

RESOLUTION NO. R-2018- 0341

RESOLUTION APPROVING ZONING APPLICATION EAC-2017-02008  
(CONTROL NO. 2005-00456)  
an Expedited Application Consideration  
APPLICATION OF Duke Realty Land Llc  
BY Schmidt Nichols, AGENT  
(Turnpike Crossing East PIPD)

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 EAC-2017-02008 was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2018;

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 (Application Processes and Procedures) for an Expedited Application Consideration;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

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

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application EAC-2017-02008, the Application of Duke Realty Land Llc, by Schmidt Nichols, Agent, for an Expedited Application Consideration to modify the use and Condition of Approval (Use Limitations) 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 March 22, 2018, 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 Abrams and, upon being put to a vote, the vote was as follows:

Commissioner Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Absent
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 22, 2018.

Filed with the Clerk of the Board of County Commissioners on April 3rd, 2018.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

**Legal Description  
Turnpike Crossing East PIPD  
Palm Beach County (PBC) Application Submittal  
Original Submittal: October 18, 2017  
Re-Submittal: December 22, 2017**

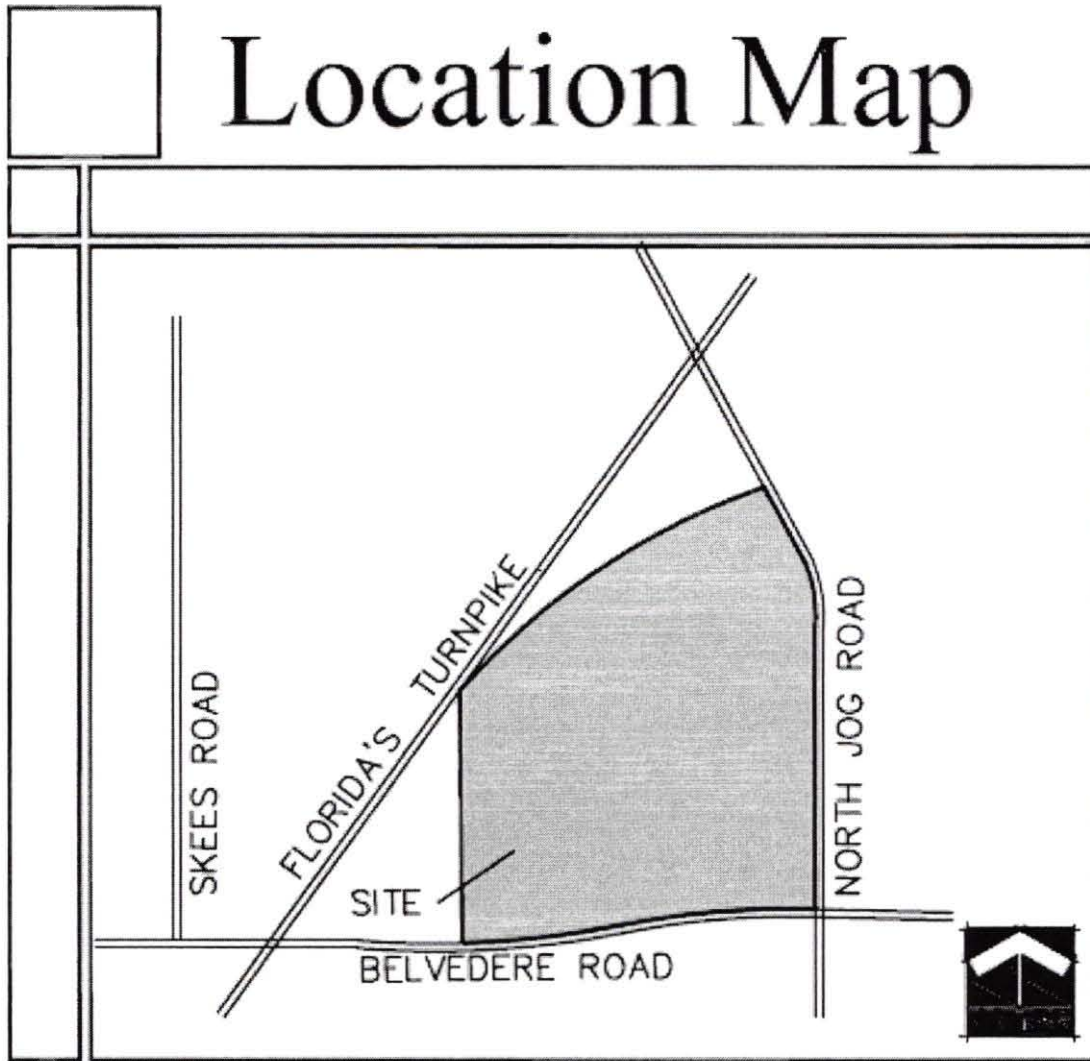
LEGAL DESCRIPTION:

TRACTS A AND L, "TURNPIKE CROSSING EAST", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 119 AT PAGES 96 THROUGH 99 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 66.134 ACRES, MORE OR LESS.



EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Expedited Application Consideration**

##### **ALL PETITIONS**

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-1193 (Control 2005-456), which were applicable to the Eastwood PUD, are hereby revoked. (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 1 of Resolution R-2009-487, Control No.2005-00456)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2009-487, Control No.2005-00456, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated December 15, 2008. 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 - Zoning)

##### **Is hereby amended to read:**

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated February 12, 2018. 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 - Zoning)

3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-0487(Control 2005-00456), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

##### **ENGINEERING**

1. 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, 2015. 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) (Previous ENGINEERING Condition 1 of Resolution R-2009-487, Control No.2005-00456)

2. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at the following project intersections. The cost of signalization shall also include all design costs and required utility relocation and ROW easement acquisition.

a. No Building Permits shall be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division for the signal at the intersection of Jog Rd and the project's main entrance. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for Phase 2 as shown on the Site Plan approved with Application ZV/PDD-2008-01525, shall be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division for the signal at the intersection of Belvedere Rd and



the project's main entrance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2009-487, Control No.2005-00456)

3. In order to request release of the monies for the traffic signals, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy for the specific phase has been issued. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies.

i. The Traffic Division shall have 24 months from receipt of notice that the final Certificate of Occupancy for Phase 1, as shown on the Site Plan approved with Application ZV/PDD-2008-01525, has been issued for the intersection of Jog Rd and the project's main entrance

ii. The Traffic Division shall have 24 months from receipt of notice that the final Certificate of Occupancy for Phase 2, as shown on the Site Plan approved with Application ZV/PDD-2008-01525, has been issued for the intersection of Belvedere Rd and the project's main entrance.

The notices should request that a signal warrant study be conducted at the specific intersection. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2009-487, Control No.2005-00456)

4. Prior to the issuance of a building permit the Property Owner shall convey to Palm Beach County Land Development Division by warranty deed additional right-of-way for the construction turn lanes at the following locations: a) north approach right turn lane on Jog Rd at the northernmost entrance b) north approach right turn lane on Jog Rd at the project's main entrance c) north approach right turn lane on Jog Rd at the project's southernmost entrance d) east approach right turn lane on Belvedere Rd at the project's easternmost entrance e) east approach right turn lane on Belvedere Rd at the project's main entrance f) east approach right turn lane on Belvedere Rd at the project's westernmost entrance. These right-of-ways shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right-of-way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2009-487, Control No.2005-00456)

5. The Property owner shall construct:

i. Right turn lane north approach on Jog Rd at the project's northernmost entrance.

ii. Right turn lane north approach and left turn lane south approach on Jog Rd at the project's middle entrance.

This construction shall be concurrent with the paving and drainage improvements for the site and to County 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 Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2009-487, Control No.2005-00456)

6. The Property owner shall construct:

i. Right turn lane east approach and left turn lane west approach on Belvedere Rd at the project's middle entrance

ii. Right turn lane east approach on Belvedere Rd at the project's westernmost entrance.



This construction shall be concurrent with the paving and drainage improvements for the site and to County 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 Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 2 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2009-487, Control No.2005-00456)

7. The Property owner shall construct a right turn lane east approach on Belvedere Rd at the project's easternmost entrance.

This construction shall be concurrent with the paving and drainage improvements for the site and to County 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 Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 3 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 3 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2009-487, Control No.2005-00456)

8. The Property owner shall construct a right turn lane north approach on Jog Rd at the project's southernmost entrance.

This construction shall be concurrent with the paving and drainage improvements for the site and to County 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 Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 4 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 4 as shown on the site plan approved under Application ZV/PDD/W-2008-1525. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2009-487, Control No.2005-00456)

9. As part of mitigation strategy 9 for Okeechobee CRALLS point system, prior to the issuance of first certificate of occupancy, either access easements should be shown on the parcel's plat or recorded separately to ensure the access points will remain should redevelopment of the site occur. (CO: MONITORING Eng) (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2009-487, Control No.2005-00456)

10. As part of mitigation strategy 10 for Okeechobee CRALLS point system, by April 1 of each year, starting April 1, 2011, the Property Owner, or their agent, must supply a use report to the County Engineer, identifying uses, and their intensities active on the site. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2009-487, Control No.2005-00456)

11. The Property Owner or agent may request alteration or substitution of mitigation strategy 10 of the Okeechobee Blvd. CRALLS point system no sooner than December 31, 2017. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 11 of



Resolution R-2009-487, Control No.2005-00456)

12. Prior to issuance of the first building permit, the property owner shall record a restrictive covenant limiting the uses to those shown on the final site plan approved by the DRO, subject to approval by the County Attorney and County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2009-487, Control No.2005-00456)

13. To satisfy Belvedere Road CRALLS mitigation criteria "a", prior to final DRO approval the site plan must be revised to show the estimated number of employees, calculated number of bicycle parking spaces and locations of bicycle racks for use by employees. The bicycle parking spaces shall be calculated as 2 bicycles parking spaces to be installed for every 100 employees. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2009-487, Control No.2005-00456)

14. To satisfy Belvedere Road CRALLS mitigation criteria "b", prior to final DRO approval, the site plan must show the location of preferred parking spaces for alternative fuel/hybrid vehicles and for carpool/vanpool vehicles. These spaces shall constitute a minimum of 5% of total on-site parking spaces. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2009-487, Control No.2005-00456)

15. All employers shall participate in the South Florida Commuter Services ridesharing program which shall include the distribution of marketing information to all employees no less than once every 6 months, beginning on April 1, 2011 or 6 months after the first certificate of occupancy, whichever occurs later. Proof of participation shall be submitted to the Planning Director and County Engineer annually on or before April 1 of each year. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2009-487, Control No.2005-00456)

16. Any single tenant occupying more than 100,000 square feet must demonstrate that a shower facility will be provided within that portion of the building prior to issuance of a building permit. (BLDGPM: MONITORING - Building Division) (Previous ENGINEERING Condition 16 of Resolution R-2009-487, Control No.2005-00456)

17. The Property Owner shall pay a mitigation fee to be used for off-site roadway and/or intersection improvements involving Belvedere Road. This fee shall be 50% of the fair share road impact fee and shall be paid in addition to the road impact fee as each building permit is issued. However, at such time as the County Engineer determines that funding is needed to complete right-of-way acquisition and/or construction for the road/intersection improvements, the remaining balance shall be paid. In no event shall the remaining balance be required to be paid sooner than October 1, 2010. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2009-487, Control No.2005-00456)

18. Building permits for more than 300,000 sf of Industrial/Warehouse space shall not be issued until the Property Owner has provided a free shuttle bus or van service for employee use during peak hours from the site to the Palm Tran stops at the intersections of Okeechobee Boulevard and Jog Road and Belvedere Road and Drexel Road (with 30-minute maximum bus headways) to meet all peak hour scheduled buses. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 18 of Resolution R-2009-487, Control No.2005-00456)

19. The shuttle bus service shall be well-publicized to employees and provided at convenient well-marked pick-up and drop-off locations on a trial basis (with monitoring of daily ridership) for a minimum of one year, at which time the usage shall be evaluated by the County Engineer in consultation with PalmTran. If average daily ridership exceeds 5% of permanent on-site employees, then the service shall be continued. Subsequent service evaluations may occur at no less than 6-month intervals using the same criteria. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 19 of Resolution R-2009-487, Control No.2005-00456)

20. In the event a fixed route PalmTran bus service is extended to within the frontage of



the site and the new stop is functioning, the shuttle service may be discontinued. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 20 of Resolution R-2009-487, Control No.2005-00456)

21. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for right of way of Jog Road, varying from 60 feet to 76 feet from the centerline for the Expanded intersection at Belvedere Road, 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 21 of Resolution R-2009-487, Control No.2005-00456)

22. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for right of way of Belvedere Road, varying from 60 feet to 64 feet from the centerline for the Expanded intersection at Jog Road, 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 22 of Resolution R-2009-487, Control No.2005-00456)

23. The Property Owner shall design, install and perpetually maintain median landscape within the medians of all abutting right of way of Belvedere Road and Jog Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d through g below. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Belvedere Road and/or Jog Road. This payment may be phased with development as set forth in d through g below.

e. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 2 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear frontage of 1,206 feet. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 23 of Resolution R-2009-487, Control No.2005-00456)

23. The Property Owner shall design, install and perpetually maintain median landscape within the medians of all abutting right of way of Belvedere Road and Jog Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond



OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d through g below. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Belvedere Road and/or Jog Road. This payment may be phased with development as set forth in d through g below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

d. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 1 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear frontage of 1,025 feet. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

f. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 3 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear frontage of 948 feet. (BLDGPM: MONITORING - Engineering)

g. The property owner may make a payment in lieu of installing and maintaining landscaping and irrigation, as mentioned above, prior to issuance of the first Building Permit in Phase 4 as shown on the approved site plan under Application ZV/PDD/W-2008-1525. This payment shall be in an amount that complies with the schedule for such payments as it currently exists or as it may from time to time be amended and shall be based on a linear frontage of 599 feet. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 23 of Resolution R-2009-487, Control No.2005-00456)

## **ENVIRONMENTAL**

1. A meeting with Palm Beach County's Wellfield Protection staff shall occur prior to DRO site plan approval in order to ensure that the site plan is consistent with Wellfield Protection regulations. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2009-487, Control No.2005-00456)

## **ZONING - LANDSCAPING**

1. Prior to final approval by the Development Review Officer (DRO) the Site Plan and Regulating Plan shall be revised to reflect a Type 2 incompatibility buffer along the south property line for a distance of approximately 280 feet from the west property line. (DRO: ZONING-Zoning) (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING -



LANDSCAPING Condition 1 of Resolution R-2009-487, Control No.2005-00456)

2. Prior to final approval by the Development Review Officer (DRO), the landscape buffer details for the north, south, and east ROW buffers on the Preliminary Regulating Plan shall be revised to provide one tree or palm cluster per twenty (20) linear feet. (DRO: ZONING - Zoning) (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2009-487, Control No.2005-00456)

3. Special planting treatment shall be provided at the southeast corner of the site (intersection of North Jog Road and Belvedere Road). Planting shall consist of the following:

- a. a minimum of six (6) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or other specimen palm that is acceptable to the Landscape Section; and/or,
- b. a minimum of six (6) flowering trees; and
- c. appropriate shrub or hedge materials.

(BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2009-487, Control No.2005-00456)

4. Prior to issuance of the first Certificate of Occupancy (CO) for each of the phases, the pedestrian amenity for the subject phase shall be installed. (BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2009-487, Control No.2005-00456)

5. 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. (BLDG PERMIT: LANDSCAPE - Zoning) (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2009-487, Control No.2005-00456)

#### **PLANNING**

1. Per condition of approval of LGA-2008-014, the site shall be limited to a maximum of 1,023,921 square feet of industrial warehouse development or the traffic equivalent industrial land use. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2009-487, Control No.2005-00456)

#### **USE LIMITATIONS**

1. The site is limited to Warehouse use pursuant to the justification for the variance from Article 6.A.1.B. unless the minimum number of parking spaces for the replacement use is provided pursuant to Article 3.E.1.C.2.h. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2009-487, Control No.2005-00456)

2. Previous USE LIMITATIONS Condition 2 of Resolution R-2009-487, Control No.2005-00456, which currently states:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property except within the designated loading areas. (ONGOING: CODE ENF - Zoning) (ONGOING: CODE ENF - Zoning)

**Is hereby deleted.** [REASON: Agent Request to allow Overnight Parking]

3. Repair or maintenance of vehicles shall not be permitted on the property, excluding incidental and emergency repairs. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2009-487, Control No.2005-00456)

#### **DISCLOSURE**

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