

FILE COPY

RESOLUTION NO. R-97- 772

RESOLUTION APPROVING ZONING PETITION PDD97-34
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF RICHARD MOROSO
BY RUSSELL SCOTT, AGENT
(MOROSO CIRCLE TRACK)

11/4/40

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-34 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1997; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners **be** adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD97-34, the **petition of** Richard Moroso by Russell Scott, agent, for an Official Zoning Map Amendment from **AR** and IL to MUPD with an Arena (race track 3/8 mile) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and **generally located as** indicated on a vicinity sketch **attached** as EXHIBIT B, attached hereto and made a **part hereof**, was approved **on** June 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for ~~the~~ approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that ~~the~~ resolution was duly passed and adopted on June 23, 1997.

APPROVED AS **TO** FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

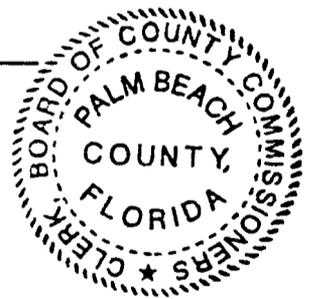


EXHIBIT A

LEGAL DESCRIPTION

LOT 9

THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND, LYING, BEING AND SITUATE IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 (SE 1/4) 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 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1049.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HERINAFTER 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 IN 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 BEGINNING.

LOT 10

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 (SE 1/4) 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 AS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 140 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 849.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HERINAFTER 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 IN 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 BEGINNING.

SUBJECT TO THE FOLLOWING:

1. AN EASEMENT FOR DRAINAGE PURPOSES OVER THE NORTHEASTERLY 120 FEET OF THE SOUTHWESTERLY 710 FEET THEREOF.

LOT 11

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 (SE 1/4) 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 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 649.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HERINAFTER 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 IN 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 BEGINNING.

EXHIBIT A
LEGAL DESCRIPTION

SUBJECT TO THE FOLLOWING:

1. AN EASEMENT FOR DRAINAGE PURPOSES OVER THE NORTHEASTERLY 120 FEET OF THE SOUTHWESTERLY 710 FEET THEREOF, ALSO

LOT 12

THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND, LYING, BEING AND SITUATE IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 (SE ¼) 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 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 449.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HERINAFTER 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 IN 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 BEGINNING.

LOT 13

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 (SE ¼) 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 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 249.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HERINAFTER 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 IN 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 BEGINNING.

SUBJECT TO THE FOLLOWING:

1. AN EASEMENT FOR DRAINAGE PURPOSES OVER THE NORTHEASTERLY 120 FEET OF THE SOUTHWESTERLY 710 FEET THEREOF, ALSO

EXHIBIT A
LEGAL DESCRIPTION

LOT 14

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 (SE ¹/₄) 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** TO **153**, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH **COUNTY**, FLORIDA, **RUN** SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF **49.70** FEET TO THE POINT IN A LINE PARALLEL TO AND **40** FEET EASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 11 AND THE POINT OF BEGINNING **OF** THE TRACT OF LAND HERINAFTER DESCRIBED; THENCE NORTHEASTERLY, AT RIGHT ANGLES TO SAID RIGHT-OF-WAY LINE, 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 IN 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 BEGINNING.

SUBJECT TO THE FOLLOWING:

1. AN EASEMENT AND RIGHT-OF-WAY FOR PUBLIC HIGHWAY PURPOSES AS IN RIGHT-OF-WAY DEED DATED DECEMBER **21**, **1962**, AND RECORDED IN OFFICIAL RECORD **BOOK 854**, PAGE **792**, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
2. AN EASEMENT FOR DRAINAGE PURPOSES OVER THE NORTHEASTERLY **120** FEET OF THE SOUTHWESTERLY **710** FEET THEREOF, ALSO

LOT 15

A TRACT OF LAND IN SECTION **11**, TOWNSHIP **41** SOUTH, RANGE **40** EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT 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** TO **153**, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF **370.09** FEET; THENCE EASTERLY AT RIGHT ANGLES, A DISTANCE OF **40** FEET; THENCE NORTHEASTERLY ALONG A LINE, WHICH IF EXTENDED SOUTHWESTERLY, **IS** AT RIGHT ANGLES TO SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. **710**, A DISTANCE OF **768.43** FEET, MORE OR LESS, TO IT'S INTERSECTION WITH A LINE PARALLEL TO AND **1090** FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. **710**; THENCE SOUTHEASTERLY, AT RIGHT ANGLES AND ALONG SAID PARALLEL LINE, A DISTANCE OF **237.22** FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLES, A DISTANCE OF **1090** FEET TO A POINT IN SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF **49.70** FEET, MORE **OR** LESS, TO THE POINT BEGINNING.

SUBJECT TO THE FOLLOWING:

1. AN EASEMENT AND RIGHT-OF-WAY FOR PUBLIC HIGHWAY PURPOSES AS IN RIGHT-OF-WAY DEED DATED DECEMBER **21**, **1962**, AND RECORDED IN OFFICIAL RECORD **BOOK 854**, PAGE **792**, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
2. AN EASEMENT **FOR** DRAINAGE PURPOSES **OVER** THE SOUTHWESTERLY **140** FEET OF THE NORTHEASTERLY **500** FEET THEREOF, ALSO

EXHIBIT A
LEGAL DESCRIPTION

LOT 16

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 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHERLY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 370.09 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHERLY ALONG SAID WEST LINE, A DISTANCE OF 954.89 FEET; THENCE EASTERLY, AT RIGHT ANGLES, A DISTANCE OF 40 FEET TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 710; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 566.86 FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLES, A DISTANCE OF 768.43 FEET, MORE OR LESS, TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 40 FEET EASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE WESTERLY, AT RIGHT ANGLES TO SAID PARALLEL LINE, A DISTANCE OF 40 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE FOLLOWING:

1. AN EASEMENT AND RIGHT-OF-WAY FOR PUBLIC HIGHWAY PURPOSES AS IN RIGHT-OF-WAY DEED DATED DECEMBER 21, 1962, AND RECORDED IN OFFICIAL RECORD BOOK 854, PAGE 792, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
2. AN EASEMENT FOR DRAINAGE PURPOSES OVER THE SOUTHWESTERLY 120 FEET OF THE NORTHEASTERLY 500 FEET THEREOF, ALSO.

LOTS 9-16 CONTAINING 40.09 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

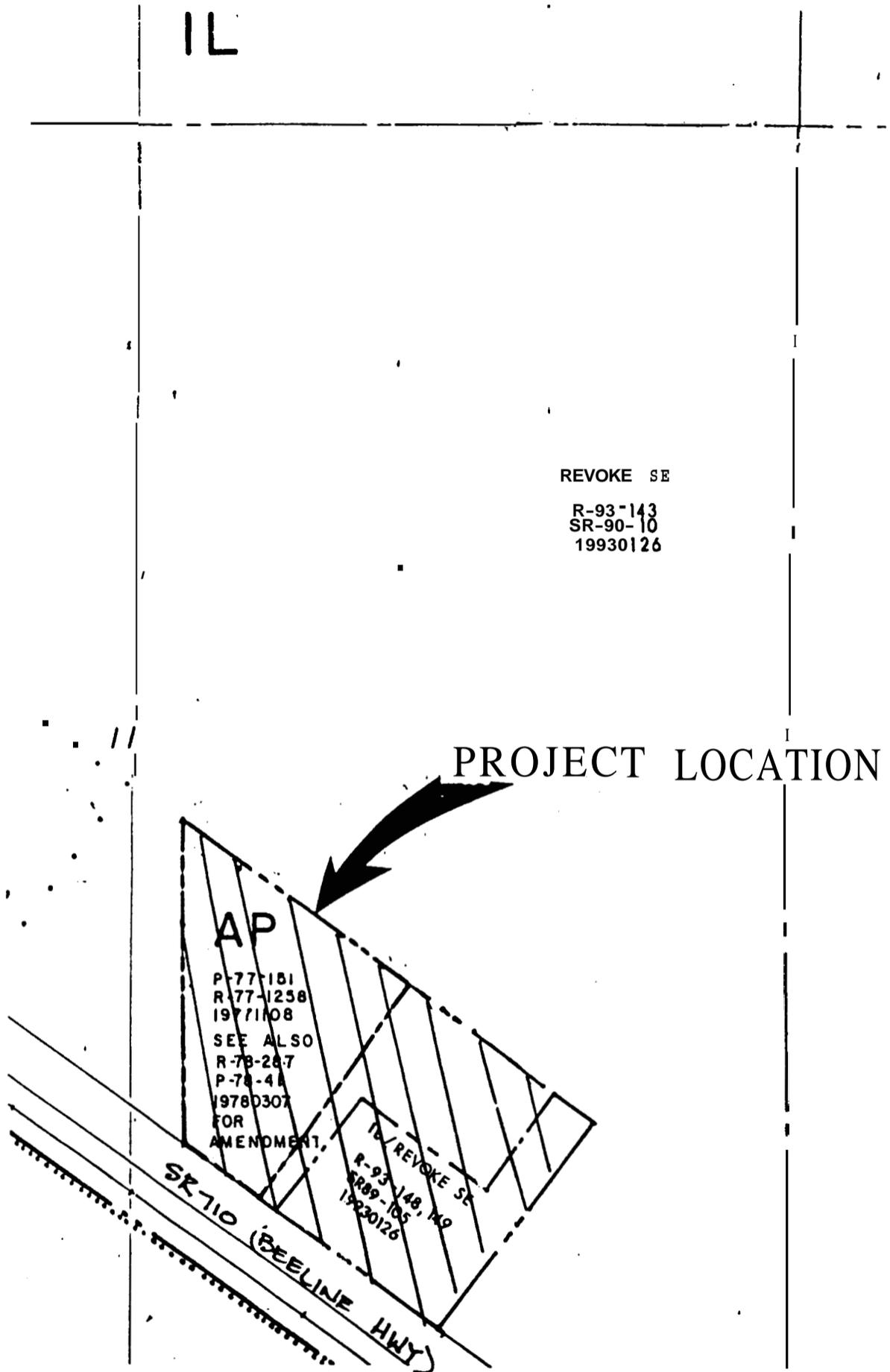


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous **conditions** of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject **property**, as contained in Resolutions **R-77-1248** (Petition **77-151**) and R-78-287 (Petition **78-41**), have been consolidated herein. The petitioner shall comply with all previous conditions **of** approval and deadlines previously **established** by Section **5.8** ~~of~~ the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the uses and site design as **approved** by the Board of County Commissioners. The approved site plan is **dated April 25, 1997**. **All** modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. Condition 3 of Resolution 77-1248, Petition 77-151 which currently states:
Developer shall submit verification to the County Attorney, that at the time of the final approval by the Board of County Commissioners, the Petitioner had a valid contract to purchase.

Is hereby deleted. [REASON: Not applicable]

B. BUILDING AND SITE DESIGN

1. Condition 2 ~~of~~ Resolution 78-287, Petition 78-41 ~~which~~ currently states:
Developer shall either install a chain link fence or provide a ten (10) foot wide water body around the entire parcel.

Is hereby deleted. [REASON: New application and site design]

C. ERM

1. The property Owner shall set aside a minimum of 2.15 acre at the southeast corner **of** the site for upland preservation. (DRC: **ERM**)
2. **A Landscape Plan** ~~which~~ incorporates existing native trees shall be **submitted to the** Department of Environmental Resources Management for review **and approval** prior to final site plan certification. (DRC: ERM)

D. HEALTH

1. Application **and** engineering plans to **construct** an **onsite** sewage treatment **and disposal system** (OSTDS) in accordance with Rule **10D-6FAC** and Palm Beach County **ECR-I** must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)

2. Application and engineering plans to construct a non-transient non-community water system in accordance with Rule 62-555 and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)
3. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil. (ONGOING: HEALTH)

E. ENGINEERING

1. Condition 1 of Resolution R-77-1248, Petition 77-151 which currently states:

Developer shall construct right turn lane on State Road No. 710, southeast approach to the facility entrance.

Is hereby amended to state:

The Property owner shall construct:

- i) left turn lane west approach on Bee Line Highway at both project entrances,
- ii) right turn lane east approach on Bee Line Highway at the projects west entrance, and
- iii) Separate left turn lane north approach at both projects entrances at Bee Line Highway.

A) 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.

B) Permits required by Palm Beach County and the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING/Eng)

2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$35,310 (642 trips X \$55.00 per trip) (ONGOING: IMPACT FEE COORD).
3. Prior to issuance of a building permit the property owner shall convey a 10 foot "Temporary Construction Easement" to Palm Beach County along Bee Line Highway. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng).

F. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured **4.5** feet above grade,
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Credit may **be** given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, shall meet the following minimum standards at installation:
- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater,
 - 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. (CO: LANDSCAPE - Zoning)
3. A group of three (3) palms or pines shall not be substituted for a perimeter canopy tree. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE

1. Landscaping and buffering shall commence from the south property line and continue north to a distance of 750' and shall be upgraded to include
- a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (**1**) canopy tree planted every thirty (30) feet on center;
 - c. One (**1**) palm or pine tree for each thirty (30) linear feet of frontage; and,
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (**36**) inches. (CO: LANDSCAPE)
2. The petitioner shall **preserve** the existing berm and incorporate it into the landscape buffer design. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING BEE LINE HIGHWAY)

1. Landscaping and buffering along the south property line shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (**1**) canopy tree planted every thirty (30) feet on center;
 - c. One (**1**) palm or pine tree for each thirty (30) linear feet of frontage; and,
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (**24**) inches on center at installation, **to** be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING MOROSO MOTORSPORTS ENTRANCE ROAD)

1. Landscaping **and** buffering shall commence from **the south** property line and continue a distance of 150' north to the first entrance drive and shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. One (1) palm or pine tree for each thirty (30) linear feet of front age; and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. PARKING

- 1. The property owner is required to pave all main access drives from the entrances and required handicap parking areas. (DRC: ZONING)

K. PLATTING

- 1. Prior to the issuance of a building permit, the subject property shall be platted in accordance with Article 8 of the Unified Land Development Code (ULDC). (BLDG PERMIT: MONITORING - Eng)

L. COMPLIANCE

- 1. 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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)