

RESOLUTION NO. R-2013-1764

RESOLUTION APPROVING ZONING APPLICATION EAC-2013-02126  
(CONTROL NO. 2004-00248)  
an Expedited Application Consideration  
APPLICATION OF Town Commons Acquisition LLC  
BY CMS Engineering, LLC, AGENT  
(Town Commons MUPD 2)

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, 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;

WHEREAS, Zoning Application EAC-2013-02126 was presented to the Board of County Commissioners at a public hearing conducted on December 5, 2013;

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 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;

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;

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 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 an Expedited Application Consideration; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application EAC-2013-02126, the petition of Town Commons Acquisition LLC, by CMS Engineering, LLC, agent, for an Expedited Application Consideration to delete a Condition of Approval (Engineering) in the Multiple Use Planned Development (MUPD) 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, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 5, 2013.

Filed with the Clerk of the Board of County Commissioners on December 9, 2013.

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

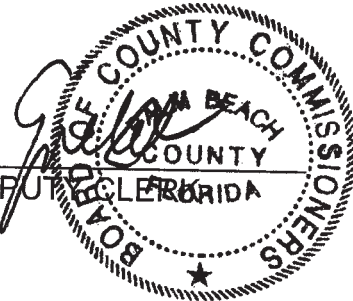


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: MUPD 2

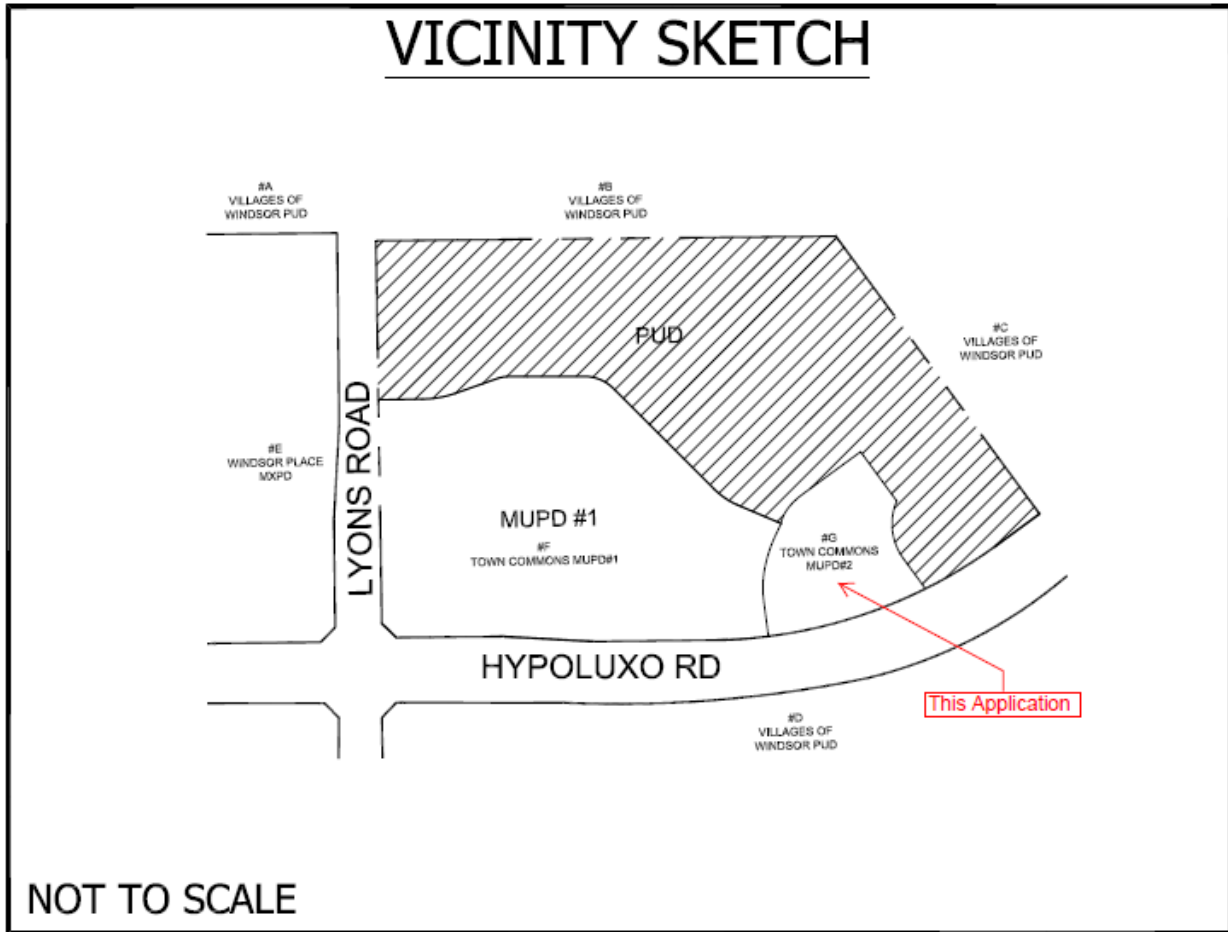
A PORTION OF TRACT "C", TOWN COMMONS-PLAT ONE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGE 68, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT "B", AS SHOWN ON SAID PLAT; THENCE N.89°26'07"E. ALONG THE NORTH LINE OF SAID TOWN COMMONS-PLAT ONE, A DISTANCE OF 1,282.58 FEET TO THE NORTHEAST CORNER OF SAID TOWN COMMONS-PLAT ONE; THENCE S.36°11'44"E. ALONG THE EASTERLY LINE OF SAID TOWN COMMONS-PLAT ONE, A DISTANCE OF 961.21 FEET TO THE MOST EASTERLY CORNER OF SAID TOWN COMMONS-PLAT ONE; THENCE S.53°48'16"W. ALONG THE SOUTHERLY LINE OF SAID TOWN COMMONS-PLAT ONE, A DISTANCE OF 151.50 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,370.00 FEET AND A CENTRAL ANGLE OF 9°48'52"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID SOUTHERLY LINE, A DISTANCE OF 234.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,370.00 FEET AND A CENTRAL ANGLE OF 16°13'59"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID SOUTHERLY LINE, A DISTANCE OF 388.15 FEET; THENCE N.53°45'23"W ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 36.20 FEET; THENCE N07°21'52"W. ALONG SAID EAST LINE OF SAID TRACT "A", A DISTANCE OF 73.91 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 260.00 FEET AND A CENTRAL ANGLE OF 31°47'52"; THENCE NORTHERLY CONTINUING ALONG SAID EAST LINE ALONG THE ARC A DISTANCE OF 144.29 FEET; THENCE N.24°26'00"E. CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 61.89 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 74°04'14"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 32.32 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 63.50 FEET, A CENTRAL ANGLE OF 104°30'05", AN ARC DISTANCE OF 115.82 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 59°48'04", AN ARC DISTANCE OF 20.87 FEET TO A POINT OF TANGENCY; THENCE N53°48'15"E, A DISTANCE OF 122.49 FEET; THENCE S36°11'44"E, A DISTANCE OF 117.70 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S69°57'26"E, HAVING A RADIUS OF 180.11 FEET, A CENTRAL ANGLE OF 56°14'03", AN ARC DISTANCE OF 176.77 FEET TO A POINT OF TANGENCY; THENCE S36°11'29"E, A DISTANCE OF 101.63 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 111,565 SQUARE FEET / 2.5612 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition All Petitions 1 of Resolution R-2008-1700, Control 2004-00248 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-0819 (Control 2004-248), 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-2008-1700 (Control 2004-00248), 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: MONITORING - Zoning)

2. Condition All Petitions 2 of Resolution R-2008-1700, Control 2004-00248 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary master, site and regulating plans are dated March 17, 2008. 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)

Is hereby amended to read:

The approved Preliminary Site Plan is dated October 10, 2013. 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)

3. Condition All Petitions 3 of Resolution R-2008-1700, Control 2004-00248 which currently states:

Future development of the phase II office, as indicated on the site plan dated March 17, 2008, shall be subject to approval by the Board of County Commissioners. (ONGOING: ZONING Zoning)

Is hereby deleted. [Reason: no phasing proposed]

4. Based on ULDC Article 2.E, this development order meets the requirements to receive a new three (3) year review date from the date of approval of Resolution R2008-004 on January 3, 2008. (ONGOING: MONITORING-Zoning) (Previous Condition All Petitions 3 of Resolution R-2008-1700, Control 2004-00248)

#### ENGINEERING

1. Previous Condition E.1 of Zoning Resolution R-2008-1700, Control No. 2008-0248, 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 may be issued after January 1, 2010. 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)

Is hereby revised to state:

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 may 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)

2.Previous Condition E.7 of Zoning Resolution R-2008-1700, Control No. 2004-0248, which currently states:

Prior to the issuance of a building permit, the Property Owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Hypoluxo Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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. (BLDG PERMIT: MONITORING - Eng)

Is hereby deleted. [Reason: No longer required]

3.The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Eng) (Previous Condition E.8 of Zoning Resolution R-2008-1700, Control Number 2004-0248)

4.Prior to June 1, 2005, the Property Owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at the intersection of Lyons Road and Hypoluxo Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this Property Owner shall be relieved from this condition. (DATE: MONITORING - Eng) (Previous Condition E.9 of Previous Condition E.1 of Zoning Resolution R-2008-1700, Control Number 2004-0248) [NOTE: Complete]

#### LANDSCAPE - GENERAL

1.Fifty (50) percent of the canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches 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. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Landscaping Condition 1 of Resolution R-2008-1700, Control 2004-00248)

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) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Landscaping Condition 2 of Resolution R-2008-1700, Control 2004-00248)

3. Field adjustment of plant materials and berm locations may be permitted to accommodate pedestrian sidewalks/bike paths, existing vegetation and traverse utility or drainage easement crossings. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Landscaping Condition 3 of Resolution R-2008-1700, Control 2004-00248)

#### LANDSCAPE - INTERIOR

6. Foundation planting or grade level planters shall be provided along the front, side and rear facades of all buildings, except in loading areas, to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure or as shown on the site plan dated March 17, 2008; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade, shrubs and appropriate ground cover. (DRO/BLDG PERMIT: DRO/LANDSCAPE Zoning) (Previous Landscaping Condition 6 of Resolution R-2008-1700, Control 2004-00248)

#### LANDSCAPE - PERIMETER-ALONG THE SOUTH PROPERTY LINE (HYPOLUXO ROAD FRONTAGE)

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

- a. a minimum fifty (50) foot wide landscape buffer strip;
- b. a minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet measured from top of curb;
- c. one (1) canopy tree planted for each twenty (20) linear feet of frontage with maximum thirty (30) feet on center spacing;
- d. one (1) palm, pine tree, accent or flowering tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Accent and flowering trees shall have minimum overall heights of twelve (12) feet;
- e. additional landscaping such as paths, pedestrian pavilion, focal points and special planting for this buffer shall be in accordance to the Design Guidelines & Standards for Future Development dated June 11, 2004, Ordinance 2004-062 and as indicated on the site plan dated March 17, 2008; and,
- f. all of the details pursuant to Condition C.1.e shall be reflected on the regulating plan prior to the final site plan approval by the Development Review Officer (DRO). (DRO/BLDG PERMIT: LANDSCAPE/Planning Zoning) (Previous Landscaping Condition 4 of Resolution R-2008-1700, Control 2004-00248)

#### LANDSCAPE - PERIMETER-ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

5. Landscape width and berm requirements along the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a continuous two (2) foot high berm measured from top of curb;
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE

Zoning) (Previous Landscaping Condition 1 of Resolution R-2008-1700, Control 2004-00248)

#### LIGHTING

1.All pedestrian outdoor lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (CO: BLDG Zoning) (Previous Lighting Condition 1 of Resolution R-2008-1700, Control 2004-00248)

2.All parking lot lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point and shall be setback seventy-five (75) feet from the south property line. Lighting fixtures along the east property line shall not exceed fifteen (15) feet in height measured from finished grade to highest point and shall be setback thirty (30) feet from the east property line. (CO: BLDG Zoning) (Previous Lighting Condition 2 of Resolution R-2008-1700, Control 2004-00248)

3.All lighting fixtures except for pedestrian and parking lot lights shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG Zoning) (Previous Lighting Condition 3 of Resolution R-2008-1700, Control 2004-00248)

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 Zoning) (Previous Lighting Condition 4 of Resolution R-2008-1700, Control 2004-00248)

#### PARKING

1.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 Zoning) (Previous Parking Condition 1 of Resolution R-2008-1700, Control 2004-00248)

#### PLANNING

1.The underlying Commercial High (CH), Commercial High Office (CH-O), and Low Residential 2 (LR-2) land uses for this entire 40 acre MLU, which includes this 15.23 acre portion of the MLU, shall be as follows:

##### Land Use Acreage

Min. - Max. Intensity/Density

Min. Max.

Commercial High 14.3 ac. N/A 94,900 sq. ft.

Com. High-Office 2.7 - 3.3 ac 24,000 sq. ft.  
30,000 sq. ft.

Low Residential 2 10.8 - 13.2 ac.

60 units 80 units

Open Space 5.0 ac - no max\*

N/A N/A

Lake Tracts 3.0 - 5.0 ac N/A N/A

\* A minimum of 4 acres must be utilized for open space. These four acres shall not be applied to the recreation and/or parks requirements or any other required dedication of land. Water retention, lakes, drainage, and canals shall not be considered usable open space.

Based on the above information, additional development may still be permitted provided the above thresholds are not exceeded. In addition, all future development must comply with the mix of other uses as specified in the proposed amendment, Town Commons MLU II (LGA 2004-00036), Ord. 2004-062. (ONGOING: PLANNING-Planning) (Previous Planning Condition 1 of Resolution R-2008-1700, Control No. 2004-248)

2.Development of the overall 40 acre site shall comply with the Conceptual Master Plan. (Exhibit 4 of Ordinance 2004-062) Any changes which affect more than 20% of the land area, and/or which result in the project no longer meeting the intent of the MLU language in the Comprehensive Plan as determined by the Planning Director shall be



remanded back to the Local Planning Agency and Board of County Commissioners for public hearings. (ONGOING: PLANNING-Planning) (Previous Planning Condition 2 of Resolution R-2008-1700, Control No. 2004-248)

3. Prior to Final Site Plan approval by the Development Review Officer (DRO), development of the site shall comply with the Design Guidelines and Standards for Future Development (Exhibit 5 of Ord. 2004-062). (DRO: PLANNING- Planning) (Previous Planning Condition 3 of Resolution R-2008-1700, Control No. 2004-248)

4. All structures requiring a building permit, having frontage on the Pedestrian Oriented Zone, as depicted on the adopted Conceptual Master Plan (Exhibit 4, Ord. 2004-062), shall be subject to the Planning Division's Review for consistency with the Design Guidelines and Standards for Future Development (Exhibit 5 of Ord. 2004-062). (BLDG PERMIT: MONITORING - Planning) (Previous Planning Condition 4 of Resolution R-2008-1700, Control No. 2004-248)

5. Prior to Final Master/Site Plan approval by the Development Review Officer (DRO), architectural elevations for all frontages abutting the Pedestrian Oriented Zone, as depicted on the Conceptual Master Plan, shall be submitted for review to the Planning Division to ensure consistency with the intent of the Design Guidelines. (DRO: PLANNING - Planning) (Previous Planning Condition 5 of Resolution R-2008-1700, Control No. 2004-248)

6. Prior to Final Master/Site Plan approval by the Development Review Officer (DRO), the Land Use Breakdown table on all plans (Master plan, site plan, conceptual master plan, and land use allocation map) shall be amended to include the following: a note below the table indicating that "a minimum of 4 acres must be utilized for open space. These four acres shall not be applied to the recreation and/or parks requirements or any other required dedication of land. Water retention, lakes, drainage, and canals shall not be considered usable open space"; and the notes under the proposed column that explain the land use breakdown for LR-2 and Open Space shall be of larger font or included below the table in larger font. (DRO: PLANNING - Planning) (Previous Planning Condition 6 of Resolution R-2008-1700, Control No. 2004-248)

7. All landscaping shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated March 10, 2003. All trees within the perimeter landscape buffers shall be provided at a maximum of one per twenty-five (25) linear feet (Section 3.C.1.) and all trees within the Right-of-Way buffers shall be provided at a maximum of one per fifteen (15) linear feet (Section 3.D.1). (ONGOING: LANDSCAPE - Planning) (Previous Planning Condition 7 of Resolution R-2008-1700, Control No. 2004-248)

8. Prior to Final Master/Site Plan approval by the Development Review Officer (DRO), The property owner shall be required to complete the following:

a. notations stating "Pedestrian connections to Villages of Windsor to be paved to the property line" shall be indicated on the Master/Site Plans for the two pedestrian connections to Villages of Windsor PUD, and at the locations shown on the certified master/site plan dated December 14, 2007 and,

b. these connections shall align with the pedestrian connections in the Villages of Windsor PUD (Petition 96-018B). (DRO: PLANNING - Planning) (Previous Planning Condition 8 of Resolution R-2008-1700, Control No. 2004-248)

9. Prior to the issuance of a Certificate of Occupation (CO), the property owner shall complete pavement of these required pedestrian connections pursuant to Conditions H.10.a and H.10.b. (CO: MONITORING - Planning) (Previous Planning Condition 9 of Resolution R-2008-1700, Control No. 2004-248)

10. Guarantees the attainability of all required workforce units required per article 5.G. in the ULDC. These units are to be distributed among the categories (low, moderate 1,

moderate 2, and middle) consistent with the requirements in Article 5.G. in the ULDC. (BLDG PERMIT:MONITORING - Planning) (Previous Planning Condition 10 of Resolution R-2008-1700, Control No. 2004-248)

11. On an annual basis, beginning January 31, 2015, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING- Planning/HCD) (Previous Planning Condition 11 of Resolution R-2008-1700, Control No. 2004-248)

## SIGNS

1. Freestanding point of purchase sign fronting Hypoluxo Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - eighty (80) square feet;
- c. Maximum number of signs for the overall site - one (1);
- d. Style - monument style only. (CO: BLDG- Zoning) (Previous Signs Condition 1 of Resolution R-2008-1700, Control 2004-00248)

2. Wall signs shall be limited to twenty-four (24) inches high. (CO: BLDG Zoning) (Previous Signs Condition 2 of Resolution R-2008-1700, Control 2004-00248)

3. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to remove the condition reference to the main entry wall signs as indicated on the certified site plan dated March 17, 2008. (DRO: ZONING-Zoning) (Previous Signs Condition 3 of Resolution R-2008-1700, Control 2004-00248)

## SITE DESIGN

1. Prior to approval of the final development plan by the Development Review Officer (DRO), the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING Co Atty) (Previous Landscaping Condition 7 of Resolution R-2008-1700, Control 2004-00248)

2. Prior to approval of the final development plan by the Development Review Officer (DRO), the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING- Co Atty) (Previous Landscaping Condition 8 of Resolution R-2008-1700, Control 2004-00248)

## 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) (Previous Compliance Condition 1 of Resolution R-2008-1700, Control 2004-00248)

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)(Previous Compliance Condition 2 of Resolution R-2008-1700, Control 2004-00248)

#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.