

RESOLUTION NO. R-2010-0154

RESOLUTION APPROVING ZONING APPLICATION Z/COZ-2009-03936
(CONTROL NO. 2002-00011)
an Official Zoning Map 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, 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 Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application Z/COZ-2009-03936 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2010; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

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 Z/COZ-2009-03936, the application of MPC 3 LLC, by McCraney Property Co., agent, for an Official Zoning Map Amendment to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Industrial Light (IL) Zoning District. on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 2010 subject to the conditions 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Aye

Commissioner Jeff Koons - Aye
Commissioner Shelley Vana - Aye
Commissioner Steven L. Abrams - Aye
Commissioner Jess R. Santamaria - Aye
Commissioner Priscilla A. Taylor - Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 28, 2010.

Filed with the Clerk of the Board of County Commissioners on January 28, 2010.

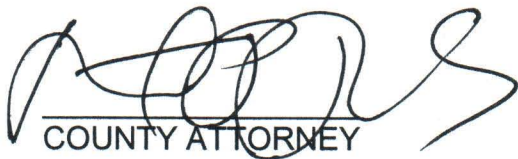
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

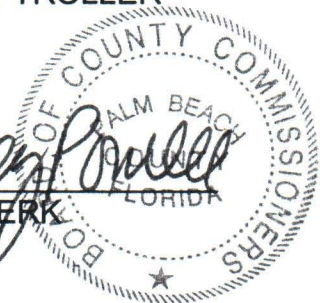


EXHIBIT A

LEGAL DESCRIPTION

REMAINDER OF PARCEL 1 LESS THE PROPOSED FUN DEPOT SITE:

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 OF PALM BEACH COUNTY; SAID PARCEL OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

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 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°45'25" 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 114.61 FEET; THE PREVIOUS 8 COURSES WERE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CLEARY ROAD, THENCE NORTH 34°27'35" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 399.38 FEET; THENCE NORTH 40°39'09" EAST, A DISTANCE OF 361.75 FEET; THENCE NORTH 89°03'22" EAST, A DISTANCE OF 723.06 FEET TO A POINT ON A CURVE NON-TANGENT TO THE LAST DESCRIBED LINE SAID CURVE BEING A CURVE TO THE LEFT HAVING A RADIUS OF 677.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CLEARY ROAD, THROUGH A CENTRAL ANGLE OF 05°40'35", A DISTANCE OF 67.07 FEET TO THE POINT OF TANGENCY; THENCE NORTH 03°03'19" EAST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 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 (BEARING OMITTED FROM DEED), DEPARTING SAID SOUTH LINE AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1,472.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 11,359.16 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 09°02'15", A DISTANCE OF 1,791.73 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 TRACT 23 AND 24, SAID BLOCK 6 AND THE EASTERLY PROLONGATION THEREOF, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,507.76 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, PAGES 91 THROUGH 105, INCLUSIVE, 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 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 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, PAGES 91 THROUGH 105, INCLUSIVE, 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 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 A 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.

EXHIBIT B
VICINITY SKETCH

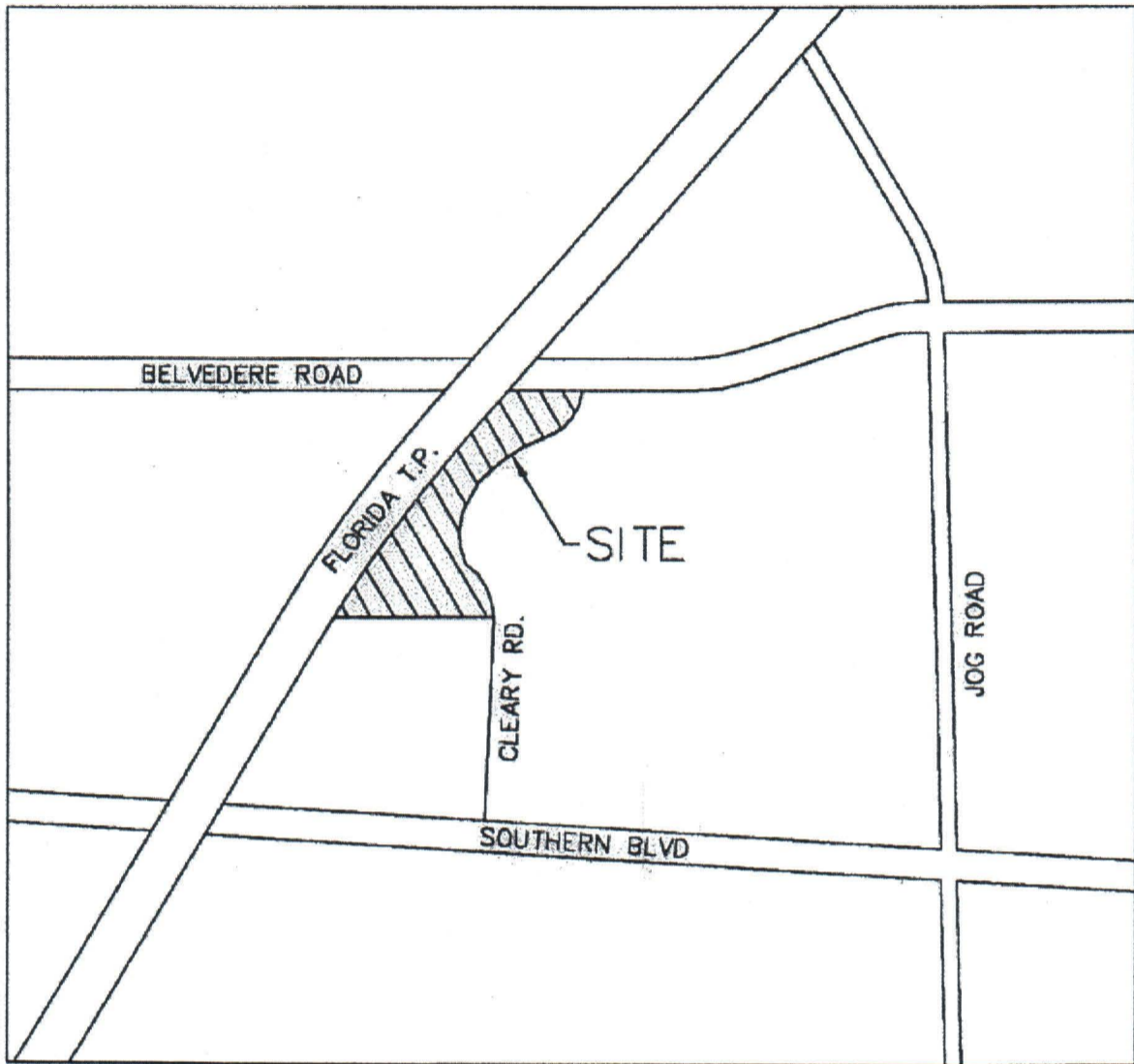


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval contained in Resolutions R-2004-0009, R-2006-1211, R-2006-1212, R-2006-1213, R-2006-1214, R-2008-1703, and R-2009-703 (Control 2002-011), are hereby revoked. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated December 14, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

DEPARTMENT OF AIRPORTS (DOA)

1. Due to the proximity of the subject area to the airport and the corridor of the commercial area is aligned with the runway of PBI, on occasion residents of this community will observe aircraft arriving at and departing from Palm Beach County International Airport. The area of the subject properties lie beneath the arrival and departure corridor for Palm Beach County International Airport. (ONGOING: AIRPORTS - Airports)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings 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 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) [NOTE: COMPLETE per Belvedere CRALLS]

2.Landscape Within the Median of Belvedere Road

The Property Owner shall design, install and perpetually maintain median landscape 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 Commissioner's 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 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.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. 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. (BLDG PERMIT: MONITORING -Eng)

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

4.The property Owner shall fund 75% of 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 100,000 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)

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-Eng/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 - Bldg)

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-Eng)

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-Eng)

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: ENGINEERING-Eng)

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:

ENGINEERING-Eng)

14.No access to Cleary Road shall be permitted from the two parcels on the east side of Cleary Road shown as Parcels 2 and 3 on the site plans associated with Z/COZ-2009-3936. (ONGOING: ENGINEERING-Eng)

15.Prior to December 4, 2011 or issuance of the first building permit, the property shall be legally subdivided to reflect the deletion of the 9.02 acre Fun Depot Parcel in accordance with applicable requirements of Article 11, ULDC. (DATE/BLDG PERMIT: ENGINEERING - Eng)

16.Any further subdivision of this parcel will require each lot to have frontage on a local street, as required by Article 11. (ONGOING: ENGINEERING-Eng)

LANDSCAPE - GENERAL-STANDARDS

1.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)

2.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)

3.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)

4.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)

LANDSCAPE - PERIMETER-EAST PROPERTY LINE ABUTTING RESIDENTIAL

1.Prior to final approval by the Development Review Officer (DRO), the Site and Regulating Plans shall be revised to indicate an incompatibility buffer that is in compliance with the landscape requirements of Art. 3.B.10.F.3 and Art. 7 along the east property line abutting residential use. Compliance with this condition will not prohibit the property owner from requesting a variance or an alternative acceptable to the Zoning Director from Code requirements of Art. 3.B.10.F.3, Palm Beach International Airport Overlay and Art. 7, Landscaping of the Unified Land Development Code. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-RIGHT-OF-WAY BUFFER EAST SIDE OF CLEARY ROAD

2.Prior to final approval by the Development Review Officer (DRO), the Site and Regulating Plans shall be revised to indicate a right-of-way buffer that is in compliance with the landscape requirements of Art. 3.B.10.F.3 and Art. 7 along the east side of Cleary Road. Compliance with this condition will not prohibit the property owner from requesting a variance or an alternative acceptable to the Zoning Director from Code requirements of Art. 3.B.10.F.3, Palm Beach International Airport Overlay and Art. 7, Landscaping of the Unified Land Development Code. (DRO: ZONING - Zoning)

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)

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)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from the District for Technical Compliance, or the issuance of any Lake Worth Drainage District permits, the owner shall convey to the District either by warranty deed or exclusive easement deed the south 20 feet of Tracts 23-24, Block 6, for the required right-of-way for the L-4 Canal. PLAT: ENG-LWDD

PALM TRAN

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: Development Review Officer-Palm Tran)

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/BLDG PERMIT: ENG / MONITORING Palm Tran)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the loading area for Building 7 shall be screened from view in accordance with ULDC Article 6.B.1.F. (DRO: ZONING - Zoning)

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)

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)

3. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF - Zoning)

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

5. Outdoor storage of any material, refuse, equipment, or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

6. No outdoor speaker or public address systems shall be permitted on the property. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)