

RESOLUTION NO. R-2026- 0611

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2025-01653  
(CONTROL NO. 1999-00028)  
a Development Order Amendment  
APPLICATION OF HSC West Palm Beach, LLC - Haymes Snedeker  
BY Schmidt Nichols, AGENT  
(Palm Beach Commerce 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 ABN/DOA-2025-01653 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 2026;

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 ABN/DOA-2025-01653, the Application of HSC West Palm Beach, LLC - Haymes Snedeker, by Schmidt Nichols, Agent, for a Development Order Amendment to modify and reconfigure the overall MUPD Site Plan to modify uses and add square footage on 8.13 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 May 28, 2026, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Woodward moved for the approval of the Resolution.

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

Commissioner Sara Baxter, Mayor	- Aye
Commissioner Marci Woodward, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Absent
Commissioner Joel G. Flores	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell, Jr.	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 28, 2026.

Filed with the Clerk of the Board of County Commissioners on May 28, 2026.

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

MICHAEL A. CARUSO,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

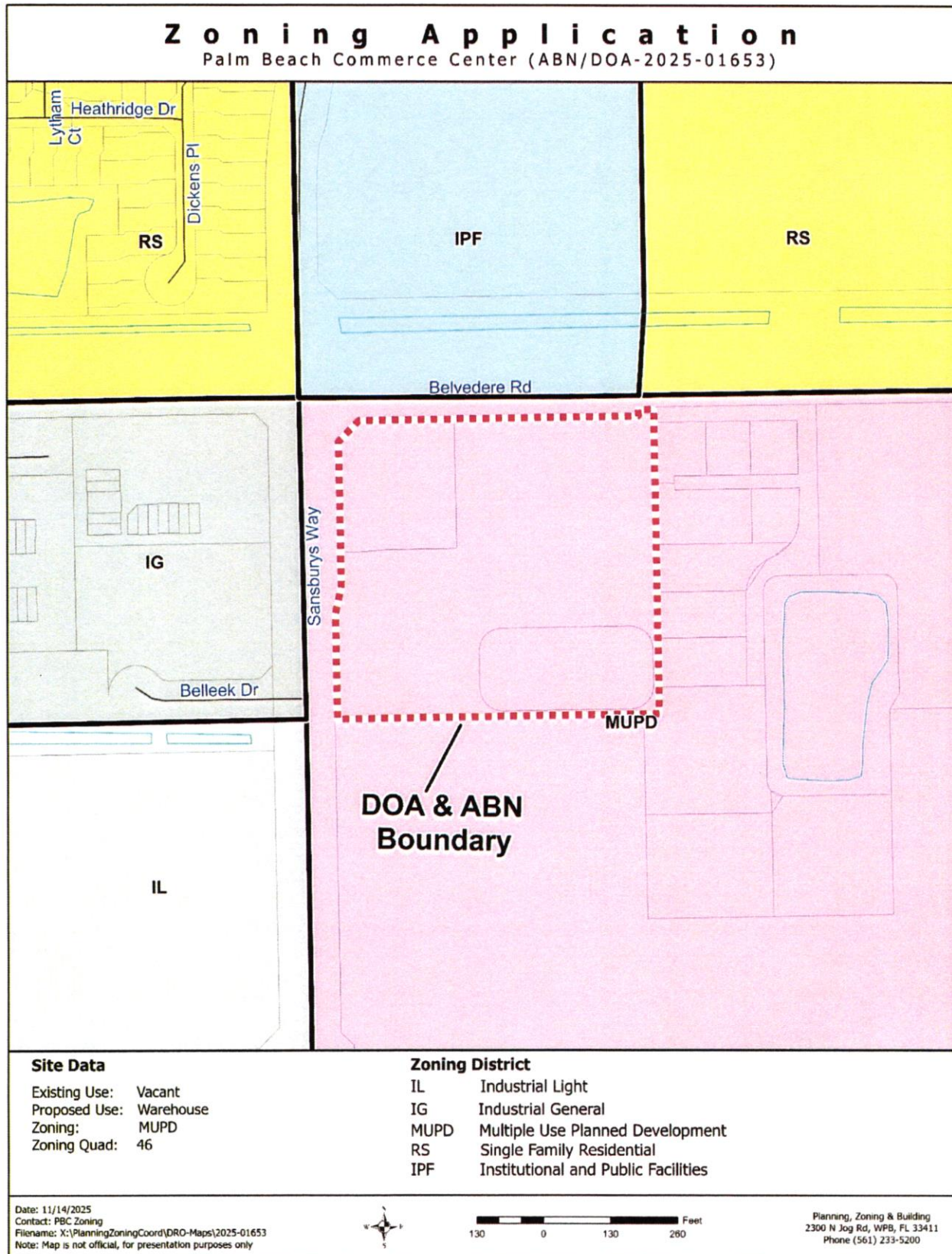
PARCELS 1 AND 2, AND THE WATER MANAGEMENT TRACT, BELVEDERE COMMERCE CENTER M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 106, PAGE(S) 127, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS:

TRACT 4, BLOCK 7, THE PALM BEACH FARMS CO., PLAT NO. 3, 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 2, PAGE 45. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA LESS THE WEST 40 FEET THEREOF AND FURTHER LESS THE NORTH 70 FEET THEREOF. ALSO LESS THAT PORTION CONVEYED FOR RIGHT-OF-WAY BY INSTRUMENT RECORDED IN OFFICIAL RECORD BOOK 7355, PAGE 997, AND OFFICIAL RECORD BOOK 17418, PAGE 285 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH, THAT PORTION OF THE 30 FOOT WIDE UNIMPROVED PLATTED ROAD RIGHT-OF-WAY, LYING EAST OF SAID TRACT 4, BLOCK 7 ABANDONED BY PALM BEACH COUNTY BY RESOLUTION R-99-2401 AS RECORDED IN OFFICIAL RECORD BOOK 11561, PAGE 1840 OF SAID PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF TRACT 3, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, THENCE SOUTH 89°03'43" WEST, ALONG THE SOUTH LINE OF SAID TRACT 4, BLOCK 7 AND ITS EASTERLY EXTENSION, A DISTANCE OF 625.16 FEET; THENCE NORTH 00°56'57" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SANBURY'S WAY, AS RECORDED IN OFFICIAL RECORD BOOK 17418, PAGE 285 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 203.30 FEET; THENCE NORTH 12°32'43" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 51.43 FEET; THENCE NORTH 00°56'57" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 280.02 FEET; THENCE NORTH 44°02'17" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.56 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD, AS RECORDED IN SAID OFFICIAL RECORD BOOK 17418, PAGE 285; THENCE NORTH 89°01'31" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 543.29 FEET; THENCE NORTH 00°56'17" WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 12.13 FEET; THENCE NORTH 89°00'36" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED TRACT 3, BLOCK 7; THENCE SOUTH 00°56'17" EAST, ALONG SAID WEST LINE, A DISTANCE OF 585.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 353,993 SQUARE FEET OR 8.127 ACRES, MORE OR LESS.

**EXHIBIT B**  
**VICINITY SKETCH**



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment - Overall MUPD Development

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2022-147, Control No.1999-00028, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-1397 (Control No. DOA 1999-00028), 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: ZONING - Zoning)

##### Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2022-0147 (Control 1999-00028), 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 (ULDC) and the Board of County Commissioners, unless expressly modified.

2. Previous ALL PETITIONS Condition 2 of Resolution R-2022-147, Control No.1999-00028, 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 is dated December 13, 2021. All modifications to the Development Order must be approved by the Board of County Commissioners, unless the proposed changes are required to meet Conditions of Approval.

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated January 26, 2026. 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)

3. The petitioner shall have three (3) years from the adoption of the resolution approving Petition 1999-028(B) to commence development on this site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2022-147, Control No.1999-00028)

##### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for Palm Beach Commerce Center shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ZONING - Zoning)

##### ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2022-147, Control No.1999-00028)

2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

a. Lyons Road 60 feet from centerline; (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. an Expanded Intersection at Lyons Road and Belvedere Road which will provide for 64 feet from centerline for Belvedere Road and 76 feet from centerline for Lyons Road plus the appropriate tapers in accordance with Palm Beach County's typical expanded intersection detail. All right of way shall be conveyed prior to the issuance of the first Building Permit or prior to January 1, 2002 whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2022-147, Control No. 1999-00028)

3. Previous ENGINEERING Condition 3 of Resolution R-2022-147, Control No. 1999-00028, which currently states:

The Property owner shall construct: i) Non mountable concrete traffic separator within Sansbury's Way from Belvedere Road south to the project's south entrance or as approved by the County Engineer ii) A Left turn lane north approach on Sansbury's Way at the project's south entrance.

a. All 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.

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

c. 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.]

4. a) The petitioner shall design, install and perpetually maintain the median landscaping within the median of the abutting right of way of Belvedere Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in sub paragraph d below.

b) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng) [Note: COMPLETED]

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

e) Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Belvedere Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2022-147, Control No. 1999-00028)

5. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF BELVEDERE ROAD AND SANBURY'S WAY

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 Belvedere and Sansburys Way right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cut out, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. 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 Palm Beach County 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted the landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver blocks 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's 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 the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2022-147, Control No.1999-00028)

6. Previous ENGINEERING Condition 6 of Resolution R-2022-147, Control No.1999-00028, which currently states:

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

No Building Permits for the site may be issued after January 1, 2007. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng) (DATE: MONITORING - Engineering)

**Is hereby deleted.** [REASON: Superseded by new buildout condition later.]

7. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Belvedere Road at both of the project's entrance road. This right-of-way shall be a minimum of twelve feet in width. 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 7 of Resolution R-2022-147, Control No.1999-00028)

8. Previous ENGINEERING Condition 8 of Resolution R-2022-147, Control No.1999-00028, which currently states:

The Property owner shall construct right turn lanes west approach on Belvedere Road at both project entrances, as approved by the County Engineer.

a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

(BLDGPM/CO: MONITORING - Engineering)

**Is hereby amended to read:**

The Property owner shall construct a right turn lane west approach on Belvedere Road at the east project entrance, as approved by the County Engineer.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
- b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM/CO: MONITORING - Engineering)
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

9. Previous ENGINEERING Condition 9 of Resolution R-2022-147, Control No.1999-00028, which currently states:

The concurrency approval is subject to the project aggregation rule set forthin the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Engineering)

**Is hereby deleted.** [REASON: No longer required.]

10. Previous ENGINEERING Condition 10 of Resolution R-2022-147, Control No.1999-00028, 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, 2024, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

**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. Pursuant to the Traffic Analysis, the Buildout Date is 2030. No Building Permits for the site may be issued after December 31, 2030. 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)

11. 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. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2022-147, Control No.1999-00028)

12. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. (BLDGPM/CO: MONITORING - Engineering)

**ENVIRONMENTAL**

1. Prior to final approval by the Development Review Officer, the applicant shall provide a rain garden detail and maintenance plan to the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2022-147, Control No.1999-00028)

2. Prior to final approval by the Development Review Officer, the applicant shall provide a mitigation area management plan to the Department of Environmental Resources Management for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT -

Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2022-147, Control No.1999-00028)

3. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify the mitigation area surrounding the water management tract, or as approved by the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2022-147, Control No.1999-00028)

4. Prior to Final DRO approval, an Arborist Report has to be submitted for ERM's review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

#### **HEALTH**

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants of owners generating such effluent. (Previous HEALTH Condition 1 of Resolution R-2022-147, Control No.1999-00028)

2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (Previous HEALTH Condition 2 of Resolution R-2022-147, Control No.1999-00028)

3. The owner, occupant or tenant of this facility shall participate in an oil recycling program, which ensures proper re-use or disposal of any waste oil. (Previous HEALTH Condition 3 of Resolution R-2022-147, Control No.1999-00028)

#### **LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (BELVEDERE ROAD AND SANBURY'S WAY FRONTAGES)**

1. In addition to the requirements for a right of way buffer along a right of way greater than 100 feet in width, the width of the buffer along the north and west property lines shall be upgraded to be a minimum 25 foot in width. No width reduction of the buffer shall be permitted. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2022-147, Control No.1999-00028)

#### **LANDSCAPE - GENERAL-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING INDUSTRIAL USES)**

1. In addition to the requirements for a Compatibility buffer, Landscaping and buffering along the south and east property lines shall be upgraded to include a minimum ten (10) foot wide landscape buffer strip except for the west 220 feet of the south property line which may be reduced to 8 feet in width. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2022-147, Control No.1999-00028)

#### **MULTIPLE USE PLANNED DEVELOPMENT**

1. Prior to final site plan approval by the Development Review Committee (DRC), 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 Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 1 of Resolution R-2022-147, Control No.1999-00028)

2. Prior to final site approval by the Development Review Committee (DRC), the property owner shall record the following:

a. a covenant/unity of control 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 for the entire subject property; and

b. the covenant/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director. [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 2 of Resolution R-2022-147, Control No.1999-00028)

#### **SIGNS**

1. Previous SIGNS Condition 3 of Resolution R-2022-147, Control No.1999-00028, which

currently states:

A "do not enter" sign shall be added at the entrance of the drive isle at the east of building B.

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

#### **SITE DESIGN**

1. Previous SITE DESIGN Condition 1 of Resolution R-2022-147, Control No.1999-00028, which currently states:

Prior to final Development Review Officer approval, the Applicant shall modify the Site Plan to add all outdoor retail areas to concurrency and parking calculations (ONGOING: ZONING - Zoning)

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

2. Previous SITE DESIGN Condition 2 of Resolution R-2022-147, Control No.1999-00028, which currently states:

Prior to final Development Review Officer approval, the Applicant shall modify the Site Plan to reconfigure the two (2) parking spaces to the east of the fuel canopy to be at a ninety (90) degree angle.

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

3. Previous SITE DESIGN Condition 3 of Resolution R-2022-147, Control No.1999-00028, which currently states:

Prior to final Development Review Officer approval, the Applicant shall modify the Site Plan to a pedestrian pathway shall be added between building C and the nine (9) parking spaces to the east.

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

4. Previous SITE DESIGN Condition 4 of Resolution R-2022-147, Control No.1999-00028, which currently states:

Prior to final Development Review Officer approval, the Applicant shall modify the Site Plan to provide a focal point between the daycare and the convenience store to the north.

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

#### **USE LIMITATIONS**

1. The Accessory Office use shall be limited to a maximum of 9,356 square feet. Any increase in Accessory Office square footage shall require a review of the parking layout, circulation, and function, and shall demonstrate compliance with ULDC requirements. (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.