

RESOLUTION NO. R-2012- 1860

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2012-00985  
(CONTROL NO. 1988-00029)  
a Development Order Amendment  
APPLICATION OF Palm Beach Marketplace LLC  
BY Cotleur & Hearing, Inc., AGENT  
(Palm Beach Market Place)

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

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

WHEREAS, Zoning Application ZV/DOA-2012-00985 was presented to the Board of County Commissioners at a public hearing conducted on December 5, 2012; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2012-00985, the petition of Palm Beach Marketplace LLC, by Cotleur & Hearing, Inc., agent, for a Development Order Amendment to reconfigure the Preliminary Site Plan, to add an access point, and modify a Condition of Approval (Signage) in the General Commercial/Special Exception (CG/SE) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on December 5, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor 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 Steven L. Abrams, Chair	-	Aye
Commissioner Priscilla A. Taylor, Vice Chair	-	Aye
Commissioner Hal Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner MaryLou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Absent

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 5, 2012.

Filed with the Clerk of the Board of County Commissioners on December 7, 2012.

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

PARCEL 1:

LOT 1, PLAT OF SMITHVIEW, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 112, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE PLAT OF MADRID PARK, AS RECORDED IN PLAT BOOK 13, PAGE 78, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID SECTION 29; THENCE SOUTH 88°45'36" EAST ALONG THE NORTH LINE OF SAID SECTION 29 (THE NORTH LINE OF SAID SECTION 29 IS ASSUMED TO BEAR SOUTH 88°45'36" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 293.87 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF FRANK STREET AS SHOWN ON THE PLAT OF SMITHVIEW, AS RECORDED IN PLAT BOOK 23, PAGE 112, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 03°37'04" WEST ALONG SAID EXTENSION A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD AS SHOWN IN ROAD PLAT BOOK 4, PAGE 221, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTH 03°37'04" WEST ALONG THE EAST LINE OF FRANK STREET A DISTANCE OF 192.78 FEET; THENCE SOUTH 10°11'09" WEST A DISTANCE OF 77.00 FEET; THENCE SOUTH 01°55'44" WEST A DISTANCE OF 300.00 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID PLAT OF SMITHVIEW; THENCE SOUTH 88°04'16" EAST ALONG THE SOUTH LINE OF SAID LOT 6 A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 01°55'44" WEST ALONG THE EAST LINE OF LOT 5 OF SAID PLAT OF SMITHVIEW, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER THEREOF AND TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN DEED BOOK 931, PAGE 380, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°43'36" EAST ALONG THE FOREMENTIONED NORTH LINE A DISTANCE OF 76.46 FEET; THENCE NORTH 01°44'54" EAST ALONG THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN DEED BOOK 861, PAGE 542, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA A DISTANCE OF 84.43 FEET; THENCE SOUTH 88°45'36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 20.00 FEET; THENCE NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 50.00 FEET; THENCE SOUTH 88°45'36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 235.00 FEET; THENCE NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 216.00 FEET; THENCE SOUTH 88°45'36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 98.00 FEET; THENCE



NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 124.00 FEET; THENCE NORTH 88°45'36" WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 98.00 FEET; THENCE NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 195.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE NORTH 88°45'36" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 372.62 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE LAND SHOWN AS PARCEL NO. 126 AS CONTAINED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 7416, PAGE 1470; AND LESS AND EXCEPT RIGHT-OF-WAY FOR OKEECHOBEE ROAD, AS DESCRIBED IN DEED BOOK 919, PAGE 403, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

ALL THAT CERTAIN PLOT OR PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SAID SECTION 29, RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET FOR A POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET; THENCE RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING, AND

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 160 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 48 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 48 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD, AND

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 714 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 50 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH SECTION LINE;



THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 50 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD.

LESS AND EXCEPTING THEREFROM THE LAND SHOWN AS PARCEL NO. 127 AS CONTAINED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 7416, PAGE 1470.

PARCEL 4:

A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR SEWER AND WATER IN, ON, OVER, AND ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE EASEMENT AGREEMENT RECORDED MARCH 27, 1986 IN O.R.B. 4830, PAGE 1040, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5: A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR DRAINAGE, ON, OVER, ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE DRAINAGE EASEMENT AGREEMENT RECORDED MARCH 27, 1986 IN O.R.B. 4830, PAGE 1048, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 6: A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR STORM DRAINAGE, ON, OVER, ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE DRAINAGE EASEMENT AGREEMENT RECORDED MARCH 27, 1986, IN O.R.B. 4830, PAGE 1032, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 7: AS TO A LEASEHOLD ESTATE CREATED BY THE UNRECORDED LEASE DATED APRIL 3, 1986, BY AND BETWEEN B AND B LEASING, INC., A FLORIDA CORPORATION, (LESSOR) AND D.S.K. ASSOCIATES, A FLORIDA LIMITED PARTNERSHIP, (LESSEE) AND AS EVIDENCED BY THE MEMORANDUM OF LEASE RECORDED IN OFFICIAL RECORDS BOOK 8995, PAGE 606 AND AS ASSIGNED TO PBM ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP BY THAT CERTIAN ASSIGNMENT AND ASSUMPTION OF LEASE RECORDED IN OFFICIAL RECORDS BOOK 8995, PAGE 593, AS TO THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 40 FEET OF LOT A, PLAT OF SMITHVIEW, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 112, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 8 (INTENTIONALLY DELETED)

PARCEL 9

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY THOSE CERTAIN UNITY OF CONTROL AGREEMENTS RECORDED AUGUST 1, 1989 AND AUGUST 18, 1989 IN OFFICIAL RECORDS BOOK 6148, PAGE 299, AND BOOK 6167, PAGE 493, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 10

TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCELS 1,2 AND 3, AS CREATED BY AND SET FORTH IN THAT CERTAIN DECLARATION OF ACCESS EASEMENT

AGREEMENT BY OKEE PROPERTY EAST, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED NOVEMBER 26, 2007 IN OFFICIAL RECORDS BOOK 22274, PAGE 1501, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 11 (O.R.B. 24611, PG. 1956)

THE SOUTH 84.43 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

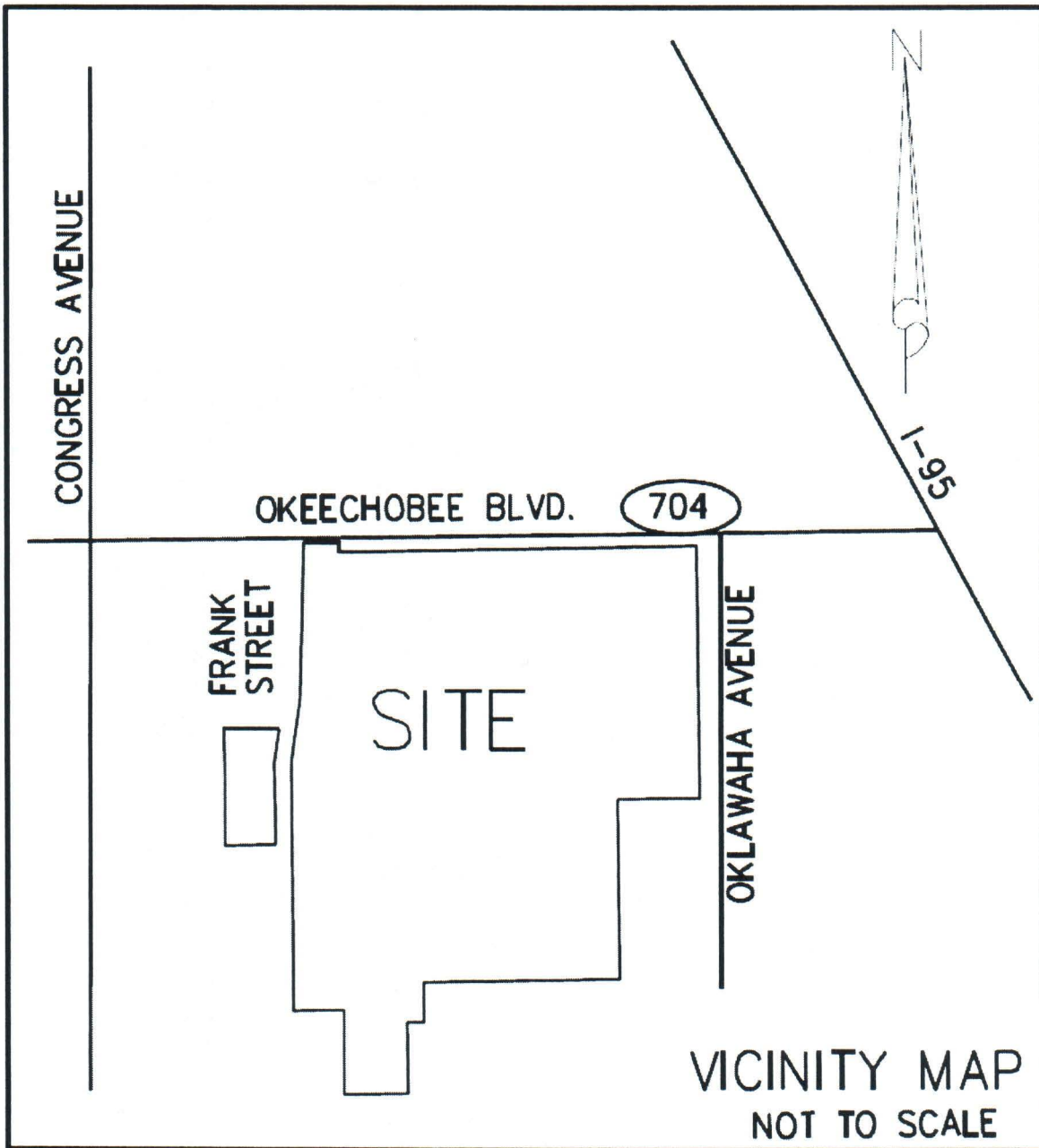
THE WEST 20 FEET OF THAT PARCEL OF LAND WHICH IS SET FORTH IN THAT CERTAIN DEED DATED MAY 7, 1946, GIVEN BY GENERAL J. HANCOCK AND GERTRUDE L. HANCOCK, HIS WIFE, RECORDED IN DEED BOOK 763, PAGE 131, DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SAID SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, 411 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SAID SECTION 29, THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 684 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 180 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 684 FEET, TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE, A DISTANCE OF 180 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AS OKEECHOBEE ROAD.



EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All Petitions Condition A.1 of Resolution R-2009-893, Control 1988-029 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1994-004 (Control 1988-029), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-0893 (Control 1988-029), 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: ZONING - Zoning)

#### ENGINEERING

1. Prior to June 1, 1995, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees: Laurel Oak, Live Oak, Slash Pine; Ground cover: Wedilia, Bahia Grass, Sabal Palmetto

a. Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

1. All plants shall be container grown or field collected and transplanted from the project site.
2. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (DATE:MONITORING - Eng) (Previous Condition Engineering 1.a of Resolution R-2009-0893, Control No. 1988-029)

b. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before August 1, 1995. (DATE:MONITORING - Engineering) (Previous Condition Engineering 1.b of Resolution R-2009-0893, Control No. 1988-029)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to June 1, 1995 to reflect this obligation. Maintenance shall be in accordance with the issued permits. (DATE:MONITORING - County Attorney) (Previous Condition Engineering 1.c of Resolution R-2009-0893, Control No. 1988-029) [Note:Completed]



2. Prior to issuance of a building permit for new building square footage, the property owner shall create a legal lot of record in accordance with Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)

3. Changes to the Okeechobee Boulevard driveway connections (e.g. throat distance, width, radii, location, etc.) which do not conform to the construction standards specified in Section 300-5 of the Design Standards Manual must be approved by the County Engineer pursuant to Article 11.B.8.C prior to final DRO certification. (DRO:ENGINEERING-Eng)

4. Prior to final approval of the Site Plan by the DRO, the property owner shall provide or obtain and record proper drainage easements to allow for drainage from project site to connect to point of legal positive outfall. (DRO:ENGINEERING-Eng)

#### HEALTH

1. Owners and operators of facilities generating hazardous, industrial, or toxic wastes 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 (FDEP), the Palm Beach County Health Department and the agency responsible for sewage works are used. (ONGOING: CODE ENF-Health)(Previous condition Health 1. of Resolution R-2009-893; Control 1988-029)

#### LANDSCAPE - GENERAL

1. The landscape strip along the southeast boundary of the property, where the site abuts residential uses, shall be supplemented with four (4) fourteen foot native canopy trees and a continuous opaque hedge. Hedge material shall be installed at thirty-six (36) inches in height and shall be maintained at a minimum height of forty-eight (48) inches within one year of installation. (Previous Condition Landscape 2 of Resolution R-2009-0893, Control 1988-029) (ONGOING: LANDSCAPING-ZONING)

2. The hedge along the entire south and east perimeters of the entire subject property shall be maintained at a minimum height of forty eight (48) inches. (Previous Condition Landscape 3 of Resolution R-2009-0893, Control 1988-029) (ONGOING: LANDSCAPING-ZONING)

3. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained according to Arbor Society Standards and Landscape Code requirements. (Previous Condition Landscape 4 of Resolution R-2009-0893, Control 1988-029) (ONGOING: LANDSCAPING-ZONING)

4. Prior to final approval by the Development Review Officer, the Property Owner shall obtain approval for an Alternative Landscape Plan, incorporating Conditions of Approval as contained herein and as approved by the Zoning Commission with the Type II Variance. (DRO: LANDSCAPE-Zoning)

#### PLANNING

1. Prior to Site Plan approval or December 26, 1990, the petitioner shall revise the Concurrency Reservation for this project to reflect the actual capacity needed for the proposed project. This Concurrency Reservation application (90-07-18-009C) should be reduced by 3,825 square feet. (Previous Planning Condition Planning 1 of Resolution R-2009-893, Control 1988-029) (PLANNING) [Note: Completed]

2. Prior to Platting, the property owner shall record all cross access easement as shown on the Certified Site Plan, in a form acceptable to the County Attorney's Office, the Planning Division and the Traffic Division. (PLAT: MONITORING-Planning/Traffic)

3. Prior to August 31, 2013, all vehicular and pedestrian cross access locations shown on the Certified Site Plan shall be designed in a manner to promote health and safety for all pedestrian and vehicular traffic, and paved to the property line. (DATE:MONITORING-Planning/Traffic)



## SIGNS

1. No off-premise signs shall be permitted on site. (ONGOING: CODE ENFORCEMENT-Zoning) (Previous Condition Signs 1 of Resolution R-2009-0893, Control 1988-029)

2. Previous Sign Condition 2 of Resolution R-2009-0893, Control 1988-00029 which currently reads:

Prior to Site Plan certification, the petitioner shall provide signage information on the Site Plan which specifies the existing signs' locations and sizes. No additional pole, monument or point of purchase signs shall be allowed on site.

Is hereby amended to read:

Prior to Final Site Plan approval, the Property Owner shall provide signage information on the Final Plans which specifies the existing signs' locations and sizes. (DRO: ZONING-Zoning)

3. No new Ground Mounted Signs shall be allowed on site without Board of County Commissioner approval. (ONGOING: ZONING-Zoning)

4. The Preliminary Master Sign Plan dated September 20, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the Signs beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC) must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). Signs shall be installed in accordance with the Plan and the Type II Variance granted by the Zoning Commission. (ONGOING: ZONING-Zoning)

## SITE DESIGN

1. No outdoor speaker or public address systems which are audible from the exterior of the site, shall be permitted. (ONGOING: CODE ENFORCEMENT-Zoning) (Previously Condition Site Design 3 of Resolution R-2009-0893, Control 1988-029)

2. All new mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area. (ONGOING: BUILDING/ZONING-Zoning) (Previous Condition Site Design 4 of Resolution R-2009-0893, Control 1988-029)

3. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, rights-of-way or interior drives. (ONGOING: BUILDING/ZONING-Zoning) (Previous Condition Site Design 5 of Resolution R-2009-0893, Control 1988-029)

## SOLID WASTE AUTHORITY

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (ONGOING: SWA-SWA) (Previously Condition Solid Waste 1 of Resolution R-2009-0893, Control 1988-029)

## USE LIMITATIONS

1. Previous Use Limitation Condition 1 of Resolution 2009-893, Control 1988-00029 which reads as follows:

The petitioner shall either relocate the proposed west to east access point which serves the 5,000 proposed building to the south, or be restricted from utilizing the following uses, convenience store, cafeteria, liquor store, lounge, video rental, drive-up financial institution, a fast food restaurant.

Is hereby deleted. (REASON: Modification to site layout)



## 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: ZONING - Zoning)