

RESOLUTION R-97-1299

RESOLUTION AMENDING RESOLUTION R-97-1086
RESOLUTION APPROVING ZONING PETITION OF
PALM BEACH COMMERCE CENTER, ASSOCIATION, LTD
PETITION 84-130(D)

WHEREAS, Palm Beach Commerce Center, Association, LTD, petitioned the Palm Beach County Board of County Commissioners on August 28, 1997 for a Development Order Amendment to Delete Conditions 6.d, 6.e, 17 and 22 of R-94-1318; and

WHEREAS, Resolution R-97-1086, adopted on August 28, 1997 confirming the action of the Board of County Commissioners inadvertently contained an error in the Conditions of Approval; and

WHEREAS, Exhibit C of Resolution R-97-1086 should have read as shown on attached Conditions of Approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Conditions of Approval of Resolution R-97-1086 is hereby amended.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on September 25, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Penhew Altier*
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK

BY: *Joan Hawerly*
DEPUTY CLERK



SECTION I. PREVIOUS RESOLUTIONS CONSOLIDATED; ORIGINAL APPROVAL DATE AND CONDITIONS OF APPROVAL RATIFIED.

1. The following Resolutions relating to this development are hereby consolidated:
 - a. Resolution ~~R-89-847~~, Zoning Petition **84-130(A)**, adopted by the ~~Board of County Commissioners~~ on ~~Yay 9, 1989~~, confirming ~~action taken on July 28, 1988~~, entitled "RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: ADOPTING A **REVISED DEVELOPMENT ORDER FOR VISTA CENTER PLANNED INDUSTRIAL PARK DISTRICT, A DEVELOPMENT OF REGIONAL IMPACT; REPEALING PREVIOUS RESOLUTIONS AND RATIFYING PREVIOUS WHEREAS CLAUSES, FINDINGS OF FACT, ETC; ESTABLISHING AN OFFICIAL APPROVAL DATE; SPECIFYING CONDITIONS OF APPROVAL; PROVIDING FOR AN ANNUAL REPORT; PROVIDING FOR TRANSMITTAL OF COPIES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY**"; and
 - b. Resolution ~~R-92-695~~, Zoning Petition **84-130(B)**, adopted by the Board of County Commissioners on May 12, 1992, confirming action taken on February 27, 1992, entitled "RESOLUTION APPROVING ZONING PETITION NO. **84-130(B)** SUBSTANTIAL DEVIATION DETERMINATION AND SPECIAL EXCEPTION PETITION OF PALM BEACH COMMERCE CENTER, ASSOC. LTD."
 - c. Resolution R-94-1318, Zoning Petition **DOA84-130(C)**, adopted by the Board of County Commissioners on September 29, 1994, confirming action taken on September 29, 1994, entitled 'RESOLUTION APPROVING ZONING PETITION **DOA84-130(C)** SUBSTANTIAL DEVIATION DETERMINATION DEVELOPMENT ORDER AMENDMENT PETITION OF PALM BEACH COMMERCE CENTER, ASSOCIATION, LTD.'
2. The purpose of this action is to consolidate the various resolutions relating to this development into one Development Order which can be **more** easily administered. This consolidation ~~will~~ eliminate scrivener's **errors** and minimize confusion over the terms of the conditions of the original development approval. Unless otherwise provided in this resolution, no substantial changes are made in the conditions of approval currently in force. Except as provided by Zoning Petition **84-130(C)**, **this consolidation of resolutions is not intended to and shall not constitute an amendment of the development's original date of approval.** Consolidation shall not ~~effect~~ **the substantive requirements of any condition or prior action, including dates for performance and repeal of earlier resolutions.** The original ~~whereas clauses, findings of fact and conclusions of law, approval date, and conditions of approval are hereby ratified and shall~~ **remain in effect as if restated in this Resolution in their entirety.**
3. This Resolution shall constitute the Development Order for the Vista Center Development of Regional Impact

4. **HISTORIC AND ARCHEOLOGICAL SITES: In the event of discovery of any archaeological artifacts during project construction, the applicant shall stop construction in that area and immediately notify the Bureau of Historic Sites and Properties in the Florida Department of State. Proper protection, to the satisfaction of the Bureau, shall be provided by the applicant. (Previously Condition 4 of Resolution R-94-1318, Petition 84-130(C)). (PLANNING)**
5. **HABITAT, VEGETATION AND WILDLIFE:**
- a. **In the event that it is determined that any representative of a plant or animal species designated as endangered or threatened on Federal, State of Florida, or Florida Committee on Rare and Endangered Plants and Animal lists is resident on, or otherwise is significantly dependent upon the Gould Science and Technology Campus property, the developer shall cease all activities which might negatively affect that individual or population and immediately notify both the Florida Game and Freshwater Fish Commission and the U.S. Fish and Wildlife Service. Proper protection, to the satisfaction of both (agencies, shall be provided by the developer. (Previously Condition 5.a. of Resolution R-94-1318, Petition 84-130(C)). (ERM)**
- b. **The developer shall establish a vegetated littoral zone of no less than ten (10) acres as part of the surface water management system of lakes. The ten (10) acres of required littoral zone shall be fully vegetated with native plant species and occur from lake control elevation to a depth of three (3) feet below control elevation. In addition, the developer shall preserve or create on-site ten (10) acres of seasonally flooded wetland habitat designed to be of value to wading birds for feeding, and consisting of native vegetation typical of such habitats. Prior to commencement of construction for any phase of the project, the developer shall prepare a design and management plan for all wetlands of littoral zones that will be a part of that phase. The plan shall: 1) include a topographic map of the wetland or littoral zone, or include typical cross sections; 2) specify how vegetation is to be established, including the extent, type, method, and timing of any planting to be provided; and 3) provide a description of any management procedures to be followed in order to assure the continued viability, health, and function of the littoral zone or wetland. The plan for each phase shall be subject to approval by Palm Beach County in consultation with the Treasure Coast Regional Planning Council. The plan shall be implemented and work inspected prior to the beginning of the next phase. (Previously Condition 5.b. of Resolution R-94-1318, Petition 84-130(C)). (ERM)**
- c. **The developer shall provide and maintain a buffer zone of native upland edge vegetation around wetland and deepwater habitats which are preserved or constructed on-site in accordance with the following provisions. The buffer zone may consist of preserved or planted vegetation but shall include canopy, understory, and ground cover of native species only. The edge**

SECTION II. LEGAL DESCRIPTION OF PARCEL OF LAND SUBJECT TO DEVELOPMENT ORDER.

The **legal** description **of the** parcel of land to which this Resolution applies is found in Exhibit A, which **is** attached hereto and made a part hereof, and located **as shown** on a vicinity sketch attached hereto as EXHIBIT B and made a part hereof.

SECTION III. DEVELOPMENTS OFFICIAL APPROVAL DATE.

The **official approval** date for this development shall remain July 23, 1985.

SECTION IV. CONDITIONS OF APPROVAL

1. **INCORPORATION BY REFERENCE:** the Gould **Science** and Technology **Campus** Application for Development Approval is incorporated herein by reference and relied upon by the parties discharging their **statutory duties** under Chapter 380, Florida **Statutes**. **Substantial compliance with the** representations contained in the Application for Development Approval is a condition for approval unless waived or modified by agreement among the parties, as defined in subsection **380.07 (2)**, Florida Statutes. For the purpose of this condition, the application for Development Approval (ADA) shall include the following items:
 - a. ADA submitted April 6, 1984 as amended; and
 - b. Response to Informational Sufficiency Report submitted May 17, 1984.
 - c. A revised buildout date of November 29 2001, for all phases. (Previously Condition 1 of Resolution R-94-1318, Petition DOA84-130(C)) (MONITORING/ZONING)
2. **COMMENCEMENT OF DEVELOPMENT:** In the event the developer fails to commence significant physical development within three (3) years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further consideration pursuant to Section **380.06**, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project. (Previously Condition 2 of Resolution R-94-1318, Petition 84-130(C)). (MONITORING)
3. **AIR POLLUTION:**
 - a. **Clearing of specific building sites shall not commence until the developer is ready to build the building or buildings to be located on that site.**
 - b. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emission shall be undertaken and implemented by the developer to the satisfaction of the Palm Beach County Health Department and the Florida Department of Environmental Regulation. (Previously Condition 3 of Resolution R-94-1318, Petition 84-130(AC)). (HEALTH)

habitat shall begin at the upland limit of my wetland or deepwater habitat and shall include a total area of at least ten (10) square feet per linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than fifty (50) percent of the total shoreline is buffered by a minimum width of 10 (ten) feet of upland habitat (Previously Condition 5.c. of Resolution R-94-1318, Petition 84-130(C)). (ERM)

- d. **During construction, all melaleuca, brazilian pepper, and australian pine which occur on-site shall be removed. Removal shall be in such manner that avoids seed dispersal by any of these species. There shall be no planting of pest exotic vegetation on-site. (Previously Condition 5.d. of Resolution R-94-1318, Petition 84-130(C)). (ERM)**
- e. **Prior to commencement of any land clearing activities, the developer shall conduct a survey of the site to locate all representatives of the endangered epiphyte *Tillandsia fasciculata*, the Cardinal wild pine bromeliad. All individuals of this species identified by the on-site survey shall be protected and preserved by the applicant in a manner which assures the continued health and viability of the population. The survey and protection methods shall be to the satisfaction of Palm Beach County in consultation with the Treasure Coast Regional Planning Council. (Previously Condition 5.e. of Resolution R-94-1318, Petition 84-130(C)). (ERM)**
- f. **Thirty (30) percent of the landscaped areas on-site, excluding the retention areas, the golf course greens and fairways, rights-of-way, building courtyard areas and planting boxes which abut buildings shall be comprised to preserve, enhance, or recreate native vegetation. The location of vegetation areas shall be such that the watering and fertilization of non-native areas do not inhibit the management of the native vegetation areas in a healthy state. Fifty (50) percent of the trees used in landscaping shall be native trees adapted to the soil condition!; on-site. (Previously Condition 5.f. Resolution R-94-1318, Petition 84-130(C)). (ERM)**

6. DRAINAGE AND HAZARDOUS WASTE:

- a. **For water quality enhancement purposes, the developer shall design and construct the surface water management system to detain the runoff from a one-hour, three-year storm event. Further, the system shall incorporate filtering or skimming devices such as grease traps, baffles, and skimmers to remove pollutants from parking lots, roads, and other impervious surfaces. Special attention should be given in the final drainage design to assure that existing water tables will not be lowered off-site. (Previously Condition 6.a. of Resolution R-94-1318, Petition 84-130(C)). (ENG)**

- b. ~~The developer shall design and construct the golf course storm water management system to retain the first one-half inch of runoff from a one-hour, three-year storm event. (Previously Condition 6.b. of Resolution R-94-1318, Petition 84-130(C)). (ENG)~~
- c. ~~As part of the annual report required under Section 380.06(16), Florida Statutes, the developer shall provide a list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation. A copy of this list shall be provided to the Department of Environmental Regulation and the agency delegated the authority for maintaining, updating, and verifying the master files for hazardous waste generators in Palm Beach County. (Previously Condition 6.c. of Resolution R-94-1318, Petition 84-130(C)). (ENG)~~
- d. ~~Condition 6.d of Resolution R-94-1318, Petition 84-130(C) which currently states:~~

~~Each specific tenant or owner that uses, handles, stores, displays, or generates hazardous materials or generates hazardous waste shall be required to design and construct, before occupancy, an appropriate separate spill containment system to hold spilled hazardous materials for cleanup, independent from the storm water drainage system, along with an appropriate early warning monitoring program. The containment system and monitoring program shall be acceptable to the Department of Environmental Regulation and the South Florida Water Management District to serve all structures or areas where hazardous materials are used, handled, stored, displayed, or where hazardous wastes are generated. The developer shall impose these requirements and the obligation to remediate any contamination on each industrial tenant or owner in an appropriate covenant and restriction; said covenant and restriction shall be approved by the Department of Environmental Regulation, the South Florida Water Management District, and the Palm Beach County Health Department. In furtherance of this alternative condition, the document entitled GOULD'S PROPOSED MANAGEMENT OF POTENTIALLY HAZARDOUS MATERIALS, dated August 27, 1984, as amended at the October 3, 1984 Board of County Commissioners' Zoning Hearing, is hereby adopted as part of this alternative condition.~~

~~is hereby deleted. [REASON: code requirement]~~

- e. ~~Condition 6.e of Resolution R-94-1318, Petition 84-130(C) which currently states:~~

~~The developer shall develop a hazardous materials contamination response plan for the development within one (1) year of the effective date of the Development Order, to be reviewed and approved by the County in consultation with the South Florida Water Management District, the Palm Beach County Emergency Preparedness Division, the Department of~~

Environmental Regulation, the Treasure Coast Regional Planning Council, and the Palm Beach County Health Department, The Plan shall identify appropriate measures for contamination response, including but not limited to:

- 1) Provision of equipment and trained personnel on-site or a contract with a contamination response firm meeting Florida Department of Environmental Regulation requirements, if found necessary by the above-referenced agencies to protect the groundwater from possible contamination;**
- 2) Specification of follow-up water quality monitoring programs to be implemented in the event of contamination;**
- 3) Specification of design and operational measures to contain and direct contaminated surface runoff away from ponds, canals, drainage structures and/or other connections to the surficial aquifer;**
- 4) Specification for the development and implementation of a coordinated monitoring program which incorporates the individual site monitoring programs required under Condition No. 6.d. above in such a manner as to achieve an efficient and effective overall project early warning monitoring program; and**
- 5) Requirements for financial responsibility which will assure cleanup costs can be provided. In furtherance of this condition, the document entitled GOULDS PROPOSED MANAGEMENT OF POTENTIALLY HAZARDOUS MATERIALS, dated August 27, 1984, as amended ~~at the~~ on October 3, 1984 ~~at the~~ by the Board of County Commissioners ~~Zoning District~~, is hereby adopted as part of this condition.**

~~Is hereby deleted. [REASON: code requirement]~~

~~f. d The minimum finished floor elevations shall be set at a minimum 20.5 feet NGVD and the road crown elevations shall be set at an elevation sufficient to protect the road base and pavement. In addition, to protect the site during the design storm event from off-site discharges flowing through the site prior to completion of a Plan of Reclamation for Unit 5, perimeter site grading, should be set at 19.5 feet NGVD. (Previously Condition 6.f of Resolution R-894-1318, Petition 84-130(C)). (ENG)~~

- 7. WASTEWATER: Generation and disposal of hazardous effluents into the sanitation sewer system shall be prohibited unless adequate pretreatment facilities, approved by the Florida Department of Environmental Regulation and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previously Condition 7 of Resolution R-94-1318, Petition 84-130(C)). (ERM)**

8. **ENERGY:** In the final site plans, the developer shall incorporate those energy conservation measures identified on pages 25-4 of the Gould Science and Technology Campus Application for Development Approval and, to the extent feasible, measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan. (Previously Condition 8 of Resolution R-94-1318, Petition 84-130(C)). (ERM)
9. **TRANSPORTATION AND MAJOR ROAD IMPROVEMENTS:**

PHASE I OF PROJECT

- a. The Developer shall not receive building permits for buildings (excluding temporary structures associated with construction and site related work) in Phase I (as defined in the Application for Development Approval Page 31-9) of the project until such time as the Developer has assured funding by cash, bond, or irrevocable letter of credit for the design and construction of the following improvements:
- 1) Two additional lanes to the existing segment of Okeechobee Boulevard from the west side of the intersection with Golden Lakes Boulevard east to the existing four-lane section of Okeechobee Boulevard east of the Florida Turnpike as identified in the construction plans which received technical approval from the Florida Department of Transportation in approximately May 1988 and as specified in the Tri-Party Agreement between the Developer, Palm Beach County, and the Florida Department of Transportation; and
 - 2) A new three-lane bridge over the Florida Turnpike on Okeechobee Boulevard. The construction in (a) (1) and (2) above shall be designed and constructed in contemplation of a future eight-lane section. The Developer shall provide construction plans for said road improvements to the Florida Department of Transportation (DOT) and to the South Florida Water Management District (SFWMD) for their review. Construction of (a) (1) and (2) improvements shall be completed within 18 months from the date of issuance of the construction permit by DOT. Furthermore, construction of buildings undertaken pursuant to any building permits issued (excluding those for temporary structures associated with construction, and site related work) under this provision shall be limited to footings and foundations until such time as construction has commenced on the improvements specified in (a) (1) and (2) above. The Developer shall award the contract(s) for construction of said improvements by July 15, 1988. (Previously Condition 9.a of Resolution R-94-1318, Petition 84-130(C)). (ENG)
- b. By the completion of construction in Phase I of the project (or of construction generating an equivalent number of vehicle trips per day), the Developer shall have completed the construction of a two-lane section of Jog Road running north along the west side of the project from Okeechobee Boulevard to the north property line of the project to Palm Beach County Thoroughfare

Plan standards including the ultimate drainage for a multiple lane road. Developer shall complete construction of this two-lane section of Jog Road within 15 months from the date of issuance of a construction permit for the Jog Road Construction by the County. This construction shall commence by September 1990 and be completed in no case later than July 1991. (Previously Condition 9.b. of Resolution R-94-1318, Petition 84-130(C)). (ENG)

PHASE II OF PROJECT

- c. The developer shall not receive building permits for buildings (excluding temporary structures associated with construction and site related work) for Phase II of the project until the following have occurred:**

A Contract (or Contracts) for the commencement of construction of an eight-lane section of roadway on Okeechobee Boulevard from the Florida Turnpike to Palm Beach Lakes Boulevard has been awarded. To expedite this construction, the developer shall provide all necessary funds toward the purchase of the right-of-way necessary to 6-lane Okeechobee Boulevard between Haverhill Road and the Florida Turnpike. This shall include all studies, appraisals, court costs, etc. This amount shall not be less than \$800,000. Palm Beach County shall contribute and impact fees to the Florida Department of Transportation toward this right-of-way acquisition. These impact fee funds shall be (\$196,000). Developer funds shall be made available when requested by Florida Department of Transportation. The developer shall also provide the right-of-way map and all associated documents required for the taking of this right-of-way. Florida Department of Transportation shall acquire this right-of-way. (Previously Condition 9.c. of R-94-1318, Petition 84-130(C)). (ENG)

- d. The property owner shall make available to Palm Beach County the residual amount from the \$1,000,000 funding for road improvements. Funding shall be completed prior to May 31, 2000 or when 50% of the traffic for Phase 2 has received building permits. Payment from Vista Center shall include interest payment at the rate of 3% per year on the unpaid balance which shall be calculated from the date of May 12, 1993. (Previously Condition 9.d. of R-94-1318, Petition 84-130(C)). (MONITORING - Eng)**
- e. Developer and the County shall make good faith efforts to achieve the agreements and improvements specified under subsections (c) and (d) above. (Previously Condition 9.e. of Resolution R-94-1318, Petition 84-130(C)). (ENG)**
- f. The County shall make application in 1984 to the Florida Department of Commerce for a grant of funds to help meet the costs of the road improvements required by this section. Developer shall assist and support the County applying for and obtaining said funds. If such a grant is received, it shall be applied to the cost of the right-of-way acquisition described under subsection (c) above, or to the improvements described under subsection (d) above. These monies shall be used prior to Palm Beach County impact funds being used. (Previously Condition 9.f. of Resolution R-94-1318, Petition 84-130(C)). (ENG/IMPACT FEE COORD)**

- g. **Property owner shall convey a cross access easement with the property owner to the west prior to approval by the DRC for a Master Plan revision to Parcel 23, or prior to the issuance of a building permit for Parcel 23, whichever shall first occur. (Previously Condition 9.g. of R-94-1318, Petition 84-130(C)). (ENG)**
 - h. **Prior to Master Plan/Site Plan approval for Parcel 23, an approved traffic impact analysis shall be submitted to the Engineering Department. This Traffic Impact Analysis shall include the projected traffic from the parcel to the west. Geometrics, including stacking distance, shall then be approved by the County Engineer and Florida Department of Transportation based upon the approved Traffic Impact Analysis. (Previously Condition 9.h. of Resolution R-94-1318, Petition 84-130(C)). (ENG)**
 - i. **In the event the parcel to the west is proposed for development, or is developed prior to Parcel 23, and provides access for the benefit of Parcel 23 along its east boundary to Okeechobee Boulevard at the median cut. Condition 9.g. and 9.h. above shall be considered satisfied. The petitioner shall align access points for Parcel 23 into the parcel to the west, based on the established cross access points on the plan for the parcel to the west. The petitioner shall eliminate the western most access point to Parcel 23 onto Okeechobee Boulevard from the Master Plan after the above occurs. When Parcel 23 is developed, paved access shall be provided from Parcel 23 to the parcel to the west and from the parcel to the west to Parcel 23 which shall include access to Vista Parkway as indicated on the approved or to be approved site plans for the respective parcels. Should the parcel develop as a single user (i.e., corporate office project with secured access) then this petitioner may be relieved of this obligation for a cross access easement. (Previously Condition 9.i. of R-94-1318, Petition 84-130(C)). (ENG).**
10. **TRANSPORTATION; SITE RELATED ROAD IMPROVEMENTS: The following site related road improvements shall be undertaken as specified below:**
- a. **The Developer shall convey to Palm Beach County, within ninety (90) days of adoption of the PIPD Rezoning Resolution by the Board of County Commissioners, the ultimate right-of-way for:**
 - 1) **Okeechobee Boulevard, 200 feet north of the north right-of-way line of the Lake Worth Drainage District L-1 Canal through the project's limits (approximately an additional eighty-two (82) feet.**
 - 2) **Jog Road, sixty (60) feet through the project's limits.**
 - 3) **The "Special Intersections" as shown on the Thoroughfare Right-of-Way Protection Map.**
 - a) **Sixty-four (64) feet from centerline for Jog Road.**
 - b) **The necessary right-of-way for the Okeechobee Overpass over the Florida Turnpike. (Previously Condition 10.a. of Resolution R-94-1318, Petition 84-130(C)). (ENG)**

- b. **The Developer shall complete, within twelve (12) months of the approval date by the Board of County Commissioners, the engineering plans for a three-lane bridge on Okeechobee Boulevard over the Florida Turnpike. Surety is to be submitted to the County Engineer for the design cost within ninety (90) days from the date of special exception approval. (Previously Condition 10.b. of Resolution R-94-1318, Petition 84-130(C)). (ENG)**
 - c. **The developer shall ensure that access for the entire site onto Okeechobee Boulevard shall be limited to three street connections into the site from Okeechobee Boulevard. The requested eastern access shall be limited to right turn movement only. (Previously Condition 10.c. of Resolution R-94-1318, Petition 84-130(C)). (ENG)**
 - d. **The Developer shall construct the internal loop roadway as a four-lane ~~road~~ divided section. (Previously Condition 10.d. of Resolution R-94-1318, Petition 84-130(C)). (ENG)**
 - e. **The Developer shall construct, concurrent with the construction of the project's entrance road at its intersection with Okeechobee Boulevard:**
 - 1) Right turn lane, east approach;
 - 2) Right turn lane, north approach;
 - 3) Dual left turn lanes, north approach;
 - 4) Dual left turn lanes, west approach; and
 - 5) Signalization when warranted, as determined by the County Engineer. (Previously Condition 10.e. of Resolution R-94-1318, Petition 84-130(C)). (ENG)
 - f. **The Developer shall construct, concurrent with the construction of Jog Road onto Okeechobee Boulevard:**
 - 1) Right turn lane, north approach;
 - 2) Dual left turn lanes, north approach;
 - 3) Dual left turn lanes, west approach;
 - 4) Right turn lane, east approach; and
 - 5) Signalization when warranted, as determined by the County Engineer. (Previously Condition 10.f. of Resolution R-94-1318, Petition 84-130(C)). (ENG)
 - g. **The Developer shall construct, concurrent with the construction of Jog Road at the project's entrance road:**
 - 1) **Right turn lane, south approach;**
 - 2) **Left turn lane, north approach;**
 - 3) **Right turn lane, east approach;**
 - 4) **Left turn lane, east approach; and**
 - 5) **Signalization when warranted, as determined by the County Engineer. (Previously Condition 10.g. of R-94-1318, Petition 84-130(C)). (ENG)**
11. **PLATTING; POSTING OF BONDS AND SURETY: All areas of this development shall be platted and appropriate bonds, surety, or letters of credit shall be posted with the office of the County Engineer. (Previously Condition 11 of Resolution R-94-1318, Petition 84-130(C)). (ENG)**

12. **BEST MANAGEMENT PRACTICES FOR WATER QUALITY:** The Developer shall adhere to Best Management Practices (BMP) to enhance water *quality incorporated* into the surface water management system as per South Florida Water Management District's (SFWMD) requirements. (Previously Condition 12 of Resolution R-94-1318, Petition 84-130(C)). (ERM/ENG/HEALTH)
13. **FAIR SHARE ROAD IMPACT FEES:** The Developer 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. Presently, the Fair Share Fee for this project is:

<u>PHASE I</u>	<u>TOTAL</u>
Hotel	\$38,625.00
Villas	9,850.00
Office	28,825.00
Light Industrial	<u>26,113.00</u>
 <u>PHASE II</u>	
Hotel	\$57,813.00
villas	8,775.00
Office	166,775.00
Light Industrial	<u>107,625.00</u>
Subtotal	\$340,988.00
 Cumulative Total of Phase I and Phase II	 \$444,401.00

Credit for the Impact Fees shall be applied toward the construction and expenditures of funds as outlined in Condition 9 (a), (c) and (d). Any credit shall be based upon a certified cost estimate by the developer's engineer and subject to approval by the County Engineer's Office. (Previously Condition 13 of Resolution R-94-1318, Petition 84-130(C)). (IMPACT FEE COORD)

14. **UNCONFINED PARTICULATES:** Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. A plan shall be submitted to the Palm Beach County Health Department to control unconfined particulates prior to the issuance of any land development permits. (Previously Condition 14 of Resolution R-94-1318, Petition 84-130(C)). (HEALTH)
15. **POLLUTION OF SURFACE WATERS:** Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously Condition 15 of Resolution R-94-1318, Petition 84-130(C)). (ERM)
16. **INSTALLATION OF STORAGE TANKS:** Any fuel or chemical storage tanks shall be installed and protected against leakage or spillage due to corrosion, breakage, structural failure, or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previously Condition 16 of Resolution R-94-1318, Petition 84-130(C)). (HEALTH)

Condition 17 of Resolution R-94-1318, Petition 84-130(C)) which currently states:

17. **TOXIC OR HAZARDOUS WASTE PLAN:** Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C. A plan shall be submitted to the Palm Beach County Health Department.

Is hereby deleted. [REASON: code requirement]

- ~~18~~17. **OPEN BURNING:** Burning due to land clearing operations shall not be conducted during periods when the surface wind is from the western quadrant. (Previously Condition 18 of Resolution R-89-847, Petition 84-130(C)). (HEALTH)

- ~~19~~18. **FIRE PROTECTION WATER SUPPLY** No building permits for buildings (excluding temporary structures associated with construction and site related work) within the project shall be issued unless and until plans for the provision of water for fire fighting purposes at a minimum rated capacity of 1,500 gpm at 20 psi residual pressure have been reviewed by the Military Park Fire Control Tax District #4 for code compliance. (Previously Condition 19 of Resolution R-94-1318, Petition 84-130(C)). (FIRE)

- ~~20~~19. **STATUS OF HEALTH DEPARTMENT:** All references to environmental regulatory agencies shall include Palm Beach County Health Department (Previously Condition 20 of Resolution R-94-1318, Petition 84-130(C)). (HEALTH)

- ~~21~~20. **MASTER PLAN MODIFICATIONS:**

- a. Development of the site is limited to the uses and site design shown on the Master Plan approved by the Board of County Commissioners (Exhibit No. 64). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein. (Previously Condition 21.a of Resolution R-94-1318, Petition 84-130(C)). (ZONING/CODE ENF)
- b. Prior to March 30, 1995, the petitioner shall receive certification of a revised Preliminary Development Plan (PDP) by the Development Review Committee for the subject property. The PDP shall reflect compliance with all applicable code requirements, conditions of approval, the application for development approval (ADA), and the development order for the DRI. In addition, the PDP shall indicate tabular data for each parcel, in accordance with the ADA. (Previously Condition 21.b of Resolution R-94-1318, Petition 84-130(C))(MONITORING/ZONING)

Condition 22 of Resolution R-94-1318, Petition 84-130(C) which currently states:

22. **REGULATED SUBSTANCES:** Secondary containment for stored Regulated Substances (fuels, oils and other hazardous chemicals) is required. The Department of Environmental Resources Management is willing to provide guidance on appropriate protective measures. (BUILDING/ERM)

Is hereby deleted. [REASON: code requirement]

21. **WELLFIELD PROTECTION: The owners and tenants shall comply with the applicable wellfield protection standards in the Palm Beach County's Unified Land Development Code (ULDC) Article 9, Section 9.3 (as of September 25, 1997). (ONGOING: CODE ENF /ERM)**

Condition 23 of Resolution R-94-1318, Petition 84-130(C) which currently states:

22. **COMPLIANCE: Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code ULDC. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code ULDC.**

Is hereby amended to read:

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)

SECTION V. COMPLIANCE PROCEDURES

1. **Compliance with the Development Order shall be monitored through normal County permitting procedures, the procedures listed in specific Conditions of Approval, and review of the Annual Report. The local official responsible for assuring compliance with this Development Order is the Executive Director of the Palm Beach County, Zoning and Building Department. (Previously Section V of Resolution R-94-1318, Petition 84-130(C)). (MONITORING)**

SECTION VI. ANNUAL REPORT

1. **The Annual Report required by Section 380.06(16), Florida Statutes shall be submitted on or before October 16th of each year. This Annual Report shall be submitted to Palm Beach County, the Treasure Coast Regional Planning Council, the State of Florida Department of Community Affairs, the State of Florida Department of Environmental Regulations, and the South Florida Water Management District. This Annual Report shall include the following items:**
 1. **Changes in the plan of development or phasing for the reporting year and for the next year;**
 2. **A summary comparison of development activity proposed and actually conducted for the year;**
 3. **Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;**
 4. **Identification and intended use of lands purchased, lease, or optioned by the developer adjacent to the original DRI site since the Development Order was issued;**
 5. **An assessment of the development's and the local government's compliance with Conditions of Approval contained in the DRI Development Order;**
 6. **Any known incremental DRI applications or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;**
 7. **A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(14) and (16), Florida Statutes;**
 8. **A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the developer pursuant to Paragraph 380.06(14)(d), Florida Statutes; and**
 9. **A list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation. (Previously Section VI of Resolution R-94-1318, Petition 84-130(C)). (MONITORING)**

SECTION VII. TRANSMITTAL OF COPIES

1. **Copies of this revised Development Order shall be transmitted immediately by Certified Mail to the State of Florida Department of Community Affairs, the Treasure Coast Regional Planning Council, and the Developer. (Previously Section VII of Resolution R-94-1318, Petition 84-130(C)). (ZONING)**

SECTION VIII. SEVERABILITY

1. **Should any section or provision of this Resolution or portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this resolution. (Previously Section VIII of Resolution R-94-1318, Petition 84-130(C)). (COUNTY ATTORNEY)**