

RESOLUTION NO. R-2015-0692

RESOLUTION APPROVING ZONING APPLICATION DOA-2014-02096
(CONTROL NO. 2001-00064)
a Development Order Amendment
APPLICATION OF Liberty Property Limited Partnership
BY Cotleur & Hearing, Inc., AGENT
(Southern Light Industrial 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;

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;

WHEREAS, Zoning Application DOA-2014-02096 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 2015;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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.2.B for a Development Order Amendment; and,

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 DOA-2014-02096, the petition of Liberty Property Limited Partnership, by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, modify Conditions of Approval (Use Limitation and Landscaping) and allow an alternative landscape barrier, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 28, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

| | | |
|--|---|-----|
| Commissioner Shelley Vana, Mayor | - | Aye |
| Commissioner Mary Lou Berger, Vice Mayor | - | Aye |
| Commissioner Hal R. Valeche | - | Aye |
| Commissioner Paulette Burdick | - | Aye |
| Commissioner Steven L. Abrams | - | Aye |
| Commissioner Melissa McKinlay | - | Aye |
| Commissioner Priscilla A. Taylor | - | Aye |

The Mayor thereupon declared that the resolution was duly passed and adopted on May 28, 2015.

Filed with the Clerk of the Board of County Commissioners on June 1st, 2015.


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

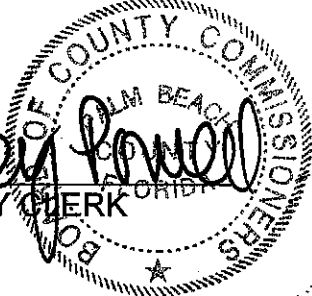


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATE IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

TRACTS 40, 41, 60 AND 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE.

LESS AND EXCEPT THE FOLLOWING: (A) THE RIGHT-OF-WAY FOR SOUTHERN BOULEVARD AS CURRENTLY LAID OUT AND IN USE, AND (B) PARCEL NO. 133 CONVEYED TO FLORIDA DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED DATED MAY 7, 2002 AND RECORDED IN OFFICIAL RECORDS BOOK 13718, PAGE 600, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PORTION OF TRACT 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 61; THENCE SOUTH 01°00'25" EAST ALONG THE WEST LINE OF SAID TRACT 61, A DISTANCE OF 254.577 METERS (835.22 FEET) TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 87°13'14" EAST; THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1896.400 METERS (6221.77 FEET), THROUGH A CENTRAL ANGLE OF 02°41'49" AN ARC LENGTH OF 89.265 METERS (292.86 FEET) TO THE END OF SAID CURVE; THENCE SOUTH 88°34'09" EAST, A DISTANCE OF 74.652 METERS (244.92 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 61; THENCE SOUTH 01°28'02" WEST ALONG SAID EAST TRACT LINE, A DISTANCE OF 26.481 METERS (86.88 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93120-2544; THENCE NORTH 88°34'07" WEST ALONG SAID NORTHERLY

EXISTING
RIGHT-OF-WAY LINE, A DISTANCE OF 162.650 METERS (533.63 FEET) TO A
POINT ON
THE WEST LINE OF SAID TRACT 61; THENCE NORTH 01°00'25" WEST ALONG
SAID WEST
TRACT LINE, A DISTANCE OF 28.606 METERS (93.85 FEET) TO THE POINT
OF
BEGINNING.

LESS THAT PARCEL OF LAND CONVEYED TO THE STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION IN OFFICIAL RECORD BOOK 26346, PAGE 1255, PUBLIC
RECORDS OF
PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

A PORTION OF TRACT 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO.
3,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE
45 OF THE
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 34,
TOWNSHIP
43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING
MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 61; THENCE
SOUTH 01°00'25"
EAST ALONG THE WEST LINE OF SAID TRACT 61, A DISTANCE OF 251.565
METERS
(825.34 FEET) TO THE POINT OF BEGINNING AND THE BEGINNING OF A
CURVE
CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 87°12'59"
EAST; THENCE
EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,893.400 METERS
(6,211.93
FEET), THROUGH A CENTRAL ANGLE OF 02°42'18", AN ARC LENGTH OF 89.394
METERS
(293.29 FEET) TO THE END OF SAID CURVE; THENCE SOUTH 88°34'09" EAST,
A
DISTANCE OF 74.654 METERS (244.93 FEET) TO A POINT ON THE EAST LINE OF
SAID
TRACT 61; THENCE SOUTH 01°28'02" WEST ALONG SAID EAST TRACT
LINE, A
DISTANCE OF 3.000 METERS (9.84 FEET); THENCE NORTH 88°34'09" WEST,
A
DISTANCE OF 74.652 METERS (244.92 FEET) TO A POINT ON A CURVE
CONCAVE
NORTHERLY, HAVING A CHORD BEARING OF NORTH 87°13'14" WEST; THENCE
WESTERLY
ALONG SAID CURVE, HAVING A RADIUS OF 1,896.400 METERS (6,221.77
FEET),
THROUGH A CENTRAL ANGLE OF 02°41'49", AN ARC LENGTH OF 89.265
METERS
(292.86 FEET) TO A POINT ON THE WEST LINE OF SAID TRACT 61 AND THE
END OF
SAID CURVE; THENCE NORTH 01°00'25" WEST ALONG SAID WEST TRACT
LINE, A
DISTANCE OF 3.012 METERS (9.88 FEET) TO THE POINT OF BEGINNING.

CONTAINING 491.9 SQUARE METERS OR 5,295 SQUARE FEET MORE OR LESS.

PARCEL 1A:

TOGETHER WITH A PORTION OF A PLATTED 30 FOOT ROADWAY LYING BETWEEN TRACTS 60 AND 61, BLOCK 5, PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 48.18 FEET OF SAID TRACT 42. AND LESS AND EXCEPT THAT PORTION OF TRACT 59, BLOCK 5, AS DESCRIBED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2822, PAGE 1048, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 13:

THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

PARCEL 13A:

THE NORTH 50 FEET OF THE SOUTH 67 FEET OF THE WEST 55 FEET, LESS THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND ALSO LESS AND EXCEPT:

THE WEST 15 FEET OF TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND LESS THAT PORTION LYING WITHIN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2822, PAGE 1048, PUBLIC RECORDS OF PALM BEACH COUNTY,

FLORIDA,

AND LESS THE NORTH 48.18 FEET OF SAID TRACT 42.

PARCEL 3:

THE 210 FOOT STRIP OF LAND EAST OF BLOCK 5, THE PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE EAST 210 FEET OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE LAKE WORTH DRAINAGE DISTRICT'S L-4 CANAL RIGHT OF WAY AND NORTH OF STATE ROAD 80 RIGHT OF WAY,

ALSO DESCRIBED AS:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE NORTH LINE OF STATE ROAD 80 (SOUTHERN BOULEVARD), PARCEL NO. 164 AS DESCRIBED IN OFFICIAL RECORD BOOK 13737, PAGE 1779; BOUNDED ON THE WEST BY THE EAST LINE OF TRACTS 41, 60, 61, BLOCK 5, AS SHOWN ON THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; BOUNDED ON THE NORTH BY THE SOUTH LINE OF TRACT "E", AS SHOWN ON THE PLAT OF BOYS AND GIRLS CLUB-HAVERHILL, RECORDED IN PLAT BOOK 113, PAGES 87 THROUGH 89 AND BOUNDED ON THE EAST BY THE EAST LINE OF SAID SECTION 34. SAID OFFICIAL RECORD BOOK AND PLAT BOOKS ARE THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

Location Map

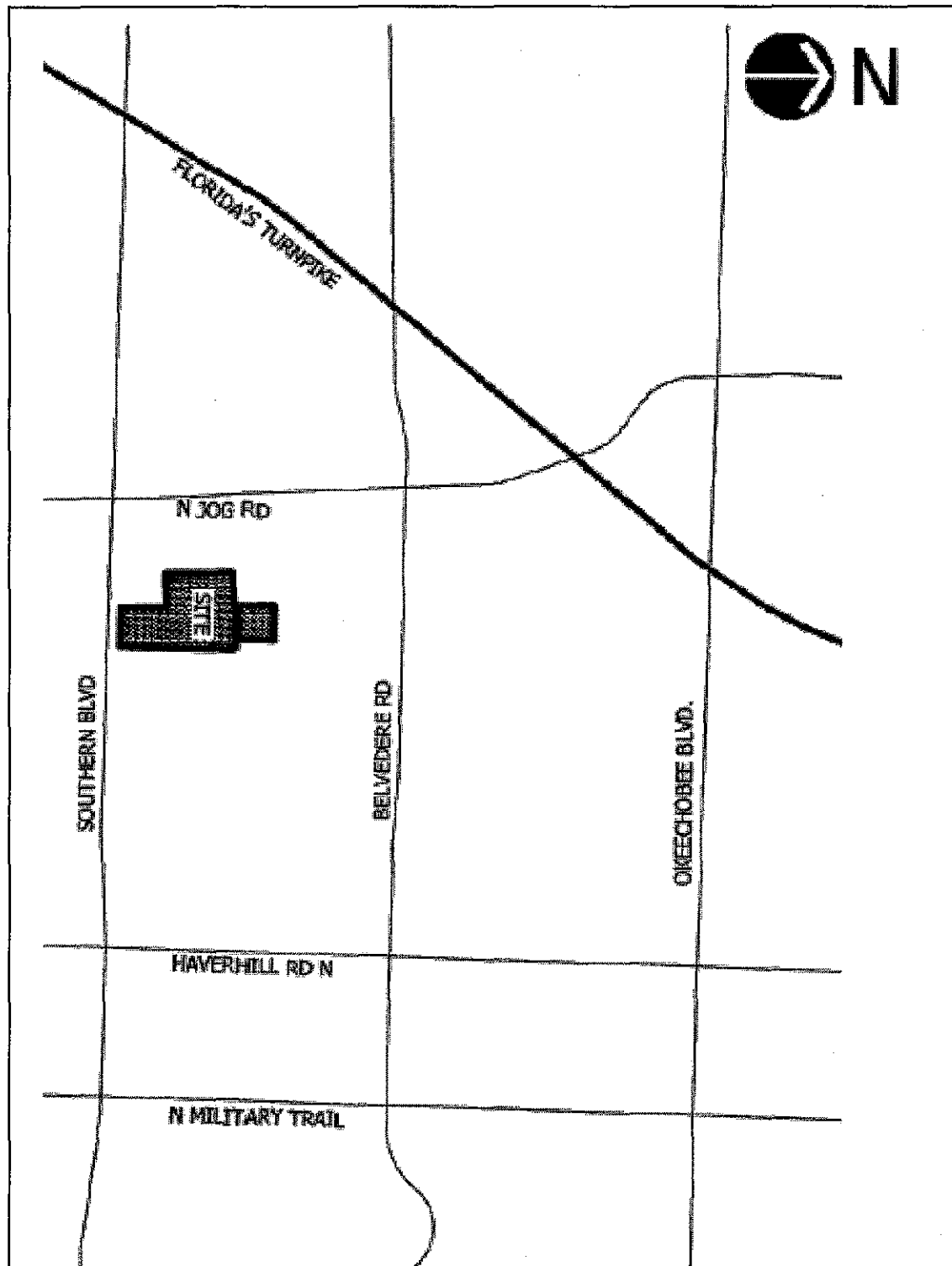


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2014-735, Control No.2001-00064, which currently states:

The approved Preliminary Site Plan is dated March 13, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated April 2, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2014-0735 (Control 2001-00064), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW condition 1 of Resolution R-2014-735, Control No.2001-00064, which currently states:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for Buildings A and D shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). The remaining Buildings shall be submitted at time of Building Permit for review and approval in compliance with Article 5.C. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements.

Is hereby amended to read:

The Preliminary Architectural Elevations for Buildings A, B1, B2, C, D, E, F and G, are dated April 2, 2015. Architectural Elevations and any modifications shall comply with the Standards of Article 2.D and Article 5.C. Development shall be consistent with the Development Review Officer approved Final Site Plan, Conditions of Approval and the Regulations of the Code. (DRO/ONGOING: ZONING - 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. No Building Permits for the site may be issued after 12/31/2018. 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 Art. 2.E of the Unified Land Development Code. (BLDGPMT/DATE: MONITORING -

Engineering) (Previous ENGINEERING condition 1 of Resolution R-2014-735, Control No.2001-00064)

2. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment in the amount of 1.56 percent of the total cost of the following improvements at the intersection of Southern Blvd and Sansburys Way:

- i. modify the north approach to make a total of two (2) left turn lanes, two (2) through lanes, and one (1) right turn lane,
- ii. modify the south approach to make a total of two (2) left turn lanes, two (2) through lanes, and two (2) right turn lanes,
- iii. modify the west approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane, and
- iv. modify the east approach to make a total of two (2) left turn lanes, four (4) through lanes, and one (1) right turn lane.

These modifications will also require widening of the Lyons Road bridge on the south approach to accommodate the receiving lanes as well as all necessary tapers. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer and/or the Florida Department of Transportation. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of payment. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2014-735, Control No.2001-00064)

3. The Property Owner shall construct:

- i. A left turn lane west approach on Southern Blvd at Project's entrance road. The length of this turn lane must accommodate at a minimum 95% of the truck traffic queue, as required by the FDOT driveway conceptual approval letter, or as approved by the FDOT and the County Engineer.
- ii. A right turn lane and bicycle lane east approach on Southern Blvd at the Project's entrance road. The length of this turn lane shall be as approved by the FDOT and the County Engineer.
 - a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING condition 3 of Resolution R-2014-735, Control No.2001-00064)

4. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment in the amount of 18.28 percent of the following improvements at the intersection of Southern Blvd and Pike Road:

- i. modify the north approach to make a total of two (2) left turn lanes and two (2) right turn lanes. This improvement may require widening and tapering of the this and other legs of this intersection. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer and/or the Florida Department of Transportation. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of payment. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING condition 4 of Resolution R-2014-735, Control No.2001-00064)

5. The Property Owner shall

i. restripe the north approach of the intersection of Southern Blvd and Benoist Farms Rd to include one left turn lane and one shared left/through/right lane

ii. restripe the south approach of the intersection of Southern Blvd and Kirk Road to include two left turn lanes and one shared through/right lane.

All the above modifications should be consistent with Palm Beach County standards and must include, but not limited to, all signal modification costs. Within sixty (60) days notice from the County Engineer all the above modifications must be completed by the Property Owner. Any and all costs associated with this work shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way, signal modifications, including hardware and labor cost. The County Engineer may require or the Property Owner may choose to have the County/FDOT perform the above modifications and reimburse all the associated costs to the County. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 5 of Resolution R-2014-735, Control No.2001-00064)

6. Prior to the issuance of the first building permit, the Property Owner shall configure the property into legal lot(s) of record in accordance with the provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 6 of Resolution R-2014-735, Control No.2001-00064)

7. Previous ENGINEERING condition 7 of Resolution R-2014-735, Control No.2001-00064, which currently states:

The Property Owner shall improve Drexel Road to local street standards from Flatrock Road south to the property limits concurrent with the onsite improvements, or the Property Owner can reconfigure the proposed lake and provide access to the preserve area from Southern Boulevard, both as approved by the County Engineer. Whichever option is chosen, access shall be provided prior to issuance of the first Certificate of Occupancy.

Is hereby amended to read:

If access to the preserve area located on the north side of this site is required from Drexel Road, the Property Owner shall improve Drexel Road to local street standards from Flatrock Road south to the property limits concurrent with the onsite improvements, or the Property Owner can reconfigure the proposed lake and provide access to the preserve area from Southern Boulevard, both as approved by the County Engineer. Whichever option is chosen, access shall be provided prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

8. Prior to the issuance of the first building permit, the property owner shall provide to Florida Department of Transportation (FDOT) by deed additional right of way for the construction of a right turn lane and bicycle lane on Southern Boulevard at the project's entrance road. This right of way width shall be as approved by FDOT. The right of way should be continued across the project entrance and shall be free and clear of all encumbrances and encroachments. Property owner shall provide FDOT with sufficient documentation, which may include at minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Grantor must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of

way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 8 of Resolution R-2014-735, Control No.2001-00064)

9. Prior to issuance of the first building permit, the property owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Southern Boulevard along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 9 of Resolution R-2014-735, Control No.2001-00064)

10. Prior to September 15,2002, the property owner shall convey a temporary roadway construction easement along Southern Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 1 of Resolution R-2002-1003, Control No.2001-00064)

11. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for First Street 30 feet from centerline. This additional right of way shall be conveyed prior to the issuance of the first building permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 2 of Resolution R-2002-1003, Control No.2001-00064)

12. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Southern Boulevard an irregular parcel of property, which is 93.81 feet at the west property line, and 86.88 feet at the east property line. This right of way shall be conveyed on or before September 15, 2002 Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all

encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 3 of Resolution R-2002-1003, Control No.2001-00064)

13. Previous E condition 4 of Resolution R-2002-1003, Control No.2001-00064, which currently states:

Prior to issuance of the first building permit the property owner shall combine these existing lots by either platting the subject property or a waiver of plat in accordance with Article 8 of Unified Land Development Code.

Is hereby deleted. [REASON: Covered by Condition E6]

ENVIRONMENTAL

1. Prior to site plan approval, the plan shall be modified to be consistent with the construction standards pursuant to ULDC Article 14.B Wellfield Protection. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. The property owner shall submit a hazardous material management plan for each tenant to the Environmental Resources Management (ERM) Department consistent with the requirement of ULDC Art. 14.B, Wellfield Protection. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2014-735, Control No.2001-00064, which currently states:

Concurrent with the submittal for Building Permits, 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) and/or supporting documents shall include a tree survey and demonstrate that the Preserve vegetation will meet or exceed the Unified Land Development Code requirements. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition.

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) and/or supporting documents shall include a tree survey and demonstrate that the Preserve vegetation will meet or exceed the Unified Land Development Code requirements. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

2. Previous LANDSCAPE - PERIMETER condition 2 of Resolution R-2014-735, Control No.2001-00064, which currently states:

An Alternative Buffer shall be provided in any area of the MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation in lieu of a Type III Incompatibility Buffer per ULDC Art. 3.E.3.B.2.c and the Mandatory Landscape Barrier per the Palm Beach International Airport Overlay (PBIAO). The purpose of this condition is to ensure that existing native trees and understory plantings are preserved within the buffer to the greatest extent possible and that existing vegetation is not negatively impacted by the installation of a wall. The Alternative Buffer shall be located in the following locations:

West portion of the north property line and south property line - a minimum of 644 feet in length; and,

South portion of the west property line - a minimum of 855 feet in length.

The buffers shall include:

- a. A minimum of 20 feet in width;
 - b. A six-foot high precast concrete panel wall;
 - c. One canopy tree for each 20 lineal feet of the buffer length, and shall be planted alternatively on either side of the wall;
 - d. Shrub requirements shall be in accordance with the Type II Incompatibility Buffer requirements.
- (BLDGPMT/ONGOING: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: replaced with new Condition]

LANDSCAPE - PERIMETER-NORTH OF LAKE WORTH DRAINAGE CANAL - PRESERVE AREA (10 ACRES)

3. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer along the north 661.29 feet to include:

- a. be a minimum of twenty (20) feet in width;
 - b. provide an eight (8) foot high black vinyl coated chain link fence;
 - c. provide one canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the fence; and
 - d. provide three rows of shrubs.
- (ONGOING: ZONING - Landscape)

4. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer along the buffer along the east 659.54 feet shall:

- a. be a minimum of ten (10) feet in width;
 - b. provide an eight (8) foot high black vinyl coated chain link fence;
 - c. one (1) canopy tree for each twenty-five (25) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall;
 - d. provide three rows of shrubs.
- (ONGOING: ZONING - Landscape)

5. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer along the buffer along the buffer along the west (northern 325 feet of the 659.10 feet only) shall:

- a. be a minimum of ten (10) feet in width;
- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. one (1) canopy tree for each twenty-five (25) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall;
- d. provide three rows of shrubs.

6. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer along the buffer along the west (southern 334.10 feet of the 659.10 feet only) shall:

- a. be a minimum of twenty (20) feet in width;
- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. provide one canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the fence; and
- d. provide three rows of shrubs.

LANDSCAPE - PERIMETER-SOUTH OF LAKE WORTH DRAINAGE CANAL - DEVELOPMENT SITE (58.80)

7. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the north side (the westerly 644.94 feet) shall:

- a. be a minimum of twenty (20) feet in width;
- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. provide one canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the fence; and,
- d. provide three rows of shrubs.

8. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the north side (the easterly 221.92 feet) shall:

- a. be a minimum of ten (10) feet in width;

- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. provide one canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the fence; and,
- d. provide three rows of shrubs.

9. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the south side (the westerly 644.94 feet) shall:

- a. be a minimum of twenty (20) feet in width;
- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. provide one canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the fence; and,
- d. provide three rows of shrubs.

10. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the south side (the westerly 175 feet adjacent to Southern Boulevard) shall:

- a. be a minimum of twenty (20) feet in width;
- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. provide one canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the fence; and,
- d. provide three rows of shrubs.

11. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the south side (the easterly 550 feet adjacent to Southern Boulevard) shall:

- a. be a minimum of twenty (20) feet in width;
- b. provide a six (6) foot high black vinyl coated chain link fence;
- c. provide one (1) canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall; and,
- d. provide three rows of shrubs.

12. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the east side (the northerly 1861.39 feet) shall:

- a. a minimum of fifteen (15) feet in width;
- b. an eight (8) foot high black vinyl coated chain link fence;
- c. provide one (1) canopy tree for each twenty-five (25) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall; and,
- d. provide three rows of shrubs.

13. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the east side (the southerly 400 feet) shall:

- a. be a minimum of fifteen (15) feet in width;
- b. an eight (8) foot high post and panel precast concrete wall;
- c. provide one (1) canopy tree for each twenty-five (25) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall; and,
- d. provide three rows of shrubs.

14. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the west side (the northerly 48.18 feet) shall:

- a. be a minimum of fifteen (15) feet in width;
- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. provide one (1) canopy tree for each twenty-five (25) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall; and,
- d. provide three rows of shrubs.

15. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the west side (the central 1333.36 feet) shall:

- a. be a minimum of fifteen (15) feet in width;
- b. provide an eight (8) foot high black vinyl coated chain link fence;
- c. provide one (1) canopy tree for each twenty-five (25) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall; and,

d. three rows of shrubs.

16. In addition to the ULDC requirements, the Property Owner shall provide the following Alternative Buffer the buffer along the west side (the southerly 855.21 feet) shall:

- a. be a minimum of twenty (20) feet in width;
- b. provide an eight (8) foot high post and panel precast concrete wall;
- c. provide one (1) canopy tree for each twenty (20) lineal feet of the buffer length, and each canopy tree shall be planted alternately on either side of the wall; and,
- d. provide three rows of shrubs.

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the North 50 feet of Tracts 41 and 42, Block 5, PBF3P3, less lands already conveyed to LWDD for the L-4 Canal (1.82). LWDD will provide and record the conveyance document. PLAT: ENG-LWDD (PLAT: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District)

PALM TRAN

1. Previous PALM TRAN condition 1 of Resolution R-2014-735, Control No.2001-00064, which currently states:

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 as indicated on the site plan and 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 shall be required. (PLAT:MONITORING -Palm Tran) (PLAT: MONITORING - Palm-Tran)

Is hereby deleted. [REASON: No Mass Transit Conditions are requested. The land use is primarily industrial in nature.]

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning) (Previous PARKING condition 1 of Resolution R-2014-735, Control No.2001-00064)

PLANNING

1. Per LGA-2008-027, ORD:2008-05; development of the site under the EDC designation shall be limited to a maximum of 1,139,464 square feet of light industrial uses as defined by the ULDC. (ONGOING: PLANNING - Planning) (Previous PLANNING condition 1 of Resolution R-2014-735, Control No.2001-00064)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site, Preliminary Master Sign and the Regulating Plans as follows:

- a. Increase the width of the landscape median located north of Building B2 to be eight (8) feet in width, exclusive of sidewalks; and,
- b. Increase the width of the Compatibility Buffer located at the northeast corner of the property to be ten (10) feet (specifically, the easterly 221.92 feet of the north property line). (DRO: ZONING - Zoning)

2. Prior to Final Site Plan approval by the Development Review Officer (DRO) the site plan shall be revised to show an Emergency Fire Access along the west property line adjacent to the Palm Beach County Water Utility Lift Station. (DRO: FIRE RESCUE - Fire Rescue)

USE LIMITATIONS

1. Previous USE LIMITATIONS condition 1 of Resolution R-2014-735, Control No.2001-

00064, which currently states:

The Manufacturing and Processing use, which is indicated in Buildings A, B, C, and D of the Preliminary Site Plan dated March 13, 2014, may be relocated to Buildings E, F, G, and/or H subject to compliance with MUPD Freestanding Buildings and all applicable provisions of the Unified Land Development Code (ULDC).

Is hereby amended to read:

The Manufacturing and Processing use, which is indicated in Buildings A and B1 of the Preliminary Site Plan dated April 2, may be relocated to any building within the MUPD, subject to compliance with MUPD Freestanding Buildings and all applicable provisions of the Unified Land Development Code (ULDC). (ONGOING: ZONING - 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: ZONING - Zoning) (Previous COMPLIANCE condition 1 of Resolution R-2014-735, Control No.2001-00064)

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; the 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 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 of Approval; 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: ZONING - Zoning) (Previous COMPLIANCE condition 2 of Resolution R-2014-735, Control No.2001-00064)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.