

RESOLUTION NO. R-2022-0151

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2021-01521
(CONTROL NO. 1998-00089)
a Development Order Amendment
APPLICATION OF Sean Dalfen, Mgr., DI Management Florida, LLC, David Saunders,
Mgr., Ranch House Realty, LLC
BY Schmidt Nichols, AGENT
(CHS Properties 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 as amended, have been satisfied;

WHEREAS, Zoning Application ABN/DOA-2021-01521 was presented to the Board of County Commissioners at a public hearing conducted on February 24, 2022;

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 ABN/DOA-2021-01521, the Application of Sean Dalfen, Mgr., DI Management Florida, LLC, David Saunders, Mgr., Ranch House Realty, LLC, by Schmidt Nichols, Agent, for a Development Order Amendment to modify the Site Plan; add and delete uses; add square footage; and, modify the 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 February 24, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 24, 2022.

Filed with the Clerk of the Board of County Commissioners on February 28th, 2022.

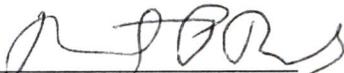
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: MUPD

PARCELS 1 AND 2, TRACT "L-1" AND TRACTS "A" AND "O", WATER MANAGEMENT TRACTS A, B AND C, AS SHOWN ON THE PLAT OF CHS PROPERTIES MUPD, AS RECORDED IN PLAT BOOK 104, PAGES 174 THROUGH 178, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH

THE NORTH 272 FEET OF LOT 8, MORRISON SUBURBAN DEVELOPMENT, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 20, PAGE 40. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA

CONTAINING 1,188,837 SQUARE FEET/27.2920 ACRES, MORE OR LESS

EXHIBIT B

VICINITY SKETCH

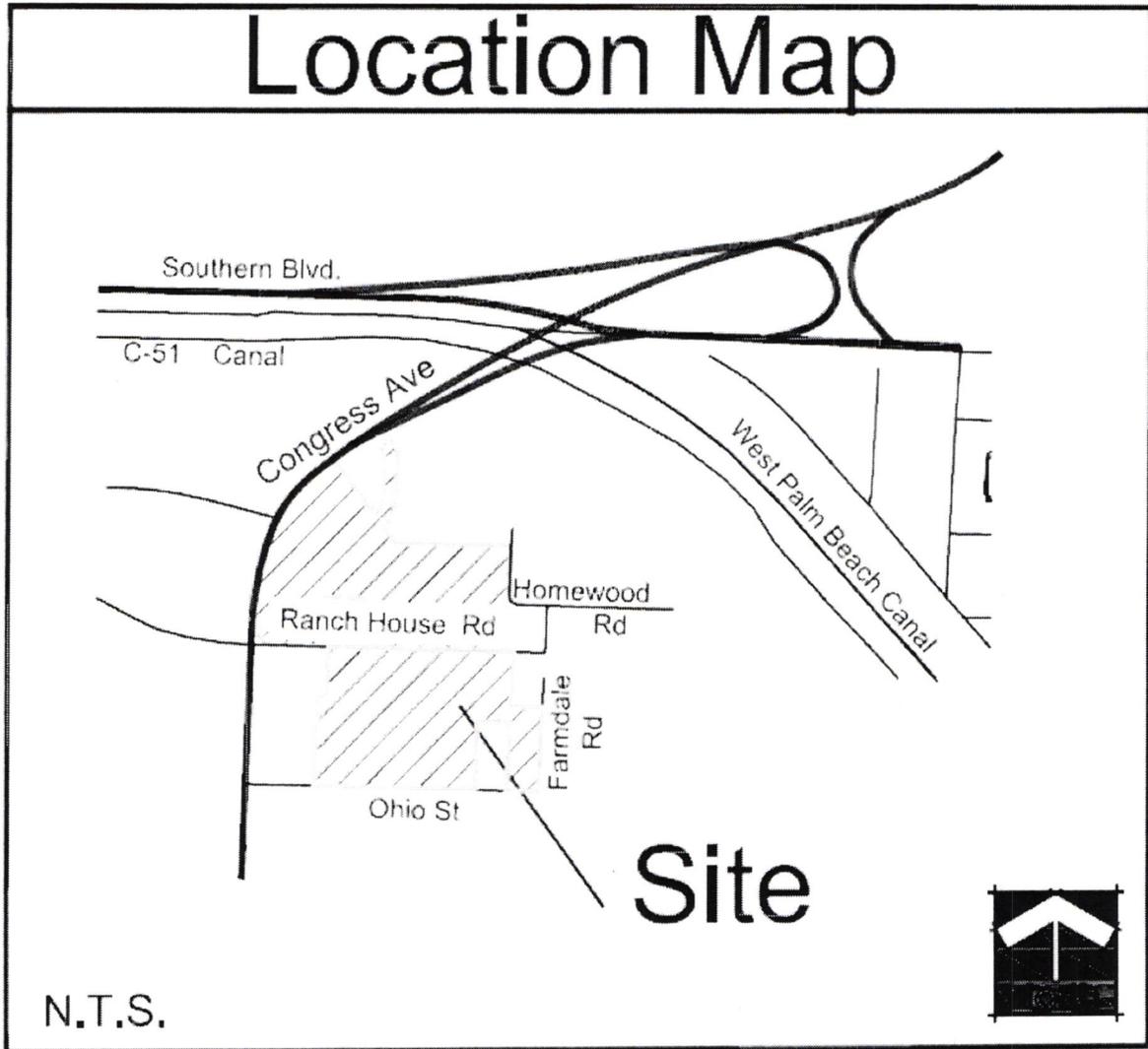


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2021-269, Control No.1998-00089, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2016-1831 (Control 1998-089), 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-2021-0269 (Control 1998-089), 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 ALL PETITIONS Condition 2 of Resolution R-2021-269, Control No.1998-00089, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site Plan and Regulating Plan are dated December 28, 2020. The approved Architectural Elevations are dated September 16, 2016. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval.

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Master Plan, Preliminary Site Plan, and Regulating Plan are dated December 13, 2021. The approved Architectural Elevations are dated September 16, 2016. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (DRO/ONGOING: ZONING - Zoning)

3. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2021-269, Control No.1998-00089)

DEPARTMENT OF AIRPORTS (DOA)

1. All construction on the site shall be pursuant to Article 16 (Airport Zoning Regulations) of the ULDC. (BLDG/PMT/ONGOING: AIRPORTS - Airports) (Previous DEPARTMENT OF AIRPORTS (DoA) Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall provide an aviation easement covering the entire property which is satisfactory to the Department of Airports and the County Attorney. (DRO: AIRPORTS - Airports) [Note: COMPLETED] (Previous DEPARTMENT OF AIRPORTS (DoA) Condition 2 of Resolution R-2021-269, Control No.1998-00089)

ARCHITECTURAL REVIEW

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings located in the MUPD. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. The exterior elevations of all buildings shall include the following:

a. Integrated design of gutters and downspouts into the architectural design of the building. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. All exterior base colors are limited to earth tones, pastels, or neutrals (whites and grays). No primary colors shall be used as a base color. (BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2021-269, Control No.1998-00089)

4. At time of submittal for Final Approval by the Development Review Officer (DRO) for Pod A, the architectural elevations for the primary building(s) within the Pod shall be submitted simultaneously with the Site Plan for final architectural review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2021-269, Control No.1998-00089)

5. At time of submittal for Final Approval by the Development Review Officer (DRO), the architectural elevations for Pod B shall be submitted for final 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) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2021-269, Control No.1998-00089)

6. Prior to the issuance of Building Permit for the Building in Pod C, 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). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 6 of Resolution R-2021-269, Control No.1998-00089)

BUILDING AND SITE DESIGN

1. Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2021-269, Control No.1998-00089, which currently states:

The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five 35 feet, unless specified otherwise excluding those buildings in Pod B. All heights shall be measured from finished grade to highest point.

Is hereby amended to read:

For Pod A the maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed 35 feet measured from finished grade to highest point. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

2. All air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDGPMT/CO: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN

Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. Barbed wire or razor wire shall not be permitted on the site. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2021-269, Control No.1998-00089)

ENGINEERING

1. Prior to September 1, 1999, this Property Owner shall fund the following intersections improvements at the intersection of Congress Avenue and the newly aligned Gun Club Road:

a. left turn lane, east approach

b. right turn lane, east approach (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. Prior to the issuance of a building permit, the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for:

a) Ranch House Road 80 feet north of the existing south right of way line from Congress Avenue to the existing day care.

b) Farmdale Road a total of 50 feet right of way.

c) East Grace Drive as an 80/50 foot right of way as shown of the site plan dated 1/28/99 prepared by Kilday and Associates.

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. Prior to the issuance of a Building Permit, the Property Owner shall convey 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 Ranch House Road along the property frontage. 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 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2021-269, Control No.1998-00089)

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a) Building Permits for more than 2125 trips per day shall not be issued until a contract has been let for the construction of Australian Avenue as a 6 lane facility from Congress Avenue to Southern Boulevard plus the appropriate paved tapers.

b) Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (BLDGPMT: MONITORING - Engineering) [Note:

COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2021-269, Control No.1998-00089)

5. LANDSCAPING WITHIN MEDIAN OF STATE ROADS

a. Prior to issuance of a building permit, the Property Owner shall fund in the amount of \$53,392 to the Palm Beach Board of County Commissioners for landscaping the adjacent median of Congress Avenue Road Right-of-Way. All funding shall be completed prior to the issuance of a Building Permit. These funds shall then be used for the installation in the amount of \$12,784 and maintenance in the amount of \$40,608 for any landscape material installed by Palm Beach County or another Developer. If these funds are to be included in a landscape program by another Developer Palm Beach County may administer the disbursement of these fees. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2021-269, Control No.1998-00089)

6. The Property Owner shall participate in a Road Closure Public Hearing for any/all internal roads within or adjacent to the site. The site plan shall be modified to reflect Board of County Commissioners approved road closures affecting this site no later than October 1, 1999. Road closure improvements required by the Board of County Commissioners including but not limited to cul-de-sac, barricades, or guard rails, for Farmdale Road and/or Homewood Road adjacent to the site shall be funded by the Petitioner. (DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2021-269, Control No.1998-00089)

7. Any road closure improvements, if approved by the Board of County Commissioners, shall be completed prior to January 1, 2000, or prior to the issuance of the first building permit, whichever shall first occur. (BLDG/PMT/DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2021-269, Control No.1998-00089)

8. During the construction phase of the project, there shall be no construction traffic permitted onto Ohio Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2021-269, Control No.1998-00089)

9. After the construction has been completed, there shall be no access onto Ohio Road from the site. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2021-269, Control No.1998-00089)

10. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF AUSTRALIAN AVENUE

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 provide landscape cutouts within the concrete median of Australian Avenue Right-of-Way contiguous to the frontage. This permit, to be completed by the Property Owner, shall name Palm Beach County as the applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreement. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. All new landscape material 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer.

b. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the Property Owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the Petitioner and its

successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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 Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy.

c. If the County does not assume maintenance responsibility, then appropriate Property Owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit.

d. The Property Owner may elect to fund the improvements as provided for in a proposed median landscape buyout program. The Palm Beach County Board of County Commission will review this program and if approved, the property owner may elect to participate. The Property Owner shall fund for the amount of \$23,348 as currently provided for in the proposed Buyout Program, prior to the issuance of the first building permit. If the amount of funding as provided for in this buyout program is amended, the Property Owner shall be responsible for the revised funding. Fees are currently based on \$30.60 per lineal feet of frontage x 763 feet of frontage. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2021-269, Control No.1998-00089)

11. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. Building Permits for more than 2,575 net external trips per day shall not be issued until the contract has been awarded for the construction of Southern Boulevard as an 8 lane facility from Haverhill Road to Congress Avenue plus the appropriate paved tapers.

b. Prior to certification of the final site plan, the Property Owner shall provide an approved traffic phasing study. This study shall demonstrate how compliance with the phasing condition above will be accommodated.

The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2021-269, Control No.1998-00089)

12. Previous ENGINEERING Condition 12 of Resolution R-2021-269, Control No.1998-00089, 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, 2023. 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)

Is hereby deleted. [REASON: Superseded by another build out condition]

13. Previous ENGINEERING Condition 13 of Resolution R-2021-269, Control No.1998-00089, which currently states:

The Property Owner shall:

- lengthen the existing left turn lane north approach on Congress Avenue at the projects

north entrance to provide for storage length of 320 feet plus the appropriate paved taper.
- Restripe/construct the east approach on Ranch House Road at Congress Avenue to provide for a left turn lane east approach and a left turn lane west approach on Ranch House Road at the projects west entrance.

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 from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer required]

14. Prior to the issuance of the first building permit in Pod C, south of Ranch House Rd, the Property Owner shall abandon or release, and relocate if necessary, the water management tract in conflict with the proposed development. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2021-269, Control No.1998-00089)

15. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2021-269, Control No.1998-00089)

16. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 Congress Avenue along the property frontage; and a maximum of an additional 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and 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. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2021-269, Control No.1998-00089)

17. Prior to issuance of the first Building Permit in Pod C, the Property Owner shall record the proposed public and private drainage easements as shown on the accompanying site plan. Drainage easements shall be approved by the County Attorney and the County

Engineer prior to recordation. (BLDGPM: MONITORING - Engineering)

18. Prior to the issuance of the first building permit in Pod C, the Property Owner shall abandon or release, and relocate the 20ft drainage easement overlapping the 20ft utility easement, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

19. Prior to March 31, 2021, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING - Engineering) [Note: COMPLETED]

20. Prior to the issuance of the first building permit in Pod C, the Property Owner shall abandon or release, and relocate the 20ft drainage easement overlapping the 20ft utility easement, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

21. Previous ENGINEERING Condition 2 of DROE-2021-00421, Control No.1998-00089, which currently states:

Prior to March 31st, 2022, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code.

Is hereby amended to read:

Prior to March 31st, 2023, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING - Engineering)

22. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: ENGINEERING - Engineering)

23. 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, 2025, 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)

ENVIRONMENTAL

1. A tree survey of existing native specimen sized trees for Pods B, and C shall be completed and submitted to ERM prior to DRC site plan submittal. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2021-269, Control No.1998-00089)

LANDSCAPE - GENERAL

1. Prior to Final Site Plan approval, the Agent must meet with the Landscape Division to discuss the Tree Disposition Plans and the number of preserved or relocated trees. The Plan shall be revised to include any changes. (DRO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2021-269, Control No.1998-00089)

LANDSCAPE - PERIMETER-ALONG ALL PROPERTY LINES ADJACENT TO RIGHT-OF-WAYS

8. In addition to the requirements for Right of Way Buffers, the buffer along Ranch House Road for Pod C, shall be upgraded to a minimum width of 20 feet. (BLDG/PMT/DRO: ZONING - Zoning)

ZONING - LANDSCAPING-INTERIOR

1. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways 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 length of this median shall be twenty five (25) feet. A 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. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. Landscaping in the divider median to the north and west of the convenience store shall be upgraded to include:

- a. One (1) cluster of three (3) palms or pines for each sixty (60) linear feet of divider median;
- b. One (1) native canopy tree, multi-trunk or flowering tree for each thirty (30) linear feet of divider median;
- c. One (1) small shrub for each four (4) linear feet of divider median. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. One (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. Exceptions shall be permitted if required by Engineering to meet minimum site distance requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. Landscaping in the divider median west of the Dry Retention Area in Pod B shall be upgraded to include:

- a. One (1) native canopy tree for each twenty (20) linear feet of divider median;
- b. One (1) small shrub for each four (4) linear feet of divider median. Shrub shall be a minimum height of eighteen (18) inches at installation;
- c. One (1) medium shrub for each two (2) linear feet of divider median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- d. Exceptions shall be permitted if required by Engineering to meet minimum site distance requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2021-269, Control No.1998-00089)

4. Landscaping in the planting area to the north of the convenience store shall be upgraded to include the following:

- a. Two (2) clusters of three (3) palms or pines, or four (4) multi-trunk or flowering trees;
- b. One (1) small shrub for each four (4) linear feet of curbing. Shrub shall be a minimum height of eighteen (18) inches at installation; and
- c. One (1) medium shrub for each six (6) linear feet of curbing. Shrub shall be a minimum height of twenty-four (24) inches at installation. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2021-269, Control No.1998-00089)

ZONING - LANDSCAPING-ALONG ALL PROPERTY LINES ADJACENT TO RIGHT-OF-WAYS

5. Landscaping and buffering along the north and west property line (Congress Avenue and Australian Avenue frontages) and the west 210 feet of the south property line (Ranch House Road frontage west of the daycare) shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No easement encroachment

shall be permitted along the north four hundred (400) feet of the north and west property line. No width reduction shall be permitted;

b. A continuous two (2) foot high berm, measured from top of curb;

c. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;

d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;

e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2021-269, Control No.1998-00089)

6. Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2021-269, Control No.1998-00089, which currently states:

Landscaping and buffering along the western 664 foot portion of the south property line (Ohio Street frontage) shall be upgraded to include:

a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted with exception to the utility easement (ORB 21587, PG 1) encroachment at the south-west corner of Pod C;

b. An eight (8) foot wall combined with an eight (8) foot high hedge located on the exterior side of the wall;

c. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;

d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,

e. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches.

Is hereby amended to read:

Landscaping and buffering along the western 664 foot portion of the south property line (Ohio Street frontage) shall be upgraded to include:

a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted with exception to the utility easement (ORB 21587, PG 1) encroachment at the south-west corner of Pod C;

b. One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;

c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,

d. A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches.

e. A six foot wall shall be placed in the area between the landscape buffer and the parking area. (ONGOING: ZONING - Zoning)

7. Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2021-269, Control

No.1998-00089, which currently states:

Landscaping and buffering along all other right-of-way frontages shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of frontage. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each ten (10) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.

Is hereby amended to read:

For Pods A and B, Landscaping and buffering along all other right-of-way frontages shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of frontage. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each ten (10) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG/PMT/DRO: ZONING - Zoning)

ZONING - LANDSCAPING-ALONG ALL OTHER PERIMETER PROPERTY LINES

9. Previous ZONING - LANDSCAPING Condition 8 of Resolution R-2021-269, Control No.1998-00089, which currently states:

Landscaping and buffering adjacent to residential zoning districts shall be upgraded to include the following in addition to the ULDC's opacity requirement for landscape barriers:

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. A six (6) foot opaque hedge, fence or prefabricated panel wall;
- c. One (1) canopy tree for each twenty (20) linear feet of property line. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The required trees shall be installed on the exterior side of the non-living barrier;
- d. One (1) palm for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) medium shrub for each two (2) linear feet of the property line, spaced no more than twenty-four inches on center and planted on the interior side of the required fence or wall. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- f. One (1) large shrub for each two (2) linear feet of the property line, spaced no more than twenty-four inches on center and planted on the exterior side of the required fence or wall. Shrub shall be a minimum height of thirty (30) inches at installation and maintained at a minimum height of seventy-two (72) inches.

Is hereby amended to read:

Landscaping and buffering, for Pod C, shall be as follows:

- a. The east property line abutting the west property line of the residential development along Ranch House Road shall be revised to be a Type 3 Incompatibility Buffer.
- b. The north property line abutting the south property line of the residential development along Ranch House Road and the west property line abutting the east property line of the residential development along Ohio Street, shall be a minimum Type 1 Incompatibility buffer
- c. The east and south property lines, abutting the west and north property lines of the residential development along Ohio Street, shall be revised to be a Type 3 Incompatibility Buffer. This buffer may be split and overlap the existing 40 foot easement; and,
- d. The east property line abutting Farmdale Road and the south property line along Ohio Street (approximately 133 feet) adjacent to the drainage/lake shall be 15 foot Right of Way buffers. (BLDGPMT/DRO: ZONING - Zoning)

10. Landscaping and buffering adjacent to nonresidential zoning districts shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line. A maximum fifty (50) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location;
- c. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- d. One (1) medium shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDGPMT/CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 9 of Resolution R-2021-269, Control No.1998-00089)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. Freestanding lighting fixtures within 150 feet of any residential property line shall not exceed twenty (20) feet in height. (TC: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding the lighting for the convenience store with gas sales and security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2021-269, Control No.1998-00089)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2021-269, Control No.1998-00089)

5. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition L.1 above. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 5 of Resolution R-2021-269, Control No.1998-00089)

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 the County Engineer.

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 the issuance of the first 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 - Zoning) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2021-269, Control No.1998-00089)

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 - Zoning) (Previous PALM TRAN Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM-TRAN - Zoning) (Previous PALM TRAN Condition 3 of Resolution R-2021-269, Control No.1998-00089)

PARKING

1. Prior to final Development Review Committee certification, the site plan shall be amended to indicate all bay doors and delivery and/or loading areas. Bay doors shall be screened from adjacent residentially zoned property lines in accordance to the ULDC, unless variance relief is obtained. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous PARKING Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. Previous PARKING Condition 2 of Resolution R-2021-269, Control No.1998-00089, which currently states:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading areas. In Pod C, truck engines shall not be operated between 11:00 p.m. and 6:00 a.m.

Is hereby amended to read:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading areas or truck/trailer parking and storage areas. In Pod C, truck engines shall not be operated between 11:00 p.m. and 6:00 a.m. (ONGOING: CODE ENF - Zoning)

3. Previous PARKING Condition 3 of Resolution R-2021-269, Control No.1998-00089, which currently states:

Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located on the final site plan approved by the Development Review Committee. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: Similar limitation as described in Parking Condition 2.]

4. Trucks making deliveries to the subject site shall not be permitted to park on any abutting public right-of-way. (ONGOING: CODE ENF - Zoning) (Previous PARKING Condition 4 of Resolution R-2021-269, Control No.1998-00089)

PLANNED DEVELOPMENT

1. Prior to certification of the preliminary development plan by the Development Review Officer, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. Prior to certification of the preliminary development plan by the Development Review Officer, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2021-269, Control No.1998-00089)

SIGNS

1. Freestanding sign on Australian Avenue shall be limited as follows:

a. One sign (maximum of two tenants with project identification) a maximum fifteen (15) feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be a monument style sign located within thirty (30) feet of the entrance on Australian Avenue per the July 27, 1999 Agreement for Purchase and Sale to Palm Beach County. (TC: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. The proposed convenience store's freestanding point of purchase sign located at the Congress Avenue and Ranch House Road intersection shall be limited as follows:

a. One sign a maximum eight (8) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style and located within fifty (50) feet measured from the intersecting right of way lines. (CO: BLDG) (Previous Condition Q.2 of Resolution R-2002-1009, Petition DOA98-089(B)) (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. Signage on Ranch House Road shall be limited as follows:

a. One (1) freestanding sign a maximum ten (10) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style sign and located within thirty (30) feet of the project's entrance immediately east of the daycare on the north side of Ranch House Road;

b. One (1) freestanding sign a maximum eight (8) feet high, measured from finished grade to highest point with a maximum eighty (80) square feet sign face area per side. This sign shall be monument style sign and be located within thirty (30) feet of the project's easternmost entrance on the north side of Ranch House Road; and,

c. One (1) freestanding sign a maximum eight (8) feet high, measured from finished grade to highest point with a maximum sixty (60) square feet sign face area per side. This sign shall be monument style sign and be located within fifty (50) feet of the project's westernmost entrance on the south side of Ranch House Road. (TC: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 3 of Resolution R-2021-269, Control No.1998-00089)

4. Freestanding signs on Congress Avenue shall be limited as follows:

a. One multi-tenant sign a maximum twelve (12) feet high, measured from finished grade to highest point with a maximum one hundred and twenty (120) square feet sign face area per side. This sign shall be monument style sign and located 300 feet north of the intersecting right of way lines of Congress Avenue and Ranch House Road. (BLDGPMPT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 4 of Resolution R-2021-269, Control No.1998-00089)

5. Wall signage mounted on the buildings shall be limited to the north, south and west facades with frontages on Congress Avenue, Australian Avenue, or Ranch House Road. No signage shall be permitted on the gas station canopy. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 5 of Resolution R-2021-269, Control No.1998-00089)

6. No off-premise signs or relocated billboards shall be permitted on the site. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 6 of Resolution R-2021-269, Control No.1998-00089)

7. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning) (Previous SIGNS Condition 7 of Resolution R-2021-269, Control No.1998-00089)

8. At time of submittal for Final Approval by the Development Review Officer (DRO), the Preliminary Master Sign Plan (PMSP) shall be modified to incorporate all signage for the overall development, including previously approved signage identified on the Preliminary Regulating Plan (PRP-1). Further, the PMSP shall be revised to relabel the Entrance Sign to Freestanding Sign. (DRO: ZONING - Zoning) (Previous SIGNS Condition 8 of Resolution R-2021-269, Control No.1998-00089)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit the Master Site Plan for the Multiple Use Planned Development (MUPD) for review and approval. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the DRO as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan, Master Plan, and all related documents shall be modified to remove any reference to the Commercial High (CH) Future Land Use within Pod C and shall update all information with the correctly proposed Industrial (IND) Future Land Use. (DRO: ZONING - Zoning)

3. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan, Master Plan, and Regulating Plan shall be modified to reflect a maximum 6 ft. high wall along the property line of Pod C along the south side of Ranch House Road to adequately screen the loading area. (DRO: ZONING - Zoning)

4. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan, Master Plan, and Regulating Plan shall be modified to reflect the appropriate setbacks based on the proposed height. (BLDGPMPT/DRO: ZONING - Zoning)

USE LIMITATIONS-CONVENIENCE STORE WITH GAS SALES

1. Prior to final Development Review Committee certification, the site plan shall be amended to indicate designated parking for free air and water facilities that will not adversely impact vehicular circulation. The owner of the service station facility shall provide air and water to the public at no charge. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 1 of Resolution R-2021-

269, Control No.1998-00089)

2. The convenience store/fast food restaurant building shall be limited to a maximum height of twenty-five (25) feet in height, including air conditioning, mechanical equipment and satellite dishes, measured from finished grade to highest point. (BLDG/PMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 2 of Resolution R-2021-269, Control No.1998-00089)

3. Gas station canopies shall be designed consistent with the following:

- a. A maximum height of twenty-five (25) feet with a pitched roof having a minimum slope of 4:12;
- b. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and
- c. Lighting for the gas station canopy shall be recessed. (BLDG PERMIT: BLDG Zoning) (Previous Condition D.3 of R-2002-1009, Petition DOA98-089(B)) (BLDG/PMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 3 of Resolution R-2021-269, Control No.1998-00089)

4. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2021-269, Control No.1998-00089)

USE LIMITATIONS

5. Hours of operation for all uses, including deliveries and stocking activities, shall be limited from 6:00 a.m. to 11:00 p.m. daily. The convenience store with gas sales use shall be excluded from this limitation. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2021-269, Control No.1998-00089)

6. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2021-269, Control No.1998-00089)

7. The following uses shall be prohibited within the MUPD:

- a. Broadcasting studio
- b. Retail sales, mobile temporary or transient
- c. Grain milling or processing
- d. Amusements, temporary or special event
- e. Air curtain incinerator
- f. Chipping and mulching
- g. Composting facility
- h. Recycling facilities (i.e. recycling center, recycling collection station, recycling drop-off bin, and recycling plant). (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 7 of Resolution R-2021-269, Control No.1998-00089)

8. The parking area within Pod B, adjacent to Congress Avenue shall not be used or converted for display of vehicles or sale of vehicles. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 8 of Resolution R-2021-269, Control No.1998-00089)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning) (Previous COMPLIANCE Condition 1 of Resolution R-2021-269, Control No.1998-00089)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning) (Previous COMPLIANCE Condition 2 of Resolution R-2021-269, Control No.1998-00089)

DISCLOSURE

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