

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA/W/R-2008-01369
(CONTROL NUMBER 1997-00034)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF Moroso Investment Partners LLC
BY Gentile, Holloway, O'Mahoney & Assoc, AGENT
(Moroso Circle Track)

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 public 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/DOA/W/R-2008-01369 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 recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 ZV/PDD/DOA/W/R-2008-01369, the application of Moroso Investment Partners LLC, by Gentile, Holloway, O'Mahoney & Assoc, agent, for a Development Order Amendment to to add land area and reconfigure site plan 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 attached as 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 Vana moved for the approval of the Resolution.

The motion was seconded by Commissioner Marcus 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 | - | Naye |
| Commissioner Addie L. Greene | - | Aye |

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 May 6th , 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 BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL I

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 710 (FOR CONVENIENCE THE EAST LINE OF SAID SECTION 14 IS ASSUMED TO BEAR NORTH 0° 15' 49" EAST, AND ALL OTHER BEARING SHOWN HEREIN ARE RELATIVE THERETO); THENCE NORTH 53° 17' 12" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710 A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE NORTH 0° 15' 49" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 527.15 FEET TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SECTION 11 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 0° 13' 19" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF A 828.36 FEET TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710; THENCE NORTH 53° 17' 12" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1340.71 FEET; THENCE NORTH 53° 55' 33" EAST ALONG THE EXTENSION OF A LINE RADIAL TO A CURVE TO BE DESCRIBED, A DISTANCE OF 310.58 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS IS 65 FEET; THENCE NORTH WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 54° 20' 02" A DISTANCE OF 74.12 FEET TO THE END OF SAID CURVE AND TO A POINT IN THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 11; THENCE NORTH 0° 15' 35" EAST ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 3357.38 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 11; THENCE SOUTH 89° 37' 49" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1321.47 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0° 13' 19" WEST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 5284.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 0° 15' 49" WEST ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF A 822.74 FEET TO THE POINT OF BEGINNING. LESS & EXCEPT THOSE CERTAIN PARCELS OF LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 854, PAGE 792, AS MODIFIED BY THAT CERTAIN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1093, PAGE 541.

SAID PARCEL CONTAINING 132.65 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL II

BEING A PARCEL OF LAND LYING OVER LOTS 9-16, AS SHOWN ON THE UNRECORDED PLAT OF "PALM BEACH INDUSTRIAL PARK", AS PREPARED BY BROCKWAY, WEBER & BROCKWAY INC., DATED JUNE 1962, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11; PROCEED SOUTH 00°04'54" EAST, ALONG THE WEST LINE OF THE

EAST HALF OF SAID SECTION 11, A DISTANCE OF 2831.20 FEET; THENCE NORTH 89°55'06" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF LOT 16, OF SAID UNRECORDED PLAT, AND A POINT ON A LINE 1090.00 FEET NORTH OF, AND PARALLEL WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) (A 200 FOOT WIDE RIGHT-OF-WAY) (PER ROAD PLAT BOOK 2, PAGES 149-153 & DEED BOOK 1051, PAGE 407) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE SOUTH 53°39'25" EAST, ALONG SAID PARALLEL LINE AND ALONG THE NORTH LINE OF LOTS 9-16, OF SAID UNRECORDED PLAT, A DISTANCE OF 2004.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 36°20'35" WEST, DEPARTING SAID PARALLEL LINE, AND SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 1090.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 53°39'25" WEST, DEPARTING SAID EAST LINE, AND ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1187.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°34'31", AN ARC DISTANCE OF 23.38 FEET TO THE POINT OF TANGENCY, BEING A POINT ON A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, THENCE NORTH 00°04'54" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1342.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL ALSO KNOWN AS THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 11394, PAGE 1578, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL CONTAINING 40.09 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL III

A TRACT OF LAND IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1249.70 FEET TO A POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1090 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 200 FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLES, A DISTANCE OF 1090 FEET TO A POINT IN SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

SAID PARCELS CONTAINING 5.01 ACRES

TOGETHER WITH:

PARCEL "A"

A TRACT OF LAND IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710 AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, AND WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTHEAST THROUGH EAST TO NORTH) OF 126 DEGREES 26'59" A DISTANCE OF 200 FEET; THENCE SOUTHEASTERLY AND PARALLEL TO SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE SOUTHERLY AND PARALLEL TO SAID EAST LINE OF SECTION 14, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.74 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL "B"

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE RUN NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE SAID NORTHEASTERLY RIGHT OF WAY LINE, WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTH THROUGH WEST TO NORTHWEST) OF 126 DEGREES 26'59", A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 208.27 FEET; TO A POINT IN A LINE PARALLEL TO AND 560.88 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 11, THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 947.34 FEET, TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID NORTHEASTERLY RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200.11 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 828.39 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 14; ;THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF

327.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.27 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL "C"

PORTIONS OF LOTS 2, 3, 4 AND 5 OF THE UNRECORDED PLAT OF PALM BEACH COUNTY INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149 THROUGH 153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2255.21 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT AN ANGLE OF $53^{\circ}31'16''$ MEASURED FROM NORTHWESTERLY TO NORTHERLY, A DISTANCE OF 471.68 FEET; THENCE EASTERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 274.36 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, AT AN ANGLE OF $90^{\circ}00'45''$ MEASURED FROM WESTERLY TO SOUTHERLY, A DISTANCE OF 266.01 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 14; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, AT AN ANGLE OF $179^{\circ}57'30''$ MEASURED FROM NORTHERLY THROUGH WESTERLY TO SOUTHERLY, A DISTANCE OF 408.41 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, AT AN ANGLE TO THE PRECEDING COURSE OF $53^{\circ}33'01''$ MEASURED FROM NORTHERLY TO NORTHWESTERLY, A DISTANCE OF 341.02 FEET TO THE POINT OF BEGINNING.

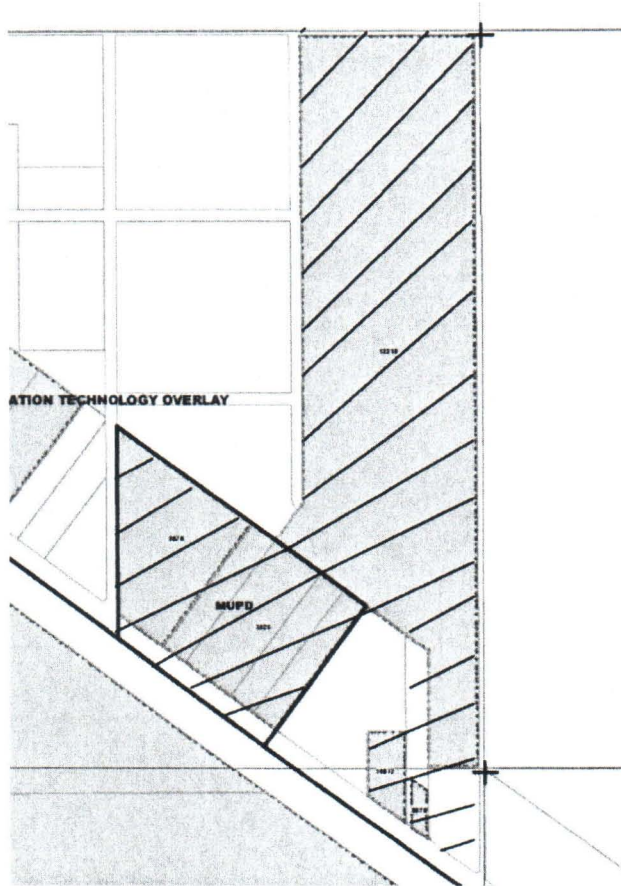
CONTAINING 3.61 ACRES, MORE OR LESS.

CONTAINING IN ALL, 186.36 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1369
Zoning Quad 86



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-1772 (Control 1997-034), Control 1990-010 and Control 1999-072 have been superseded by the conditions as contained herein. (ONGOING: MONITORING - Zoning)

2. Development of the site is based on the Preliminary Site Plan dated December 15, 2008 and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners.

3. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING-Zoning)

ARCHITECTURAL REVIEW

1. Development of the site and buildings shall be consistent with the approved architectural elevations prepared by West Architecture plus Design, LLC and dated 8/20/2008, 10/17/2008 and 1/16/2009, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. Minor modifications shall be consistent with Article 5.C.1.E.4. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Prior to issuance of the first building permit the property owner shall plat the property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

2. 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, 2012. 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)

3. The property owner shall construct a left turn lane northwest approach on Beeline Highway at the project's main entrance. 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 the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for the Clubhouse, Building J. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for the Clubhouse, Building J. (CO: MONITORING-Eng)

4. The property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at Beeline Highway and the project's main entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition.

a. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division within 12 months of the Development Order. (DATE:MONITORING Eng)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal above returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING:ENGINEERING - Eng)

5. The property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at Beeline Highway and the project's gas station entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition.

a. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division prior to issuance of a building permit for the gas station. (BLDG PERMIT:MONITORING - Eng)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal above returned, the Property Owner shall provide written notice to the Traffic Division stating that the certificate of occupancy has been issued for the gas station and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING:ENGINEERING - Eng)

6. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 120 feet of right of way from centerline of Beeline Highway 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)

7. The property owner shall:

i. Construct a right turn lane southeast approach on Beeline Highway at the southernmost project driveway

ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the southernmost project entrance to meet Florida Department of Transportation 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 the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 2, including Buildings A-1 through B-2. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2, including Buildings A-1 through B-2. (CO: MONITORING-Eng)

8. No gates shall be located within any of the project's four entrances on Beeline Highway unless provisions that are acceptable to the County Engineer are available for turn arounds and are shown on the site plan approved by the DRO. (ONGOING:ENGINEERING-Eng)

9. Proposed clubhouse located within the property shall only be in operation during racetrack events. (ONGOING:ENGINEERING-Eng)

10. The property owner shall:

- i. Construct a right turn lane southeast approach on Beeline Highway at the second project driveway from the southeast property line
- ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the second project driveway from the southeast property line to meet Florida Department of Transportation 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 the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for the gas station. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for the gas station (CO: MONITORING-Eng)

11. The property owner shall:

- i. Construct a left turn lane northwest approach on Beeline Highway at the northernmost project driveway
- ii. Lengthen the existing right turn lane southeast approach on Beeline Highway at the northernmost project driveway to meet Florida Department of Transportation 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 the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 4, unless driveway is constructed with Phase 3. If driveway is constructed with Phase 3, these permits shall be obtained prior to issuance of the first Building Permit for Phase 3. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for Phase 4, unless driveway is constructed with Phase 3. If driveway is constructed with Phase 3, construction shall be complete prior to issuance of the first Certificate of Occupancy for Phase 3. (CO: MONITORING-Eng)

ENVIRONMENTAL

1. Prior to final plat approval, the property owner shall provide a copy of the SFWMD Environmental Resource Permit to the Department of Environmental Resources Management. This permit shall demonstrate that stormwater discharges onto the Natural Area meets standards for Outstanding Florida Waterbody receiving waters. (PLAT: MONITORING/ENG-ERM)

2. Prior to DRO approval the Applicant shall Quit Claim to the County any interest in the Road Right of Ways surrounding the Moroso site. (DRO:ERM-ERM)

3. Prior to DRO site plan approval the Applicant shall meet with appropriate ERM staff to discuss any vegetative buffer adjacent the the County Natural Area (DRO:ERM-ERM)

ZONING - LANDSCAPING

1. A minimum of fifty (50) percent of all canopy trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;

- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)

2.All palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)

3.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)

ZONING - LANDSCAPING-ALONG THE SOUTH PROPERTY LINE (BEELINE HIGHWAY FRONTAGE)

4.In addition to the code requirements, landscaping along the south property line (Beeline Highway SR 710 frontage) shall be upgraded to include one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

PALM TRAN

1.Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not 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. (BLDG PERMIT/PLAT:MONITORING/ENG -Palm Tran)

2.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)

SIGNS

1.Signage shall be in accordance with the Alternative Sign Plan approved by the BCC on March 30, 2009 and with the Variances granted by the Zoning Commission on March 5, 2009 (R-2009-012) (ONGOING:BLDG - Zoning)

SITE DESIGN

1.Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the plan and elevations to comply with the requirements of Table 8.G.3.C-12 relating to the maximum number of flags per parcel or obtain a variance from this requirement. (DRO:ZONING 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)

