

RESOLUTION NO. R-2014- 1103

RESOLUTION APPROVING ZONING APPLICATION EAC-2014-00659
(CONTROL NO. 2007-00018)
an Expedited Application Consideration
APPLICATION OF Garrison West Palm Retail LLC
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT
(Shoppes at Southern Palms)

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-2014-00659 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2014;

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-2014-00659, the petition of Garrison West Palm Retail LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., agent, for an Expedited Application Consideration to modify a Condition of Approval (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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 24, 2014, 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 Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 24, 2014.

Filed with the Clerk of the Board of County Commissioners on July 29th, 2014.

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

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

SOUTHERN/SANSBURY'S MUPD, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 111, PAGES 66 AND 67 OF THE PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA.

LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 24.354 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

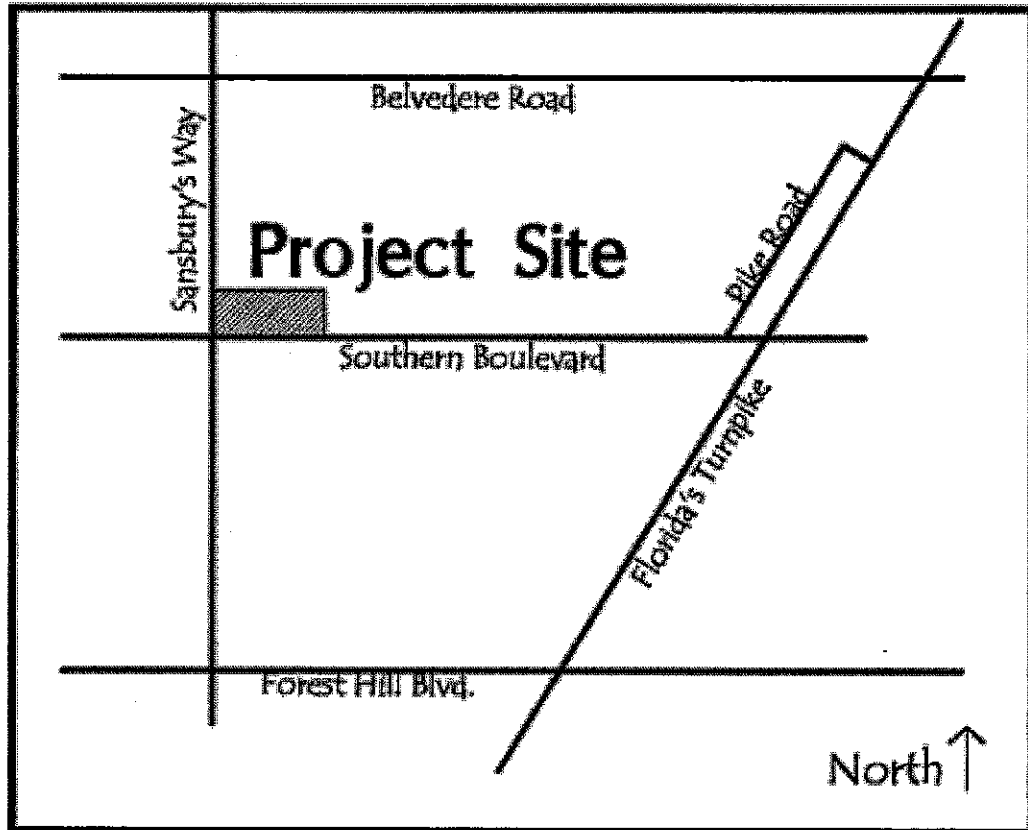


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2014-726, Control No.2007-00018, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2007-1879 and R-2013-1761 (Control 2007-00018), 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2014-726 (Control 2007-00018), 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. The approved Preliminary Site Plan is dated July 29, 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) (Previous ALL PETITIONS condition 2 of Resolution R-2014-726, Control No.2007-00018)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS condition 3 of Resolution R-2014-726, Control No.2007-00018)

4. Prior to the issuance of a building permit, all easements that conflict with the location of a proposed structure or a landscape buffer shall be abandoned or relocated. (BLDG/PMT: BUILDING DIVISION - Zoning) (Previous ALL PETITIONS condition 4 of Resolution R-2014-726, Control No.2007-00018)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW condition 1 of Resolution R-2014-726, Control No.2007-00018)

2. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW condition 2 of Resolution R-2014-726, Control No.2007-00018)

3. Buildings F shall be designed to be generally consistent with the elevations dated June 24, 2013. Modifications to the Elevations inconsistent with the Conditions of Approval, or

changes 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) (Previous ARCHITECTURAL REVIEW condition 3 of Resolution R-2014-726, Control No.2007-00018)

ENGINEERING

1. Previous ENGINEERING condition 1 of Resolution R-2014-726, Control No.2007-00018, which currently states:

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, 2017. 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, Section E of the Unified Land Development Code. (BLDGPMT/DATE: MONITORING - Engineering)

b. Building Permits for more than 6,800 square feet of gross leasable General Commercial floor area shall not be issued until the contract has been awarded for the following intersection improvements:

i. construction of dual left turn lanes north approach on Lyons Road at Forest Hill Blvd. plus the appropriate paved tapers and receiving lanes.

ii. construction of a right turn lane north approach on Sansbury's Way at Southern Blvd. plus the appropriate paved tapers and receiving lanes. (BLDGPMT: MONITORING - Engineering)

c. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment in the amount of 7.54% of the total cost of the following improvements at the intersection of Southern Blvd and Sansbury's Way:

i. modify the north approach to make a total of two (2) left turn lanes, two (2) through lanes, and one (1) right turn lane,

ii. modify the south approach to make a total of two (2) left turn lanes, two (2) through lanes, and two (2) right turn lanes,

iii. modify the west approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane, and

iv. modify the east approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane.

These modifications will also require widening of the Lyons Road bridge on the south approach to accommodate the receiving lanes as well as all necessary tapers. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer and/or the Florida Department of Transportation. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of payment. [NOTE: COMPLETED] (BLDGPMT: MONITORING - Engineering)

Is hereby amended to read:

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, 2017. 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, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. Building Permits for more than 6,800 square feet of gross leasable General Commercial floor area shall not be issued until the contract has been awarded for the following

intersection improvements:

- i. construction of dual left turn lanes north approach on Lyons Road at Forest Hill Blvd. plus the appropriate paved tapers and receiving lanes.
- ii. construction of a right turn lane north approach on Sansbury's Way at Southern Blvd. plus the appropriate paved tapers and receiving lanes. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- c. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment in the amount of 4.60% of the total cost of the following improvements at the intersection of Southern Blvd and Sansbury's Way:

- i. modify the north approach to make a total of two (2) left turn lanes, two (2) through lanes, and one (1) right turn lane,
- ii. modify the south approach to make a total of two (2) left turn lanes, two (2) through lanes, and two (2) right turn lanes,
- iii. modify the west approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane, and
- iv. modify the east approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane.

These modifications will also require widening of the Lyons Road bridge on the south approach to accommodate the receiving lanes as well as all necessary tapers. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer and/or the Florida Department of Transportation. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of payment. Any use change or the restriction imposed on the 9770 square foot High-Turnover Sit-Down Restaurant, identified as Building E on the approved site plan dated February 12, 2014 regarding the opening time of business, which is restricted to after 10:30 AM, the proportionate share payment amount can be modified subject to the review and approval of a revised traffic study by the County Engineer. (BLDGPMT: MONITORING - Engineering)

2. Acceptable surety required for the offsite intersection improvements as outlined in Engineering condition number 1.b above shall be posted with the Office of the Land Development Division on or before February 23, 2008. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 2 of Resolution R-2014-726, Control No.2007-00018)

3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- Sansbury's Way 60 feet from centerline
- Expanded Intersection Detail along Sansbury's Way at Southern Boulevard, 64 feet from centerline plus the appropriate taper.

All right of way deed(s) and associated documents shall be provided and approved prior to January 1, 2008 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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 Property Owner 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 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 3 of Resolution R-2014-726, Control No.2007-00018)

4. Prior to issuance of the first building permit, the Property Owner shall provide a temporary roadway construction easement along Sansbury's Way to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this Property Owner's entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches, and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 4 of Resolution R-2014-726, Control No.2007-00018)

5. Prior to the issuance of a building permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on:

- Sansbury's Way at the project's south entrance road.
- Southern Boulevard at the project's east entrance road.
- Southern Boulevard at the project's west 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches, and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 5 of Resolution R-2014-726, Control No.2007-00018)

6. The Property Owner shall construct:

i. a right turn lane east approach on Southern Boulevard at both the projects east and west entrance road

ii. a right turn lane south approach on Sansbury's Way at the projects south entrance road

iii. left turn lane north approach on Sansbury's Way at both the projects north and south entrance road

iv. 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. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 6 of Resolution R-2014-726, Control No.2007-00018)

7. On or before January 1, 2009, the Property Owner shall provide to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sansbury's Way along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches, and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 7 of Resolution R-2014-726, Control No.2007-00018)

8. Landscape Within the Median of Southern Boulevard

- a. The Property Owner shall design, install, and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- c. (CO: MONITORING - Engineering) [Note: COMPLETED]
- d. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]
- e. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 8 of Resolution R-2014-726, Control No.2007-00018)

9. The Property Owner shall restripe the north approach of the intersection of Southern Blvd and Benoist Farms Rd to include one left turn lane and one shared left/through/right lane consistent with Palm Beach County standards within sixty (60) days notice from the County Engineer. Any and all costs associated with this work 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 9 of Resolution R-2014-726, Control No.2007-00018)

LANDSCAPE - GENERAL-STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2014-726, Control No.2007-00018)

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2014-726, Control No.2007-00018)

3. All palms required to be planted on the property 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. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2014-726, Control No.2007-00018)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 4 of Resolution R-2014-726, Control No.2007-00018)

LANDSCAPE - PERIMETER-ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING SOUTHERN BOULEVARD AND SANSBURY'S WAY)

5. In addition to code requirements, the landscape buffers along the south and west property lines shall be upgraded to include:

- a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and,
- b. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER condition 5 of Resolution R-2014-726, Control No.2007-00018)

LANDSCAPE - PERIMETER-ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING SOUTHERN BOULEVARD AND SANSBURY'S WAY)

6. Prior to final approval by the Development Review Officer (DRO), the plan(s) shall be revised to show the following shade structures in each location:

- a. a minimum of two (2) trellis along the western access driveway of Southern Boulevard and the southern access driveway of Sansbury's Way. These trellis structures shall be located both sides of the western access point of Southern Boulevard and both sides of the southern access point of Sansbury's Way. Trellis shall have a minimum of nine (9) feet in length and eleven (11) feet in width;
- b. a minimum of two (2) trellis/gazebo along the western access driveway of Southern Boulevard These trellis/gazebo structures shall be located adjacent to the north end of the main parking lot area. Trellis/ gazebo shall have a minimum dimension of nine (9) feet in length and twenty-nine (29) feet in width;
- c. design/details of these structures shall be consistent with the structures as shown on the Regulating Plan dated September 19, 2007. (DRO: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER condition 6 of Resolution R-2014-726, Control No.2007-00018)

7. Special planting treatment shall be provided in the following locations and shall include:

a. One (1) specimen Medjool or Canary Date Palm on both sides of each of the access points of Southern Boulevard and Sansbury's Way, and also on the southwest corner of Building F. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER condition 7 of Resolution R-2014-726, Control No.2007-00018)

8. Special planting treatment shall be provided in the following locations and shall include:

a. Royal Palms or a similar species acceptable to the Landscape Section shall be planted in the median of the access point of Sansbury's Way, and along both sides of the western access driveway of Southern Boulevard for a minimum length of three hundred and thirty (330) feet;

b. Each palm shall be planted at a maximum spacing of thirty (30) apart. Palms shall have a minimum height of twenty (20) feet with a minimum greywood of twelve (12) feet. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER condition 8 of Resolution R-2014-726, Control No.2007-00018)

9. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a focal point in the midpoint of the western access driveway of Southern Boulevard. The focal point shall include, but not limited to, a fountain; a bell tower; a plaza or a decorative paving pattern that reflects the architectural theme of the principal structures. If a paving pattern is being provided, paving should consist of a minimum area of 1,960 square feet with a minimum radius of twenty-five (25) feet. Details of this focal point shall be subject to the Architectural Review Section for review and approval. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER condition 9 of Resolution R-2014-726, Control No.2007-00018)

10. Decorative pavers or stamped concrete shall be provided along the internal driveway in areas where shown on the site plan dated September 28, 2007. The property owner shall also provide additional decorative paving in two other areas as follows:

a. a minimum of 3,000 square feet at the Sansbury's Way access driveway; and,

b. A minimum of 3,000 square feet at the drive aisle adjacent to the south entrance area of Building B. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER condition 10 of Resolution R-2014-726, Control No.2007-00018)

11. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between each drive thru lane of Bank Building G, and as follows:

a. a minimum width of five (5) feet, excluding curb;

b. a minimum length of eighty (80) feet;

c. each end of the median shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;

d. one (1) palm tree with a minimum ten (10) feet of greywood and appropriate ground cover shall be installed in each planting area; and,

e. the remaining portion of the median shall be paved with decorative paving such as precast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section. (DRO: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER condition 11 of Resolution R-2014-726, Control No.2007-00018)

12. The property owner may replace the tree diamonds that are adjacent to the pedestrian walkway located in the southeast parking lot. If any of the tree diamonds are eliminated, the property owner shall provide a minimum of two (2) trellis structures. The trellis dimensions shall be consistent and pursuant to Landscape Condition 6.a. Prior to final approval by the Development Review Officer (DRO), the property owner may revise the site plan to reflect this option. (DRO: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER condition 12 of Resolution R-2014-726, Control No.2007-00018)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING condition 1 of

Resolution R-2014-726, Control No.2007-00018)

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-2014-726, Control No.2007-00018)

PLANNING

1. Per LGA 2004-007, Ordinance 2004-029, Development shall be limited to a 0.22 Floor Area Ratio (FAR) for a maximum 321,037 gross buildable square footage for this 33.52 acre site. (ONGOING: PLANNING - Planning) (Previous PLANNING condition 1 of Resolution R-2014-726, Control No.2007-00018)

SIGNS

1. Freestanding signs fronting on Southern Boulevard shall be limited as follows:

- a. maximum number of signs - three (3);
- b. location - shall be as shown on the approved site plan dated September 28, 2007; sign 'A' near the eastern property line, sign 'B' near the central entrance and sign 'C' near the western property line.
- c. maximum sign height, measured from finished grade to highest point shall be twelve (12) feet for sign 'A'; twelve (12) feet for sign 'B' and eight (8) feet for sign 'C';
- d. maximum sign face area per side shall be eighty square feet (80) feet for sign 'C' and one hundred twenty square feet (120) feet for signs 'A' and 'B'; and
- e. style - monument style only.

(BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS condition 1 of Resolution R-2014-726, Control No.2007-00018)

2. Freestanding point of purchase signs fronting on Sansbury Way shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - twelve (12) feet;
- b. maximum sign face area per side - 150 square feet;
- c. maximum number of signs - three (3);
- d. style - monument style only;
- e. location - within fifty (50) feet of the access point measured from edge of pavement; and,
- f. signs shall be limited to identification of project name, address, and tenant names only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS condition 2 of Resolution R-2014-726, Control No.2007-00018)

USE LIMITATIONS

1. Outdoor retail business activities shall not be allowed on the property, excluding activities approved by a Special Permit, deliveries and drive-thru activities only. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS condition 1 of Resolution R-2014-726, Control No.2007-00018)

2. 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 USE LIMITATIONS condition 2 of Resolution R-2014-726, Control No.2007-00018)

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)

DISCLOSURE

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