

RESOLUTION NO. R-2020- 1235

RESOLUTION APPROVING ZONING APPLICATION DOA/CA/W-2020-00263
(CONTROL NO. 1996-00007)
a Development Order Amendment
APPLICATION OF Pan York Glades, LLC, EOS Fitness Florida, LLC
BY Urban Design Kilday Studios, AGENT
(EOS Fitness @ Mission Bay Corporate Park MUPD)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 27, have been satisfied;

WHEREAS, Zoning Application DOA/CA/W-2020-00263 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 2020;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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/CA/W-2020-00263, the Application of Pan York Glades, LLC, EOS Fitness Florida, LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to modify the Site Plan, uses and Conditions of Approval, on a parcel of land generally described as shown on the legal description 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 August 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Absent
Commissioner Melissa McKinlay	-	Absent
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 27, 2020.

Filed with the Clerk of the Board of County Commissioners on September 9th, 2020

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

ALL OF THE PLAT OF MISSION BAY CORPORATE PARK AS RECORDED IN PLAT BOOK 79 PAGES 133 THRU 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 11.22 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

SEC 13 TWP 47 RNG 41

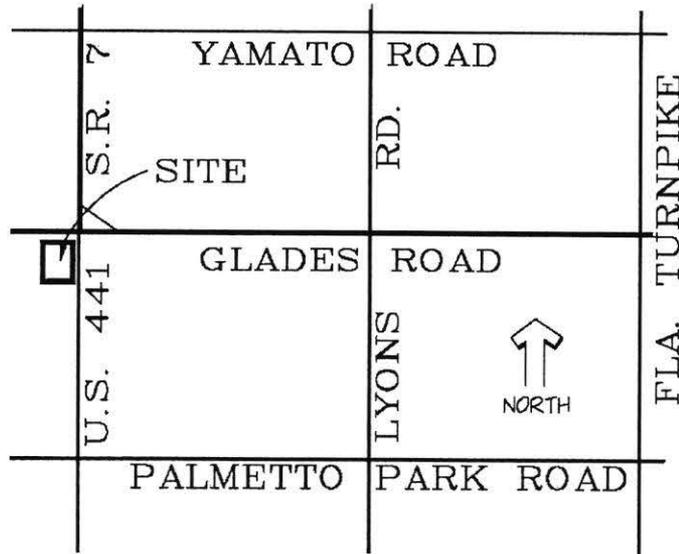


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Planned Development District)

ALL PETITIONS

1. Previous A Condition A.1 of Resolution R-1997-13, Control No.1996-00007, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1181 (Petition 96-07), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1997-0013(Control 1996-00007), 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. Previous A Condition A.2 of Resolution R-1997-13, Control No.1996-00007, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (Exhibit dated October 16, 1996). 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated July 15, 2020. 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. (ONGOING: ZONING - Zoning)

ACCESS

1. No truck deliveries shall be permitted from the Calle Comercio access. (ONGOING: CODE ENF - Zoning) (Previous Condition B.1 of Resolution R-1997-13, Control No.1996-00007)

ENGINEERING

1. The Property owner shall construct a right turn lane on SR 7
a: the projects entrance road on SR 7. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 1 of Resolution R-1997-13, Control No.1996-00007)

2. Prior to Development Review Committee approval.the property owner shall:

a. incorporate into the master signage program for the site, traffic directional signs for northbound vehicles on SR 7 entering the site. Location and type of these signs shall be approved by the Florida Department of Transportation and the County Engineer. Placement of these signs shall be completed concurrent with the construction of the right turn lane on SR 7 required above, (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. the property owner shall revise the site plan to provide for a minimum of 100 foot clear area for vehicles entering and exiting the site from the southerly entrance from Calle Comercio. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-1997-13, Control No.1996-00007)

3. LANDSCAPE IN MEDIAN

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to upgrade all the landscaping of the adjacent median of SR 7. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-1997-13, Control No. 1996-00007)

b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-1997-13, Control No. 1996-00007)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-1997-13, Control No.1996-00007)

4. No building permits shall be issued without a new traffic study addressing the County Traffic Performance Standards (TPS and traffic conditions existing at the time of permit application, if the ownership of Mission Bay Corporate Park is not the same as the Mission Bay PUD (currently shown as Mission Bay Community Associates, Inc.). (Note: The traffic study approved with Petition 96-07 assumes that the Corporate Park is still one "project" with the Mission Bay PUD because of the same ownership and shared infrastructure. Consequently, all trips between the Corporate Park and PUD are considered "internal" trips for purposes of TPS and impact fee calculation). (BLDGPM: MONITORING - Monitoring) [Note: COMPLETED] (Previous E Condition 4 of Resolution R-1997-13, Control No.1996-00007)

5. Existing impact fee credits from Mission Bay PUD shall be made available to the commercial tract (Petition No. PDD96-07) and for the additional multi-family units for Tract "F" (Petition No. DOA84-95(1)). (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 5 of Resolution R-1997-13, Control No.1996-00007)

6. 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, 2024, or as amended. 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. (DATE: MONITORING - Engineering)

7. The site plan shall be updated to show the bearings and distances for the parcels within the MUPD boundary to meet the requirements of 11.A.6.B and provide driveway dimensions consistent with the land development design standards manual. (DRO: ENGINEERING - Engineering)

HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and agency responsible for sewage works are constructed and used by project tenant or owner generating such effluent. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous D Condition 1 of Resolution R-1997-13, Control No.1996-00007)

2. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 10D-104FAC. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous D Condition 2 of Resolution R-1997-13, Control No.1996-00007)

LANDSCAPE - GENERAL

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 1 of Resolution R-1997-13, Control No.1996-00007)

LANDSCAPE - INTERIOR

2. Prior to final DRC certification, the site plan shall be amended to reflect the following:

- a. Ten (10) foot wide landscape divider medians between all rows of abutting parking with one (1) tree and appropriate ground cover planted for each thirty (30) linear feet of the divider median.

- b. Interior grade-level tree planters shall be required within all rows of abutting parking not having ten (10) foot wide landscape divider medians, in accordance with Section 7.3.E.2.a(2)(b) of the ULDC.

- c. The five (5) foot wide landscape divider medians depicted on the July 12, 1996 site plan may be maintained provided that at final DRC it is determined by DRC that the medians are in excess of the required interior landscape requirements. Such determination by the DRC shall be based on calculations and plans submitted by the petitioner.

- d. Landscape dividers adjacent to the SR 7/US 441 shall be revised to reflect a ten (10) foot wide minimum width, exclusive of sidewalks.

- e. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all drive ways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median.

- f. Landscape islands shall be provided along the front and side facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover.

- g. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred five (105) linear feet. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous G Condition 1 of Resolution R-1997-13, Control No.1996-00007)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

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

a. A six (6) foot high concrete wall on top of a continuous two (2) foot high berm. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous -H Condition 1 of Resolution R-1997-13, Control No.1996-00007)

4. The following landscaping requirements shall be installed on the exterior side of the required wall:

a. One (1) canopy tree planted every twenty (20) feet on center;

b. One (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and

c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 2 of Resolution R-1997-13, Control No.1996-00007)

5. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 3 of Resolution R-1997-13, Control No.1996-00007)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING R-O-W)

6. Landscaping and buffering along the east property line shall be upgraded to include:

a. One canopy tree thirty (30) feet on center planted in a staggered form on the interior and exterior side of a thirty-six (36) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at time of installation.

b. One (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. (CO/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-1997-13, Control No.1996-00007)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

7. Landscaping and buffering along the west property line shall be upgraded to include:

a. A six (6) foot high green vinyl chain link fence. (CO/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 1 of Resolution R-1997-13, Control No.1996-00007)

8. The following landscaping requirements shall be installed on the exterior side of the required fence:

a. One (1) canopy tree planted every twenty (20) feet on center;

b. One (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and

c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 2 of Resolution R-1997-13, Control No.1996-00007)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous K Condition 1 of Resolution R-1997-13, Control No.1996-00007)

2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous K Condition 2 of Resolution R-1997-13, Control No.1996-00007)

PALM TRAN

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran.

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the next certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (DRO: PALM-TRAN - Palm-Tran) (Previous L Condition 1 of Resolution R-1997-13, Control No.1996-00007)

2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM-TRAN - Palm-Tran) (Previous L Condition 2 of Resolution R-1997-13, Control No.1996-00007)

3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM-TRAN - Palm-Tran) (Previous L Condition 3 of Resolution R-1997-13, Control No.1996-00007)

PARKING

1. All delivery and/or loading areas shall be screened from view from the west property line by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (Previously Condition H.1 of Resolution R-96-1181, Petition 96-07) (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous N Condition 1 of Resolution R-1997-13, Control No.1996-00007)

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 N Condition 2 of Resolution R-1997-13, Control No.1996-00007)

3. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 3 of Resolution R-1997-13, Control No.1996-00007)

4. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within thirty (30) feet of the west property line and shall be confined to the areas designated on the site plan. (DRO/ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous N Condition 4 of Resolution R-1997-13, Control No.1996-00007)

5. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to reflect the relocation of the existing dumpster so as to coincide with the service vehicle traffic flow of the proposed shopping center. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 5 of Resolution R-1997-13, Control No.1996-00007)

6. Prior to final approval by the Development Review Officer, the Parking Data shall be amended to restore the parking calculations for the shopping center outside of the affected area as previously approved. (DRO: ZONING - Zoning)

PLANNED DEVELOPMENT

1. Total retail gross floor area for Phase II shall be limited to a maximum of 112,000 square feet. (ONGOING: ZONING - Zoning) (Previous M Condition 1 of Resolution R-1997-13, Control No.1996-00007)

2. The shopping center shall be limited to 123,255 square feet. Expansions shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRO: ZONING - Zoning) (Previous M Condition 2 of Resolution R-1997-13, Control No.1996-00007)

3. To ensure consistency with the site plan dated July 12, 1996 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRO: ZONING - Zoning) (Previous M Condition 3 of Resolution R-1997-13, Control No.1996-00007)

4. No single retail user/space shall exceed 55,000 square feet. (DRO/ONGOING: ZONING - Zoning) (Previous M Condition 4 of Resolution R-1997-13, Control No.1996-00007)

5. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition C.5 of Resolution R-96-1181, Petition 96-07) (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous M Condition 5 of Resolution R-1997-13, Control No.1996-00007)

6. Prior to certification of the preliminary development plan by the Development Review Committee, 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. (Previously Condition C.6 of Resolution R-96-1181, Petition 96-07) (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous M Condition 6 of Resolution R-1997-13, Control No.1996-00007)

SIGNS

1. Point of purchase and/or freestanding signs fronting on State Road 7 shall be limited as follows:

- a. Maximum number of signs - two (2);
- b. Maximum sign height, measured from finished grade to highest point - for one sign, twenty (20) feet, for second sign ten (10) feet;
- c. Maximum sign face area per side - for one sign, 180 square feet, for second sign 100 square feet;
- d. Style - monument style only, for both signs. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous O Condition 1 of Resolution R-1997-13, Control No.1996-00007)

2. Point of purchase and/or freestanding signs fronting on Calle Comercio Road shall be limited as follows:

- a. Maximum number of signs - one (1);
- b. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- c. Maximum sign face area per side - 100 square feet;
- d. Style - monument style, only. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous O Condition 2 of Resolution R-1997-13, Control No.1996-00007)

3. Off-premises directional signs along Calle Comercio Road shall have approval from the Mission Bay Community Association and shall be limited to the following:

- a. Maximum number of signs - one (1);
- b. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- c. Maximum sign face area per side - 24 square feet
- d. Style - monument style only. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous O Condition 3 of Resolution R-1997-13, Control No.1996-00007)

4. Prior to the issuance of a building permit for signs, the petitioner shall submit documentation from the Mission Bay Community Association approving the architectural design of all proposed signs. (Previously Condition I.4 of Resolution R-96-1181, Petition 96-07) (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous O Condition 4 of Resolution R-1997-13, Control No.1996-00007)

SITE DESIGN

1. Open storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the shopping center. (ONGOING: CODE ENF - Zoning) (Previous C Condition 1 of Resolution R-1997-13, Control No.1996-00007)

2. Garbage/trash shall not be picked up between the hours of 11 p.m. and 8 a.m. (ONGOING: CODE ENF - Zoning) (Previous O Condition 4 of Resolution R-1997-13, Control No.1996-00007)

USE LIMITATIONS

1. Previous O Condition 3 of Resolution R-1997-13, Control No.1996-00007, which currently states:

Hours of operation for the shopping center shall be limited from 7 a.m. to 11 p.m., with the exception of Thanksgiving to New Year's, annually, and special events as permitted pursuant to the ULDC.

Is hereby amended to read:

Hours of operation for the shopping center, shall be limited from 7 a.m. to 11 p.m., with the exception of: the 41,732 square foot Fitness Center; Thanksgiving to New Year's, annually; and, Special Events as permitted pursuant to the ULDC. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS-VETERINARY CLINIC

2. One veterinary clinic shall be permitted on site, limited to a maximum of 1,925 square feet of floor area. (BLDGPM: BUILDING DIVISION - Zoning) (Previous P Condition 1 of Resolution R-1997-13, Control No.1996-00007)

3. No overnight boarding, outdoor dog runs or confinement areas shall be permitted. All uses shall be conducted indoors. (ONGOING: CODE ENF - Zoning) (Previous P Condition 2 of Resolution R-1997-13, Control No.1996-00007)

USE LIMITATIONS-FUNERAL HOME ONLY

4. The funeral home shall be limited to chapel services and viewing only. No cremation, embalming or body preparation shall be done on site. (ONGOING: CODE ENF - Zoning) (Previous C Condition 2 of Resolution R-1997-13, Control No.1996-00007)

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)

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)

DISCLOSURE

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