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RESOLUTION NO. R-2006- 2562

RESOLUTION APPROVING ZONING APPLICATION DOA2006-505
(CONTROL NUMBER 1981-190)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF AMERICAN EQUITIES, LTD. NO. 6,
INTERNATIONAL TRADE CENTER, LLC
BY BROAD AND CASSEL, AGENT
(FLORIDA RESEARCH PARK aka PALM BEACH PARK OF COMMERCE – DRI)

WHEREAS, Florida Research Park aka Palm Beach Park of Commerce – DRI, American Equities, Ltd. No. 6, International Trade Center, LLC has petitioned the Board of County Commissioners of Palm Beach County, Florida, to modify the development order for the Park of Commerce Development of Regional Impact (DRI); and

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 Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application DOA2006-505 was presented to the Board of County Commissioners at a public hearing conducted on November 27, 2006; 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, after receiving the comments of the Florida Department of Community Affairs and the Treasure Coast Regional Planning Council, determined that the proposed amendment to the development order did not constitute a substantial deviation from the original approval, as provided in Section 380.06(19), Florida Statutes; 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 not a substantial deviation to the approved Development of Regional Impact.
2. 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;
3. 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;
4. 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;

5. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
6. This Development Order Amendment has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC. This Development Order Amendment has a traffic concurrency exemption record that assumes 6,893 vested traffic concurrency trips and a buildout date to 2021. Any future application for development that exceeds 6,893 vested traffic concurrency trips or extends the buildout date beyond 2021 would require a Development Order Amendment to address the full impacts of additional trips and extended timeframe for all concurrency providers.
7. 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.
8. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
9. 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.
10. The applicant has demonstrated sufficient justification that there are changed circumstances that 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; and

WHEREAS, Section I includes all previous development order conditions and new development order conditions that address the additional acreage. Section II includes all development order conditions for the extension of the buildout date to December 31, 2021. If Section II becomes effective and there is an inconsistency between Section I and Section II, Section II shall govern. Section III provides a notice requirement if Section II becomes effective and creates an expiration date on the developer's ability to exercise the Section II option.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA2006-505, the application of American Equities, Ltd., No. 6, International Trade Center, LLC, by Broad and Cassel, agent, for a Development of Regional Impact amendment to extend buildout date and add land area (80 acres) 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 November 27, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Nye
Karen T. Marcus	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 27, 2006.

Filed with the Clerk of the Board of County Commissioners on 8th day of December, 2006.

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

The seal is circular with the text "PALM BEACH COUNTY COMMISSIONERS" around the top and "BOARD OF COUNTY COMMISSIONERS" around the bottom. In the center, it says "PALM BEACH COUNTY FLORIDA" with a star below it.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION – EXISTING PIPD/DRI:

A PARCEL OF LAND SITUATE IN SECTIONS 17, 18, AND 19, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 17; THENCE SOUTH 01°04'41" WEST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 5,443.04 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 88°40'25" WEST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 5,375.38 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 02°48'45" EAST, ALONG THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 2,893.36 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE BEELINE HIGHWAY, AS RECORDED IN ROAD BOOK 2, PAGE 152, AND ALSO BEING RECORDED IN OFFICIAL RECORD BOOK 112, PAGE 381, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THE FOLLOWING SIX COURSES ARE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THENCE NORTH 53°39'52" WEST, A DISTANCE OF 3,587.09 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 2,808.79 FEET FROM WHICH A RADIAL LINE BEARS NORTH 36°20'08" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°00'00", AN ARC DISTANCE OF 980.45 FEET; THENCE NORTH 33°39'52" WEST, A DISTANCE OF 457.86 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 2,820.79 FEET FROM WHICH A RADIAL LINE BEARS NORTH 56°20'08" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°00'00", AN ARC DISTANCE OF 541.55 FEET; THENCE NORTH 22°39'52" WEST, A DISTANCE OF 1,594.85 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 2,608.65 FEET FROM WHICH A RADIAL LINE BEARS NORTH 67°20'00" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°33'33", A DISTANCE OF 162.05 FEET TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3271, PAGE 1976, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 70°53'41" EAST, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 660.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND AND THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 1948.65 FEET FROM WHICH A RADIAL LINE BEARS NORTH 70°53'41" EAST; THENCE NORTHERLY ALONG THE EAST LINE OF SAID PARCEL AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°39'00", AN ARC DISTANCE OF 634.29 FEET; THENCE NORTH 00°27'19" WEST, CONTINUING ALONG THE EAST LINE OF SAID PARCEL, AND IN PART, THE WEST RIGHT-OF-WAY LINE OF ASSEMBLY LOOP ROAD, AS SHOWN ON THE PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT NO. 2, AS RECORDED IN PLAT BOOK 60, PAGES 49-50, A DISTANCE OF 997.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 190.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AND SAID WEST RIGHT-OF-WAY LINE OF ASSEMBLY LOOP ROAD, THROUGH A CENTRAL ANGLE OF 51°08'01", AN ARC DISTANCE OF 169.57 FEET TO A POINT ON A NON-TANGENT LINE BEING 25.00 FEET WEST OF, AND PARALLEL WITH THE EAST LINE OF LOT 1L-2, SAID PLAT OF PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT NO. 2; THENCE NORTH 31°41'55" WEST, DEPARTING SAID WEST RIGHT-OF-WAY LINE, AND ALONG SAID PARALLEL LINE, A DISTANCE OF 87.19 FEET TO A POINT ON A LINE 25.03 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID LOT 1L-2; THENCE NORTH 06°29'10" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 240.66 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1L-2; THENCE NORTH 89°08'22" WEST, DEPARTING SAID PARALLEL LINE, AND ALONG THE NORTH LINE OF SAID

LOT 1L-2, A DISTANCE OF 528.56 FEET TO THE EAST LINE OF TRACT B, AS SHOWN ON THE PLAT OF PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172-176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°27'19" WEST, DEPARTING SAID NORTH LINE, AND ALONG SAID EAST LINE, A DISTANCE OF 100.03 FEET; THENCE SOUTH 89°08'22" EAST, DEPARTING SAID EAST LINE, AND ALONG A LINE 660.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 4719.79 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 18; THENCE SOUTH 88°56'16" EAST, ALONG A LINE 660.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 410.00 FEET; THENCE NORTH 01°06'57" EAST, A DISTANCE OF 660.00 FEET TO THE NORTH LINE OF SAID SECTION 17; THENCE SOUTH 88°56'16" EAST, ALONG THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 4,961.77 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 1243.26 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PARCEL OF LAND ALSO HAS INCLUDED WITHIN IT THE ENTIRE PLAT OF "CALBUT GENPAR TRACT A" AS RECORDED IN PLAT BOOK 45, PAGES 70 & 71, A PORTION OF THE PLAT OF "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1" AS RECORDED IN PLAT BOOK 56, PAGES 172-176, A PORTION OF THE PLAT OF "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 2" AS RECORDED IN PLAT BOOK 60, PAGES 49 & 50, THE ENTIRE PLAT OF "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4" AS RECORDED IN PLAT BOOK 68, PAGES 88 & 89, THE ENTIRE PLAT OF CORPORATE ROAD NORTH AND WALGREENS DRIVE, AS RECORDED IN PLAT BOOK 91, PAGES 82-84, THE ENTIRE PLAT OF PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT III, AS RECORDED IN PLAT BOOK 103, PAGES 132 & 133, THE ENTIRE PLAT OF WALGREENS DISTRIBUTION CENTER AS RECORDED IN PLAT BOOK 91, PAGES 127-129, ALL AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LEGAL DESCRIPTION – PROPOSED ADDITION/REZONING:

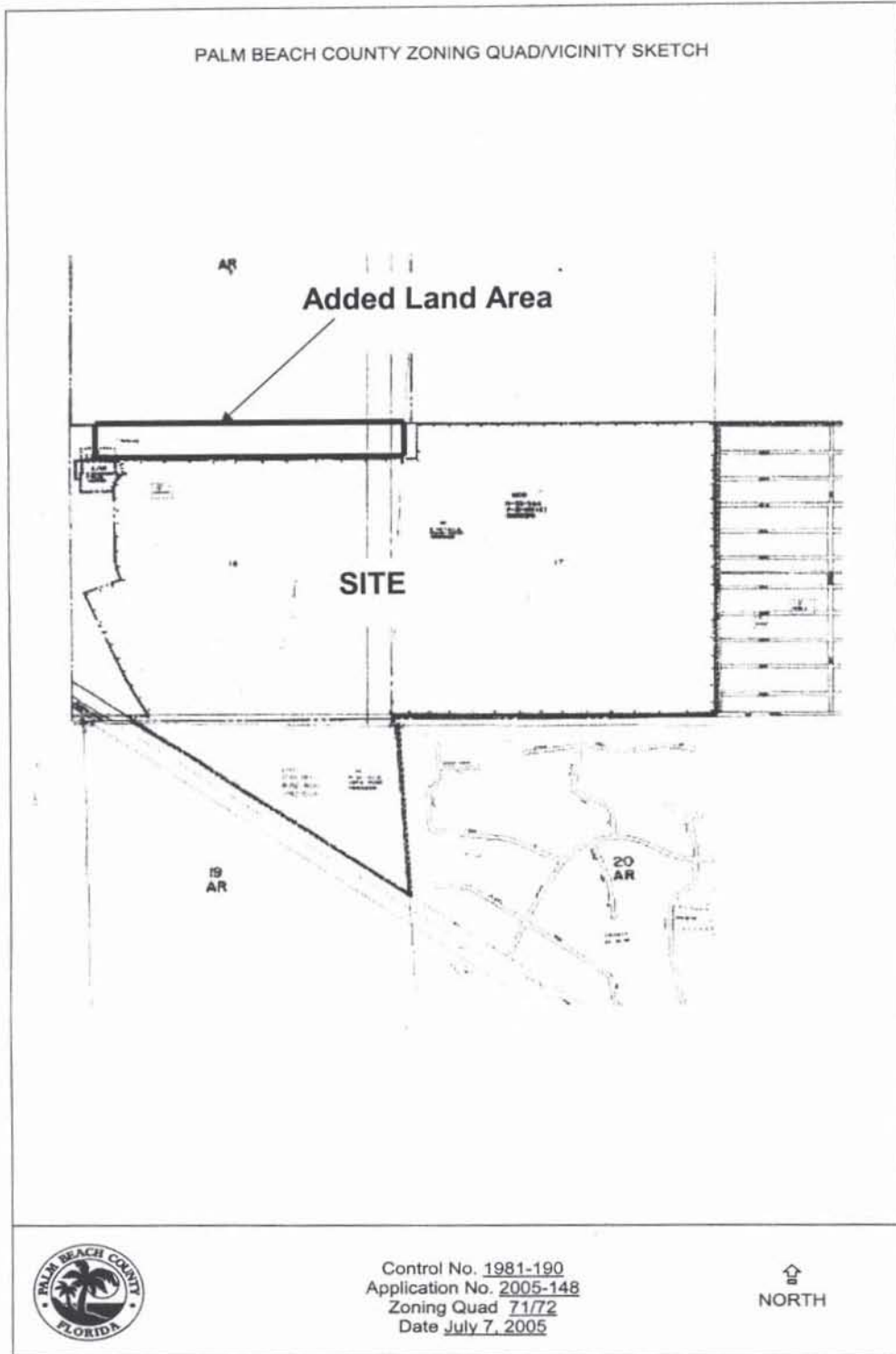
THE NORTH 660 FEET OF SECTION 18, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO A ROAD RIGHT-OF-WAY ON THE WESTERLY 60 FEET THEREOF.

TOGETHER WITH:

THE WESTERLY 410 FEET OF THE NORTH 660 FEET OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

AREA OF SUBJECT PROPERTY (NOT INCLUDING ROAD RIGHT-OF-WAY FOR PRATT WHITNEY RD.) = 79.860 ACRES OR 3,478,740 SQUARE FEET.

EXHIBIT B
VICINITY SKETCH



Control No. 1981-190
Application No. 2005-148
Zoning Quad 71/72
Date July 7, 2005

↑
NORTH

EXHIBIT C
CONDITIONS OF APPROVAL
(DRI)

SECTION I.

1. INCORPORATION OF ALL DEVELOPMENT CONDITIONS

This resolution incorporates and restates the previous Development Order conditions of approval as contained in Resolutions No. R-82-120, No. R-82-468, No. R-90-812, No. R-93-344, No. R-95-1321.15, and R-97-161, including original deadlines, as most recently amended. (ONGOING: MONITORING-Zoning) (Previous Condition 1 of Resolution R-2005-1419 Control Number 1981-190)

Is hereby amended to read:

This resolution incorporates and restates the previous Development Order conditions of approval as contained in Resolutions No. R-82-120, No. R-82-468, No. R-90-812, No. R-93-344, No. R-95-1321.15, R-97-161, and R-2005-1419, including original deadlines, as most recently amended. (ONGOING: MONITORING-Zoning) (Previous Condition 1 of Resolution R-2005-1419 Control Number 1981-190)

2. APPLICATION FOR DEVELOPMENT APPROVAL

The PBPOC Application for Development Approval (ADA) is incorporated by reference into the Development Order and zoning approval by Palm Beach County in the following manner:

The Palm Beach Park of Commerce Application for Development Approval (ADA) is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval is a condition of approval unless waived or modified by agreement among the parties, as defined in Subsection 380.07(c), Florida Statutes. Substantial compliance shall include the requirement that groundwater withdrawal impacts described in the ADA shall not be exceeded. Substantial deviation from these representations shall require reconsideration of the Development Order.

For the purposes of this condition, the ADA shall include the following items:

- A. Palm Beach Park of Commerce ADA, submitted September 4, 1981;
- B. Palm Beach Park of Commerce ADA Supplement, submitted October 21, 1981;
- C. Letter and attachments dated October 26, 1981 from Doug Winter to Jeanne Hall regarding Water, Drainage, and Vegetation and Wildlife;
- D. Letter and attachments dated November 13, 1981 from Donald Walker to Sam Shannon regarding Transportation;
- E. Letter and attachments dated November 18, 1981 from Donald Walker to Sam Shannon regarding Transportation;
- F. Letter dated December 1, 1981 from Howard L. Searcy to Donald C. Lockhart regarding wetlands;
- G. Letter dated October 16, 1981 to Tim Lunney, Palm Beach County Zoning Director, from Henry Skokowski regarding the Caloosa Homeowners Association meeting of October 12, 1981 describing the "Limited Development Zone" ;
- H. Memorandum dated January 28, 1982 from Henry Skokowski to Tim Lunney restricting uses and establishing additional setbacks;
- I. Condition C.1. of Resolution No. R-93-344 as subsequently modified by Condition E.2. of R-95-1321.15 found at Condition #9 herein; and

- J. Condition C.2. of Resolution No. R-93-344 amending the answer to Question 14-D of the ADA. (ONGOING: MONITORING-Zoning) (Previous Condition 2 of Resolution R-2005-1419 Control Number 1981-190)

3. SIGNIFICANT PHYSICAL DEVELOPMENT

In the event the developer fails to commence significant physical development within three (3) years from the effective date of the Development Order as adopted on February 2nd, 1982, all development approvals shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes and Ordinance 73-2, as amended, the Palm Beach County Zoning Code. "Significant Physical Development" shall mean site preparation work for any portion of the project. (ONGOING: MONITORING-Zoning) (Previous Condition 3 of Resolution R-2005-1419 Control Number 1981-190)

4. ARCHAEOLOGICAL ARTIFACTS

In the event of discovery of archaeological artifacts during project construction, the developer shall stop construction in that area and notify the Bureau of Historic Sites and Properties in the Florida Department of State. Proper protection of these artifacts to the satisfaction of the Bureau, shall be provided by the applicant developer.

Is hereby amended to read:

In the event of discovery of archeological artifacts during project construction, the developer shall stop construction in that area and notify the Bureau of Historic Sites and Properties in the Florida Department of State and the Palm Beach County Planning Division. Proper protection of these artifacts to the satisfaction of the Bureau and the Planning Division shall be provided by the property owner. (ONGOING: PLANNING-Planning)

5. CENTRALIZED WASTEWATER AND POTABLE WATER TREATMENT FACILITIES

The developer shall construct centralized wastewater and potable water treatment facilities adequate to service the project's wastewater discharge and demand rates. Further, all work will be done in accordance with rules and regulations of the Department of Environmental Protection. Only when a regional wastewater treatment system is constructed that would serve the proposed project, and when the developer commits to connecting to the system, will this condition be removed from the developer (R-82-468, Condition #8). (ONGOING: HEALTH/ERM) (Previous Condition 5 of Resolution R-2005-1419 Control Number 1981-190)

6. TRANSPORTATION COORDINATOR

The developer shall create and fully fund the position of a "Transportation Coordinator" under the authority of the "Park's Protective Covenants", whose duty it shall be to minimize traffic generated by site development, particularly during peak hour traffic periods, by the implementation of traffic control strategies. These strategies shall be implemented at the outset of the project and shall be coordinated with the County Engineer and shall include, but not be limited to:

- A. establishment of a carpool/vanpool program for employees within the Park
- B. facilitation of mass transit usage through:
 - construction of bus shelters
 - provision of bus stop signs
 - distribution of bus schedules

- survey of employee transportation needs
- coordination of COTRAN and other mass transit services with the businesses in the Park;
- C. imposition of staggered work hours on the employers and their employees within the Park under the authority of the Protective Covenants;
- D. coordination with Pratt & Whitney Aircraft and other area employers regarding carpooling, vanpooling, and mass transit options. (ONGOING: ENG-Eng) (Previous Condition 6 of Resolution R-2005-1419 Control Number 1981-190)

7. TRAFFIC STUDY

Commencing in the year 1993, and continuing every other year thereafter the developer shall undertake a study of traffic conditions along Beeline Highway. The study shall include hourly directional counts for a 24-hour period along Beeline Highway south of the project and at all project entrances. Counts shall be conducted for three consecutive days from Tuesday through Thursday during one of the following months: January, February or March. The study shall be conducted by a Professional Traffic Engineer and shall include any other items, including detailed intersection analysis of any intersections in the project impact area, as deemed necessary by the Palm Beach County Engineering Department to determine the impact of the project on the surrounding highway system. The study shall be coordinated by the Florida Department of Transportation and the Palm Beach County Engineering Department and the results shall be provided to each as part of the annual report required by Subsection 380.06(18), Florida Statutes. This report shall also address the traffic control strategies listed in the Transportation Coordinator Condition and shall be coordinated with the County Engineer. (DATE: MONITORING - Eng) (Previous Condition 7 of Resolution R-2005-1419 Control Number 1981-190)

8. CONTINUED DEVELOPMENT

Continued development of the project shall be permitted provided the traffic monitoring required by the Traffic Study Condition 7 above showing the peak-season, peak-hour, peak-direction traffic volume does not exceed LOS D (utilizing FDOT Generalized Level of Service Guidelines Manual service volumes) on Beeline Highway (SR 710). If that volume is exceeded, no further building permits shall be issued for PBPOC DRI until it can be demonstrated to the Palm Beach County Engineer, the Florida Department of Transportation and the Treasure Coast Regional Planning Council that peak-season, peak-hour, peak-direction traffic is operating at an acceptable level of service. Recognizing that the background traffic constraints existing at the time of initial development order adoption have been alleviated, and that demand for the approved land uses has not occurred in linear fashion as was projected, the internal phase projections in the ADA are collapsed into one phase. There is no minimum or maximum of development or type of development previously approved which must or may occur within any given time period, subject to the overall project buildout date. The buildout date for the project, July 31, 2014, remains unchanged. The land uses and their amounts previously approved remain unchanged. Development may proceed at any pace as long as the traffic limitations imposed in the development order are not exceeded. (DATE: MONITORING-Eng) (Previous Condition 8 of Resolution R-2005-1419 Control Number 1981-190)

9. ENVIRONMENTAL LIAISON

The developer shall create and fully fund the position of "Environmental Liaison" under the authority of the "Park's Protective Covenants," whose duty it shall be to monitor the development for compliance with all environmentally-related representations by the developer and conditions of approval. The "Environmental

Liaison" shall prepare an educational and monitoring program to be coordinated with each tenant of the park and with appropriate regulatory agencies. The "Environmental Liaison" shall prepare an annual report describing these programs and their results which shall be submitted to the Palm Beach County Planning, Zoning and Building Department, the South Florida Water Management District, the Florida Department of Environmental Protection, and the Treasure Coast Regional Planning Council. It shall also be the responsibility of the "Liaison" to report immediately any violation of conditions of approval or any potentially hazardous conditions or practices of any tenant on the environment to the Palm Beach County Zoning Division and the Florida Department of Environmental Protection. (ONGOING: ERM-Erm) (Previous Condition 9 of Resolution R-2005-1419 Control Number 1981-190) COMPLETED.

10. PARAGRAPH HEADINGS

The paragraph headings of this Development Order are included solely for purposes of convenience and reference only, and shall not be deemed to explain, modify, limit, amplify or aid in the meaning, construction or interpretation of any of the provisions of this Development Order. (ONGOING: TCRPC) (Previous Condition 10 of Resolution R-2005-1419 Control Number 1981-190)

SECTION II.

7. Previous Condition 7 which currently states:

TRAFFIC STUDY

Commencing in the year 1993, and continuing every other year thereafter the developer shall undertake a study of traffic conditions along Beeline Highway. The study shall include hourly directional counts for a 24-hour period along Beeline Highway south of the project and at all project entrances. Counts shall be conducted for three consecutive days from Tuesday through Thursday during one of the following months: January, February or March. The study shall be conducted by a Professional Traffic Engineer and shall include any other items, including detailed intersection analysis of any intersections in the project impact area, as deemed necessary by the Palm Beach County Engineering Department to determine the impact of the project on the surrounding highway system. The study shall be coordinated by the Florida Department of Transportation and the Palm Beach County Engineering Department and the results shall be provided to each as part of the annual report required by Subsection 380.06(18), Florida Statutes. This report shall also address the traffic control strategies listed in the Transportation Coordinator Condition and shall be coordinated with the County Engineer. (DATE: MONITORING - Eng)

Is hereby deleted (REASON: Replaced by more detailed transportation conditions of approval).

8. Previous Condition 8 which currently states:

CONTINUED DEVELOPMENT

Continued development of the project shall be permitted provided the traffic monitoring required by the Traffic Study Condition 7 above showing the peak-season, peak-hour, peak-direction traffic volume does not exceed LOS D (utilizing FDOT Generalized Level of Service Guidelines Manual service volumes) on Beeline Highway (SR 710). If that volume is exceeded, no further building permits shall be issued for PBPOC DRI until it can be demonstrated to the Palm Beach County Engineer, the Florida Department of Transportation and the Treasure Coast Regional Planning Council that peak-season, peak-hour, peak-direction traffic is operating at an acceptable level of service. Recognizing that the background traffic

constraints existing at the time of initial development order adoption have been alleviated, and that demand for the approved land uses has not occurred in linear fashion as was projected, the internal phase projections in the ADA are collapsed into one phase. There is no minimum or maximum of development or type of development previously approved which must or may occur within any given time period, subject to the overall project buildout date. The buildout date for the project, July 31, 2014, remains unchanged. The land uses and their amounts previously approved remain unchanged. Development may proceed at any pace as long as the traffic limitations imposed in the development order are not exceeded. (DATE: MONITORING-Eng) (Previous Condition 8 of Resolution R-2005-1419 Control Number 1981-190)

Is hereby amended to read:

The buildout date of the project is December 31, 2021.

SECTION III.

11. DEVELOPMENT ORDER

Section 1 and Section III of this Development Order shall become effective upon adoption by the Board of County Commissioners. Section II of this Development order shall become effective upon the effective date of the Florida Research Park DRI related CRALLS Comprehensive Plan Amendment for which a transmittal public hearing was held on July 28, 2006 and upon the Applicant obtaining the LOS Modifications necessary from the Department of Transportation to address the transportation related conditions of approval. The Applicant shall provide written notification to the Director of Planning, Zoning and Building upon obtaining the LOS Modifications. In the event the Applicant does not obtain the LOS within two years from the date of the Board of County Commissioners hearing granting approval of this development order amendment Section II shall not become effective and shall expire.