

RESOLUTION NO. R-2009- 1047

RESOLUTION APPROVING ZONING APPLICATION DOA-2009-00562
(CONTROL NUMBER 2000-00007)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF BENCHMARK GLADES SQUARE ASSOCS LLC
BY URBAN DESIGN KILDAY STUDIOS, AGENT
(GLADES SQUARE)

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

WHEREAS, Zoning Application DOA-2009-00562 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 2009; 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, 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

7. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 DOA-2009-00562, the application of Benchmark Glades Square Assocs Llc, by Urban Design Kilday Studios, agent, for a Development Order Amendment to to amend Conditions of Approval (Site Design, Engineering). 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 29, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Steven L. Abrams moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 29, 2009.

Filed with the Clerk of the Board of County Commissioners on July 8th, 2009.

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 BOCK CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

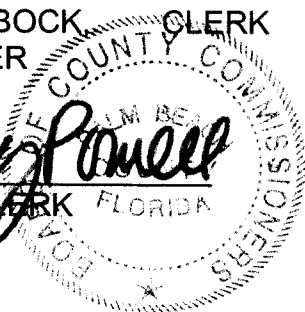


EXHIBIT A

LEGAL DESCRIPTION

A portion of Tract 89, in Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof recorded in Plat Book 2, Page 45, of the Public Records of Palm Beach County, Florida, being more particularly described as follows :

COMMENCING at the Northeast corner of said Tract 89;

THENCE continue South 00°00'01" West along the East line of said Tract 89, a distance of 241 feet to the POINT OF BEGINNING;

THENCE continue South 00°00'01" West, along the East line of said Tract 89, a distance of 354.00 feet to a point lying on the Northerly right-of-way line of Glades Road;

THENCE with a bearing of South 89°59'38" West, along the North right-of-way line of Glades Road for a distance of 305.10 feet to a point;

THENCE with a bearing of North 45°00'22" West, for a distance of 35.36 feet to a point lying on the Easterly right-of-way line of 95th Avenue South;

THENCE with a bearing of North 00°00'01" East, along the Easterly right-of-way line of 95th Avenue South for a distance of 322.87 feet to a point;

THENCE with a bearing of South 89°59'59" East, for a distance of 123.04 feet to a point;

THENCE with a bearing of North 70°02'27" East, for a distance of 18.07 feet to a point;

THENCE with a bearing of South 89°59'59" East, for a distance of 190.08 feet, more or less, to the POINT OF BEGINNING.

Said Parcel also known as :

Parcel 1, Tract "A", Tract "B", Tract "C" and Tract "D" of GLADES SQUARE, according to the Plat thereof as recorded in Plat Book 100, Page 14, of the Public Records of Palm Beach County, Florida.

CONTAINING 115,741 square feet (2.65 acres), more or less.

SUBJECT to easements, reservations, restrictions and rights-of-way of record.

SUBJECT to Monument Sign Easement Agreement per Official Records Book 11781, Page 1039 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

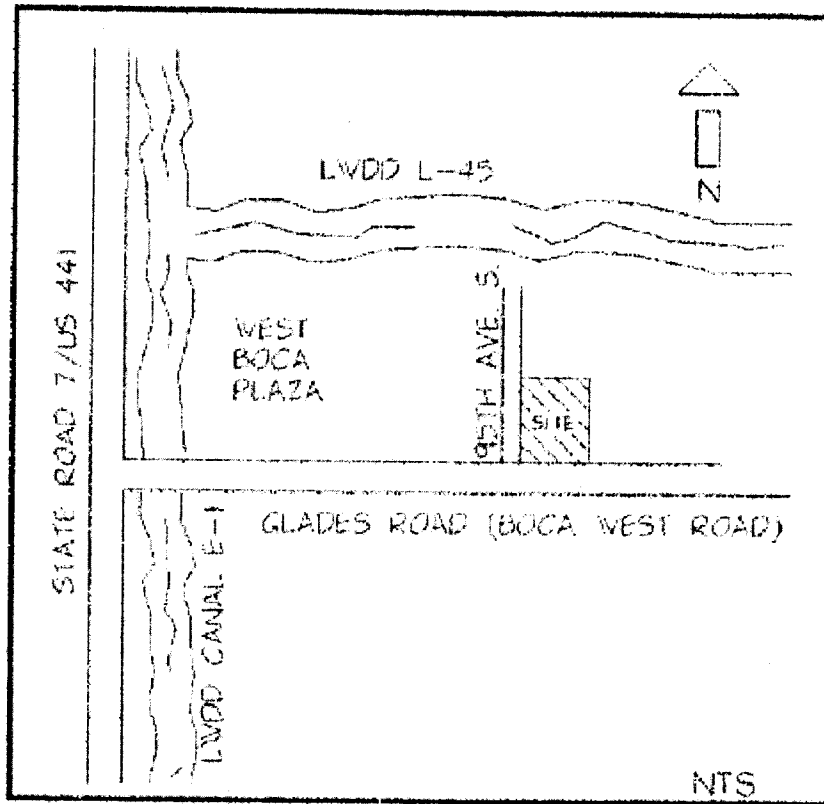


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-0580 (Control 2007-007), 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 unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.1. of Resolution R2000-0580, Control No. 2007-007 which currently states:

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 7, 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 and Comprehensive Plan Amendment Ordinance 99-52. (ONGOING: ZONING/PLANNING) [This condition is applicable to the overall site.]

Is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The preliminary site plan is dated April 13, 2009. 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 and Comprehensive Plan. (ONGOING: ZONING/PLANNING) [This condition is applicable to the overall site.]

ARCHITECTURAL REVIEW

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. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1. of Resolution R-2000-580, Control No. 2000-007) [Note: COMPLETE]

2. Prior to final DRC certification of the site plan, the petitioner shall submit revisions of the Architectural elevations by Mummaw Associates, Inc. dated March 30, 2000 to the Public Hearing Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: ZONING) (Previous Condition B.2. of Resolution R-2000-580, Control No. 2000-007) [Note: COMPLETE]

3. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated and complimentary with base colors. (DRC/BLDG PERMIT: ZONING/ BLDG/ZONING) (Previous Condition B.3. of Resolution R-2000-580, Control No. 2000-007) [Note: COMPLETE]

ENGINEERING

1. The Petitioner shall:

a. extend the existing right turn lane east approach on Glades Road at the project's entrance road in accordance with the Florida DOT approval. All 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 Florida DOT and the County Engineer for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

(Previous Condition E1b Resolution R-2000-580, Control No. 2000-007)

[Note: Completed]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

(Previous Condition E1c Resolution R-2000-580, Control No. 2000-007)

[Note: Completed]

2. Condition E2 of Resolution R-2000-580, Control No. 2000-007, which currently states:

The use of the property shall be limited to a furniture store or an equivalent use which does not generate more than 132 net external trips per day as determined by the County Engineer. These net trips shall be based upon a traffic study submitted by the Developer's Engineer and approved by the Palm Beach County Traffic Division. (ONGOING: ENGINEERING/ZONING-Eng)

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, 2013. 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-Eng)

3. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

(Previous Condition E3 Resolution R-2000-580, Control No. 2000-007)

[Note: Completed]

4. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF GLADES ROAD

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 Glades Road 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 other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT:

MONITORING - Eng)

(Previous Condition E4a Resolution R-2000-580, Control No. 2000-007)

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's 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. (CO: MONITORING-Eng)

(Previous Condition E4b Resolution R-2000-580, Control No. 2000-007)

c. If the County does not assume maintenance responsibility, then appropriate property owners 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. (BLDG PERMIT: MONITORING-Eng)
(Previous Condition E4c Resolution R-2000-580, Control No. 2000-007)

[Note: Completed]

5.The Property owner shall construct a continuous right turn lane from Glades Rd to the project entrance on 95th Ave.

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, acquisition of any additional required right-of-way and any required drainage modifications.

a.Construction shall be completed prior to December 29, 2010. (DATE: MONITORING - Eng)

6.Prior to DRO Final Site Plan Approval, the property owner shall submit to Land Development Division an easement for the sidewalk located on the southwest corner of the property. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and easement documents, Palm Beach County shall record all appropriate documents. (DRO:ENGINEERING-Eng)

HEALTH

1.The day care center shall be limited to a maximum licensed capacity of 190 children. (ONGOING: HEALTH-Health) (Previous condition C. 1. of Resolution R-2000-579; Control 1982-174)

2.Sewer service is available to the property. Therefore, no septic tank shall be permitted on site. (ONGOING:HEALTH-Health) (Previous condition D. 1. of Resolution R-2000-579; Control 1982-174)

3.Water service is available to the property. Therefore, no well shall be permitted on site to provide potable water. (ONGOING:HEALTH-Health) (Previous condition D. 2. of Resolution R-2000-579; Control 1982-174)

ZONING - LANDSCAPING

1.All perimeter canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 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: LANDSCAPE - Zoning)(Previous Condition D.1 of R-2000-0580, Control No. 2007-007)

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)

c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) Previous Condition D.2 of R-2000-0580, Control No. 2007-007)

3.A group of three (3) or more palm may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) Previous Condition D.3 of R-2000-0580, Control No. 2007-007)

4.Prior to final certification by the Development Review Committee (DRC, the site plan shall be amended to:

a. Provide one (1) landscape island for every ten (10) parking spaces for the parking area. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)(Previous Condition F.1 of R 2000-0580, Control No. 2000-007)

5.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 five (5) 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; and,

c. Landscape areas shall be planted with a minimum equivalent of one (1) canopy tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE) (Previous Condition F.2 of R 2000-0580, Control No. 2000-007)

6.One (1) palm or canopy tree for every twenty (20) linear feet of the length of each side of the loading area for the furniture sales building. The palms or trees shall be equally distributed on both sides of the loading area. (DRC/CO:ZONING/LANDSCAPE)(Previous Condition F.3 of R 2000-0580, Control No. 2000-007)

7.A minimum one thousand and five hundred (1,500) square feet of planting area shall be provided adjacent to the dumpster/recycle area and shall include the following:

a. a minimum of four (4) canopy trees with a maximum spacing of twenty five (25) feet;

b. a minimum of six (6) palms, in groups of three (3);

c. a minimum of three (3) small, flowering trees; and

d. appropriate ground cover shall also be installed in the entire planting area. (CO: LANDSCAPE)(Previous Condition F.4 of R 2000-0580, Control No. 2000-007)

8.LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING DAYCARE)
Landscaping and buffering along the north property line shall include:

a. a minimum seven and one half (7.5) foot wide landscape area including a five (5) foot wide buffer strip; and

b. one (1) canopy tree planted every thirty (30) feet on center;

c. 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 seventy-two (72) inches. Height of this hedge may be reduced to thirty-six (36) inches if an existing six (6) foot high opaque fence, wall, chain link fence or hedge is installed on the adjacent (north)property. In the event if the adjacent hedge, wall or fence on the property to the north is removed, this hedge shall be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE) (Previous Condition G.1 of R 2000-0580, Control No. 2007-007)

9.LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING GLADES ROAD)

Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a continuous two (2) foot high berm measured from finished grade;
- c. one (1) medium canopy tree planted every thirty (30) feet on center (FPL easement);
- d. one (1) additional palm for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters;
- e. thirty (30) 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. A minimum of sixty (60)% of the shrub or hedge materials shall be planted on the plateau of the berm;and,
- f. a minimum of three (3) small, flowering trees at the entrance area of Glades Road. Three (3) small flowering trees may supersede the requirement for one canopy tree at the entrance area. (CO:LANDSCAPE) (Previous Condition H.1 of R 2000-0580, Control No. 2007-007)

10.LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING BELLSOUTH SUBSTATION)

Landscaping and buffering along the east property line shall include:

- a. a minimum five (5) foot wide landscape buffer strip; and
- b. one (1) canopy tree planted every thirty (30) feet on center;
- c. 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 the minimum height of thirty-six (36) inches; and,
- d. a group of three (3) or more palm may supersede the requirement for canopy tree. (CO: LANDSCAPE) (Previous Condition I.1 of R 2000-0580, Control No. 2007-007)

11.LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING 95th AVENUE SOUTH)

Landscaping and buffering along the west property line shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a continuous two (2) foot high berm measured from finished grade;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters;
- e. 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. A minimum of sixty (60)% of the shrub or hedge materials shall be planted on the plateau of the berm; and,
- f. a minimum of three (3) small, flowering trees at the entrance area of 95th Avenue South. Three (3) small flowering trees may supersede the requirement for one canopy tree at the entrance area.(CO:LANDSCAPE) (Previous Condition J.1 of R 2000-0580, Control No. 2007-007)

LIGHTING

1.All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets.

(CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition K.1 of R-2000-0580, Control No. 2007-007)

2.All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition K.2 of R-2000-0580, Control No. 2007-007)

3.All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF) (Previous Condition K.3 of R-2000-0580, Control No. 2007-007)

4.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) (Previous Condition K.4 of R-2000-0580, Control No. 2007-007)

PLANNING

1. Condition C.1 of Resolution R-2000-0580, Control 2000-007, which currently states:

Total gross floor area for the furniture store shall be limited to a maximum of 26,058 square feet. No expansion of the building is permitted (DRC: ZONING/Planning)

Is hereby amended to read:

Total gross floor area for the building shall be limited to a maximum of 26,058 square feet. No expansion of the building is permitted (ONGOING: ZONING-Planning)

SIGNS

1.Freestanding (including entrance wall, point of purchase, directional signage) sign fronting on Glades Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet.
 - b. maximum total sign face area per side - 100 square feet.
 - c. maximum number of signs - one (1).
 - d. style - monument style only;
 - e. location - intersection of Glades Road and 95th Avenue South.
- (BUILDING-Zoning) (Previous Condition L.1 of R-2000-0580, Control No. 2007-007)

2.Prior to site plan certification by the Development Review Committee (DRC),a Master Signage Plan for all point of purchase, monument, wall and directional signs shall be approved by the Zoning Division. The master signage plan shall include, at a minimum, the proposed number of signs, sign type, location, unified colors, unified graphics, dimensions, materials and method of construction. (DRC: ZONING) (Previous Condition L.2 of R-2000-0580, Control No. 2007-007)

3.No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (Previous Condition L.3 of R-2000-0580, Control No. 2007-007)

4.Wall signs shall not be permitted on the north facade of the building. (BUILDING-Zoning) (Previous Condition L.4 of R-2000-0580, Control No. 2007-007)

SITE DESIGN

1.Total gross floor area for the furniture store shall be limited to a maximum of 26,058 square feet. No expansion of the building is permitted. (DRC:ZONINGPLANNING)

Is hereby amended to read:

Total gross floor area for the building shall be limited to a maximum of 26,058 square feet. No expansion of the building is permitted. (DRC:ZONINGIPLANNING)

2. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty five (25) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system (i.e. spires, belfries, etc.). These elements may exceed this height requirement up to an overall building height of thirty-two (32) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning - Planning)(Previous Condition C.2 of Resolution R-2000-0580, Control No. 2007-007)

3. Prior to final DRC certification of the site plan, the petitioner shall reduce the depth of the parking spaces along the north property line to sixteen (16) feet to allow the installation of a seven and half (7.5) foot wide landscape area including a five (5) foot wide buffer. (DRC: ZONING) (Previous Condition C.3 of Resolution R-2000-0580, Control No. 2007-007)

4. Bay doors shall not be permitted on the north, south and west facades of the Building. (BLDG PERMIT: BLDG - Zoning)(Previous Condition C.4 of Resolution R-2000-0580, Control No. 2007-007)

5. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the north property line. (DRC/ONGOING: ZONING/CODE ENF) (Previous Condition C.5 of Resolution R-2000-0580, Control No. 2007-007)

6. Prior to final DRC certification of the site plan, the petitioner shall reduce the number of parking spaces to show a maximum of 130 spaces for the overall site. (DRC: ZONING) (Previous Condition C.6 of Resolution R-2000-0580, Control No. 2007-007)

USE LIMITATIONS

1. Retail business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 11 :00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous Condition M.1 of R-2000-0580, Control No. 2007-007)

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous Condition M.2 of R-2000-0580, Control No. 2007-007)

3. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning) (Previous Condition M.3 of R-2000-0580, Control No. 2007-007)

4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING:CODE ENF) (Previous Condition M.4 of R-2000-0580, Control No. 2007-007)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; revocation of any concurrency; and/or

- a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- b. A requirement of the development to conform with the standards of the 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
- c. Referral to code enforcement; and/or
- d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING:MONITORING-Zoning)