

RESOLUTION NO. R-2024- 1022

RESOLUTION APPROVING ZONING APPLICATION DOA-2023-01335
(CONTROL NO. 1988-00019)
a Development Order Amendment
APPLICATION OF Paris Del Rio
BY Schmidt Nichols, AGENT
(Palm Beach Logistics Center)

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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2023-01335 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2024;

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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA-2023-01335, the Application of Paris Del Rio, by Schmidt Nichols, Agent, for a Development Order Amendment to modify the Overall Site Plan for a previously approved Conditional Use to add land area (5.35 acres), add square footage, and to modify and delete Conditions of Approval on 29.35 acres, 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 22, 2024, 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 Baxter and, upon being put to a vote, the vote was as follows:

Commissioner Maria Sachs, Mayor	-	Aye
Commissioner Maria G. Marino, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Absent
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 22, 2024.

Filed with the Clerk of the Board of County Commissioners on August 26, 2024.

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

A PORTION OF TRACTS 11, 12 AND 13, BLOCK 7, "PALM BEACH FARMS COMPANY, PLAT NO. 3", RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING WITHIN SECTION 32 TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, "LEELAN WEST INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 133-134, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING A POINT ON A LINE 10.00 FEET WEST OF THE EAST LINE OF THE WEST 330' OF SAID TRACT 11, THENCE NORTH 88°58'51" EAST ALONG THE NORTH LINE OF SAID TRACT 11 AND 12, ALSO BEING THE SOUTH LINE OF "LEELAN WEST INDUSTRIAL PARK" AS WELL AS THE SOUTH LINE OF "BENOIST FARMS CORPORATE PARK-P.I.D.", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGES 78-80, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 1530.38 FEET TO A POINT ON A LINE 110.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 12; THENCE SOUTH 00°56'31" EAST ALONG SAID PARALLEL LINE 494.60 FEET; THENCE NORTH 88°58'51" EAST 10.00 FEET TO A POINT ON A LINE 100.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 12 AND TRACT 13; THENCE SOUTH 00°56'31" EAST ALONG SAID PARALLEL LINE 463.94 FEET TO A POINT ON THE NORTH LINE OF TRACT A "WEST PALM BEACH AUTO AUCTION, M.U.P.D. REPLAT NO. A" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, PAGES 193-198, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°01'05" WEST ALONG SAID NORTH LINE 890.47 FEET TO A POINT ON THE EAST LINE OF SAID TRACT A; THENCE NORTH 00°56'19" WEST ALONG SAID EAST LINE 282.94 FEET TO THE NORTHEAST CORNER OF SAID TRACT A; THENCE SOUTH 88°58'57" WEST ALONG THE NORTH LINE OF SAID TRACT A 659.97 FEET TO A POINT ON THE EAST LINE OF THE WEST 330' OF SAID TRACT 11; THENCE NORTH 00°56'19" WEST ALONG SAID EAST LINE 336.24 FEET; THENCE NORTH 47°45'51" EAST 92.28 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE NORTHEASTERLY FROM WHICH A RADIAL LINE BEARS NORTH 35°55'29" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 43°45'21", FOR AN ARC DISTANCE OF 45.82 FEET TO A POINT OF TANGENCY; THENCE NORTH 10°19'09" WEST 90.34 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHWESTERLY FROM WHICH A RADIAL LINE BEARS NORTH 14°46'35" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 58.00 FEET, A CENTRAL ANGLE OF 171°01'28", FOR AN ARC DISTANCE OF 173.13 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE NORTHEASTERLY FROM WHICH A RADIAL LINE BEARS NORTH 80°55'48" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 08°03'03", FOR AN ARC DISTANCE OF 36.53 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 1,278,493 SQUARE FEET (29.3502 ACRES), MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

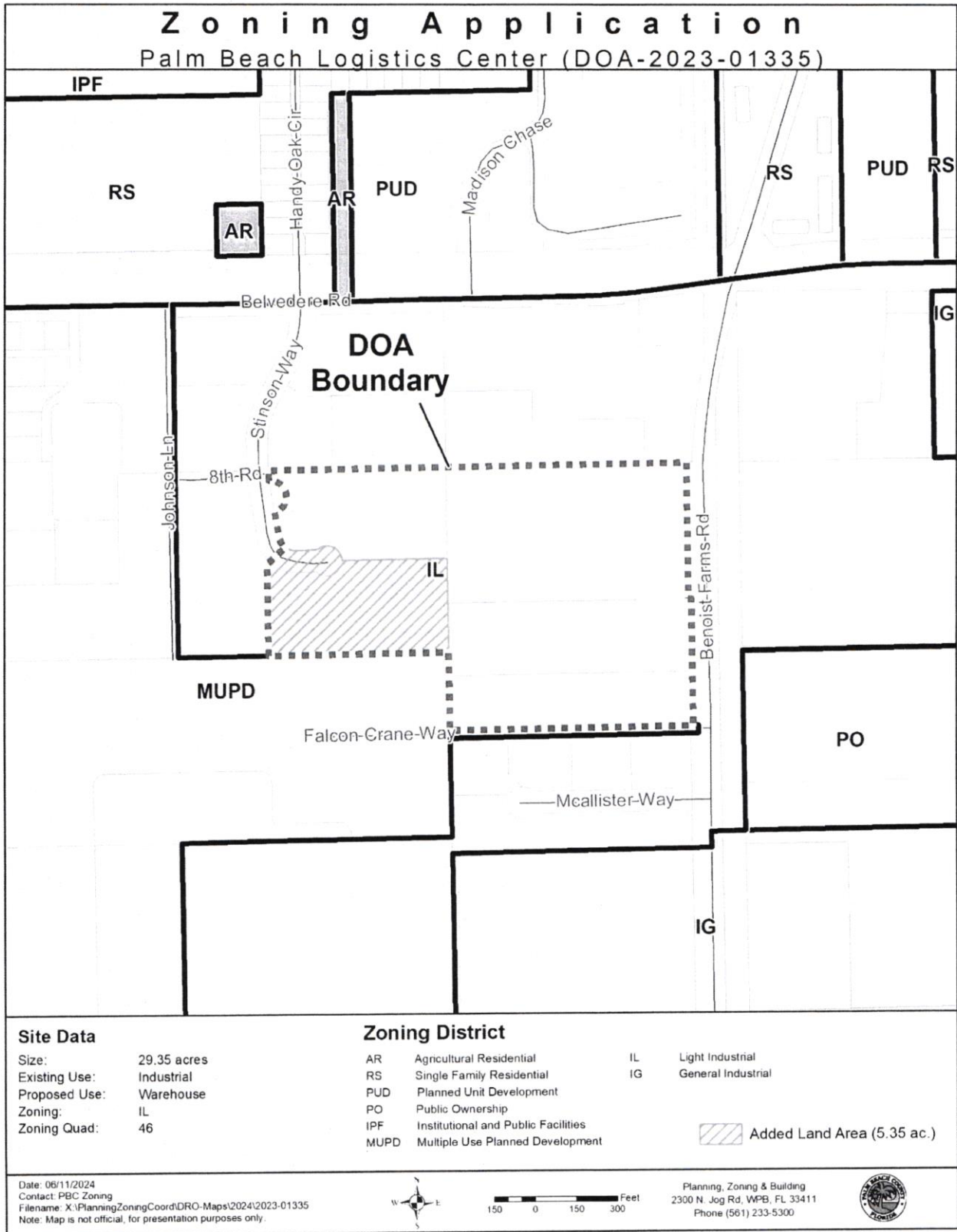


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment on 29.35 acres

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2022-383, Control No.1988-00019, which currently states:

The approved Preliminary Site Plan is dated February 10, 2022. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated June 13, 2024. 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)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2022-383, Control No.1988-00019, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2020-1925 (Control No. 1988-00019), 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-2022-383 (Control No. 1988-00019), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2022-383, Control No.1988-00019, 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, 2026, 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)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2028, 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)

2. The Property Owner shall create exclusive south approach left turn lanes on Benoist Farms Rd at all three project entrances by either restriping the center turn lane or creating an exclusive lane or as approved by the County Engineer. If the County's widening plan for the Benoist Farms Rd includes the construction of a center turn lane at the project frontage, this condition will be considered satisfied.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the

issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2022-383, Control No.1988-00019)

3. Previous ENGINEERING Condition 3 of Resolution R-2022-383, Control No.1988-00019, which currently states:

Prior to the issuance of the first building permit, drainage easements for any existing onsite historical drainage shall be recorded. The easement shall be recorded by the Property Owner and reviewed by Land Development prior to the recordation. (BLDGPMPT: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

4. Property Owner shall construct a minimum six (6) foot wide concrete sidewalk along the west side of Benoist Farms Road along the project frontage. 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. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2022-383, Control No.1988-00019)

5. Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along the project frontage on Benoist Farms Road, a minimum of ten (10) feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2022-383, Control No.1988-00019)

6. The Property Owner shall construct right turn lanes at the middle and southern project driveways, as approved by the County Engineer.

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. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2022-383, Control No.1988-00019)

7. Prior to the issuance of the first building permit, 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 or as otherwise approved by the County Engineer. (BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2022-383, Control No.1988-00019)

8. 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. (BLDGPMPT/PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2022-383, Control No.1988-00019)

9. 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 Benoist Farms Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2022-383, Control No.1988-00019)

10. Prior to the final approval of the Final Site Plan by the Development Review Officer, the Property Owner shall show the Water Management area in a tract (with solid dark line) and add any required drainage easements from the future Stinson Way extension to the water management tract as approved by the County Engineer. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2022-383, Control No.1988-00019)

11. 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 the unimproved portion of Stinson Way along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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: MONITORING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2022-383, Control No.1988-00019)

12. The Property Owner shall abandon a portion of the Stinson Way right-of-way shown on the Site Plan prior to the recordation of the plat. (PLAT: ENGINEERING - Engineering)

13. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway

Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Stinson Way, for the realigned cul-de-sac as approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

14. The Property Owner shall construct Stinson Way from the existing south terminus to the property inclusive of a cul-de-sac. 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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPM/ONGOING - Engineering)

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

ENVIRONMENTAL

1. Prior to the issuance of the excavation approval and/or the storm water management system permit, the applicant shall provide documentation to ERM that the area(s) of the proposed excavation(s) and the surrounding 300 feet thereof does not contain any known contaminants that exceed state clean-up levels, as regulated by FDEP. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to issuance of the first Warehouse Facility building permit, the applicant shall provide ERM a copy of the Soil Management Plan (SMP) submitted to FDEP, the FDEP SMP Approval letter, and a signed and sealed certification from the Applicant's Florida licensed Professional Engineer or Professional Geologist that the applicant is in compliance with the SMP and the Contaminated Site Cleanup Criteria Rule per Ch. 62-780 Florida Administrative Code. (BLDGPM/ONGOING: MONITORING - Environmental Resources Management)

LANDSCAPING – PERIMETER BUFFERS

1. Prior to final approval by the Development Review Officer (DRO), the perimeter buffers, excluding the right-of-way buffers, shall be revised to increase the number of trees from one per 25 feet to one per 20 feet and that all trees are native species. (DRO: ZONING - Zoning)

SIGNS

1. Prior to final Development Review Officer approval, the Master Sign Plan shall be updated to include the sign program budget and indicate all proposed signage including wall signs. (DRO: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2022-383, Control No.1988-00019)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2022-383, Control No.1988-00019, which currently states:

a) The wall shall be installed on both the north and south side of the northernmost ingress/egress

- access point, beginning at the northern property line, extending south, for approximately 140 feet in line with the wing wall extending from the building, excluding the accessway;
- b) The wall shall be installed on both the north and south side of the southernmost ingress/egress access point, beginning at the southern property line, extending north, for 202 feet, extending from the building excluding the accessway;
- c) The wall shall be located outside and parallel to the Right-of-Way buffer (west side of Right-of-Way buffer);
- d) The wall shall be constructed with similar material as the building; and
- e) An eight (8) foot hedge shall be provided on the east side of the wall, outside of the aforementioned Right-of-Way buffer.

(ONGOING: MONITORING - Zoning)

Is hereby deleted. [REASON: No longer applicable]

2. Prior to Final DRO approval, the Site Plan shall be modified to indicate the 8 ft. Compatibility Buffer along the northern property line to be 8 ft. free and clear with no easement overlap or encumbrances. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2022-383, Control No. 1988-00019)

3. Prior to Final DRO approval, the Site Plan shall be modified to indicate the correct R-O-W Buffer width along Benoist Farms Road. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 3 of Resolution R-2022-383, Control No. 1988-00019)

USE LIMITATIONS

1. The development is limited to a Warehouse with accessory office. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: 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.