

RESOLUTION NO. R-2022-0764

RESOLUTION APPROVING ZONING APPLICATION EAC-2022-00343  
(CONTROL NO. 1981-00190)  
a Development Order Amendment  
APPLICATION OF SR II LLC  
BY Urban Design Studio, AGENT  
(Palm Beach Park of Commerce PIPD Surf House)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application EAC-2022-00343 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2022;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 EAC-2022-00343, the Application of SR II LLC, by Urban Design Studio, Agent, for a Development Order Amendment (Expedited Application Consideration) to modify and delete Conditions of Approval; to reconfigure site plan, to delete square footage; to modify uses, on a parcel of land generally described as shown on the legal description 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 July 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

Overall PIPD Legal Description:

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, ALONG THE EAST LINE OF SAID SECTION 17, SOUTH 01°04'41" WEST, A DISTANCE OF 5443.08 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE, ALONG THE SOUTH LINE OF SAID SECTION 17, NORTH 88°40'23" WEST, A DISTANCE OF 5375.47 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE, ALONG THE EAST LINE OF SAID SECTION 19, SOUTH 02°48'52" EAST, A DISTANCE OF 2893.36 FEET TO A POINT OF INTERSECTION WITH 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°39'59" WEST, A DISTANCE OF 3587.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2808.79 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°00'00", A DISTANCE OF 980.45 FEET TO THE POINT OF TANGENCY; THENCE NORTH 33°39'59" WEST, A DISTANCE OF 456.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2820.79 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°00'00", A DISTANCE OF 541.55 FEET TO THE POINT OF TANGENCY; THENCE NORTH 22°39'59" WEST, A DISTANCE OF 1595.85 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2608.65 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°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, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID PARCEL, NORTH 70°53'48" EAST, A DISTANCE OF 660.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1948.65 FEET FROM WHICH A RADIAL LINE BEARS NORTH 70°53'48" 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, 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, NORTH 00°27'12" WEST, 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°11'27", AN ARC DISTANCE OF 169.76 FEET TO A POINT ON A NON-TANGENT LINE BEING 25.00 FEET WEST OF, AND PARALLEL WITH THE EAST LINE OF LOT 1 L-2, SAID PLAT OF PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT NO. 2; THENCE, DEPARTING SAID WEST RIGHT-OF-WAY LINE, AND ALONG SAID PARALLEL LINE, NORTH 31°41'55" WEST, A DISTANCE OF 87.14 FEET TO A POINT ON A LINE 25.03 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID LOT 1 L-2; THENCE, ALONG SAID PARALLEL LINE, NORTH 06°29'10" WEST, A DISTANCE OF 240.78 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1 L-2; THENCE, DEPARTING SAID PARALLEL LINE, AND ALONG THE NORTH LINE OF SAID LOT 1 L-2, NORTH 89°08'21" WEST, 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

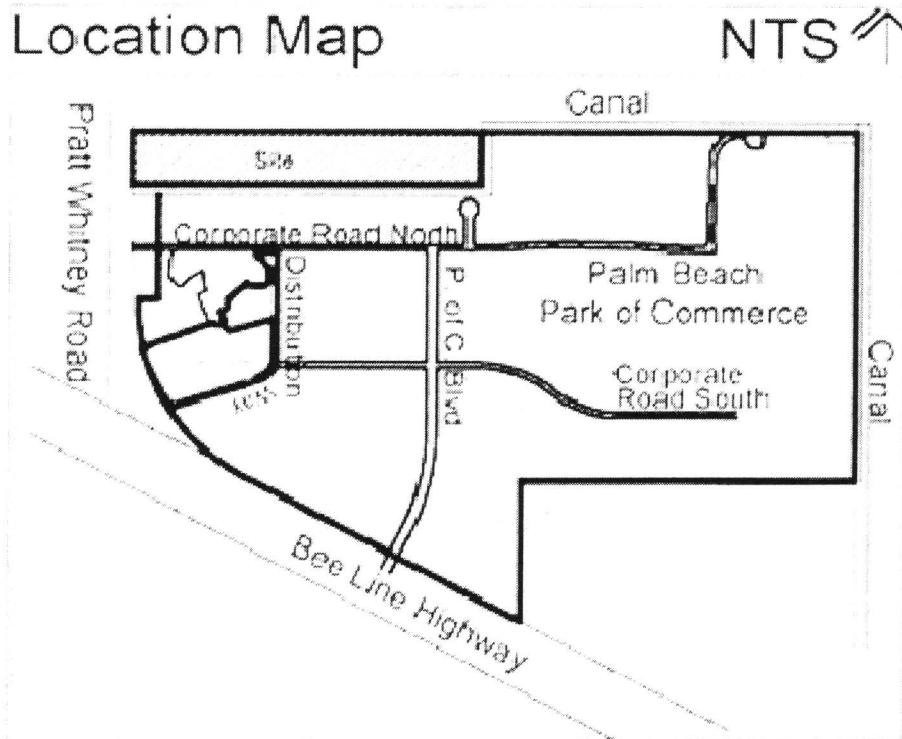
RECORDS

OF PALM BEACH COUNTY, FLORIDA; THENCE, DEPARTING SAID NORTH LINE, AND ALONG SAID EAST LINE, NORTH 00°27'12" WEST, A DISTANCE OF 100.03 FEET; THENCE, DEPARTING SAID EAST LINE, AND ALONG A LINE 660.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 18, NORTH 89°08'21" WEST, A DISTANCE OF 72.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF PRATT-WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 28426, PAGE 19 OF THE PUBLIC RECORD OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES NORTH 00°27'12" WEST, A DISTANCE OF 567.57 FEET; THENCE NORTH 45°12'14" EAST, A DISTANCE OF 35.76 FEET; THENCE NORTH 00°27'12" WEST, A DISTANCE OF 67.02 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 18; THENCE, ALONG SAID NORTH LINE, SOUTH 89°08'21" EAST, A DISTANCE OF 4,784.34 FEET TO THE NORTHWEST CORNER OF SAID SECTION 17; THENCE, ALONG THE NORTH LINE OF SAID SECTION 17, SOUTH 88°56'14" EAST, A DISTANCE OF 5,371.81 FEET TO THE POINT OF BEGINNING; SAID PARCEL

CONTAINING 1,322.19 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment Expedited Application Consideration (Overall PIPD)

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-180, Control No.1981-00190, which **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-180, Control No.1981-00190, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2019-0384 (Control 1981-00190), 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 ULDC and the Board of County Commissioners, unless expressly modified.

##### Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2020-0180 (Control 1981-00190), 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 ULDC and the Board of County Commissioners, unless expressly modified.

(ONGOING: MONITORING - Zoning)

2. The approved Preliminary Master Plan is dated November 12, 2019. 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) (Previous ALL PETITIONS Condition 2 of Resolution R-2020-180, Control No.1981-00190)

3. 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:

. Palm Beach Park of Commerce ADA, submitted September 4, 1981 (R-82-468, Condition #1);

. Palm Beach Park of Commerce ADA Supplement, submitted October 21, 1981 (R-82-468, Condition #1);

. Letter and attachments dated October 26, 1981 from Doug Winter to Jeanne Hall regarding Water, Drainage, and Vegetation and Wildlife (R-82-468, Condition #1);

. Letter and attachments dated November 13, 1981 from Donald Walker to Sam Shannon regarding Transportation (R-82-468, Condition #1);

. Letter and attachments dated November 18, 1981 from Donald Walker to Sam Shannon regarding Transportation (R-82-468, Condition #1);

. Letter dated December 1, 1981 from Howard L. Searcy to Donald C. Lockhart regarding wetlands (R-82-468, Condition #1);

. 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" (R-82-468, Condition #1);  
. Memorandum dated January 28, 1982 from Henry Skokowski to Tim Lunney restricting uses and establishing additional setbacks (R-82-468, Condition #1);  
. 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 (R-95-1321.15); and  
. Condition C.2. of Resolution No. R-93-344 amending the answer to Question 14-D of the ADA. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2020-180, Control No.1981-00190)

4. As part of the annual report required by Subsection 380.06(18), Florida Statutes, the Property Owner/Developer shall include a complete list of tenants locating in the development during the preceding year. The report shall include a description of the activities of, processes and materials used by, and operations of each tenant, and a map indicating their location within the development. A report shall be submitted to the Zoning Division and the South Florida Water Management District on or before January 31 annually. (DATE/ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 4 of Resolution R-2020-180, Control No.1981-00190)

5. 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: ZONING - Zoning) (Previous ALL PETITIONS Condition 5 of Resolution R-2020-180, Control No.1981-00190)

6. Subsequent amendments to this Resolution may be adopted without the need for review under Section 380.06(19), Florida Statutes. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 6 of Resolution R-2020-180, Control No.1981-00190)

7. Prior to final approval of the Master Plan by the Development Review Officer, the Site Data shall be revised to correct the percentages of land use mixes consistent with the proposed modifications to the Unified Land Development Code (PIA). (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 7 of Resolution R-2020-180, Control No.1981-00190)

## **BUILDING AND SITE DESIGN-BUILDING AND SITE DESIGN-PEDESTRIAN CONNECTIONS**

1. Prior to Final Development Review Officer (DRO) approval of the Master Plan, the Property Owner shall provide a phasing construction plan indicating continuous paved pedestrian access within existing and proposed rights-of-ways to be installed prior to March 1, 2023 for existing roads and concurrent with installation of improvements for new rights-of-ways or structures. There shall be a maximum of 6 phases with a minimum of 15% per phase. (DATE/DRO: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2020-180, Control No.1981-00190)

## **ENGINEERING**

1. When required by the County Engineer, or prior to the completion of Phase One, the following traffic improvements shall be completed:

a. Building permits shall not be issued for development that generates more than 2,570 net external 2-way PM peak hour trips until construction commences for the intersection of Pratt Whitney Road and North Project Entrance with the following lanes:

South Approach: 1 right

North Approach: 1 left

East Approach: 1 left, 1 right (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. No Certificate of Occupancy shall be issued for development on Parcel A until construction is complete for the intersection of Beeline Highway and West Project Entrance with the following turn lanes: North Approach: 1 left, 1 right East Approach: 1 right, West Approach: 1 left. (BLDGPMT/CO: MONITORING - Engineering)

- c. Building permits shall not be issued for development that generates more than 5,321 net external 2-way PM peak hour trips until construction commences for the north approach 2nd left-turn lane at the Beeline Highway and East Project Driveway Entrance intersection. (BLDGPMT: MONITORING - Engineering)
- d. Building permits shall not be issued for development that generates more than 5,714 net external 2-way PM peak hour trips until construction commences for the west approach 2nd left-turn lane and east approach 2nd right turn lane or continuous (hot) right turn lane at the Beeline Highway and East Project Driveway Entrance intersection (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- e. Building permits shall not be issued for development that generates more than 6,107 net external 2-way PM peak hour trips until construction commences for the east approach 2nd right-turn lane or continuous (hot) right-turn lane at the Pratt Whitney Road and South Project Driveway Entrance intersection (BLDGPMT: MONITORING - Engineering)
- f. Building permits shall not be issued for development that generates more than 6,107 net external 2-way PM peak hour trips until construction commences for the north approach 2nd left-turn lane at the Beeline Highway and West Project Driveway Entrance intersection (BLDGPMT: MONITORING - Engineering)
- g. Building permits shall not be issued for development that generates more than 6,500 net external 2-way PM peak hour trips until construction commences for the east approach 2nd left-turn lane and north approach 2nd left turn lane at the Pratt Whitney Road and South Project Driveway Entrance intersection (BLDGPMT: MONITORING - Engineering)
- h. Building permits shall not be issued for development that generates more than 6,500 net external 2-way PM peak hour trips until construction commences for the north approach 3rd left turn lane at the Beeline Highway and East Project Driveway Entrance intersection. (BLDGPMT: MONITORING - Engineering)
- i. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer for all of the four project entrances (Pratt Whitney and North Entrance, Pratt Whitney and South Entrance, Beeline Highway and West Entrance, and Beeline Highway and East Entrance). Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. The Property Owner shall conduct annually, at the expense of the Property Owner, AM and PM peak season peak hour turning movement counts at all driveways that are existing during the given peak season. This data shall be submitted annually to the County Engineer for review and approval. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]
- j. When any of the peak season peak hour turning movement counts required in part (i) above indicate that more than 56 left-turning vehicles per hour are leaving the project at any of the four driveways, no additional building permits shall be issued until the Property Owner provides acceptable surety in the form of a cash bond or escrow agreement for the traffic signal at the intersection where the 56 vehicle per hour threshold was exceeded to the Traffic Division in an amount as determined by the Director of the Traffic Division. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]
- k. In order to be relieved from the requirement in part U) above and to request the release of the surety posted for the traffic signal( s ) at the above intersection( s ), 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 intersections, OR the Property Owner shall provide written documentation to the Traffic Division that the property has been sold and that a replacement surety has been provided to the Traffic Division by the new Property Owner. 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: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2020-180, Control No.1981-00190)
2. Only two access points onto Beeline Highway and two onto Seminole Pratt & Whitney Road, as shown on the Master Plan dated October 13, 2006 shall be permitted. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2020-180, Control No.1981-00190)



3. Previous Engineering Condition 3 (Sections I and II) were deleted in Resolution R-2006-02561, Control 1981-00190) (Previous ENGINEERING Condition 3 of Resolution R-2020-180, Control No.1981-00190)

4. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application 120 feet from the centerline (west line of Section 18). Right of way deed(s) and associated documents shall be provided and approved prior to September 19, 2007. Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Granter further warrants that the property being conveyed to Palm Beach County 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 Granter, the Granter agrees to hold the Grantee 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 provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2020-180, Control No.1981-00190)

5. No Building Permits for the site may be issued after December 31, 2028 or as amended. A time extension for this condition may be approved by the County Engineer only if 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, Chapter E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2020-180, Control No.1981-00190)

6. The number and locations of access points on non-thoroughfare roads within the site shall be subject to approval by the DRO only. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2020-180, Control No.1981-00190)

7. On or before September 19, 2007 the Property Owner shall provide to Palm Beach County sufficient 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 Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application; and a maximum 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 detention storage and conveyance capacity as required by all permitting agencies to meet the storm water discharge and treatment requirements of Palm Beach County, Northern Palm Beach County Improvement District and SFWMD, for the combined runoff from the roadway and project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. 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.

Florida Research Park shall also permit Palm Beach County to use available water quality and attenuation volumes the existing internal drainage system may possess in excess of the maximum buildout of Florida Research Park for roadway drainage with first availability allocated to the 4-lane widening of Pratt Whitney Road between Beeline Highway and Indiantown Road. Palm Beach County shall be responsible for any improvements needed to incorporate the additional roadway drainage into the existing internal drainage system. In addition, Palm Beach County shall be responsible for compliance with all governmental regulations, including but not limited to, permitting, water quality, and water quantity standards of any governmental authority having jurisdiction, now or in the future, with respect to the drainage associated with the additional roadway improvements and with respect to the quality of water flowing from the additional roadway right-of-way. Florida Research Park shall continue to cooperate with Palm Beach County as it proceeds with the permit and installation process for incorporation of the roadway drainage into the existing internal drainage system. The above requirements of Palm Beach County to meet the jurisdictional permitting, water quality, and water quantity standards does not preclude Palm Beach County from directly discharging the roadway drainage into the existing Florida Research Park internal drainage system if Palm Beach County can demonstrate, as required by the permitting agencies, that the water quality and attenuation of the roadway runoff will not negatively impact the water quality and water attenuation of the existing internal drainage system without increasing the property currently dedicated for water management tracts in Florida Research Park.

Florida Research Park shall also permit Palm Beach County to use available water quality and attenuation volumes the existing internal drainage system may possess in excess of the maximum buildout of Florida Research Park for roadway drainage with first availability allocated to the 4-lane widening of Pratt Whitney Road between Beeline Highway and Indiantown Road. Palm Beach County shall be responsible for any improvements needed to incorporate the additional roadway drainage into the existing internal drainage system. In addition, Palm Beach County shall be responsible for compliance with all governmental regulations, including but not limited to, permitting, water quality, and water quantity standards of any governmental authority having jurisdiction, now or in the future, with respect to the drainage associated with the additional roadway improvements and with respect to the quality of water flowing from the additional roadway right-of-way. Florida Research Park shall continue to cooperate with Palm Beach County as it proceeds with the permit and installation process for incorporation of the roadway drainage into the existing internal drainage system. The above requirements of Palm Beach County to meet the jurisdictional permitting, water quality, and water quantity standards does not preclude Palm Beach County from directly discharging the roadway drainage into the existing Florida Research Park internal drainage system if Palm Beach County can demonstrate, as required by the permitting agencies, that the water quality and attenuation of the roadway runoff will not negatively impact the water quality and water attenuation of the existing internal drainage system without increasing the property currently dedicated for water management tracts in Florida Research Park. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2020-180, Control No.1981-00190)

8. Landscape Within the Median of Seminole Pratt Whitney Road

- a) The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by 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 d below.
- b) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to 6 months after completion of the widening of Seminole Pratt Road. (ONGOING)

- c) All installation of the landscaping and irrigation shall be completed prior to 9 months after completion of the widening of Seminole Pratt Road. (ONGOING)
- d) 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.
- e) Alternately, at the option of the Property Owner, and prior to the widening of Seminole Pratt Road has begun, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Seminole Pratt Whitney 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2020-180, Control No.1981-00190)

9. Prior to September 19, 2007, the property owner shall provide a temporary roadway construction easement along Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. 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. (DATE/TC: ENGINEERING - Monitoring) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2020-180, Control No.1981-00190)

**ENGINEERING-ROADWAY IMPROVEMENTS - TRAFFIC PHASE 1**

10. Building permits shall not be issued for development that generates more than 1,029 net external 2-way PM peak hour trips or after December 31, 2006, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) the contract has been let for the construction of Indiantown Road from Jupiter Farms Road to Florida's Turnpike to a six-lane cross section (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2020-180, Control No.1981-00190)

11. Building permits shall not be issued for development that generates more than 1,086 net external 2-way PM peak hour trips or after December 31, 2006, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) the contract has been let for the construction of Seminole Pratt Whitney Road from Orange Blvd. to Northlake Blvd. to a four-lane cross section. At the time of concurrency approval, this project was included for construction in FY

2008 of the PBC 5-year road program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2020-180, Control No.1981-00190)

12. Building permits shall not be issued for development that generates more than 1,099 net external 2-way PM peak hour trips or after December 31, 2006, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on PGA Blvd. from Florida's Turnpike to Central Blvd. and the contract has been let for the construction to an eight-lane cross section. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2020-180, Control No.1981-00190)

13. Building permits shall not be issued for development that generates more than 1,273 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:

- a) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; (BLDG PERMIT: MONITORING- Eng) OR
- b) the contract has been let for the construction of Seminole Pratt-Whitney Road as a minimum 2-lane cross section from the current terminus north of Northlake Boulevard to Beeline Highway. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. This project was subsequently deleted from the PBC 5- year road program in the August 16, 2006 annual update. Pursuant to Article 12.B.2.F.2 of the ULDC, building permits for development that was phased to this construction shall be issued, but not sooner than September 30, 2007. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2020-180, Control No.1981-00190)

14. Building permits shall not be issued for development that generates more than 1,273 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on Indiantown Road from Florida's Turnpike to 1-95 and the contract has been let for the construction to an eight-lane cross section. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2020-180, Control No.1981-00190)

15. Building permits shall not be issued for development that generates more than 1,351 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

c) the contract has been let for the construction of PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike to a six-lane cross section. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2020-180, Control No.1981-00190)

16. Building permits shall not be issued for development that generates more than 1,385 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:

a) a CRALLS designation is adopted for the following roadway improvement described below; OR

b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on PGA Blvd. from Central Blvd. to Military Trail and the contract has been let for the construction to an eight-lane cross section. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2020-180, Control No.1981-00190)

17. Building permits shall not be issued for development that generates more than 1,577 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:

a) a CRALLS designation is adopted for the following roadway improvement described below; OR

b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

c) the contract has been let for the construction of PGA Blvd. from Beeline Highway to Jog Road/Ryder Cup Blvd. to a four-lane cross section. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2020-180, Control No.1981-00190)

18. Building permits shall not be issued for development that generates more than 1,775 net external 2-way PM peak hour trips or after December 31, 2008, whichever occurs last, until either:

a) a CRALLS designation is adopted for the following roadway improvement described below; OR

b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on Indiantown Road from 1-95 to Central Blvd. and the contract has been let for the construction to an eight-lane cross section. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2020-180, Control No.1981-00190)

19. Building permits shall not be issued for development that generates more than 1,841 net external 2-way PM peak hour trips or after December 31, 2008, whichever occurs last, until either:

a) a CRALLS designation is adopted for the following roadway a improvement described below; OR

b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 10 lanes on Indiantown Road from 1-95 to Central Blvd. and the contract has been let for the construction to a ten-lane cross section. (DATE: MONITORING - Engineering) [Note:

COMPLETED] (Previous ENGINEERING Condition 19 of Resolution R-2020-180, Control No.1981-00190)

20. Building permits shall not be issued for development that generates more than 1,936 net external 2-way PM peak hour trips or after December 31, 2008, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) the contract has been let for the construction of Seminole Pratt Whitney Road from Northlake Blvd. to PGA Blvd. to a four-lane cross section. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. [Note: COMPLETED] (Previous ENGINEERING Condition 20 of Resolution R-2020-180, Control No.1981-00190)

21. Building permits shall not be issued for development that generates more than 2,154 net external 2-way PM peak hour trips or after December 31, 2009, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 1 O lanes on PGA Blvd. from Florida's Turnpike to Central Blvd. and the contract has been let for the construction to a ten-lane cross section. [Note: COMPLETED] (Previous ENGINEERING Condition 21 of Resolution R-2020-180, Control No.1981-00190)

22. Building permits shall not be issued for development that generates more than 2,350 net external 2-way PM peak hour trips or after December 31, 2009, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 10 lanes on PGA Blvd. from Central Blvd. to Military Trail and the contract has been let for the construction to a ten-lane cross section. [Note: COMPLETED] (Previous ENGINEERING Condition 22 of Resolution R-2020-180, Control No.1981-00190)

23. Building permits shall not be issued for development that generates more than 2,370 net external 2-way PM peak hour trips or after December 31, 2009, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) the contract has been let for the construction of Seminole Pratt Whitney Road. from PGA Blvd. to Beeline Highway to a four-lane cross section. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. [Note: COMPLETED] (Previous ENGINEERING Condition 23 of Resolution R-2020-180, Control No.1981-00190)

24. Building permits shall not be issued for development that generates more than 2,377 net external 2-way PM peak hour trips or after December 31, 2010, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike and the contract has been let for the construction to an eight-lane cross section. [Note: COMPLETED] (Previous ENGINEERING Condition 24 of Resolution R-2020-180, Control No.1981-00190)

25. Building permits shall not be issued for development that generates more than 2,424 net external 2-way PM peak hour trips or after December 31, 2010, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) the contract has been let for the construction of Pratt Whitney Road from Beeline Highway to Indiantown Road to a four-lane cross section. [Note: COMPLETED] (Previous ENGINEERING Condition 25 of Resolution R-2020-180, Control No.1981-00190)

26. Prior to April 26, 2007, acceptable surety for the road construction listed in Conditions E.10, E.12, E.14 thru E.19, E.21, E.22, E.24 and E.25 above shall either be provided to the Land Development Division, LOS Modifications shall be obtained, or construction of these improvements shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 26 of Resolution R-2020-180, Control No.1981-00190)

## **ENGINEERING**

27. Roadway Improvements - Buildout

a. Building permits shall not be issued for development that generates more than 2,735 net external 2-way PM peak hour trips or after December 31, 2011, whichever occurs last, until either:

- 1) a LOS Modification is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from Jog Road to Blue Heron Blvd. To a six-lane cross section. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2008, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 27 of Resolution R-2020-180, Control No.1981-00190)

28. a. Building permits shall not be issued for development that generates more than 2,781 net external 2-way PM peak hour trips or after December 31, 2011, whichever occurs last, until either:

- 1) a LOS Modification is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from Northlake Blvd. to Jog Road to a six-lane cross section. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2008, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 28 of Resolution R-2020-180, Control No.1981-00190)

29. a. Building permits shall not be issued for development that generates more than 2,963 net external 2-way PM peak hour trips or after December 31, 2011, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Coconut Blvd. from Orange Blvd. to Northlake Blvd. to a four-lane cross section. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2008, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Land Development) [Note: COMPLETED] (Previous ENGINEERING Condition 29 of Resolution R-2020-180, Control No.1981-00190)

30. a. Building permits shall not be issued for development that generates more than 3,721 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Okeechobee Blvd. from Seminole Pratt Whitney Road to E Road to a four-lane cross section. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 30 of Resolution R-2020-180, Control No.1981-00190)

31. a. Building permits shall not be issued for development that generates more than 3,749 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
- 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR



3) the contract has been let for the construction of Indiantown Road from Alexander Run Road to Jupiter Farms Road to a six-lane cross section. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 31 of Resolution R-2020-180, Control No.1981-00190)

32. a. Building permits shall not be issued for development that generates more than 3,812 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:

1) a CRALLS designation is adopted for the following roadway improvement described below; OR

2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

3) the contract has been let for the construction of Indiantown Road from Pratt Whitney Road to Alexander Run Road to a four-lane cross section. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 32 of Resolution R-2020-180, Control No.1981-00190)

33. a. Building permits shall not be issued for development that generates more than 3,874 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:

1) a CRALLS designation is adopted for the following roadway improvement described below; OR

2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

3) the contract has been let for the construction of Orange Blvd. from Coconut Blvd. to Royal Palm Beach Blvd. to a four-lane cross section. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 33 of Resolution R-2020-180, Control No.1981-00190)

34. a. Building permits shall not be issued for development that generates more than 4,360 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:

1) a CRALLS designation is adopted for the following roadway improvement described below; OR

2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 6 lanes on PGA Blvd. from Beeline Highway to Jog Road/Ryder Cup Blvd. and the contract has been let for the construction to a six\*lane cross section. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2012, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall

be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 34 of Resolution R-2020-180, Control No.1981-00190)

#### **ENGINEERING-ROADWAY IMPROVEMENTS BUILDOUT**

35. Building permits shall not be issued for development that generates more than 4,698 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
- b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- c) the contract has been let for the construction of Seminole Pratt Whitney Road from Northlake Blvd. to PGA Blvd. to a six-lane cross section. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. [Note: COMPLETED] (Previous ENGINEERING Condition 35 of Resolution R-2020-180, Control No.1981-00190)

36.a. Building permits shall not be issued for development that generates more than 4,930 net external 2-way PM peak hour trips or after December 31, 2016, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
- 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- 3) the contract has been let for the construction of Seminole Pratt Whitney Road from Orange Blvd. to Northlake Blvd. to a six-lane cross section. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2013, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 36 of Resolution R-2020-180, Control No.1981-00190)

37. a. Building permits shall not be issued for development that generates more than 5,123 net external 2-way PM peak hour trips or after December 31, 2016, whichever occurs last, until either:

- 1) LOS Modification is adopted for the following roadway improvement described below; OR
- 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- 3) the contract has been let for the construction of Beeline Highway from North County Airport to PGA Blvd. to a six-lane cross section. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2013, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 37 of Resolution R-2020-180, Control No.1981-00190)

38. a. Building permits shall not be issued for development that generates more than 5,165 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:

- 1) a LOS Modification is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from the Martin County Line to west of the Pratt Whitney Entrance to a four-lane cross section. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2014, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 38 of Resolution R-2020-180, Control No.1981-00190)

39. a. Building permits shall not be issued for development that generates more than 5,434 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 10 lanes on Indiantown Road from Florida's Turnpike to 1-95 and the contract has been let for the construction to a ten-lane cross section. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2014, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 39 of Resolution R-2020-180, Control No.1981-00190)

40. a. Building permits shall not be issued for development that generates more than 5,498 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following roadway improvement described in below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on Indiantown Road from Jupiter Farms Road to Florida's Turnpike and the contract has been let for the construction to an eight-lane cross section. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2014, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 40 of Resolution R-2020-180, Control No.1981-00190)

41. a. Building permits shall not be issued for development that generates more than 5,753 net external 2-way PM peak hour trips or after December 31, 2018, whichever occurs last, until either:

1) a CRALLS designation is adopted for the following roadway improvement described below; OR

2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 6 lanes on Seminole Pratt Whitney Road from PGA Blvd. to Beeline Highway and the contract has been let for the construction to a six-lane cross section. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2015, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 41 of Resolution R-2020-180, Control No.1981-00190)

42. a. Building permits shall not be issued for development that generates more than 3,985 net external 2-way PM peak hour trips or after December 31, 2014, whichever occurs last, until either:

1) a LOS Modification is adopted for the following roadway improvement described below; OR

2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

3) the contract has been let for the construction of Beeline Highway from Pratt Whitney Road to mile east of the east Project driveway to a six-lane cross section. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2011, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 42 of Resolution R-2020-180, Control No.1981-00190)

43. a. Building permits shall not be issued for development that generates more than 6,250 net external 2-way PM peak hour trips or after December 31, 2019, whichever occurs last, until either:

1) a CRALLS designation is adopted for the following roadway improvement described below; OR

2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 6 lanes on Seminole Pratt Whitney Road from Beeline Highway to Indiantown Road and the contract has been let for the construction to a six-lane cross section. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2016, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 43 of Resolution R-2020-180, Control No.1981-00190)

#### **ENGINEERING-ROADWAY IMPROVEMENTS - BUILDOUT**

44. If a LOS Modification is obtained for Pratt Whitney Road from Beeline Highway to Indiantown Road, Building permits shall not be issued for development that generates more than 5,635 net external 2-way PM peak hour trips or after December 31, 2018, whichever occurs last, until either:

- 1) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
- 2) the contract has been let for the construction of Pratt Whitney Road from Beeline Highway to Indiantown Road as a four-lane cross section. [Note: COMPLETED] (Previous ENGINEERING Condition 44 of Resolution R-2020-180, Control No.1981-00190)

45. a. Building permits shall not be issued for development that generates more than 6,516 net external 2-way PM peak hour trips or after December 31, 2020, whichever occurs last, until either:

- 1) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

- 2) the contract has been let for the construction of Pratt Whitney Road from the Martin County line to Indiantown Road as a four-lane cross section. (DATE: MONITORING - Engineering)

b. On December 31, 2017, if building permits have been issued for more than 6,516 net external 2-way PM peak hour trips, acceptable surety for the road construction listed in part a.2 above shall either be provided to the Land Development Division or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering)

c. On December 31, 2017 and annually each year thereafter, if building permits have NOT been issued for more than 6,516 net external 2-way PM peak hour trips, the County shall calculate an average annual development rate (based on usage of vested trips) for this project between December 31, 2006 and the current year. This rate will be used to project the year that building permits will be issued for more than 6,516 net external 2-way PM peak hour trips. Three (3) years prior to the projected year, acceptable surety for the road construction listed in part a.2 above shall either be provided to the Land Development Division or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering)

d. Should the developer not provide acceptable surety for the road construction listed in part a.2 above and this improvement is not in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program when required in part b or c above, building permits shall not be issued for development that generates more than 6,516 net external 2-way PM peak hour trips or after December 31, 2020, whichever occurs last. The intensity of development that has received building permits before December 31, 2020 shall be considered the maximum level of development and the master plan shall be amended accordingly. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 45 of Resolution R-2020-180, Control No.1981-00190)

#### **ENGINEERING-ROADWAY IMPROVEMENTS - BUILDOUT**

46. If a LOS Modification is obtained for PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike, Building permits shall not be issued for development that generates more than 6,579 net external 2-way PM peak hour trips or after December 31, 2020, whichever occurs last, until either:

- 1) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

- 2) the contract has been let for the construction of PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike as a six-lane cross section. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 46 of Resolution R-2020-180, Control No.1981-00190)

#### **ENGINEERING-INTERSECTION IMPROVEMENTS - TRAFFIC PHASE 1**

47. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until a CRALLS designation is adopted for the intersection of Indiantown Road and Central

Blvd. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 47 of Resolution R-2020-180, Control No.1981-00190)

48. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until a CRALLS designation is adopted for the intersection of Northlake Blvd. and Military Trail. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 48 of Resolution R-2020-180, Control No.1981-00190)

49. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:

- a) a CRALLS designation is adopted for the following intersection; or
- b) the contract has been let for the construction of the following improvements: construct second and third west approach left turn lanes, fourth west approach thru lane, third and fourth east approach thru lanes, third north approach left turn lane and second south approach right turn lane at the PGA Blvd./Florida's Turnpike intersection; OR
- c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 49 of Resolution R-2020-180, Control No.1981-00190)

50. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:

- a) a CRALLS designation is adopted for the following intersection; OR
- b) the contract has been let for the construction of the following improvements: second south approach thru lane, second west approach thru lane and second east approach thru lane at the Okeechobee Blvd./Seminole Pratt Whitney Road intersection; OR
- c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 50 of Resolution R-2020-180, Control No.1981-00190)

51. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:

- a) a CRALLS designation is adopted for the following intersection; OR
- b) the contract has been let for the construction of the following improvements: exclusive west approach right turn lane at the Orange Blvd./Royal Palm Beach Blvd. intersection; OR
- c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 51 of Resolution R-2020-180, Control No.1981-00190)

52. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:

- a) a CRALLS designation is adopted for the following intersection; OR
- b) the contract has been let for the construction of the following improvements: third south approach thru lane, third north approach thru lane, and second east approach left turn lane at the PGA Blvd./Military Trail intersection; OR
- c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 52 of Resolution R-2020-180, Control No.1981-00190)

53. Building permits shall not be issued for development that generates more than

1,784 net external 2-way PM peak hour trips or after December 31, 2008, whichever comes last, until either:

- a) a CRALLS designation is adopted for the following intersection; or
- b) the contract has been let for the construction of the following improvements: construct third west approach thru lane at the Indiantown Road/Jupiter Farms Road intersection; OR
- c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 53 of Resolution R-2020-180, Control No.1981-00190)

**ENGINEERING-INTERSECTION IMPROVEMENTS - TRAFFIC PHASE 1**

54. Prior to April 26, 2007, acceptable surety for the road construction listed in Conditions E.49 thru E.53 above shall either be provided to the Land Development Division, LOS modifications shall be obtained, or construction of these improvements shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 54 of Resolution R-2020-180, Control No.1981-00190)

55. a. Building permits shall not be issued for development that generates more than 3,356 net external 2-way PM peak hour trips or after December 31, 2012, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following intersection; OR
  - 2) the contract has been let for the construction of the following improvements: second south approach thru and second north approach thru at the Orange Blvd./Seminole Pratt Whitney Road intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2009, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 55 of Resolution R-2020-180, Control No.1981-00190)

56. a. Building permits shall not be issued for development that generates more than 3,356 net external 2-way PM peak hour trips or after December 31, 2012, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following intersection; OR
  - 2) the contract has been let for the construction of the following improvements: fourth west approach thru, fourth east approach thru, third west approach left turn lane, and second and third north approach left turn lanes at the PGA Blvd./Central Blvd. intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2009, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 56 of Resolution R-2020-180, Control No.1981-00190)

57. a. Building permits shall not be issued for development that generates more than 3,749 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: second and third south approach thru lanes, second north approach left turn lane, second east approach left turn lane, and second east approach right turn lane at the Northlake/Seminole Pratt Whitney intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2010, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 57 of Resolution R-2020-180, Control No.1981-00190)

58. a. Building permits shall not be issued for development that generates more than 3,749 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: second east approach thru lane at the Northlake Blvd./Coconut Blvd. intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2010, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 58 of Resolution R-2020-180, Control No.1981-00190)

59. a. Building permits shall not be issued for development that generates more than 4,535 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: second south approach thru lane, south approach free flow right turn lane, second and third north approach thru lanes, and second and third east approach thru lanes at the Indiantown Road/Pratt Whitney Road intersection; or
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to December 31, 2012, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 59 of Resolution R-2020-180, Control No.1981-00190)

60. a. Building permits shall not be issued for development that generates more than 4,535 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:

- 1) a CRALLS designation is adopted for the following intersection; or
- 2) the contract has been let for the construction of the following improvements: east approach exclusive right turn lane at the Orange Blvd./Coconut Blvd. intersection; OR



3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2012, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 60 of Resolution R-2020-180, Control No.1981-00190)

61. a. Building permits shall not be issued for development that generates more than 5,321 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:

1) a LOS Modification is adopted for the following intersection; or

2) the contract has been let for the construction of the following improvements: second and third south approach thru lanes, second and third north approach thru lanes, second south approach left turn lane, second east approach left turn lane, and exclusive west approach right turn lane at the Beeline Highway/Pratt Whitney Road intersection; OR

3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2014, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 61 of Resolution R-2020-180, Control No.1981-00190)

62. a. Building permits shall not be issued for development that generates more than 5,321 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:

1) a CRALLS designation is adopted for the following intersection; or

2) the contract has been let for the construction of the following improvements: third south approach thru lane, third north approach thru lane, and second east approach left turn lane at the PGA Blvd./Seminole Pratt Whitney Road intersection; OR

3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to December 31, 2014, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 62 of Resolution R-2020-180, Control No.1981-00190)

63. a. Building permits shall not be issued for development that generates more than 5,714 net external 2-way PM peak hour trips or after December 31, 2018, whichever occurs last, until either:

1) a LOS Modification is adopted for the following intersection; OR

2) the contract has been let for the construction of the following improvements: third north approach thru lane, second and third north approach left turn lanes, third south approach thru lane, first and second south approach left turn lanes, exclusive west approach left turn lane, first second and third west approach thru lanes, free flow west approach right turn lane, first and second east approach thru lanes, and free flow east approach right turn lane at the PGA Blvd./Beeline Highway intersection.

3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; or (BLDGPM: MONITORING - Engineering)

b. Prior to December 31, 2015, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 63 of Resolution R-2020-180, Control No.1981-00190)

#### **ENGINEERING-OTHER ISSUES**

64. On October 1, 2007, and continuing every other year thereafter, the Property Owner shall submit an Biennial Status Report indicating the status (schedule) of guaranteed improvements. This Biennial Status Report shall be submitted to Palm Beach County Traffic Division, Florida Department of Transportation, Treasure Coast Regional Planning Council (TCRPC), and the Department of Community Affairs (DCA) as part of the Development of Regional Impact Biennial Report, and as follows:

a) The Biennial Status Report shall list all roadway improvements needed to be constructed, the guaranteed date of completion for the construction of each needed improvement, the party responsible for the guaranteed construction of each improvement, and the form of the binding commitment that guarantees construction of each improvement.

b) No further building permits shall be issued at the time the Biennial Status Report reveals any needed transportation improvement included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is no longer guaranteed to be in place and operational, or under actual construction for the entire improvement consistent with the timing criteria established in this development order. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 64 of Resolution R-2020-180, Control No.1981-00190)

65. Beginning January 1, 2008, the Master Developer/Property Owner shall submit an annual report to the Palm Beach County Planning Director and County Engineer that demonstrates compliance with all CRALLS mitigation measures as listed below.

Land Use / Site Planning Measure - Provide mixed/multiple land uses based upon the Florida Research Park Master Development Plan.

Land Use / Site Planning Measure - Concurrent with obtaining each certificate of occupancy, for a non-residential building located on a parcel 50 acres or greater, implement parking strategies that provide preferred parking for alternative vehicles and car pool vehicles.

Land Use / Site Planning Measure - Apply access management techniques along all roadways along project frontage.

Connectivity Measure -Provide access to more than one road including Beeline Highway and Seminole Pratt-Whitney Road.

Transit Measure-Coordinate with Palm Tran to provide a bus route(s) to/from the site by January 1, 2015 or 3 million square feet, whichever comes first.

Transit Measure -Provide onsite bus stop facilities (intermodal facility), within one year of provision of a bus service.

Transportation Demand Management (TOM) Measure -Provide an on-going ride\*sharing information service to persons employed at the project site. Transportation Demand Management (TOM) Measure - Proportionately and annually fund an Employee Transportation Coordinator position that will coordinate the individual businesses in Florida Research Park.

Transportation Demand Management (TOM) Measure - The Florida Research Park Transportation Coordinator shall encourage businesses of 500 employees or more to accommodate alternate work hours and telecommuting standards.

Upon review by the Palm Beach County Planning Director, the annual report shall be submitted to the BCC for consideration in the event that any mitigation measures are not fulfilled. The BCC may then amend or rescind any or all provisions of the CRALLS. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 65 of Resolution R-2020-180, Control No.1981-00190)

66. All required roadway improvements contained within all of the conditions of approval shall include the cost of acquisition of right of way. Right of way acquisition costs shall be determined by the County Engineer. Acquisition of Thoroughfare Plan Road rights-of-way 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." Additional property deemed necessary by the County Engineer for expanded intersections of on-site roads shall be designated as right-of-way and include corner clips. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 66 of Resolution R-2020-180, Control No.1981-00190)

## **ENVIRONMENTAL**

1. Should a Wellfield be proposed or constructed, all parcels within the Zones of Influence shall comply with Article 14.B or the most current ULDC. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2020-180, Control No.1981-00190)

2. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2020-180, Control No.1981-00190)

3. All new excavations shall comply with the excavation criteria pursuant to Article 4.D or the most current ULDC. Excavation of a mined lake (water management tract) shall not be constructed within Zone 1 or 300 feet of a proposed or existing potable water supply. Separations shall be measured from the top of bank. No exfiltration trench is permitted in Wellfield Protection Zones 1 or 2. Regulated substances are prohibited in a Wellfield Zone 1. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2020-180, Control No.1981-00190)

4. The property owner/developer shall prepare a land clearing plan (Plan) that provides for minimizing the removal or destruction of existing vegetation (with the exception of exotic species such as Brazilian pepper, Melaleuca or Australian pines).

a. The Plan shall include the requirement to prepare, for each lot or parcel(s) (Site) which is the subject of a site plan approval process, an inventory of all native and specimen trees of six inches (6 ") dbh or greater (trees).

b. This condition shall apply to all of the remaining undeveloped parcels in the Park totaling five hundred seventy-two (572) acres as described in Table 1 of the ERM Rule Based Analysis (12.5% Preservation Requirement). Table 1 (Exhibit E) can be found in the Preliminary Assessment for the Palm Beach Park of Commerce, January 2004, prepared by Mitigation Resources, L.L.C., as revised.

c. The Plan shall include a schedule of clearing that is directly related to the development activities of the subject site.

d. The Plan shall also be subject to the approval of ERM. For this Condition a clearing plan shall mean a Standard Vegetation Permit provided by ERM which may include a single lot or multiple parcels.

e. For this condition, minimization shall be determined by a lot or parcel(s) basis of between 10% to 15% with an overall minimum set-aside of 12.5% of the native high quality upland vegetation, or relocation or mitigation of such vegetation either on the Site or off the Site but within the Park. Vegetation other than trees may be approved for mitigation by ERM providing the vegetation is native and indigenous to the area. Set aside buy-out to satisfy the terms of this Condition, in whole or part, may be provided by the Board of County Commissioners based upon the current appraised value of the lot or parcel(s) being considered. (ONGOING:ERM-Erm)(Previous Condition ERM-4 of Resolution R-2005-1419.1 Control 1981-190)

(ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 4 of Resolution R-2020-180, Control No.1981-00190)

5. Minimization of the removal or destruction of trees shall be by on Site preservation, mitigation or restoration of trees subject to Table 2 of this Condition, or relocation of relocatable trees and mitigation of specimen trees which are not relocatable for each site. Relocation of relocatable trees may be used to offset mitigation for specimen tree on a per tree/ per height basis.

Mitigation and Restoration shall occur as indicated in Table 2 as follows:

- a. Trees with crown spread of 90 feet or greater or trees with 27 Inches or more in diameter at 4.5 feet above grade (dbh) will require 9 replacement trees;
- b. Trees with crown spread of 60-89 feet or trees with 24-26 inches in diameter at 4.5 feet above grade (dbh) will require 8 replacement trees;
- c. Trees with crown spread of 50-59 feet or trees with 21-23 inches in diameter at 4.5 feet above grade (dbh) will require 7 replacement trees;
- d. Trees with crown spread of 40-49 feet or trees with 18-20 inches in diameter at 4.5 feet above grade (dbh) will require 6 replacement trees;
- e. Trees with crown spread of 30-39 feet or trees with 15-17 inches in diameter at 4.5 feet above grade (dbh) will require 5 replacement trees;
- f. Trees with crown spread of 20-29 feet or trees with 12-14 inches in diameter at 4.5 feet above grade (dbh) will require 4 replacement trees;
- g. Trees with crown spread of 10-19 feet or trees with 9-11 inches in diameter at 4.5 feet above grade (dbh) will require 3 replacement trees;
- h. Trees with crown spread of 5-9 feet or trees with 6-8 inches in diameter at 4.5 feet above grade (dbh) will require 2 replacement trees; and,
- i. Trees with crown spread of less than 5 feet or trees less than 5 inches in diameter at 4.5 feet above grade (dbh) will require no replacement trees. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 5 of Resolution R-2020-180, Control No.1981-00190)

6. Mitigation or restoration pursuant to Table 2 of Condition 5, Mitigation and Restoration, shall be subject to the following conditions:

- A. Replacement trees shall be at least 12 feet in height, two and one-half inches dbh, and consist of native vegetation, indigenous to the area, and be Florida Number 1 or better in quality. Field grown replacement trees shall be evaluated on a case by case basis for quality.
- B. Replacement palms shall be at least 12 feet in height.
- C. If the required replacement trees cannot be purchased within 60 miles from the Site, an alternate replacement may be approved by ERM.
- D. Dahoon Holly trees shall be replaced like size for like size for mitigation and the number doubled for restoration.
- E. Monitoring time frames shall be established for mitigation and replacement vegetation as needed.
- F. If, at any time, the County, by general rule, regulation or ordinance, provides for mitigation or restoration at lesser levels than those set forth in Table 2, Mitigation and Restoration, of this Condition, the owner/developer shall be entitled to restore or mitigate trees at those lesser levels.
- G. In addition to the foregoing, replacement trees may be replaced with a contribution to the Natural Areas Stewardship Endowment Fund for the cost of the purchase and relocation of a like tree.

The owner/developer can fully satisfy the entire condition of the required minimum of high quality native upland vegetation preservation (Required Minimum) by applying the ERM Rule-Based Table set forth in Table 1, Palm Beach Park of Commerce, ERM Rule Based Analysis (12.5% Preservation Requirement). In accordance with ERM's analysis, the Required Minimum is equal to approximately 31.9 acres. However, for sites where the application of the 12.5% preservation requirement results in less than 0.5 acres of preserve

requirement, a conservation easement and management plan shall not be required and a Tree Preservation Area (De Minimus Preserve Area) shall be required either on the parcel or elsewhere in the Park. Accordingly, the 31.9 acre Required Minimum shall be adjusted downward based on those parcels set forth in Table 1, Palm Beach Park of Commerce, ERM Rule Based Analysis (12.5% Preservation Requirement), where the otherwise preservable vegetation consists of less than 0.5 acre and the Tree Preservation Area requirement is fulfilled. The Required Minimum shall be deemed satisfied in full when a total of 31.9 acres, as adjusted downward for the De Minimus Preserve Areas, shall have been set aside anywhere within the Project.

This Condition may also be satisfied, in whole or in part, by the owner/developer setting aside within the project an area or areas which may serve as receiving areas (Mitigation Areas) for the relocation or replacement of quality upland vegetation and trees from other lots or parcels within the project. The Mitigation Areas will be subject to conservation easements in favor of Palm Beach County and management plans for the maintaining of the Mitigation Areas as quality vegetation areas. The Mitigation Areas may include, at the option of the owner/developer, the 11.72 acres designated for Recreation Use under the Park of Commerce Master Plan, Zoning Petition 81-190, Exhibit 88. To the extent that the Mitigation Areas are utilized for the relocation or replacement of native vegetation or trees, the Required Minimum of 31.9 acres, as adjusted, shall be reduced and deemed satisfied accordingly.

Upon satisfaction of the Required Minimum, all upland vegetation preservation, mitigation and relocation requirements of the existing project shall be deemed complete and satisfied and no further development within the project shall be subject to existing or future rules, regulations or ordinances which would increase the obligations of the owner/developer or the project contained herein.

(ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 6 of Resolution R-2020-180, Control No.1981-00190)

7. Prior to the submittal for approval by the Development Review Officer (DRO), the applicant shall incorporate Table 1 (Exhibit E) as part of Condition 4, and shall be shown on the condition mylar. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 7 of Resolution R-2020-180, Control No.1981-00190)

8. The Master Plan shall not be amended with respect to the 150 ft. water management tract, and with an additional 50 ft. setback to be measured from the buffer zone. No amendment to master plan for water management tract. (No Amendment To Master Plan For Water Management Tract) (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 8 of Resolution R-2020-180, Control No.1981-00190)

9. Three access points with hydrants shall be provided to County Staff for access into the adjacent natural area and shall be installed prior to the issuance of the certificate of Occupancy (CO) for the first building. The specific locations of these three access points shall be approved by The Department of Environmental Resources Management (ERM) prior to DRO Site Plan Approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 9 of Resolution R-2020-180, Control No.1981-00190)

## **HEALTH**

1. Within the Florida Research Park no structure or improvement shall be constructed, or altered, nor shall any premises be used as a laboratory unless the premises and related organizational processes comply with all federal, state and local laws and published guidelines governing the construction and operation of such laboratory. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2020-180, Control No.1981-00190)

2. The property owner or operator of the laboratory shall, upon request by Palm Beach County Health Department, provide proof of compliance with federal state and local regulations in the form of copies of licenses, permits, registrations, certificates of accreditation, inspection reports or other documentation deemed appropriate by the Palm Beach County Health Department. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2020-180, Control No.1981-00190)

3. The property owner and operator of laboratories classified as Biosafety Level 2, 3 or 4, as defined in the Centers for Disease Control and Prevention (CDC) and National Institute of Health (NIH) "Biosafety in Microbiological and Biomedical Laboratories", 4th Edition, by the US Department of Health and Human Services, May 1999, shall ensure that all waste from such laboratories are effectively decontaminated before the waste leaves the area of the laboratory so designated. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2020-180, Control No.1981-00190)

4. No waste from Biosafety Level 2, 3 or 4 laboratories as defined in the Centers for Disease Control and Prevention (CDC) and National Institute of Health (NIH) "Biosafety in Microbiological and Biomedical Laboratories", 4th Edition, by the US Department of Health and Human Services, May 1999, shall be discharged to the sewer before the waste is effectively decontaminated. All reasonable measures shall be instituted and maintained to prevent the accidental release of biological agents and toxins, and select agents and toxins, or other dangerous or exotic agents to the environment. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2020-180, Control No.1981-00190)

5. The property owner or operator of laboratory uses shall ensure zero discharge of untreated potentially prion-contaminated waste to the sanitary sewer, and shall provide documented verification of such to the Palm Beach County Health Department upon request. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 5 of Resolution R-2020-180, Control No.1981-00190)

6. The property owner or operator of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 6 of Resolution R-2020-180, Control No.1981-00190)

7. The property owner or operator of the laboratory shall maintain records of all waste treatment at the facility, including proof of the effective decontamination of all treated waste. These records shall include the date, time, amount of waste, method of treatment, method(s) used to verify effectiveness of treatment, and the results of tests used to verify treatment effectiveness. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 7 of Resolution R-2020-180, Control No.1981-00190)

8. Any person who is a generator or an employee of a generator of hazardous or infectious waste shall store such wastes prior to disposal in an area secured as to deny access to unauthorized persons, animals, wind, rain, insects and rodents. If such wastes are placed in a trash receptacle or compactor that is accessible at any time to unauthorized persons, such receptacle or compactor shall be locked to prevent access to the contents thereof to anyone other than authorized persons or waste collection personnel. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 8 of Resolution R-2020-180, Control No.1981-00190)

9. Prior to the issuance of a certificate of occupancy (CO) for any laboratories, the facility owner or operator shall submit to the Palm Beach County Health Department a copy of the facility's Biosafety and Security Plan. The recommended design to focus on increased security needs can be found in Appendix F - Laboratory Security and Emergency Response Guidance for Laboratories Working with Select Agents, of the CDC and NIH

publication entitled Biosafety in Microbiological and Biomedical Laboratories, 4th Edition. The Biosafety and Security Plan shall outline biosafety and containment procedures, security systems and procedures, and incident response procedures, and shall have been approved by an officer of the company or institution with appropriate signature authority. (Previous HEALTH Condition 9 of Resolution R-2020-180, Control No.1981-00190)

10. All clearing, grading, construction, renovations and repairs shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve effective dust control: These measures include watering, application of approved surfactants, shrouding, control of vehicle speed, paving of access areas, or other operational or technological measures to reduce dispersion of dust. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 10 of Resolution R-2020-180, Control No.1981-00190)

11. Prior to issuance of the first certificate of occupancy (CO) for each facility relative to this application, the property owner or the operator shall provide a copy of the waste management plan for the facility to the Palm Beach County Health Department for review and comment. (BLDGPM: MONITORING - Health Department) (Previous HEALTH Condition 11 of Resolution R-2020-180, Control No.1981-00190)

12. Open burning for land clearing shall not be conducted without the prior approval of the Palm Beach County Health Department. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 12 of Resolution R-2020-180, Control No.1981-00190)

13. The surface water management system shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 13 of Resolution R-2020-180, Control No.1981-00190)

14. The existing Florida Research Park (PIPD) water supply system is in place to serve the project. No other private, community, or limited use potable water wells shall be permitted on the site. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 14 of Resolution R-2020-180, Control No.1981-00190)

15. No on-site sewage treatment and disposal system (OSTDS) shall be permitted on the site. All existing OSTDS shall be abandoned in accordance with Rule 64 E-6 FAC and Palm Beach County ECR-I. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 15 of Resolution R-2020-180, Control No.1981-00190)

16. Prior to the issuance of the first certificate of occupancy (CO) for any facility in the Florida Research Park project, the developer/property owner shall prepare a Hazardous Materials Management Plan and have it approved by the Palm Beach County Health Department and Florida Department of Environmental Protection. The plan shall address the handling and disposal of any toxic, hazardous, and radioactive materials in accordance with Florida Administrative Code Rule 62-730, and any biomedical waste in accordance with Florida Administrative Code Rule 64E-16. At a minimum, the plan shall:

- a. require disclosure by all owners or tenants of the property of all hazardous materials or waste proposed to be stored, used, or generated on premises;
- b. require the inspection of all premises storing, using, or generating hazardous materials or waste prior to commencement of operation, and periodically thereafter, to assure that proper facilities and procedures are in place to properly manage hazardous materials projected to occur;
- c. provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of such materials or waste;

- d. provide for proper maintenance, operation, and monitoring of hazardous materials and waste management systems including spill and hazardous materials and waste containment systems;
- e. detail actions and procedures to be followed in case of spills or other accidents involving hazardous materials or waste;
- f. guarantee financial and physical responsibility for spill clean-up;
- g. include a program for continued monitoring of surface and groundwater on the site;
- h. The approved plan shall be incorporated into the development by including it as part of any lease or sale agreement provided to tenants and owners that will use, handle, store, display, or generate hazardous materials or waste. A copy of the approved Hazardous Materials Management Plan for the Florida Research Park PIPD shall be provided to the contractors and all owners, tenants and operators of businesses within the project and shall be required to comply with the applicable provisions of the plan.

(Previous HEALTH Condition 16 of Resolution R-2020-180, Control No.1981-00190)

17. Potable water and wastewater treatment facilities shall be integrated into a regional system at such time as a regional system is established. (ONGOING: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 19 of Resolution R-2020-180, Control No.1981-00190)

18. The generation and disposal of hazardous effluents into the sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environment Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 20 of Resolution R-2020-180, Control No.1981-00190)

19. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 21 of Resolution R-2020-180, Control No.1981-00190)

20. The property owner and operator of any facility that receives, possesses, handles, stores, or uses radioactive material must comply with all applicable Federal, State and local statutes, regulations, and ordinances. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 22 of Resolution R-2020-180, Control No.1981-00190)

21. The property owner shall notify the Palm Beach County Health Department upon closure of any operation that was issued a specific license for radioactive materials. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 23 of Resolution R-2020-180, Control No.1981-00190)

#### **LANDSCAPE - GENERAL-(78.91 ACRE GENERAL INDUSTRIAL AND REGIONAL RECREATION POD)**

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2020-180, Control No.1981-00190, which currently states:

Prior to Final DRO Approval, the Property Owner shall submit Landscape Plan(s) to the Landscape Section for review and approval. The Plan(s) and/or supporting documents shall demonstrate that existing native vegetation to be preserved, relocated or mitigated, will meet or exceed the Unified Land Development Code requirements. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: No longer applicable. Landscape Plans will be provided at the time of Building Permit]

#### **LANDSCAPE - PERIMETER-REGIONAL RECREATION POD-LANDSCAPING ALONG THE NORTH PROPERTY LINE**

2. The Landscape Buffer(s) along the North Property Line of the Regional Recreation Pod, starting from a point adjacent to and east of the cul-de-sac used to access the subject site



as shown on the Preliminary Site Plan dated August 17, 2017, shall be upgraded as follows:

a. a minimum five (5) foot wide Compatibility Buffer along the North property line, planted in accordance with the Unified Land Development Code. Modifications may be permitted to allow for compliance with ERM Conditions of Approval requiring bisecting access easement(s) to allow for access to the Pine Glade Natural Area.

b. an additional Landscape Buffer, to be located south of the 20 foot wide access easement, as required by Condition of Approval, shall be subject to the following:

1) minimum width 20 feet, no easement encroachment other than bisecting easements as permitted by the Unified Land development Code;

2) 1 canopy tree per 25 lineal feet. Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of the trees in this buffer.

3) 1 Palm and/or Pine per 20 lineal feet. The palms and pines may be clustered in groups with maximum spacing for 60 feet on center.

4) Shrubs and hedges shall be planted in accordance with the requirements for a 20 foot Right of way buffer; and,

5) Additional plant material shall be provided around all surf lagoon equipment to screen it from view from the adjacent property. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2020-180, Control No.1981-00190)

#### **LANDSCAPE - PRESERVATION OF VEGETATION-REGIONAL RECREATION POD-LANDSCAPING ALONG THE NORTH PROPERTY LINE**

3. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit a Regulating Plan with a legible Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

a. the temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;

b. the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;

c. a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and,

d. the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO: ZONING - Zoning) (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 3 of Resolution R-2020-180, Control No.1981-00190)

#### **LANDSCAPE - PRESERVATION OF VEGETATION-78.91 GENERAL INDUSTRIAL AND REGIONAL RECREATION PODS**

4. Prior to the issuance of any Building Permit(s) the Property Owner shall:

a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;

b. include the approved DRO plan(s) with the approved Disposition Chart;

c. complete the installation of all vegetation protection barricades and tagging; and,

d. schedule inspections to receive a 'Pass' status with Zoning Landscape Inspectors prior to any land clearing activity. (BLDG/PMT: ZONING - Zoning) (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 4 of Resolution R-2020-180, Control No.1981-00190)

#### **LIGHTING**

1. All lighting fixtures shall conform to the following height restrictions:

- a. Within 500 feet of all adjacent property with any Residential Future Land Use designation, the maximum height shall be thirty (30) feet;
- b. Between 500 and 750 feet of all property with any Residential Future Land Use designation, the maximum height shall be forty-five (45) feet;
- c. Zoning code requirements shall apply to property more than 750 feet from all property with any Residential Future Land Use designation.

(BLDGPMPT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2020-180, Control No.1981-00190)

### **MASS TRANSIT**

1. The location of proposed Bus Stop Boarding and Alighting Areas, subject to the approval of Palm Tran shall be shown on the Master Plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. Any amendments to the location of the proposed Bus Stop Boarding and Alighting Area shall be done by signature only DRO administrative amendment. (DRO: PALM TRAN-Palm Tran) (Previous Mass Transit Condition 1 , of R-2020-180, Control No.1 981-001 90)

2. Concurrent with individual subdivision or site plan review by DRO, whichever shall first occur, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT/PLAT: MONITORINGEng) (Previous Mass Transit Condition 2, of R-2020-180, Control No.1981-00190)

### **PLANNING**

1. 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) (Previous PLANNING Condition 1 of Resolution R-2020-180, Control No.1981-00190)

### **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

1. Subsequent to any South Florida Water Management District review of requests for construction approval of major components of the Master Drainage Plan, each site within a basin shall be subject to further review through the District's regulatory program in order to identify tenants and potential water quality problems and to prescribe appropriate measures to address such potential problems. This review shall be coordinated with County site plan reviews conducted pursuant to the Planned Industrial Park Ordinance. (DRO: SOUTH FLORIDA WATER MANAGEMENT - Zoning) [Note: COMPLETED] (Previous South Florida Water Management District Condition 1 of Resolution R-2020-180, Control No.1981-00190)

2. The developer shall mitigate any adverse impact on legal uses caused by water withdrawals as defined by SFWMD Water Use Permitting Rules. (ONGOING: SOUTH FLORIDA WATER MANAGEMENT - South Florida Water Management) (Previous South Florida Water Management District Condition 2 of Resolution R-2020-180, Control No.1981-00190)

### **SIGNS**

1. Signage fronting on Pratt Whitney Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point- eight (8) feet;
- b. maximum sign face area per side - sixty (60) square feet;
- c. maximum number of signs - one (1 );
- d. style - entry wall monument style only;
- e. location -within one hundred (100) feet of the northernmost Ingress/egress easement;

- f. signs shall be limited to identification of the development, business or tenants only;
- g. modifications to this condition may be approved subject to an alternative sign plan. (BLDGPM: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2020-180, Control No.1981-00190)

### USE LIMITATIONS

1. Development activity shall be restricted within the Limited Development Zone as outlined to the Caloosa Homeowners Association on October 12, 1981 and as submitted to the Zoning Department by cover letter dated October 16, 1981. (R-82-468, Condition #23) (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2020-180, Control No.1981-00190)

2. In addition to the list of permitted uses allowed in the PIPD District, the following additional uses are permitted:

a. Commercial Uses:

- i. auction, enclosed;
- ii. bakeries, limited preparation;
- iii. florist;
- iv. food store;
- v. automobile rental; and,
- vi. restaurant and lounge.

b. Light Industrial Uses:

- i. appliance, manufacturing;
- ii. auto service station (with or without mechanical repairs);
- iii. beverage, manufacturing;
- iv. bulk storage of gas and oil;
- v. heliports; and,
- vi. welding shop.

c. General Industrial Uses:

- i. asphalt/concrete mixing and product, manufacturing and warehousing
- ii. bulk storage;
- iii. engine testing;
- iv. exterminator manufacturing and warehousing;and,
- v. restaurant/cafeteria, accessory to an industrial use warehouse.

The following uses shall not be permitted within the PIPD:

- i. steel mills;
- ii. paper mills; and,
- iii. fertilizer manufacturing.

In addition, a minimum of two thousand feet (2000') setback shall be required from any residential development for the following uses:

- i. brewery;
- ii. asphalt/concrete mixing and products, manufacturing and storage;
- iii. chemical manufacturing; and,
- iv. bulk storage of gas and oil. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2020-180, Control No.1981-00190)

3. No nuclear reactor shall be allowed on any site within the Florida Research Park PIPD. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2020-180, Control No.1981-00190)

4. The Property Owner shall not allow any operation on the site that requires the following categories of specific licenses of radioactive materials outlined in Chapter 64E-5.204, Florida Administrative Code:

- a. Commercial waste disposal or treatment facilities, including, burial or incineration;
- b. All other commercial facilities involving compaction, repackaging, storage, or transfer; and
- c. Commercial treatment of radioactive materials for release to unrestricted areas. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2020-180, Control No.1981-00190)

5. Any additional uses (i.e. Hospital or Medical Center and College or University) approved in the Development Order for the DRI that are not already permitted approved uses in the PIPD shall subject to the approval by the Board of County Commissioners pursuant to the ULDC requirements.

(ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2020-180, Control No.1981-00190)

### **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)

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)

### **DISCLOSURE**

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