

RESOLUTION NO. R-2014- 1104

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2013-03129
(CONTROL NO. 1986-00124)
a Development Order Amendment
APPLICATION OF Bass Pro Outdoor World LLC - Jamie Carroll
BY Shutts and Bowen, LLP, AGENT
(World Wide Sportsman)

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 DOA/R-2013-03129 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 a Development Order Amendment; 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 DOA/R-2013-03129, the petition of Bass Pro Outdoor World LLC - Jamie Carroll, by Shutts and Bowen, LLP, agent, for a Development Order Amendment to reconfigure the Site Plan, delete square footage, and to modify and delete Conditions of Approval (Use Limitation, Height, and Unity of Title) 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 Abrams moved for the approval of the Resolution.

The motion was seconded by Commissioner Vana 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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK
COUNTY
FLORIDA




EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF U.S. HIGHWAY NO. 1 (NORTH FEDERAL HIGHWAY) (STATE ROAD NO. 5) WITH THE NORTH LINE OF SAID NORTHWEST 1/4; THENCE SOUTH 89°13'02" EAST ON SAID NORTH LINE 62.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°13'02" EAST ON SAID NORTH LINE 292.60 FEET TO THE NORTHWEST CORNER OF LOT 18 OF "HIDDEN KEY NORTH", RECORDED IN PLAT BOOK 28, PAGE 129, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°08'10" WEST ON THE WEST LINE OF SAID LOT 18 AND LOTS 19, 20, 21, 22 AND 23 OF SAID "HIDDEN KEY NORTH", 672.13 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 15353, PAGE 1902, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 85°38'52" WEST ON SAID NORTH LINE AND ON THE NORTH LINE OF THE PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2936, PAGE 1450 AND IN OFFICIAL RECORDS BOOK 20480, PAGE 248, OF THE PUBLIC RECORDS OF SAID COUNTY, 456.93 FEET TO THE SOUTHEAST CORNER OF ADDITIONAL RIGHT-OF-WAY FOR U.S. HIGHWAY NO. 1 RECORDED IN OFFICIAL RECORDS BOOK 5630, PAGE 207 OF SAID PUBLIC RECORDS; THENCE ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1 THE FOLLOWING 3 NUMBERED COURSES AND DISTANCES: 1) NORTH 16°24'36" EAST 139.94 FEET; 2) NORTH 88°46'31" WEST 12.43 FEET; 3) NORTH 16°24'36" EAST 528.34 FEET TO THE POINT OF BEGINNING

EXHIBIT B
VICINITY SKETCH

← NORTH

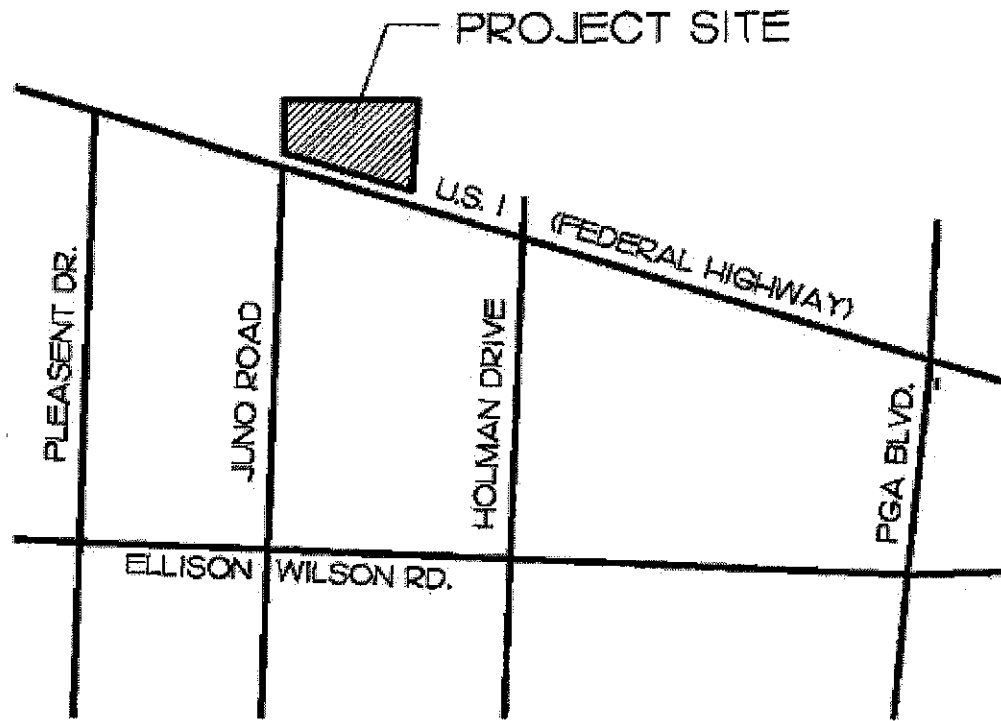


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1987-0443 (Control 1986-00124), 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 June 10, 2014. 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. Previous condition 2 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The Section graphics presented at the public hearing shall be received by the Zoning Division for inclusion into the official file.

Is hereby deleted. [REASON: No longer applicable]

ARCHITECTURAL REVIEW

1. Previous condition 13 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The east and north facades of the building will receive the same architectural treatment as the principal, west facade.

Is hereby deleted. [REASON: Superseded by new ARCHITECTURAL Conditions.]

2. Previous condition 14 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The commercial building will not exceed twenty-eight (28) feet in height at the highest point.

Is hereby deleted. [REASON: Meet Code requirements.]

3. No windows will be permitted in the second story on the east and north sides facing residential areas. (ONGOING: ZONING - Zoning) (Previous condition 15 of Resolution R-1987-443, Control No.1986-00124)

4. Previous condition 16 of Resolution R-1987-443, Control No.1986-00124, which currently states:

No showroom glass will be permitted on the east side of the building,

Is hereby deleted. [REASON: No longer applicable.]

5. Previous condition 17 of Resolution R-1987-443, Control No.1986-00124, which currently states:

All mechanical and air conditioning equipment shall be roof mounted and screened from

view. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

6. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated May 1, 2014. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code (BLDGPM: MONITORING - Engineering)

2. All easements in conflict with any construction shown on the site plan shall be abandoned or released, and relocated if necessary, prior to the issuance of building permits. (BLDGPM: MONITORING - Engineering)

3. Previous condition 3 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district however at a minimum. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.

Is hereby deleted. [REASON: Code Requirement]

4. Condition 4 of Zoning Resolution R-1987-0443, Petition No. 1986-00124 which currently states:

The property owner shall convey for the ultimate right-of-way for:

- a. U.S. 1, 60 feet from centerline within 90 days of the approval of the Resolution approving this project.
- b. The construction of a right turn lane, south approach on U.S. 1 at the project's north entrance. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length with a taper length of 180 feet.

Is hereby amended to read:

The Property Owner shall convey for the ultimate right of way for U.S. 1, 60 feet from centerline within 90 days of the approval of the Resolution approving this project. [Note: COMPLETED]

5. Previous condition 5 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The Property Owner shall align the project entrances with the existing median openings on U.S.1.

Is hereby deleted. [REASON: No longer applicable]

6. Previous condition 6 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The Property Owner shall construct: a) a left turn lane, north approach on U.S. 1 at the project's entrance roads onto U. S. 1 at the existing median openings b) right turn lane, south approach on U.S. 1 at the project's entrance road onto U. S. 1 c) left turn lane, east approach at the project's entrance road all concurrent with onsite paving and drainage improvements.

Is hereby deleted. [REASON: No longer applicable]

7. Previous condition 7 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$104,481.00 (3,900 trips X 926.79 per trip) .

Is hereby deleted. [REASON: Code requirement]

8. Previous condition 8 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$52,241.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$156,722.00 are to be paid prior to the issuance of the first building permit or prior to July 1, 1987 whichever shall first occur. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$52,241.00 shall be credited toward the increased Fair Share Fee.

Is hereby deleted. [REASON: No longer applicable]

9. Previous condition 9 of Resolution R-1987-443, Control No.1986-00124, which currently states:

In order to comply with the mandatory traffic performance standards, the Property Owner shall be restricted to the following phasing schedule: Use of the site shall be restricted to a 30,000 square foot furniture store and a 20,000 square foot appliance or furniture related center, in addition to a maximum 25,000 square foot general commercial use.

Is hereby deleted. [REASON: No longer applicable]

10. Previous condition 10 of Resolution R-1987-443, Control No.1986-00124, which currently states:

The Property Owner shall install signalization if warranted, as determined by the County Engineer at the project's entrance road and U. S. 1. Should Signalization not be warranted after 12 months of the final Certificate of Occupancy, this Property Owner shall be relieved from this condition.

Is hereby deleted. [REASON: Superseded]

11. 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, 2018. 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 Art. 2.E of the Unified Land Development Code. (BLDG/PMT/DATE: MONITORING - Engineering)

12. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Juno Road and US 1. Such determination is made following the guidelines provided in the Manual of Uniform Traffic Control Devices (MUTCD), a federal document adopted by the State of Florida and Palm Beach County policies and procedures. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 23,000 sf of retail development shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. Such determination is made using existing annual contract pricing or an individual bid if no such annual contract exists. Amount of the surety will include the cost for design and construction of traffic signal and roadway modifications necessary to accommodate the traffic signal. Design cost is determined using historical data of similar projects. Cost estimate calculated at this stage does not include potential need for right of way acquisition or necessary utility relocations. However, at any point prior to the above threshold for building permit, it is determined by the County Engineer that a signal is warranted, full payment for the signal cost, as determined by the County Engineer, will be required to be made by the Property Owner within 60 days from the receipt of notice for such payment. (BLDG/PMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (BLDG/PMT/CO: MONITORING - Engineering)

13. The Property Owner shall modify the existing median opening located approximately 480 feet south of the intersection of Juno Road and US 1 to the current FDOT Design Standards for the taper length and the pavement markings shall be modified to a u-turn lane, as required by the conceptual driveway approval letter from the FDOT, dated March 12, 2014. Permits shall be obtained and construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

14. The Property Owner shall lengthen the existing left turn lane north approach on US 1 at Juno Road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as approved by the FDOT. 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. Permits shall be obtained and construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

15. Subject to appropriate governmental approvals, the developer shall replace the sidewalk along U. S. 1 from the northern to southern property lines. The sidewalk shall be completed prior to issuance of a certificate of occupancy for the commercial building. (BLDG/PMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous condition 25 of Resolution R-1987-443, Control No. 1986-00124)

16. Previous Condition 26 of R-1987-443, Control No. 1986-00124, which currently states: Subject to appropriate governmental approvals, the developer shall landscape the medians within the right-of-way of US 1. Design of the landscaping shall be harmonious with that in the adjacent medians in front of Luria s Plaza.

Is hereby amended to read:

Landscape Within the Median of U. S. 1.

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of U. S. 1. 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 Commissioner's 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 c and d below.

a. Prior to the issuance of the first building permit, the necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the first certificate of occupancy, all installation of the landscaping and irrigation shall be completed. (BLDGPM/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along U. S. 1. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENGINEERING - Engineering)

17. Subject to appropriate governmental approvals, the development shall be limited to a maximum of three (3) curb cuts on U. S. 1. (ONGOING: ENGINEERING - Engineering)
(Previous condition 27 of Resolution R-1987-443, Control No.1986-00124)

ENVIRONMENTAL

1. Previous condition 1 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Prior to Site Plan Review Committee approval, the Petitioner shall provide conformation from Palm Beach County Environmental Sciences that the Site Plan conforms to the Mangrove Protection Act, Chapter 17-27 Florida Statutes as well as the Palm Beach County Mangrove Protection Ordinance

Is hereby deleted. [REASON: No longer applicable as State Code.]

LANDSCAPE - PERIMETER-PERIMETER - LANDSCAPING ALONG THE SOUTHEAST CORNER

1. In addition to the Code requirements, landscaping along the inside of the southern buffer wall to a point 150 feet west of the southeast corner of the property shall be upgraded to include ten (10) canopy trees planted fifteen (15) feet on center with a minimum overall height of twelve (12) feet. (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

2. Previous condition 23 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Perimeter buffer walls shall be eight (8) feet in height. The wall erected on the east side of the property adjacent to the canal shall be extended to run along the north side of the property and along the west side of the property to a point 130 feet east of US 1. The wall will be of concrete block stucco (CBS) construction and will receive appropriate architectural treatment on both sides.

Is hereby amended to read:

Perimeter buffer walls shall be eight (8) feet in height. The wall erected on the east side of the property adjacent to the canal shall be extended to run along the north side of the property to a point 130 feet east of US 1. The wall will be of concrete block stucco (CBS) construction and will receive appropriate architectural treatment on both sides. (ONGOING: ZONING - Zoning)

3. Prior to Final Approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to increase the existing six (6) foot wall to eight (8) feet in height with opaque material. The opaque material shall extend to a point 150 feet west of the southeast corner of the property. (DRO/ONGOING: ZONING - Zoning)

LIGHTING

1. Previous condition 18 of Resolution R-1987-443, Control No.1986-00124, which currently states:

No lighting above ten (10) feet in height shall be attached to the north or east sides of the building. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Meet Code requirements.]

2. Previous condition 19 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Security lighting on the east and north sides of the property shall be of low intensity and directed away from adjacent residential areas. The light fixtures will not exceed eight (8) feet in height. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Meet Code requirements.]

3. Previous condition 20 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Parking lot lighting on the west side of the property, will not exceed twenty-two (22) feet in height. Lighting will be directed away from adjacent residential buildings.

Is hereby amended to read:

All lighting shall be directed away from adjacent residential buildings. Parking lot lighting on the property will not exceed twenty (20) feet in height. (ONGOING: ZONING - Zoning)

SIGNS

1. Previous condition 21 of Resolution R-1987-443, Control No.1986-00124, which currently states:

No signs shall be placed on or above the roof line of the building. No more than two free-standing point-of-purchase signs shall be permitted on the site. No off premise signs shall be located on the site. No signs greater than eight (8) feet in height shall be attached to the east or north facades of the building.

Is hereby amended to read:

No signs shall be placed on or above the roof line of the building. No more than two ground

mounted free-standing signs shall be permitted on the site. No off premise signs shall be located on the site. No signs greater than eight (8) feet in height shall be attached to the east or north facades of the building. (ONGOING: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to relocate the monument sign located at the south entrance on US Highway 1 out of the 12 foot utility easement. (ONGOING: ZONING - Zoning)

SITE DESIGN

1. Previous condition 11 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Prior to Site Plan approval, the Petitioner shall record a Unity of Title Agreement covering the entire site.

Is hereby deleted. [REASON: Property will be re-platted.]

2. The project shall consist of a single commercial building. No separate, free-standing buildings will be erected on the site. (ONGOING: ZONING - Zoning) (Previous condition 12 of Resolution R-1987-443, Control No.1986-00124)

3. Previous condition 22 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Deliveries and trash pickup shall be limited to the hours of 7:30 a.m. to 8:00 p.m. on weekdays only.

Is hereby amended to read:

Hours of delivery and trash pickup shall be limited to 7:30 a.m. to 9:00 p.m. Monday through Friday. Deliveries only shall be allowed during the hours of 9:00 a.m. to 6:00 p.m. on Saturdays, and shall be prohibited on Sundays. (ONGOING: ZONING - Zoning)

4. Previous condition 24 of Resolution R-1987-443, Control No.1986-00124, which currently states:

All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collections devices shall be concealed behind CBS walls having an architectural treatment harmonious with the principal building.

Is hereby amended to read:

All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind an opaque barrier. (ONGOING: ZONING - Zoning)

5. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to indicate the location of the "No Truck Engine Idling" signs. (DRO/ONGOING: ZONING - Zoning)

6. Prior to Final Approval by the Development Review Officer, the Final Site Plan and the Final Regulating Plan shall be revised to indicate an opaque enclosure around the dumpster enclosure constructed of PVC, hardi-board, wood or fiberglass material. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. No bars, lounges, or package stores shall be permitted on the site. This condition shall not preclude sale of alcoholic beverages in a full service restaurant or gourmet food store. (ONGOING: ZONING - Zoning) (Previous condition 28 of Resolution R-1987-443, Control No.1986-00124)

2. Previous condition 29 of Resolution R-1987-443, Control No.1986-00124, which currently states:

Restaurant operations shall be restricted to the southwest wing of the property.

Is hereby deleted. [REASON: No longer applicable.]

3. The Vehicle Sales and Rental Requested Use approval shall be limited to Boat Sales only. (ONGOING: ZONING - Zoning)

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.