

RESOLUTION NO. R-2009- 0487

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2008-01525
(CONTROL NO. 2005-00456)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
Application of Duke Realty Limited Partnership
By Jon E. Schmidt & Associates, Inc., Agent
(Turnpike Crossing East Industrial Property)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application ZV/PDD-2008-01525 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; and

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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan.
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
5. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDDZV/PDD-2008-01525, the application of Duke Realty Limited Partnership, by Jon E. Schmidt & Associates, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Planned Industrial Park Development (PIPD) Zoning District in the PIPD Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 30, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	- Aye
Commissioner Burt Aaronson, Vice Chairman	- Aye
Commissioner Karen T. Marcus	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Addie L. Greene	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on April 2, 2009.


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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying in Sections 27 and 34, Township 43 South, Range 42 East, Palm Beach County, Florida, said parcel being a portion of Block 4, The Palm Beach Farms Co. Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, Florida, and being more particularly described as follows:

Commencing at a found Palm Beach County brass disc, said disk being the Southeast corner of said Section 27;

thence North 88° 16' 26" West along the South line of the Southeast 1/4 of said Section 27, a distance of 2719.62 feet to the South quarter corner of said Section 27;

thence South 86° 46' 11" West, a distance of 369.53 feet to a point on the centerline of Jog Road as recorded in Official Records Book 6678, Page 1382, of the Public Records of Palm Beach County, Florida;

thence North 03° 13' 49" West along said centerline of Jog Road, a distance of 218.28 feet;

thence South 86° 46' 11" West, a distance of 85.00 feet to a point on the West line of said Jog Road, said point being the POINT OF BEGINNING;

thence South 44° 13' 59" West along the Northwest safe corner of said Jog Road and Belvedere Road, as shown on the Palm Beach County, Florida, Engineering Department Project No. 87507, for Belvedere Road Station 49-00 to Station 73-00, a distance of 58.94 feet;

thence North 88° 18' 12" West, a distance of 274.63 feet to the point of curvature of a curve concave Southerly;

thence Westerly along the arc of said curve having a radius of 2366.83 feet, a central angle of 17° 46' 48" and a distance of 734.47 feet to a point of tangency;

thence South 73° 55' 00" West, a distance of 233.96 feet to the point of curvature of a curve concave Northerly;

thence Southwesterly along the arc of said curve, having a radius of 2216.83 feet, a central angle of 10° 18' 29" and a distance of 398.83 feet (the preceding 4 courses being coincident with the Northerly Right-of-Way line of said Belvedere Road) to the East line of the West 800 feet of Tracts 9, 15 and 18 of said Block 4, The Palm Beach Farms Co. Plat No. 3;

thence North 00° 56' 57" West, along said East line of the West 800 feet of Tracts 9, 15 and 18, a distance of 1547.83 feet to the Southeasterly Right-of-way line of the Florida Turnpike (Sunshine State Parkway) as per Florida State Turnpike Authority Right-of-way map Station 2795+00 to Station 2909+37.62;

thence North 40° 38' 55" East along said Southeasterly Right-of-Way line of Florida's Turnpike, a distance of 1229.62 feet to the South Right-of-Way line of Lake Worth Drainage District Lateral 2 Canal, as per Official Records Book 6495, Page 761, of the Public Records of Palm Beach County, Florida;

thence North 89° 03' 03" East along said South Right-of-Way line of Lake Worth Drainage District Lateral 2 Canal, a distance of 395.32 feet to the North-South line of Tracts 7 and 8 of said Block 4, The Palm Beach Farms Co. Plat No. 3;

thence North 00° 56' 57" West along said North-South Tract line, a distance of 8.08 feet to the South Right-of-Way line of Lake Worth Drainage District Lateral 2 Canal, as per Official

Records Book 1994, Page 1576, of the Public Records of Palm Beach County, Florida;

thence North 89° 03' 03" East along said South Right-of-Way line of Lake Worth Drainage District Lateral 2 Canal, a distance of 152.29 feet to a point on said West Right-of-Way line of Jog Road;

thence South 24° 24' 09" East, a distance of 203.03 feet;

thence South 22° 17' 47" East, a distance of 196.20 feet to a point on a curve concave Westerly (a radial line through said point bears South 72° 32' 06" West);

thence Southeasterly along the arc of said curve, having a radius of 2794.79 feet, a central angle of 14° 14' 05" and a distance of 694.34 feet to a point of tangency;

thence South 03° 13' 49" East, a distance of 566.25 feet;

thence South 00° 41' 33" West, a distance of 219.25 feet;

thence South 03° 13' 49" East, a distance of 400.01 feet (the preceding 6 courses being coincident with the West line of said Jog Road) to the POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM:

Parcel 101, as conveyed to the State of Florida, Department of Transportation, as more particularly set forth and described in that certain Order of Taking, as recorded in Official Records Book 18023, Page 530, of the Public Records of Palm Beach County, Florida.

and also less any portion falling within the Order of Taking recorded in Official Records Book 8124, at page 1739 of said Public Records.

ALSO DESCRIBED AS:

A parcel of land lying in Sections 27 and 34, Township 43 South, Range 42 East, Palm Beach County, Florida, said parcel being a portion of Block 4, The Palm Beach Farms Co. Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, Florida, and being more particularly described as follows:

Commencing at a found Palm Beach County brass disc, said disk being the Southeast corner of said Section 27;

thence North 88° 18' 32" West along the South line of the Southeast 1/4 of said Section 27, a distance of 2719.96 feet to the South quarter corner of said Section 27;

thence South 86° 47' 05" West, a distance of 369.51 feet to a point on the centerline of Jog Road as recorded in Official Records Book 6678, Page 1382, of the Public Records of Palm Beach County, Florida;

thence North 03° 13' 59" West along said centerline of Jog Road, a distance of 218.28 feet;

thence South 86° 46' 01" West, a distance of 85.00 feet to a point on the West line of said Jog Road, said point being the POINT OF BEGINNING;

thence South 44° 13' 49" West along the Northwest safe corner of said Jog Road and Belvedere Road, as shown on the Palm Beach County, Florida, Engineering Department Project No. 87507, for Belvedere Road Station 49-00 to Station 73-00, a distance of 58.94 feet to a point on the North Right-of-Way line of said Belvedere Road;

thence along the North Right-of-Way line of said Belvedere Road North 88° 18' 22" West, a distance of 274.63 feet to the point of curvature of a curve concave Southerly;

thence Westerly along the arc of said curve having a radius of 2366.83 feet, a central angle of 17° 46' 48" and a distance of 734.47 feet to a point of tangency;

thence South 73° 54' 50" West, a distance of 233.96 feet to the point of curvature of a curve concave Northerly;

thence Southwesterly along the arc of said curve, having a radius of 2216.83 feet, a central angle of 10° 18' 30" and a distance of 398.84 feet (the preceding 4 courses being coincident with the North Right-of-Way line of said Belvedere Road) to the East line of the West 800 feet of Tracts 9, 15 and 18 of said Block 4, The Palm Beach Farms Co. Plat No. 3; thence leaving the North Right-of-Way line of said Belvedere Road North 00° 55' 18" West, along the East line of the Order of Taking recorded in O.R. Book 8124 at page 1739 of said Public Records, a distance of 1417.24 feet to the Southeasterly Right-of-way line of Parcel 101 of the Florida Turnpike (Sunshine State Parkway) as per Order of Taking recorded in O.R. Book 18023 at page 530 of said Public Records;

thence North 44° 38' 57" East along the Southeasterly Right-of-Way line of said Parcel 101 of Florida's Turnpike, a distance of 242.36 feet to the Point of Curvature of a circular curve concave Southeasterly;

thence Northeasterly along the arc of said curve, having a radius of 1977.48 feet, a central angle of 24° 45' 33" and a distance of 854.53 feet to the point of tangency;

thence North 69° 24' 30" East, a distance of 606.38 feet to a point on said West Right-of-Way line of Jog Road (the last three described courses being Coincident with the South line of said Parcel 101);

thence South 22° 17' 57" East, a distance of 143.56 feet to a point on a curve concave Westerly (a radial line through said point bears South 72° 31' 55" West);

thence Southeasterly along the arc of said curve, having a radius of 2794.79 feet, a central angle of 14° 14' 05" and a distance of 694.35 feet to a point of tangency;

thence South 03° 13' 59" East, a distance of 566.25 feet;

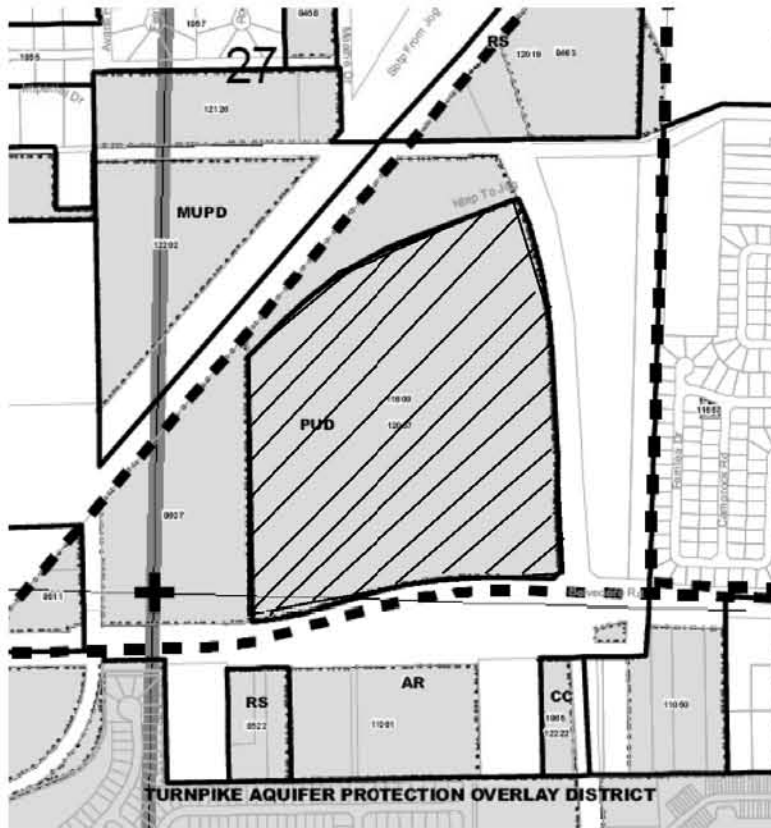
thence South 00° 41' 23" West, a distance of 219.25 feet;

thence South 03° 13' 59" East, a distance of 400.01 feet (the preceding 6 courses being coincident with the West line of said Jog Road) to the POINT OF BEGINNING.

The above-described property contains 67.157 acres, more or less.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1525
Zoning Quad 31



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-1193 (Control 2005-456), which were applicable to the Eastwood PUD, are hereby revoked. (ONGOING: MONITORING - Zoning)

2.Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated December 15, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the buildings within the first phase 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: ARCH REVIEW - Zoning)

ENGINEERING

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

a.No building permits for the site shall be issued after December 31, 2015. 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 Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

2.The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at the following project intersections. The cost of signalization shall also include all design costs and required utility relocation and ROW easement acquisition.

a.No Building Permits shall be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division for the signal at the intersection of Jog Rd and the project's main entrance. (BLDG PERMIT:MONITORING-Eng)

b.No Building Permits for Phase 2 as shown on the Site Plan approved with Application ZV/PDD-2008-01525, shall be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division for the signal at the intersection of Belvedere Rd and the project's main entrance. (BLDG PERMIT:MONITORING-Eng)

3.In order to request release of the monies for the traffic signals, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy for the specific phase has been issued. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies.

i. The Traffic Division shall have 24 months from receipt of notice that the final Certificate of Occupancy for Phase 1, as shown on the Site Plan approved with Application ZV/PDD-2008-01525, has been issued for the intersection of Jog Rd and the project's main entrance

ii. The Traffic Division shall have 24 months from receipt of notice that the final Certificate of Occupancy for Phase 2, as shown on the Site Plan approved with Application ZV/PDD-2008-01525, has been issued for the intersection of Belvedere Rd and the project's main entrance.

The notices should request that a signal warrant study be conducted at the specific intersection. (ONGOING: ENGINEERING-Eng)

4. 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 turn lanes at the following locations: a) north approach right turn lane on Jog Rd at the northernmost entrance b) north approach right turn lane on Jog Rd at the project's main entrance c) north approach right turn lane on Jog Rd at the project's southernmost entrance d) east approach right turn lane on Belvedere Rd at the project's easternmost entrance e) east approach right turn lane on Belvedere Rd at the project's main entrance f) east approach right turn lane on Belvedere Rd at the project's westernmost entrance. These right-of-ways shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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. (BLDG PERMIT: MONITORING-Eng)

5. The Property owner shall construct:

- i. Right turn lane north approach on Jog Rd at the project's northernmost entrance.
- ii. Right turn lane north approach and left turn lane south approach on Jog Rd at the project's middle entrance.

This construction shall be concurrent with the paving and drainage improvements for the site and to County standards. 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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy (CO: MONITORING Eng)

6. The Property owner shall construct:

- i. Right turn lane east approach and left turn lane west approach on Belvedere Rd at the project's middle entrance
- ii. Right turn lane east approach on Belvedere Rd at the project's westernmost entrance.

This construction shall be concurrent with the paving and drainage improvements for the site and to County standards. 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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 2 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (CO: MONITORING-Eng)

7. The Property owner shall construct a right turn lane east approach on Belvedere Rd at the project's easternmost entrance.

This construction shall be concurrent with the paving and drainage improvements for the site and to County standards. 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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 3 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 3 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (CO: MONITORING-Eng)

8. The Property owner shall construct a right turn lane north approach on Jog Rd at the project's southernmost entrance.

This construction shall be concurrent with the paving and drainage improvements for the site and to County standards. 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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 4 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 4 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (CO: MONITORING-Eng)

9. As part of mitigation strategy 9 for Okeechobee CRALLS point system, prior to the issuance of first certificate of occupancy, either access easements should be shown on the parcel's plat or recorded separately to ensure the access points will remain should redevelopment of the site occur. (CO: MONITORING Eng)

10. As part of mitigation strategy 10 for Okeechobee CRALLS point system, by April 1 of each year, starting April 1, 2011, the Property Owner, or their agent, must supply a use report to the County Engineer, identifying uses, and their intensities active on the site. (DATE: MONITORING Eng)

11. The Property Owner or agent may request alteration or substitution of mitigation strategy 10 of the Okeechobee Blvd. CRALLS point system no sooner than December 31, 2017. (DATE: MONITORING - Eng)

12. Prior to issuance of the first building permit, the property owner shall record a restrictive covenant limiting the uses to those shown on the final site plan approved by the DRO,

subject to approval by the County Attorney and County Engineer. (BLDG PERMIT: MONITORING -Eng)

13.To satisfy Belvedere Road CRALLS mitigation criteria “a”, prior to final DRO approval the site plan must be revised to show the estimated number of employees, calculated number of bicycle parking spaces and locations of bicycle racks for use by employees. The bicycle parking spaces shall be calculated as 2 bicycles parking spaces to be installed for every 100 employees. (DRO: ENGINEERING - Eng)

14.To satisfy Belvedere Road CRALLS mitigation criteria “b”, prior to final DRO approval, the site plan must show the location of preferred parking spaces for alternative fuel/hybrid vehicles and for carpool/vanpool vehicles. These spaces shall constitute a minimum of 5% of total on-site parking spaces. (DRO: ENGINEERING - Eng)

15.All employers shall participate in the South Florida Commuter Services ridesharing program which shall include the distribution of marketing information to all employees no less than once every 6 months, beginning on April 1, 2011 or 6 months after the first certificate of occupancy, whichever occurs later. Proof of participation shall be submitted to the Planning Director and County Engineer annually on or before April 1 of each year. (DATE:MONITORING-Engineering/Planning)

16.Any single tenant occupying more than 100,000 square feet must demonstrate that a shower facility will be provided within that portion of the building prior to issuance of a building permit. (BLDG PERMIT: MONITORING - Building)

17.The Property Owner shall pay a mitigation fee to be used for off-site roadway and/or intersection improvements involving Belvedere Road. This fee shall be 50% of the fair share road impact fee and shall be paid in addition to the road impact fee as each building permit is issued. However, at such time as the County Engineer determines that funding is needed to complete right-of-way acquisition and/or construction for the road/intersection improvements, the remaining balance shall be paid. In no event shall the remaining balance be required to be paid sooner than October 1, 2010. (ONGOING: MONITORING-Engineering)

18.Building permits for more than 300,000 sf of Industrial/Warehouse space shall not be issued until the Property Owner has provided a free shuttle bus or van service for employee use during peak hours from the site to the Palm Tran stops at the intersections of Okeechobee Boulevard and Jog Road and Belvedere Road and Drexel Road (with 30-minute maximum bus headways) to meet all peak hour scheduled buses. (BLDG PERMIT: MONITORING-Engineering)

19.The shuttle bus service shall be well-publicized to employees and provided at convenient well-marked pick-up and drop-off locations on a trial basis (with monitoring of daily ridership) for a minimum of one year, at which time the usage shall be evaluated by the County Engineer in consultation with PalmTran. If average daily ridership exceeds 5% of permanent on-site employees, then the service shall be continued. Subsequent service evaluations may occur at no less than 6-month intervals using the same criteria. (ONGOING: ENG-Engineering)

20.In the event a fixed route PalmTran bus service is extended to within the frontage of the site and the new stop is functioning, the shuttle service may be discontinued. (ONGOING: ENG-Engineering)

21.The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for right of way of Jog Road, varying from 60 feet to 76 feet from the centerline for the Expanded intersection at Belvedere Road, prior to the issuance of the first building permit . Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. 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, including a topographic survey. 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. (BLDG PERMIT: MONITORING-Eng)

22. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for right of way of Belvedere Road, varying from 60 feet to 64 feet from the centerline for the Expanded intersection at Jog Road, prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. 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, including a topographic survey. 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. (BLDG PERMIT: MONITORING-Eng)

23. The Property Owner shall design, install and perpetually maintain median landscape within the medians of all abutting right of way of Belvedere Road and Jog 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 Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d through g below. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Belvedere Road and/or Jog Road. This payment may be phased with development as set forth in d through g below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

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

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

d. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 1 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear

frontage of 1,025 feet. (BLDG PERMIT: MONITORING -Eng)

e. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 2 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear frontage of 1,206 feet. (BLDG PERMIT: MONITORING -Eng)

f. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 3 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear frontage of 948 feet. (BLDG PERMIT: MONITORING -Eng)

g. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 4 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear frontage of 599 feet. (BLDG PERMIT: MONITORING -Eng)

ENVIRONMENTAL

1. A meeting with Palm Beach County's Wellfield Protection staff shall occur prior to DRO site plan approval in order to ensure that the site plan is consistent with Wellfield Protection regulations.

ZONING - LANDSCAPING

1. Prior to final approval by the Development Review Officer (DRO) the Site Plan and Regulating Plan shall be revised to reflect a Type 2 incompatibility buffer along the south property line for a distance of approximately 280 feet from the west property line. (DRO: ZONING-Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the landscape buffer details for the north, south, and east ROW buffers on the Preliminary Regulating Plan shall be revised to provide one tree or palm cluster per twenty (20) linear feet. (DRO: ZONING - Zoning)

3. Special planting treatment shall be provided at the southeast corner of the site (intersection of North Jog Road and Belvedere Road). Planting shall consist of the following:

- a. a minimum of six (6) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or other specimen palm that is acceptable to the Landscape Section; and/or,
 - b. a minimum of six (6) flowering trees; and
 - c. appropriate shrub or hedge materials.
- (BLDG PERMIT: LANDSCAPE - Zoning)

4. Prior to issuance of the first Certificate of Occupancy (CO) for each of the phases, the pedestrian amenity for the subject phase shall be installed. (CO: LANDSCAPE - Zoning)

5. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

PALM TRAN

1. The location of a Bus Bay and/or Bulb Out at a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass

transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for 2 Bus Stop Boarding and Alighting Areas in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran)

PLANNING

1. Per condition of approval of LGA-2008-014, the site shall be limited to a maximum of 1,023,921 square feet of industrial warehouse development or the traffic equivalent industrial land use. (ONGOING: PLANNING Planning)

USE LIMITATIONS

1. The site is limited to Warehouse use pursuant to the justification for the variance from Article 6.A.1.B. unless the minimum number of parking spaces for the replacement use is provided pursuant to Article 3.E.1.C.2.h. (ONGOING: ZONING - Zoning)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property except within the designated loading areas. (ONGOING: CODE ENF - Zoning)

3. Repair or maintenance of vehicles shall not be permitted on the property, excluding incidental and emergency repairs. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC 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; 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 Conditional Use, Type II Variance, 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)