUTION APPROVING ZONING APPLICATION DOA-2015-00767
(CONTROL NO. 1985-00055)
a Development Order Amendment
APPLICATION OF 8470 Belvedere LLC
BY Jon E Schmidt & Associates, AGENT
(Palms West Industrial Park II)

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2015-00767 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2016;

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 (Development Review 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 Process) 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.A.1.K.3.b (Action by BCC) 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-2015-00767, the application of 8470 Belvedere LLC, by Jon E Schmidt & Associates, Agent, for a Development Order Amendment to reconfigure the Site Plan; add square footage; add phase lines; and delete Conditions of Approval (Landscape Standards and Site Design), 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 March 24, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	-	Aye
Commissioner Hal R. Valeche, Vice Mayor	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 24, 2016.

Filed with the Clerk of the Board of County Commissioners on April 14th, 2016.

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, FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

LOTS 1 AND 3, PALMS WEST INDUSTRIAL PARK, A P.I.D., ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGE(S) 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. INCLUDING TRACT 'R-2', AND WATER MANAGEMENT TRACT, AS SHOWN ON SAID PLAT OF PALMS WEST INDUSTRIAL PARK, A P.I.D., RECORDED IN PLAT BOOK 71, PAGE 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY RIGHT OF WAY ABANDONED BY RESOLUTION NO. 2001-1288, AS RECORDED IN O.R. BOOK 13070, PAGE 488, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 1, PALMS WEST INDUSTRIAL PARK, A P.I.D., AS RECORDED IN PLAT BOOK 71, PAGE(S) 75, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND SOUTH OF THE PLAT BELVEDERE COMMERCE CENTER M.U.P.S. AS RECORDED IN PLAT BOOK 106, PAGE 127, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

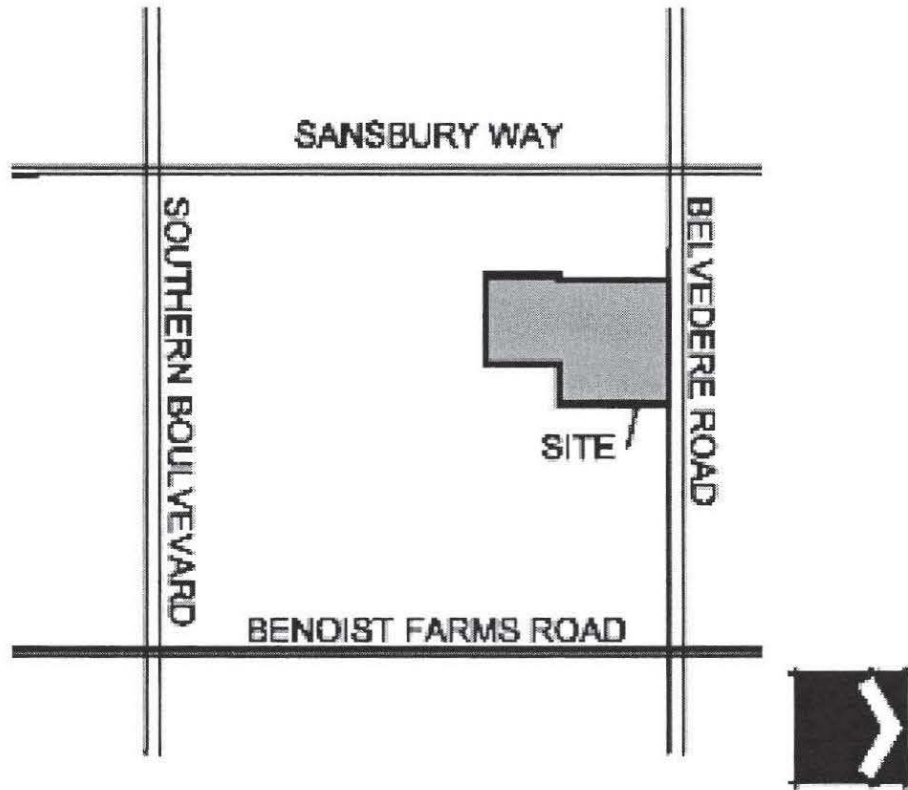


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2006-919, Control No.1985-00055, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-85-1095 (Control1985-055), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-918 (Control No. 1985-00055), 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-2006-919, Control No.1985-00055, which currently states:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated February 13, 2006. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated January 14, 2016. 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

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

2. Prior to final approval by the Development Review Officer (DRO), the design of gutters and downspouts shall be integrated into the architectural design of proposed warehouse storage buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW (PARCELS 1 AND 5)

1. Previous ARCHITECTURAL REVIEW (PARCELS 1 AND 5) Condition 1 of Resolution R-2006-919, Control No.1985-00055, which currently states:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for proposed warehouse storage buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed

to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning) (DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: Re-entered with different heading.]

2. Previous ARCHITECTURAL REVIEW (PARCELS 1 AND 5) Condition 2 of Resolution R-2006-919, Control No.1985-00055, which currently states:

Prior to final site plan approval, the site plan shall be amended to indicate all internal loading areas be screened with an opaque wall of height necessary to veil vehicles from view, per Article 3.E.3.B.2. (DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: Code requirement.]

3. Previous ARCHITECTURAL REVIEW (PARCELS 1 AND 5) Condition 3 of Resolution R-2006-919, Control No.1985-00055, which currently states:

The maximum height of proposed warehouse storage buildings shall be 50 feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)

(DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: Proposed maximum height is 35 feet.]

4. Previous ARCHITECTURAL REVIEW (PARCELS 1 AND 5) Condition 4 of Resolution R-2006-919, Control No.1985-00055, which currently states:

Design of gutters and downspouts shall be integrated into the architectural design of proposed warehouse storage buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

(DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: Re-entered with different heading.]

DUMPSTER

1. Previous DUMPSTER Condition 1 of Resolution R-2006-919, Control No.1985-00055, which currently states:

All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

Is hereby deleted. [REASON: Code requirement.]

ENGINEERING

1. Prior to site plan review committee, the Petitioner shall submit in duplicate, simultaneously with the application documentation substantiating the abandonment of a 25-foot unrecorded road easement (Johnson Lane) that is located along the eastern property line. If this is not abandoned, the Petitioner shall relocate the landscape strip and parking west of this easement unless the appropriate releases are secured.

(DRO/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2006-919, Control No.1985-00055)

2. Previously deleted by R-2006-0919 (Previous ENGINEERING Condition 2 of Resolution R-2006-919, Control No.1985-00055)

3. Previously deleted by R-2006-0919 (Previous ENGINEERING Condition 3 of Resolution R-2006-919, Control No.1985-00055)

4. Previously deleted by R-2006-0919 (Previous ENGINEERING Condition 4 of Resolution R-2006-919, Control No.1985-00055)

5. The Developer shall construct a left turn lane, east approach on Belvedere Road at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, per the County Engineer's approval. [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2006-919, Control No.1985-00055)

6. The Petitioner shall provide Palm Beach County with a road drainage easement with sufficient capacity for retention/detention through this project's internal lake system to legal positive outfall for the road drainage of Belvedere Road. This drainage easement shall be subject to all governmental agency requirements. [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2006-919, Control No.1985-00055)

7. Previously deleted by R-2006-0919 (Previous ENGINEERING Condition 7 of Resolution R-2006-919, Control No.1985-00055)

8. The present Property Owner shall record a twenty (20) foot maintenance easement around the existing lake prior to final action by the Board of County Commissioners. [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2006-919, Control No.1985-00055)

9. The Property Owner shall participate in any street improvement program for 85th Avenue north of the existing 30 foot right-of-way on the south side of the subject property. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2006-919, Control No.1985-00055)

10. Previous ENGINEERING Condition 10 of Resolution R-2006-919, Control No.1985-00055, which currently states:

The Property Owner shall construct:

- a. On or before February 1, 1996, the Property Owner shall construct Fairgrounds Road from the project's entrance onto Fairgrounds Road to Sansbury's Way, minimum two 10-foot travel lanes, local street standards including appropriate drainage.
- b. Abandon the existing 30 north/south road right-of-way. Should this be abandoned, then no entrances shall be permitted onto this road. If this road is not abandoned, then the Property Owner shall construct the existing 30 foot north/south Palm Beach Farms right of way from Fairgrounds Road to Belvedere Road minimum 2-10 foot travel lanes local street standards including appropriate drainage.
- c. If determined by the County Engineer, the Property Owner shall fund the construction of a left turn lane, east approach on Belvedere Road at Johnson Lane. Funding shall be completed prior to November 1, 1991 or prior to plat recordation whichever shall first occur.

All concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
(ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Fairgrounds Road, east of Sansbury's Way has been abandoned]

11. Prior to November 1, 1991 or prior to the issuance of the first Building Permit, the Property Owner shall convey to Palm Beach County adequate road drainage tract through the projects internal surface water management system to provide legal positive outfall for all runoff from those segments of Belvedere Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Belvedere Road.

Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff from the project and the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County. [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2006-919, Control No.1985-00055)

12. Previously deleted by R-2006-0919 (Previous ENGINEERING Condition 12 of Resolution R-2006-919, Control No.1985-00055)

13. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2006-919, Control No.1985-00055)

14. Previously deleted by R-2006-0919 (Previous ENGINEERING Condition 14 of Resolution R-2006-919, Control No.1985-00055)

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

No Building Permits for the site may be issued after December 31, 2020. 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. (BLDG/PMT/DATE: MONITORING - Engineering)

16. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG/PMT: MONITORING - Engineering)

17. The Property Owner shall abandon the 25 foot ingress/egress easement adjacent to the east property line.

a. Prior to recordation of the plat, the Property Owner shall abandon or release, and relocate if necessary, the 25 foot ingress/egress easement adjacent to the east property line. (PLAT: MONITORING - Engineering)

b. Prior to abandonment of the 25' ingress/egress easement adjacent to the east property line, the Property Owner shall provide 90 days notice to the adjacent property owners, with a copy of the notice to the County Engineer and the Director of the Land Development Division. (PLAT: MONITORING - Engineering)

18. Prior to the recordation of the plat, the Property Owner shall abandon or release, and relocate if necessary, all easements in conflict with proposed improvements. (PLAT: MONITORING - Engineering)

HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2006-919, Control No.1985-00055)

2. Previous HEALTH Condition 2 of Resolution R-2006-919, Control No.1985-00055,

which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: HEALTH DEPARTMENT - Health Department)

Is hereby deleted. [REASON: Code requirement.]

3. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 7 of Resolution R-2006-919, Control No.1985-00055)

4. Previous HEALTH Condition 10 of Resolution R-2006-919, Control No.1985-00055, which currently states:

No portion of this project is to be approved on well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.

Is hereby deleted. [REASON: Code requirement.]

LANDSCAPE - GENERAL

1. Prior to the issuance of a Building Permit for the proposed warehouse storage building(s), the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2006-919, Control No.1985-00055)

2. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2006-919, Control No.1985-00055)

3. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2006-919, Control No.1985-00055)

4. The outdoor storage areas located south of the Belvedere Road ingress/egress shall be provided with a hedge. The hedge shall be a minimum height of six (6) feet at installation, and shall be planted along the exterior side of the proposed chain link fence. (BLDGPM: ZONING - Zoning)

5. Prior to the issuance of a building permit , the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2006-919, Control No.1985-00055)

6. Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2006-919, Control No.1985-00055, which currently states:

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;
- b. trunk diameter: three and one-half (3.5) inches measured at four and onehalf (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and

one-half (3.5) feet in length; and,
d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPMPT: ZONING - Zoning)

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

7. Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2006-919, Control No.1985-00055, which currently states:

All canopy trees to be planted in the inventory storage areas shall be native and meet the following minimum standards at installation:

- a. tree height: Sixteen (16) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements.

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

LANDSCAPE - GENERAL-ALONG THE NORTH PROPERTY LINE

8. Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2006-919, Control No.1985-00055, which currently states:

In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the North property line shall be upgraded to include:

- a. a minimum 20 foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to the Code requirements, landscaping and buffering along the North property line shall be upgraded to include:

- a. one (1) palm or pine for each thirty (30) linear feet of the property line; and,
- b. a minimum of sixty-five (65) percent of the canopy trees shall be native, and tree height shall be a minimum height of fourteen (14) feet at installation. (BLDGPMPT: ZONING - Zoning)

SITE DESIGN

1. A revised site plan shall be submitted locating each bay, clear access into each bay and a revised parking arrangement to accommodate the latter. [Note: COMPLETED] (Previous SITE DESIGN Condition 8 of Resolution R-2006-919, Control No.1985-00055)

2. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required 25-foot landscape strips
 - b. Removal of trees that are proposed in the 20-foot lake maintenance easement
 - c. Tabular data to indicate the correct amount of required shade trees
 - d. Relocation of the parking stalls that are located between the two, one story, 42,600 square foot buildings or redesign them to meet code
 - e. Redesign the loading berths that serve the 42,600 square foot buildings. They shall be a minimum of twelve feet wide.
 - f. Required terminal islands

- g. Required trees in terminal islands
- h. Required physical separation separating the specialized vehicular use area from public access. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division.
- i. Required hedge material along the south and western property lines
- j. Required transfer of 10 percent of all specialized vehicular use areas to the perimeter of the lot
- k. Corrected tabular information for building square footage and associated parking requirements (specifically the saw shed and maintenance shop). [Note: COMPLETED] (Previous SITE DESIGN Condition 9 of Resolution R-2006-919, Control No.1985-00055)

3. Prior to site plan certification; the petitioner shall execute a Unity of Title covering the entire site. This unity shall be recorded and submitted in duplicate simultaneously with the application for Site Plan Review Committee approval. [Note: COMPLETED] (Previous SITE DESIGN Condition 10 of Resolution R-2006-919, Control No.1985-00055)

4. Prior to site plan certification the petitioner shall submit a loading demand statement pursuant to Section 500.19B of the Zoning Code. [Note: COMPLETED] (Previous SITE DESIGN Condition 11 of Resolution R-2006-919, Control No.1985-00055)

5. The present property owner shall record a twenty (20) foot maintenance easement around the existing lake prior to final action by the Board of County Commissioners. [Note: COMPLETED] (Previous SITE DESIGN Condition 12 of Resolution R-2006-919, Control No.1985-00055)

6. The developer shall comply with all provisions of the Zoning Code Section 500.3 including, but not limited to, the requirement that the slope of the submerged land shall be no greater than 5:1 to a depth of six (6) feet below the maintained water level. Proof of compliance with Section 500.3 shall be submitted prior to issuance of a certificate of occupancy. [Note: COMPLETED] (Previous SITE DESIGN Condition 13 of Resolution R-2006-919, Control No.1985-00055)

7. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements. [Note: COMPLETED] (Previous SITE DESIGN Condition 14 of Resolution R-2006-919, Control No.1985-00055)

8. Previous SITE DESIGN Condition 15 of Resolution R-2006-919, Control No.1985-00055, which currently states:

Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E) 2 (b) (Site Plan Review Committee Powers and Standards of Review) (Previous Condition A.3 of Resolution R-1991-1071, Petition 1985-055B) [NOTE: Complete-Site Plan for Pet. 1985-055B approved by SPRCM Ex. 68 June 26, 1991]

Is hereby deleted. [REASON: Duplicate.]

9. An area equivalent to at least 15% of the land area indicated as "outdoor storage" on the site plan shall be added to the landscape buffer in an area acceptable to the Zoning Division. [Note: COMPLETED] (Previous SITE DESIGN Condition 17 of Resolution R-2006-919, Control No.1985-00055)

10. Prior to final approval by the Development Review Officer (DRO), the dumpster and wall shall be removed and relocated from the (20) foot utility easement. (DRO: ZONING - Zoning)

UTILITIES

1. Previous UTILITIES Condition 1 of Resolution R-2006-919, Control No.1985-00055, which currently states:

If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities)

Is hereby deleted. [REASON: The Condition does no longer apply.]

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.