

RESOLUTION NO. R-2018- 0802

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2017-02178
(CONTROL NO. 2005-00641)
a Development Order Amendment
APPLICATION OF Manheim Remarketing Inc, JMC-IV Real Estate Company LLC
BY Urban Design Kilday Studios, AGENT
(Manheim Auto Auction)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2017-02178 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2018;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2017-02178, the Application of Manheim Remarketing Inc, JMC-IV Real Estate Company LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Site Plan; and, to modify Conditions of Approval (All Petitions and Engineering), 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 May 24, 2018, 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 Abrams and, upon being put to a vote, the vote was as follows:

Commissioner Melissa McKinlay, Mayor	-	Absent
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 24, 2018.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2018.

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

TRACTS A, B, C AND D, OF WEST PALM BEACH AUTO AUCTION, M.U.P.D., REPLAT NO. 1, ACCORDING TO THE PLAT OR MAP THEREOF AS RECORDED IN PLAT BOOK 113, PAGES 193 THROUGH 197, LESS THAT PORTION CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 21294, PAGE 1606 AND OFFICIAL RECORDS BOOK 21294, PAGE 1612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 91.598 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

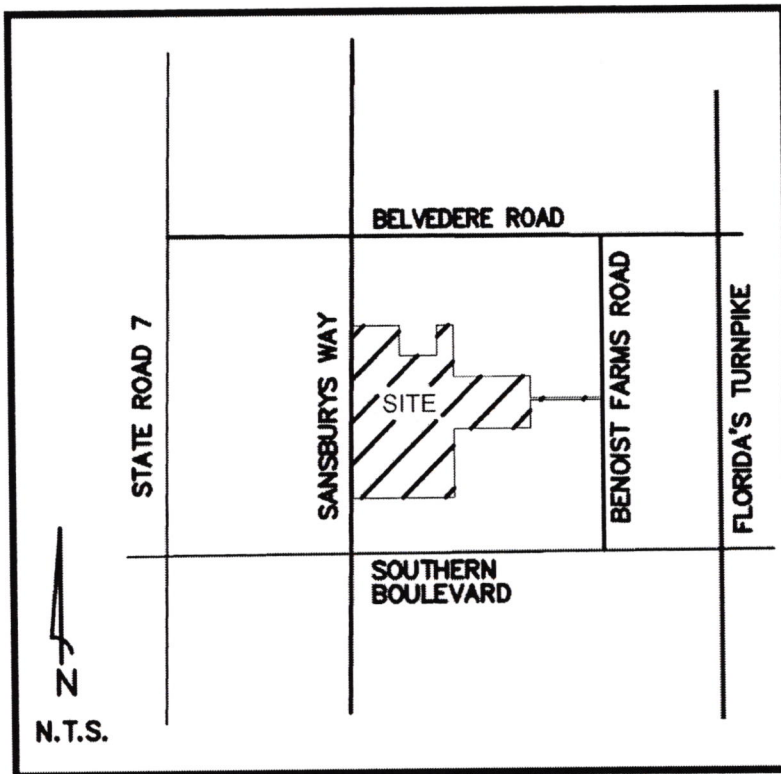


EXHIBIT C-2

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-211, Control No.2005-00641, which currently states:

The approved Preliminary Site Plan is dated December 10, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated February 12, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All conditions of approval contained in Resolution R-2004-2423 for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Multiple Use Planned Development District are associated with Control Number 2004-326 for the Palm Beach Post Production Facility which was never constructed are not applicable to Control Number 2005-641 for the Auto Auction and Open Storage (Automobiles) uses known as Manheim Palm Beach MUPD and are therefore hereby deleted. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2016-211, Control No.2005-00641)

3. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of Resolution R-2009-486. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2016-211, Control No.2005-00641)

4. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2016-211 (Control 2005-00641), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 4 of Resolution R-2016-211, Control No.2005-00641)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the administration/auction building A 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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2016-211, Control No.2005-00641)

2. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for buildings C and D 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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2016-211, Control No.2005-00641)

ENGINEERING

1. Prior to August 1, 2006 the Property Owner shall convey a temporary roadway construction easement along Sansbury's Way to Palm Beach County. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2016-211, Control No.2005-00641)

2. Deleted per Resolution R-2016-0211

3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

- The Property Owner shall convey to Palm Beach County Land Development Division by warranty deed for:

a. Benoist Farms Road, 80 feet west of the ultimate west right of line of the LWDD E2 Canal.

b. 25-foot Corner Clip at the northeast and southeast corners of the intersection of Sansbury's Way and Fairgrounds Road.

c. Sansbury's Way, 60 feet from centerline

d. All right of way shall be dedicated prior to August 1, 2006. Right of way conveyance shall be free of all encumbrances and encroachments. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2016-211, Control No.2005-00641)

4. Prior to August 1, 2006, the Property Owner shall convey a roadway construction easement as follows:

a. Falcon Crane Way at Benoist Farms Road

b. Construction by the Applicant within this easement shall conform to all Palm Beach County Standards and Codes. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2016-211, Control No.2005-00641)

5. Deleted per Resolution R-2016-0211

6. Previous ENGINEERING Condition 6 of Resolution R-2016-211, Control No.2005-00641, which currently states:

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

a. No building permits for the site shall be issued after December 31, 2021. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code.

Is hereby amended to read:

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

a. No building permits for the site shall be issued after December 31, 2022. A time extension for this condition may be approved by the County Engineer based upon an

approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

7. The Property Owner shall construct:

- i. Right turn lane south approach on Sansbury's Way at project's middle entrance.
- ii. Left turn lane north approach on Sansbury's Way at project's middle entrance.

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

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

b. Construction shall be completed prior to the issuance of the first Certificate Occupancy for any buildings permitted after the initial development order amendment. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2016-211, Control No.2005-00641)

8. Property Owner shall provide Land Development a copy of the Piping, Paving, Parking license agreement from LWDD for improvements within the L-4 canal right of way prior to DRO final site plan approval. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2016-211, Control No.2005-00641)

9. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer on Sansbury's Way at project's middle entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division within 6 months of the Development Order. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2016-211, Control No.2005-00641)

10. In order to be relieved from this requirement and to have the surety posted for the traffic signal on Sansbury's Way at project's middle entrance returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2016-211, Control No.2005-00641)

11. 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2016-211, Control No.2005-00641)

12. Prior to final site plan approval, the Property Owner shall provide a 20 foot drainage easement along the east side of the southern portion of the property to Palm Beach County. The easement shall extend from the south property line and continue north to the LWDD L-4 canal right of way. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2016-211, Control No.2005-00641)

13. Prior to December 31, 2016, the Property Owner shall remove the existing turnout within the Benoist Farms Road right of way for Falcon Crane Way, unless this driveway is gated and utilized for emergency vehicle access only in which case the turnout may remain. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2016-211, Control No.2005-00641)

14. The Property Owner shall construct right turn lane south approach on Sansburys Way at the proposed driveway connection at approximately 900 feet north of Southern Blvd concurrently with that driveway connection and no later than issuance of the Certificate of Completion / Certificate of Occupancy for the grass parking area. 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. (BLDGPM/CC/ONGOING: ENGINEERING - Engineering)

15. No Certificate of Completion for the 792 space auto storage area shall be issued until the contracts are let by the Florida Department of Transportation for improvements at the intersection of Southern Blvd and Sansburys Way, consisting of the following modifications: addition of a 2nd northbound through lane, 2nd northbound right turn lane, a new eastbound right turn lane, a 2nd westbound left turn lane, conversion of one existing southbound left turn lane into a southbound through lane and associated modifications to the Lyons Rd bridge to accommodate the above lanes. Any use of the above parking spaces before the FDOT contracts are let will be subject to Code Enforcement violation. (BLDGPM/CC: MONITORING - Engineering)

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

a. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment of \$212,896.00 to add 5th eastbound and westbound through lanes on Southern Blvd at Sansburys Way intersection. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in a later Condition below. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPM: MONITORING - Engineering)

17. In recognition that construction prices may change over the life of the project, the proportionate share payments included in the above conditions shall be subject to the following escalator calculation:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect. (ONGOING: ENGINEERING - Engineering)

18. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to

Palm Beach County Right of Way Acquisition Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Sansburys Way at the project's proposed Driveway 4, as shown on the site plan. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG/PMT/ONGOING: MONITORING - Engineering)

19. Prior to final approval of the Site Plan by the DRO, the Property Owner shall modify the site plan to show additional right of way for the construction of a right turn lane at the 4th driveway located approximately 900ft north of Southern Boulevard. The right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Incorporate existing native trees and under-story into the site plan and label them for the 20-acre undeveloped land area located south of the southern limits of the LWDD L-4 canal. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 6 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2016-211, Control No.2005-00641)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2016-211, Control No.2005-00641)

LANDSCAPE - GENERAL

1. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2016-211, Control No.2005-00641)

2. 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. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2016-211, Control No.2005-00641)

3. Prior to final approval by the Development Review Officer (DRO), the approved Landscape plans dated June 9, 2008 shall be amended to include the 20-acre added land area and the LWDD L-4 Canal area (if the Triple P licensing agreement is approved). The

Landscape Plan shall be in compliance with all landscape related conditions of approval as contained herein. Trees and medium shrub plantings shall be maximized to the greatest extent possible (as determined by the Landscape Review Section) within the pervious area of the 20-acre added area indicated on the Preliminary Site Plan dated February 2, 2009, including the additional Divider median provided under Landscape Condition 10. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2016-211, Control No.2005-00641)

4. Prior to final approval by the Development Review Officer (DRO), the property owner shall obtain LWDD approval of the proposed planting plan for the LWDD L-4 canal. The planting plan shall include the right-of-way buffer area and the area between Phase 1 Lake and Phase 2 Lake as indicated on the Preliminary Site Plan dated February 2, 2009. To mitigate for the variance to eliminate trees and medium shrubs in the inventory storage are, the LWDD L-4 canal area planting plan shall maximize trees and medium shrubs to the greatest extent possible except that a minimum clear area for LWDD vehicles and minimum required separation between trees and the pipe shall be provided as required by the LWDD Triple P licensing agreement. If the LWDD does not approve the proposed planting plan for the above referenced areas, an alternative plan shall be submitted for approval by Palm Beach County. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2016-211, Control No.2005-00641)

LANDSCAPE - INTERIOR

5. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be revised to include divider medians between every row of parking in the Dealer and Employee Parking area. Building A side setback from the LWDD L-4 canal as indicated on the Preliminary Site Plan dated February 2, 2009 may be reduced to comply with this condition. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 5 of Resolution R-2016-211, Control No.2005-00641)

LANDSCAPE - PERIMETER

6. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers (new and replacement) shall be native and meet the following minimum standards at installation: Tree height: Fourteen (14) feet. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2016-211, Control No.2005-00641)

7. In addition to the proposed landscaping and Code requirements, landscaping along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a minimum tree height of sixteen (16) feet; and,
- c. one (1) palm or pine for each for each twenty-five (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2016-211, Control No.2005-00641)

LANDSCAPE – INTERIOR (SOUTH OF LWDD CANAL L-4)

8. Landscape Islands at the end of each row of parking shall be a minimum width of 20 feet excluding curb and planted with a minimum of 3 canopy trees. The required canopy tree for each expanded island shall have a minimum height of 12 feet. No palm or pine substitute for canopy tree is allowed. (DRO/ONGOING: ZONING - Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2016-211, Control No.2005-00641)

2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF -

Zoning) (Previous LIGHTING Condition 2 of Resolution R-2016-211, Control No.2005-00641)

PALM TRAN

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: PALM-TRAN - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 2 of Resolution R-2009-486, Control No.2005-00641)

SIGNS

1. Freestanding signs fronting on Sansbury's Way shall be limited as follows:

- a. maximum sign height eight (8) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs: one (1);
- d. style - monument style only;
- e. location - within fifty (50) feet of the access on Sansbury's Way, west of building A; and,
- f. sign shall be limited to identification of tenant only. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2016-211, Control No.2005-00641)

SITE DESIGN-EXISTING UNPERMITTED STRUCTURES

1. Prior to Oct 1, 2010, application for building permit(s) shall be made for all existing unpermitted structures on the site to either demolish or bring into compliance with applicable zoning and building code regulations. The permits must be issued within 180 days of application and certificate of completion or certificate of occupancy issued within one year of application date. Any prior permits without valid certificate of completion or certificate of occupancy shall be re-activated and completed during this time. The value for all work requiring a permit shall be based on the total replacement cost in accordance with 108.3 Palm Beach County Amendments to the 2007 Florida Building Code. (DATE: MONITORING - Building Division) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2016-211, Control No.2005-00641)

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: ZONING - 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.