

RESOLUTION NO. R-2009- 0703

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2008-02218
(CONTROL NUMBER 2002-00011)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF MPC 3 LLC
BY MCCRANEY PROPERTY CO., AGENT
(MPC III TURNPIKE BUSINESS PARK)

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 DOA/EAC-2008-02218 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 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 DOA/EAC-2008-02218, the application of MPC 3 LLC, by McCraney Property Co., agent, for a Development Order Amendment to delete Conditions of Approval (Landscaping) 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 April 23, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burt Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Vana 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	-	
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 23, 2009.

Filed with the Clerk of the Board of County Commissioners on May 14, 2009.

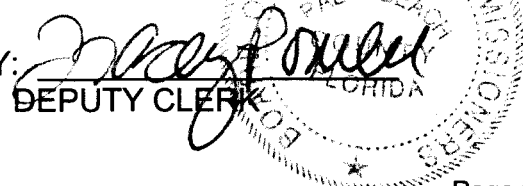
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
DEPUTY CLERK

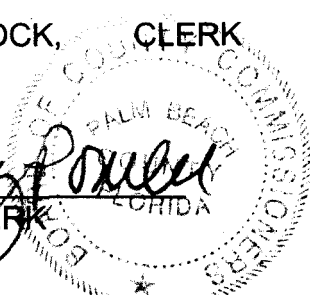


EXHIBIT A

LEGAL DESCRIPTION

THREE (3) PARCELS OF LAND BEING PORTIONS OF BLOCKS 5 AND 6, INCLUDING THE PLATTED RIGHTS-OF-WAY CONTAINED THEREIN, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "LW-3", TERRACINA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGES 91 THROUGH 105, INCLUSIVE, SAID PUBLIC RECORDS; THENCE, SOUTH 89°02'42" WEST, ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT "LW-3", A DISTANCE OF 40.80 FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 24, SAID BLOCK 6, PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE, SOUTH 89°04'15" WEST, ALONG SAID PROLONGED LINE AND SAID SOUTH LINE OF TRACT 24, A DISTANCE OF 39.20 FEET TO THE **POINT OF BEGINNING**;

THENCE, NORTH 00°58'54" WEST, DEPARTING THE SOUTH LINE OF SAID TRACT 24, A DISTANCE OF 1.10 FEET; THENCE, NORTH 02°59'50" WEST, A DISTANCE OF 97.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 676.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°17'22", A DISTANCE OF 333.77 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 31°17'12" WEST, A DISTANCE OF 158.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 756.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°02'35", A DISTANCE OF 792.25 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 28°45'23" EAST, A DISTANCE OF 279.44 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 757.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 46°07'23", A DISTANCE OF 609.38 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 74°52'47" EAST, A DISTANCE OF 363.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 677.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 71°49'28", A DISTANCE OF 848.67 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 03°03'19" EAST, A DISTANCE OF 33.09 FEET TO THE SOUTH LINE OF THE NORTH 28.00 FEET OF TRACT 9, SAID BLOCK 5, BEING THE SOUTH LINE OF THAT CERTAIN STRIP OF LAND CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT PER DEED BOOK 67, PAGE 416, SAID PUBLIC RECORDS; THENCE, SOUTH 89°03'20" WEST, ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF THE NORTH 28.00 FEET OF TRACT 10, SAID BLOCK 5, BEING THE SOUTH LINE OF THAT CERTAIN STRIP OF LAND CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT PER DEED BOOK 67, PAGE 383, SAID PUBLIC RECORDS, A DISTANCE OF 676.57 FEET TO THE EAST LINE OF THE FLORIDA STATE TURNPIKE RIGHT-OF-WAY; THENCE, SOUTH 40°37'50" WEST, ALONG SAID RIGHT-OF-WAY, DEPARTING SAID SOUTH LINE, A DISTANCE OF 1472.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 11359.16 FEET; THENCE, SOUTHWESTERLY, ALONG SAID CURVE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 09°02'15", A DISTANCE OF 1791.73 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 30°59'16" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 132.40 FEET TO THE SOUTH LINE OF TRACT 23, SAID BLOCK 6; THENCE, NORTH 89°04'15" EAST, ALONG THE SOUTH LINE OF TRACTS 23 AND 24, SAID BLOCK 6 AND THE EASTERLY PROLONGATION THEREOF, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1507.76 FEET TO THE **POINT OF BEGINNING**.

PARCEL 2

COMMENCING AT THE NORTHWEST CORNER OF TRACT "LW-1", "TERRACINA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101 AT PAGES 91 THROUGH 105. OF SAID PUBLIC RECORDS; THENCE SOUTH 00° 56'40" EAST, ALONG THE WEST LINE OF SAID TRACT "LW-1", A DISTANCE OF 28.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE SOUTH 00° 56'40" EAST, ALONG THE WEST LINE OF TRACTS "LW-1", "LW-2" AND "B-1" OF SAID "TERRACINA", A DISTANCE OF 273.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 69°10'29", A DISTANCE OF 410.49 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 68°13'49" WEST, A DISTANCE OF 976.22 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 435.00 FEET AND A CENTRAL ANGLE OF 39°28'26", A DISTANCE OF 299.69 FEET TO A TANGENT POINT OF CUSP OF A CIRCULAR CURVE TO THE RIGHT (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF SAID TRACT "B-1"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 677.00 FEET AND A CENTRAL ANGLE OF 46°07'23", A DISTANCE OF 544.98 FEET TO THE POINT OF TANGENCY; THENCE NORTH 74°52'47" EAST, A DISTANCE OF 363.31 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 757.00 FEET AND A CENTRAL ANGLE OF 71°49'28", A DISTANCE OF 948.95 FEET; THENCE NORTH 03°03'19" EAST, A DISTANCE OF 38.69 FEET; THENCE, NORTH 89°03'20" EAST, ALONG A LINE 28.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 9, A DISTANCE OF

7.80 FEET TO THE POINT OF BEGINNING.

PARCEL 3

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "LW-3", OF "TERRACINA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101 AT PAGES 91 THROUGH 105 OF SAID PUBLIC RECORDS; THENCE NORTH 00°58'54" WEST, ALONG THE WEST LINE OF SAID TRACT "LW-3", A DISTANCE OF 2.56 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 02°59'50" WEST, A DISTANCE OF 99.36 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING, A RADIUS OF 756.00 FEET AND A CENTRAL ANGLE OF 28°17'22", A DISTANCE OF 373.27 FEET TO THE POINT OF TANGENCY; THENCE NORTH 31°17'12" WEST, A DISTANCE OF 158.95 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 676.00 FEET AND A CENTRAL ANGLE OF 60° 02'35", A DISTANCE OF 708.41 FEET TO THE POINT OF TANGENCY; THENCE NORTH 28°45'23" EAST, A DISTANCE OF 21.34 FEET; THENCE NORTH 73°40'11" EAST, A DISTANCE OF 0.03 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 61°45'32" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 510.00 FEET AND A CENTRAL ANGLE OF 52°45'48", A DISTANCE OF 469.66 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 24°31'19" EAST, A DISTANCE OF 382.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 590.00 FEET AND A CENTRAL ANGLE OF 23°32'25", A DISTANCE OF 242.40 FEET TO THE POINT OF TANGENCY (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF TRACT "B-12" OF SAID "TERRACINA"); THENCE SOUTH 00°58'54" EAST, ALONG THE WEST LINE OF SAID TRACTS "B-12" AND "LW-3", A DISTANCE OF 247.72 FEET TO THE **POINT OF BEGINNING**.

PARCELS 1, 2 & 3 COLLECTIVELY CONTAINING 47.689 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH

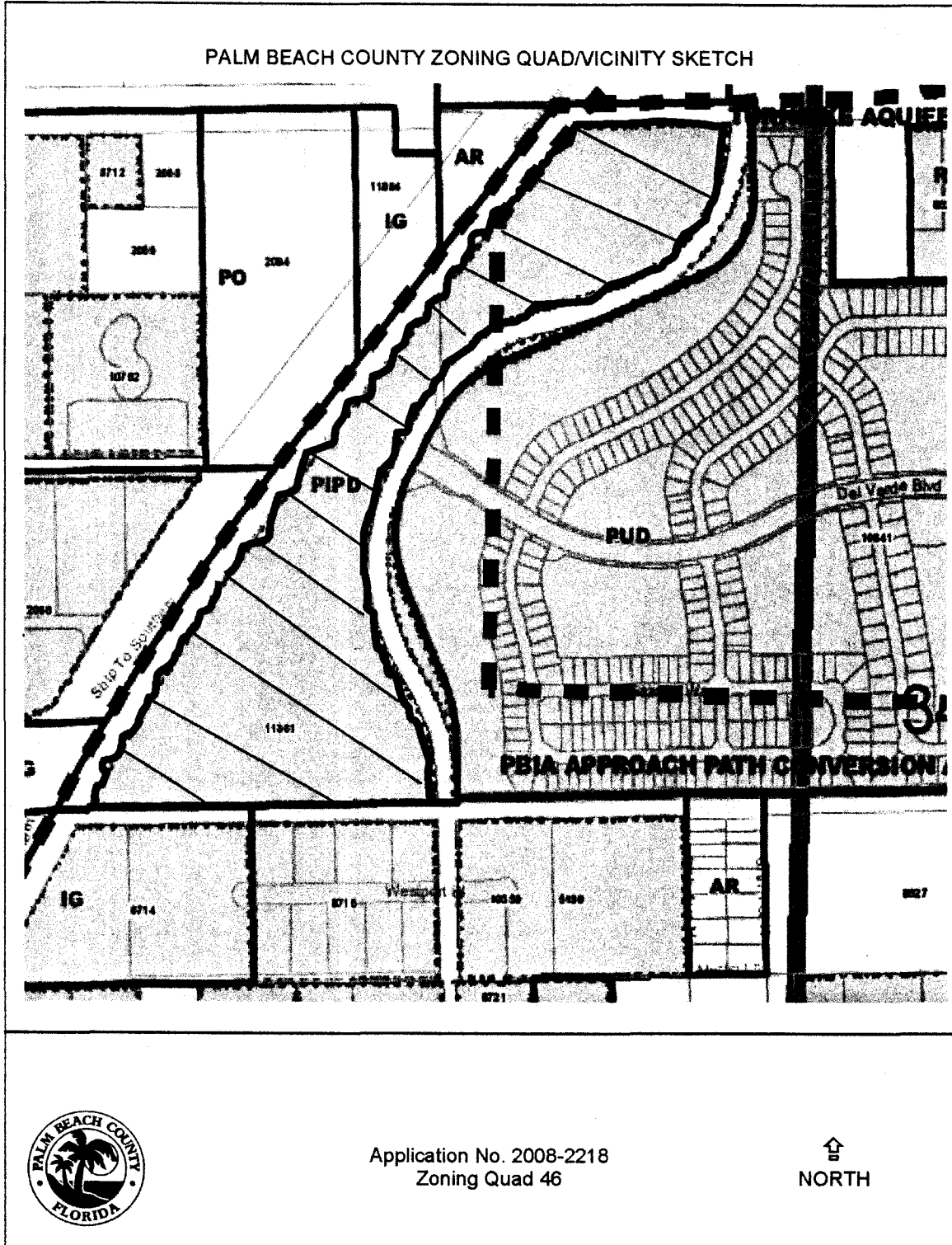


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval contained in Resolutions R-2006-1211, R-2006-1212, R-2006-1213, R-2006-1214 (Control 2002-011), are hereby revoked. (ONGOING: MONITORING - Zoning) (Previous All Petitions Condition 1, Resolution R-2008-1703, Control 2002-011)

2. Previous Condition All Petitions 2 of Resolution R-2008-1703, Control Number 2002-011, which currently states:

Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved preliminary master and site plans are dated June 11, 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: MONITORING - Zoning)

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated February 13, 2009. 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)

3. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-1703 (Control 2002-011), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

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

a. Building Permits shall not be issued for more than 141 external peak hour trips which would allow for a maximum of 226,000 gross leasable warehouse floor area until:
- a contract has been awarded for the construction of Belvedere Road as a 6 lane facility from Jog Road to Drexel Road plus the appropriate paved tapers. or
- a CRALLS Designation has been adopted for this section of Belvedere Road (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETE per Belvedere CRALLS]

b. Building Permits shall not be issued for more than 194 external peak hour trips which would allow for a maximum of 355,500 gross leasable warehouse floor area until:
- a contract has been awarded for the construction of Belvedere Road as a 6 lane facility from Haverhill Road to Drexel Road plus the appropriate paved tapers. or
- a CRALLS Designation has been adopted for this section of Belvedere Road (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETE per Belvedere CRALLS]

c. No Building Permits for the site may be issued after January 1, 2013. 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, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

d. Acceptable surety required for the offsite road improvements as outlined in Condition No. 1.a. and 1.b. above shall be posted with the Office of the Land Development Division on or before February 28, 2009 if not assured by another developer or governmental agency or a

CRALLS has not been adopted in the meantime. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS- Maximum 6 month time extension) (DATE: MONITORING - Eng) (Previous Condition E1 of Resolution No R-2008-1703, Control No. 2002-011) [NOTE: COMPLETE per Belvedere CRALLS]

2.Landscape Within the Median of Belvedere Road

a.The petitioner shall design, install and perpetually maintain the median landscaping within the median of all 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 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. (BLDG PERMIT: MONITORING-Eng)

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

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.

(Previous Condition E2 of Resolution No R-2008-1703, Control No. 2002-011)

3.The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENGINEERING-Eng)

(Previous Condition E3 of Resolution No R-2008-1703, Control No. 2002-011)

4.Previous Condition E4 of Resolution No R-2008-1703, Control No. 2002-011, which currently states:

The property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Belvedere Rd and Cleary Rd. 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 on or before February 28, 2009. (DATE:MONITORING-Eng)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal at the Belvedere Rd and Cleary Rd intersection 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)

is hereby amended to read:

The property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Belvedere Rd and Cleary Rd. 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 building permits for more than 200,000 SF. (BLDG PERMIT:MONITORING-Eng)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal at the Belvedere Rd and Cleary Rd intersection 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 restripe the center lane on Cleary Road to provide for left turns into the site subject to the approval of the County Engineer . This restriping shall be concurrent with the paving and drainage improvements for the site.

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)
(Previous Condition E5 of Resolution No R-2008-1703, Control No. 2002-011)

6. 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)

7. 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)

8. 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)

9. Any single tenant occupying more than 75,000 square feet must demonstrate that a shower facility will be provided within that portion of the building prior to issuance of a building permit for interior tenant improvements. (BLDG PERMIT: MONITORING - Building)

10. 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 within 180 days of written notice to the Property Owner. In no event shall the remaining balance be required to be paid sooner than October 1, 2010. (ONGOING: MONITORING-Engineering)

11. Building permits for more than 315,000 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)

12. 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 60 rides, 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)

13. 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)

ZONING - LANDSCAPING

1. Previous Landscape Condition 1, Resolution R-2008-1703 Control 2002-011, which currently states:

Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein and any Type II Variance conditions of approval. (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, unless otherwise indicate herein:

- 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) (Previous Landscape Condition 2, Resolution R-2008-1703 Control 2002-011)

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

- a. pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation and have a maximum spacing of forty (40) feet between clusters; and,
- b. credit may be given for existing pines provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Landscape Condition 3, Resolution R-2008-1703 Control 2002-011)

4. A group of three (3) or more palms or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 4, Resolution R-2008-1703 Control 2002-011)

5. Field adjustment of wall and plant material location may be permitted to provide pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 5, Resolution R-2008-1703 Control 2002-011)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE EAST PROPERTY LINE (CLEARY ROAD FRONTAGE)

6. Previous Landscape Condition 6, Resolution R-2008-1703 Control 2002-011, which currently states:

In addition to the code requirements, landscaping along the east property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip.
- b. one (1) palm for each for each twenty (20) linear feet of the property line with a maximum spacing of twenty (20) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)
- c. a six (6) foot high opaque concrete wall. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby deleted: REASON: Compliance with ULDC and subsequent Variance approval.

LANDSCAPE - STANDARD

7. Previous Landscape Condition 7, Resolution R-2008-1703 Control 2002-011, which currently states:

Landscaping and buffering along the east property line (adjacent to and in front of buildings 3,5,7, and 8) shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. The buffer shall gradually expand to be the same width as the required landscape buffer adjacent to and in front of buildings 3,5,7, and 8 at the point of connection.
- b. a continuous three (3) foot high berm; and,
- c. a six (6) foot opaque concrete block and steel wall to be located on the plateau of the berm. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby deleted: REASON: Compliance with ULDC and subsequent Variance approval.

LIGHTING

1. All outdoor lighting shall be extinguished no later than one half (1/2) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 1, Resolution R-2008-1703 Control 2002-011)

2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 2, Resolution R-2008-1703 Control 2002-011)

PALM TRAN

1.1. The location of an easement for 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). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Mass Transit Condition 1, Resolution R-

2008-1703 Control 2002-011)

2. Prior to Plat Recordation, 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 limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: Eng or BLDG PERMIT: Monitoring if latter) (Previous Mass Transit Condition 2, Resolution R-2008-1703 Control 2002-011)

USE LIMITATIONS

1. Hours of business operation, including deliveries and loading, shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 8:00 a.m. to 6:00 p.m. Sunday. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition 1, Resolution R-2008-1703, Control Number 2002-011)

2. The storage of rental trucks/trailers or outside vendors, including an accessory vehicle rental facility, shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition 2, Resolution R-2008-1703, Control Number 2002-011)

3. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition 3, Resolution R-2008-1703, Control Number 2002-011)

4. Repair or maintenance of vehicles shall not be permitted on the property, excluding emergency and/or incidental repairs. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition 4, Resolution R-2008-1703, Control Number 2002-011)

5. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition 5, Resolution R-2008-1703, Control Number 2002-011)

6. No outdoor speaker or public address systems shall be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition 6, Resolution R-2008-1703, Control Number 2002-011)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD * PBCWUD)

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

a. The revocation of the Official Map Amendment, Conditional Use, Requested Use,

- Development Order Amendment, and/or any other zoning approval; and/or
- b. 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
 - c. Referral to code enforcement; and/or
 - d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.
(ONGOING:MONITORING-Zoning)