

RESOLUTION NO. R-2023- 0717

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA-2021-01529
(CONTROL NO. 1997-00034)
a Development Order Amendment
APPLICATION OF Moroso Investment Partners II LLC
BY Lewis Longman & Walker PA, AGENT
(Palm Beach Industrial MUPD)

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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/ZBN/DOA-2021-01529 submitted on behalf of Palm Beach International Raceway, LLC and Moroso Investment Partners LLC by Lewis Longman & Walker PA, Agent for a Development Order Abandonment to abandon Requested Uses (arena, Auditorium or Stadium, Indoor/Outdoor Entertainment, Auto Paint and Body, Convenience Store with Gas Sales, Manufacturing and Processing, and Vehicles Sales and Rental); an Electronic Message Center and the Alternative Sign Plan on 174.38 acres; a Development Order Amendment to reconfigure the site plan; delete and modify uses; and modify Conditions of Approval on 186.38 acres; was presented to the Board of County Commissioners at a public hearing on January 26, 2023;

WHEREAS, the Board of County Commissioners denied Zoning Application ZV/ABN/DOA-2021-01529 on January 26, 2023; Applicant petitioned for relief under Section 70.51, Florida Statutes; a hearing was held before the Special Magistrate on April 19, 2023; on May 2, 2023, the Special Magistrate issued his recommendation that the denial unfairly burdened the subject property and that the Board of County Commissioners should approve the subject zoning application; therefore, the Special Magistrate's recommendation and Zoning Application ZV/ABN/DOA-2021-01529 were presented to the Board of County Commissioners at a public hearing on May 25, 2023;

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 ZV/ABN/DOA-2021-01529, the Application of Palm Beach International Raceway, LLC and Moroso Investment Partners II LLC, by Lewis Longman & Walker PA, Agent, for a Development Order Amendment to reconfigure the site plan; delete and modify uses; and, modify Conditions of Approval on 186.38 acres, 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 May 25, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 25, 2023.

Filed with the Clerk of the Board of County Commissioners on May 25, 2023.

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

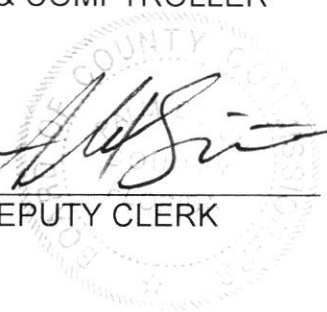


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: MUPD

PARCEL 1

BEING A PARCEL OF LAND LYING OVER LOTS 9-16, AS SHOWN ON THE UNRECORDED PLAT OF "PALM BEACH INDUSTRIAL PARK", AS PREPARED BY BROCKWAY, WEBER & BROCKWAY INC., DATED JUNE 1962, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11; PROCEED SOUTH $00^{\circ}04'54''$ EAST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, A DISTANCE OF 2831.20 FEET; THENCE NORTH $89^{\circ}55'06''$ EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF LOT 16, OF SAID UNRECORDED PLAT, AND A POINT ON A LINE 1090.00 FEET NORTH OF, AND PARALLEL WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) (A 200 FOOT WIDE RIGHT-OF-WAY) (PER ROAD PLAT BOOK 2, PAGES 149-153 & DEED BOOK 1051, PAGE 407) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE SOUTH $53^{\circ}39'25''$ EAST, ALONG SAID PARALLEL LINE AND ALONG THE NORTH LINE OF LOTS 9-16, OF SAID UNRECORDED PLAT, A DISTANCE OF 2004.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH $36^{\circ}20'35''$ WEST, DEPARTING SAID PARALLEL LINE, AND SAID NORTHLINE AND ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 1090.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH $53^{\circ}39'25''$ WEST, DEPARTING SAID EAST LINE, AND ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1187.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $53^{\circ}34'31''$, AN ARC DISTANCE OF 23.38 FEET TO THE POINT OF TANGENCY, BEING A POINT ON A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 11; THENCE NORTH $00^{\circ}04'54''$ WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1342.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL ALSO KNOWN AS THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 11394, PAGE 1578, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL CONTAINING 1,746,383. 6879 sqft. or 40.09 ACRES, MORE OR LESS. TOGETHER WITH:

A TRACT OF LAND IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1249.70 FEET TO A POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1090 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 200 FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLES, A DISTANCE OF 1090 FEET TO A POINT SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. SAID PARCELS CONTAINING 218,035.706 sqft. of 5.00 ACRES

PARCEL 2

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE

ROAD NO. 710 (FOR CONVENIENCE THE EAST LINE OF SAID SECTION 14 IS ASSUMED TO BEAR NORTH 0°15'49" EAST, AND ALL OTHER BEARING SHOWN HEREIN ARE RELATIVE THERETO); THENCE NORTH 53°17'12" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710 A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE NORTH 0°15'49" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 527.15 FEET TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SECTION 11 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 0°13'19" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF A 828.36 FEET TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710; THENCE NORTH 53°17'12" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1340.71 FEET; THENCE NORTH 53°55'33" EAST ALONG THE EXTENSION OF A LINE RADIAL TO A CURVE TO BE DESCRIBED, A DISTANCE OF 310.58 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS IS 65 FEET; THENCE NORTH WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 54°20'02" A DISTANCE OF 74.12 FEET TO THE END OF SAID CURVE AND TO A POINT IN THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 11; THENCE NORTH 0°15'35" EAST ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 3357.38 FEET TO A POINT IN THE NORTH LNE OF SAID SECTION 11; THENCE SOUTH 89°37'49" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1321.47 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0°13'19" WEST, ALONG THE EAST LNE OF SAID SECTION 11, A DISTANCE OF 5284.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 0°15'49" WEST ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 822.74 FEET TO THE POINT OF BEGINNING. LESS & EXCEPT THOSE CERTAIN PARCELS OF LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 854, PAGE 792, AS MODIFIED BY THAT CERTAIN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1093, PAGE 541. SAID PARCEL CONTAINING 5,779,164.6879 sqft. or 132.65 (132.67 computed) ACRES, MORE OR LESS. TOGETHER WITH:

PARCEL 3

PORTIONS OF LOTS 2, 3, 4 AND 5 OF THE UNRECORDED PLAT OF PALM BEACH COUNTY INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS: PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2255.21 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT AN ANGLE OF 53°31'16" MEASURED FROM NORTHWESTERLY TO NORTHERLY, A DISTANCE OF 471.68 FEET; THENCE EASTERLY, AT RIGHT ANGLES TO THE PROCEEDING COURSE, A DISTANCE OF 274.36 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, AT AN ANGLE OF 90°00'45" MEASURED FROM WESTERLY TO SOUTHERLY, A DISTANCE OF 266.01 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 14; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, AT AN ANGLE OF 179°57'30" MEASURED FROM NORTHERLY THROUGH WESTERLY TO SOUTHERLY, A DISTANCE OF 408.41 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, AT AN ANGLE TO THE PROCEEDING COURSE OF 53°33'01" MEASURED FROM NORTHERLY TO NORTHWESTERLY, A DISTANCE OF 341.02 FEET TO THE POINT OF BEGINNING. CONTAINING 157,219.6272 sqft. of 3.60 ACRES, MORE OF LESS.

PARCEL 4

A TRACT OF LAND IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH,

RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710 AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, AND WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTHEAST THROUGH EAST TO NORTH) OF 126 DEGREES 26'59" A DISTANCE OF 200 FEET; THENCE SOUTHEASTERLY AND PARALLEL TO SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE SOUTHERLY AND PARALLEL TO SAID EAST LINE OF SECTION 14, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. CONTAINING 32,175.9999 sqft. or 0.74 ACRES, MORE OR LESS. TOGETHER WITH:

PARCEL 5

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUTNY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE RUN NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE SAID NORTHEASTERLY RIGHT OF WAY LINE, WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTH THROUGH WEST TO NORTHWEST) OF 126 DEGREES 26'59", A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 208.27 FEET; TO A POINT IN A LINE PARALLEL TO AND 560.88 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 11, THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 947.34, TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID NORTHEASTERLY RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200.11 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 828.39 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 14; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 327.15 FEET TO THE POINT OF BEGINNING. CONTAINING 185,902.0229 sqft. or 4.27 ACRES, MORE OR LESS. TOGETHER WITH:

MUPD CONTAINING IN ALL, 8,118,881.8273 sqft. or 186.36 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

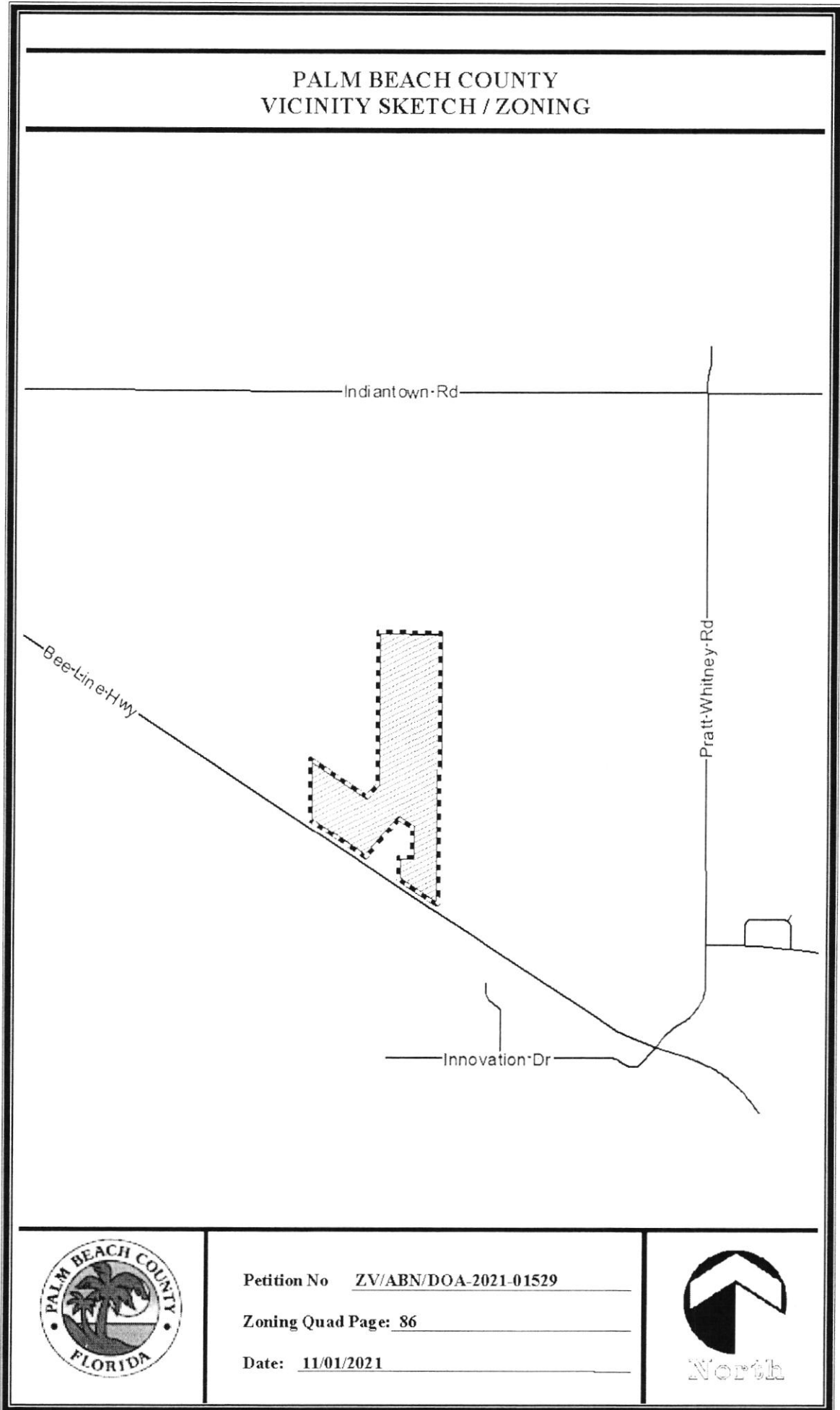


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-1772 (Control 1997-034), Control 1990-010 and Control 1999-072 have been superseded by the conditions as contained herein. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-0503 (Control 1997-00034), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Development of the site is based on the Preliminary Site Plan dated December 15, 2008 and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners.

Is hereby amended to read:

The approved Preliminary Site Plan dated November 28, 2022. 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. (ONGOING: ZONING - Zoning)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING - Zoning)

Is hereby deleted. [REASON: ULDC has been amended to establish deadlines and extensions for Commencement of Development and condition monitoring.]

4. Prior to final approval by the DRO, the Site Plan, and other affected plans, site data, and studies, shall be revised to modified to include the previous intensity (contained in the four structures) included on parcel PCN-00-40-41-11-00-000-5090, currently owned by Gilco 1 Racing, LLC, as indicated on the Final Site Plan dated July 21, 2015. This includes the associated site improvements like parking, signage and landscaping. (DRO: ZONING - Zoning)

5. Prior to final approval by the Development Review Officer (DRO), the Applicant shall revise the plans so that the match lines do not depict a building on multiple sheets. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Development of the site and buildings shall be consistent with the approved architectural elevations prepared by West Architecture plus Design, LLC and dated 8/20/2008, 10/17/2008 and

1/16/2009, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. Minor modifications shall be consistent with Article 5.C.1.E.4. (DRO: ARCH REVIEW - Zoning)

Is hereby amended to read:

Prior to Final DRO approval, the Applicant shall submit architectural elevations or structures proposed within Phase 1 of the Development Order. Those structures proposed within subsequent phasing shall be completed at time of Building Permit consist and consistent with the approved elevations. All elevations shall comply with Article 5.C Architectural Design Standards and Technical Manual standards. (BLDGPMPT/DRO: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of the first building permit the property owner shall plat the property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2009-503, Control No.1997-00034)

2. Previous ENGINEERING Condition 2 of Resolution R-2009-503, Control No.1997-00034, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng) (DATE: MONITORING - Engineering)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2027. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The property owner shall construct a left turn lane northwest approach on Beeline Highway at the project's main entrance. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for the Clubhouse, Building J. (BLDG PERMIT: MONITORING-Eng) (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for the Clubhouse, Building J. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applies to this project]

4. Previous ENGINEERING Condition 4 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at Beeline Highway and the project's main entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition.

a. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division within 12 months of the Development Order. (DATE: MONITORING - Engineering)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal above returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a

signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety.

Is hereby amended to read:

The property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at Beeline Highway and the project's main entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal above returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: MONITORING - Engineering)

5. Previous ENGINEERING Condition 5 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at Beeline Highway and the project's gas station entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition.

a. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division prior to issuance of a building permit for the gas station. (BLDGPMT: MONITORING - Engineering)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal above returned, the Property Owner shall provide written notice to the Traffic Division stating that the certificate of occupancy has been issued for the gas station and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: No longer applies to this project]

6. Previous ENGINEERING Condition 6 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 120 feet of right of way from centerline of Beeline Highway prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. 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, including a topographic survey. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer additional right of way for Expanded Intersections and corner clips. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Beeline Highway, up to 240 feet, measured from the existing south right-of-way line of Beeline Highway on an alignment approved by the FDOT and the County Engineer along the entire frontage less the property described for PCN-00-40-41-11-00-000-5090.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site

Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

7. Previous ENGINEERING Condition 7 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The property owner shall:

i. Construct a right turn lane southeast approach on Beeline Highway at the southernmost project driveway

ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the southernmost project entrance to meet Florida Department of Transportation standards.

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 2, including Buildings A-1 through B-2. (BLDG PERMIT: MONITORING-Eng) (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2, including Buildings A-1 through B-2. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby amended to read:

The property owner shall:

i. Construct a right turn lane southeast approach on Beeline Highway at the southernmost project driveway

ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the southernmost project entrance to meet Florida Department of Transportation standards.

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

8. No gates shall be located within any of the project's four entrances on Beeline Highway unless provisions that are acceptable to the County Engineer are available for turn arounds and are shown on the site plan approved by the DRO. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2009-503, Control No.1997-00034)

9. Previous ENGINEERING Condition 9 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Proposed clubhouse located within the property shall only be in operation during racetrack events. (ONGOING:ENGINEERING-Eng)

Is hereby deleted. [REASON: No longer applicable]

10. Previous ENGINEERING Condition 10 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The property owner shall:

- i. Construct a right turn lane southeast approach on Beeline Highway at the second project driveway from the southeast property line
- ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the second project driveway from the southeast property line to meet Florida Department of Transportation standards.

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for the gas station (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

11. Previous ENGINEERING Condition 11 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The property owner shall:

- i. Construct a left turn lane northwest approach on Beeline Highway at the northernmost project driveway
- ii. Lengthen the existing right turn lane southeast approach on Beeline Highway at the northernmost project driveway to meet Florida Department of Transportation standards.

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 4, unless driveway is constructed with Phase 3. If driveway is constructed with Phase 3, these permits shall be obtained prior to issuance of the first Building Permit for Phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for Phase 4, unless driveway is constructed with Phase 3. If driveway is constructed with Phase 3, construction shall be complete prior to issuance of the first Certificate of Occupancy for Phase 3. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

12. The Property Owner shall reconstruct the roadway to the west of the site from Beeline Highway to the driveway connection to be consistent with Palm Beach County standards for a non-plan collector roadway. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

13. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for a 25 foot corner chord located at the southwest corner of the site at the intersection of the roadway abutting the west of the site and the Beeline Highway as approved by the FDOT and the County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project s entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney s opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to

FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

14. Prior to the issuance of the first certificate of occupancy, the Property Owner shall remove the existing driveway on Beeline Highway located approximately 400 west of the eastern most driveway, 500 feet west of the eastern most driveway, 1,900 feet west of the eastern most driveway and 2,900 feet west of the eastern most driveway. The areas where the driveways are removed shall be reconstructed to the typical design section. (BLDGPM/CO: MONITORING - Engineering)

15. The Property Owner shall ensure all lands within the limits of the MUPD have access, drainage and utilities rights. (ONGOING: ENGINEERING - Engineering)

16. The Property Owner shall construct a right turn lane east approach on Beeline Highway at the roadway adjacent to the west property line.

Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

17. The Property Owner shall

i. construct a right turn lane east approach on Beeline Highway at the eastern most entrance.

ii. lengthen existing left turn lane west approach on Beeline Highway at the eastern most entrance. This turn lane shall be lengthened as required by the FDOT and the County Engineer.

Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to plat recordation, the property owner shall provide a copy of the SFWMD Environmental Resource Permit to the Department of Environmental Resources Management. This permit shall demonstrate that stormwater discharges onto the Natural Area shall be at a rate not to exceed 1.1 cfs at each discharge location in a 25 year, 3-day design storm and that the discharge meets standards for Outstanding Florida Waterbody receiving waters. (PLAT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify the mitigation areas within open space areas, or as approved by ERM (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to final approval by the Development Review Officer, a Mitigation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. After issuance of the first Certification of Occupancy for the project Monitoring report for invasive exotic vegetation received quarterly for the first year and semi-annually until to fifth year, at which time the monitoring report will no longer be required. (CO: ENVIRONMENTAL

RESOURCES MANAGEMENT - Environmental Resources Management)

5. All landscape material to be planted shall be native to south Florida. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

6. 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)

7. Onsite lighting shall be designed and shielded so that light shall be contained on the property and that direct or indirect light shall be shielded from the natural area. The Lighting Plan shall be approved by The Department of Environmental Resources Management (ERM) prior to DRO site Plan approval. compliance with this condition may limit the nighttime hours of operation of the facility. (DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

8. Sound generated on the property shall not exceed 70dB at the property line. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

9. Should the Department of Environmental Resources Management (ERM) determine that impacts from the operation of the facility are impacting the Natural Area, the property owner shall eliminate the cause, obtain necessary approvals and take any necessary corrective actions to resolve those impacts. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

10. Prior to the final approval by the Development Review Officer, the Plans shall be revised to identify an upland preserve area with a minimum cumulative acreage of 2.15 acres and shall provide a preserve management plan with habitat restoration details to ERM for review and approval. Alternatively, the petitioner may elect to participate in the cash payment in lieu of dedicating the aforementioned preserve, subject to the criteria outlined in the ULDC, Article 14.C.7.C.5.g.1. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

11. Should there be an upland preserve dedication, all restorations plantings shall be in addition to mitigation requirements and shall be planted within two years of the final approval of the plans. The petitioner may request up to two (2) six-month time extensions; subject to the approval of the Department of Environmental Resources Management. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

ZONING - LANDSCAPING

1. Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

A minimum of fifty (50) percent of all canopy trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning) (BLDGPMT: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Applicant proposes to meet current Code standards.]

2. Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2009-503, Control No.1997-00034, which currently states:

All palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)

(BLDGPMPT: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Applicant proposes to meet current Code standards.]

3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2009-503, Control No.1997-00034)

ZONING - LANDSCAPING-ALONG THE SOUTH PROPERTY LINE (BEELINE HIGHWAY FRONTAGE)

4. Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2009-503, Control No.1997-00034, which currently states:

In addition to the code requirements, landscaping along the south property line (Beeline Highway SR 710 frontage) shall be upgraded to include one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning) (BLDGPMPT: ZONING - Zoning)

Is hereby deleted. [REASON: Applicant proposes to meet current Code standards.]

PALM TRAN

1. Prior to Plat Recordation or issuance of the first Building Permit, 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 is required. (BLDG PERMIT/PLAT:MONITORING/ENG -Palm Tran) (PLAT: ENGINEERING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2009-503, Control No.1997-00034)

2. The location of a Bus Bay and/or Bulb Out at a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (DRO: DEVELOPMENT REVIEW OFFICER - Palm-Tran) (Previous PALM TRAN Condition 2 of Resolution R-2009-503, Control No.1997-00034)

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access points as shown on the final site plan. (DRO: PLANNING - Planning)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Signage shall be in accordance with the Alternative Sign Plan approved by the BCC on March 30, 2009 and with the Variances granted by the Zoning Commission on March 5, 2009 (R-2009-012) (ONGOING:BLDG - Zoning) (ONGOING: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: No longer applicable as no sign variances are proposed and the submitted Master Sign Plan is to current Code Standards.]

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the plan and elevations to comply with the requirements of Table 8.G.3.C-12 relating to the maximum number of flags per parcel or obtain a variance from this requirement. (DRO:ZONING Zoning) (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

DISCLOSURE

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