

RESOLUTION NO. R-2006- 2561

RESOLUTION APPROVING ZONING APPLICATION DOA2006-505  
(CONTROL NUMBER 1981-190)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF AMERICAN EQUITITES, LTD. NO. 6  
INTERNATIONAL TRADE CENTER, LLC  
BY BROAD AND CASSEL, AGENT  
(FLORIDA RESEARCH PARK aka PALM BEACH PARK OF COMMERCE – DRI)  
(LOCAL GOVERNMENT - PBC)

WHEREAS, Florida Research Park aka Palm Beach Commerce Center PIPD, American Equities, Ltd. No. 6, International Trade Center, LLC has petitioned the Board of County Commissioners of Palm Beach County, Florida, to modify the development order for the Park of Commerce Development of Regional Impact (DRI); and

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application DOA2006-505 was presented to the Board of County Commissioners at a public hearing conducted on November 27, 2006; and

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; and

WHEREAS, this approval is subject to Article 2.E (MONITORING), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, after receiving the comments of the Florida Department of Community Affairs and the Treasure Coast Regional Planning Council, determined that the proposed amendment to the development order did not constitute a substantial deviation from the original approval, as provided in Section 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is not a substantial deviation to the approved Development of Regional Impact.
2. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
3. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations;

4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
5. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
6. This Development Order Amendment has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC. This Development Order Amendment has a traffic concurrency exemption record that assumes 6,893 vested traffic concurrency trips and a buildout date to 2021. Any future application for development that exceeds 6,893 vested traffic concurrency trips or extends the buildout date beyond 2021 would require a Development Order Amendment to address the full impacts of additional trips and extended timeframe for all concurrency providers.
7. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
8. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
9. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
10. The applicant has demonstrated sufficient justification that there are changed circumstances that require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution; and

WHEREAS, Section I includes all previous development order conditions and new development order conditions that address the additional acreage. Section II includes all development order conditions for the extension of the buildout date to December 31, 2021. If Section II becomes effective and there is an inconsistency between Section I and Section II, Section II shall govern. Section III provides a notice requirement if Section II becomes effective and creates an expiration date on the developer's ability to exercise the Section II option.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA2006-505, the application of American Equities, Ltd., No. 6, International Trade Center, LLC, by Broad and Cassel, agent, for a Development Order Amendment to extend the buildout date, to add land area (80 acres), reconfigure master plan, redesignate land uses and add access on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 27, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene	Aye
John F. Koons	Nay
Karen T. Marcus	Aye
Mary McCarty	Aye
Burt Aaronson	Aye
Jess T. Santamaria	Aye
Warren H. Newell	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 27, 2006.

Filed with the Clerk of the Board of County Commissioners on 8th day of December, 2006.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

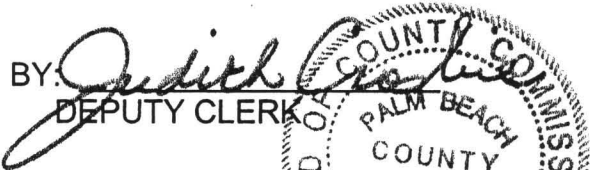
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

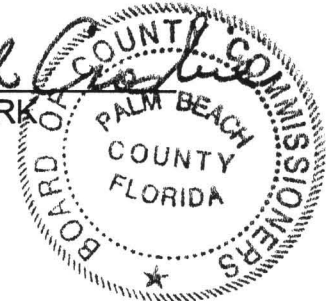
SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### LEGAL DESCRIPTION – EXISTING PIPD/DRI:

A PARCEL OF LAND SITUATE IN SECTIONS 17, 18, AND 19, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 17; THENCE SOUTH 01°04'41" WEST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 5,443.04 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 88°40'25" WEST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 5,375.38 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 02°48'45" EAST, ALONG THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 2,893.36 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE BEELINE HIGHWAY, AS RECORDED IN ROAD BOOK 2, PAGE 152, AND ALSO BEING RECORDED IN OFFICIAL RECORD BOOK 112, PAGE 381, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THE FOLLOWING SIX COURSES ARE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THENCE NORTH 53°39'52" WEST, A DISTANCE OF 3,587.09 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 2,808.79 FEET FROM WHICH A RADIAL LINE BEARS NORTH 36°20'08" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°00'00", AN ARC DISTANCE OF 980.45 FEET; THENCE NORTH 33°39'52" WEST, A DISTANCE OF 457.86 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 2,820.79 FEET FROM WHICH A RADIAL LINE BEARS NORTH 56°20'08" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°00'00", AN ARC DISTANCE OF 541.55 FEET; THENCE NORTH 22°39'52" WEST, A DISTANCE OF 1,594.85 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 2,608.65 FEET FROM WHICH A RADIAL LINE BEARS NORTH 67°20'00" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°33'33", A DISTANCE OF 162.05 FEET TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3271, PAGE 1976, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 70°53'41" EAST, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 660.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND AND THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 1948.65 FEET FROM WHICH A RADIAL LINE BEARS NORTH 70°53'41" EAST; THENCE NORTHERLY ALONG THE EAST LINE OF SAID PARCEL AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°39'00", AN ARC DISTANCE OF 634.29 FEET; THENCE NORTH 00°27'19" WEST, CONTINUING ALONG THE EAST LINE OF SAID PARCEL, AND IN PART, THE WEST RIGHT-OF-WAY LINE OF ASSEMBLY LOOP ROAD, AS SHOWN ON THE PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT NO. 2, AS RECORDED IN PLAT BOOK 60, PAGES 49-50, A DISTANCE OF 997.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 190.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AND SAID WEST RIGHT-OF-WAY LINE OF ASSEMBLY LOOP ROAD, THROUGH A CENTRAL ANGLE OF 51°08'01", AN ARC DISTANCE OF 169.57 FEET TO A POINT ON A NON-TANGENT LINE BEING 25.00 FEET WEST OF, AND PARALLEL WITH THE EAST LINE OF LOT 1L-2, SAID PLAT OF PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT NO. 2; THENCE NORTH 31°41'55" WEST, DEPARTING SAID WEST RIGHT-OF-WAY LINE, AND ALONG SAID PARALLEL LINE, A DISTANCE OF 87.19 FEET TO A POINT ON A LINE 25.03 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID LOT 1L-2; THENCE NORTH 06°29'10" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 240.66 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1L-2; THENCE NORTH 89°08'22" WEST, DEPARTING SAID PARALLEL LINE, AND ALONG THE NORTH LINE OF SAID LOT 1L-2, A DISTANCE OF 528.56 FEET TO THE EAST LINE OF TRACT B, AS SHOWN



ON THE PLAT OF PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172-176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°27'19" WEST, DEPARTING SAID NORTH LINE, AND ALONG SAID EAST LINE, A DISTANCE OF 100.03 FEET; THENCE SOUTH 89°08'22" EAST, DEPARTING SAID EAST LINE, AND ALONG A LINE 660.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 4719.79 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 18; THENCE SOUTH 88°56'16" EAST, ALONG A LINE 660.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 410.00 FEET; THENCE NORTH 01°06'57" EAST, A DISTANCE OF 660.00 FEET TO THE NORTH LINE OF SAID SECTION 17; THENCE SOUTH 88°56'16" EAST, ALONG THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 4,961.77 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 1243.26 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PARCEL OF LAND ALSO HAS INCLUDED WITHIN IT THE ENTIRE PLAT OF "CALBUT GENPAR TRACT A" AS RECORDED IN PLAT BOOK 45, PAGES 70 & 71, A PORTION OF THE PLAT OF "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1" AS RECORDED IN PLAT BOOK 56, PAGES 172-176, A PORTION OF THE PLAT OF "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 2" AS RECORDED IN PLAT BOOK 60, PAGES 49 & 50, THE ENTIRE PLAT OF "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4" AS RECORDED IN PLAT BOOK 68, PAGES 88 & 89, THE ENTIRE PLAT OF CORPORATE ROAD NORTH AND WALGREENS DRIVE, AS RECORDED IN PLAT BOOK 91, PAGES 82-84, THE ENTIRE PLAT OF PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT III, AS RECORDED IN PLAT BOOK 103, PAGES 132 & 133, THE ENTIRE PLAT OF WALGREENS DISTRIBUTION CENTER AS RECORDED IN PLAT BOOK 91, PAGES 127-129, ALL AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LEGAL DESCRIPTION – PROPOSED ADDITION/REZONING:

THE NORTH 660 FEET OF SECTION 18, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO A ROAD RIGHT-OF-WAY ON THE WESTERLY 60 FEET THEREOF.

TOGETHER WITH:

THE WESTERLY 410 FEET OF THE NORTH 660 FEET OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

AREA OF SUBJECT PROPERTY (NOT INCLUDING ROAD RIGHT-OF-WAY FOR PRATT WHITNEY RD.) = 79.860 ACRES OR 3,478,740 SQUARE FEET.

EXHIBIT B  
VICINITY SKETCH

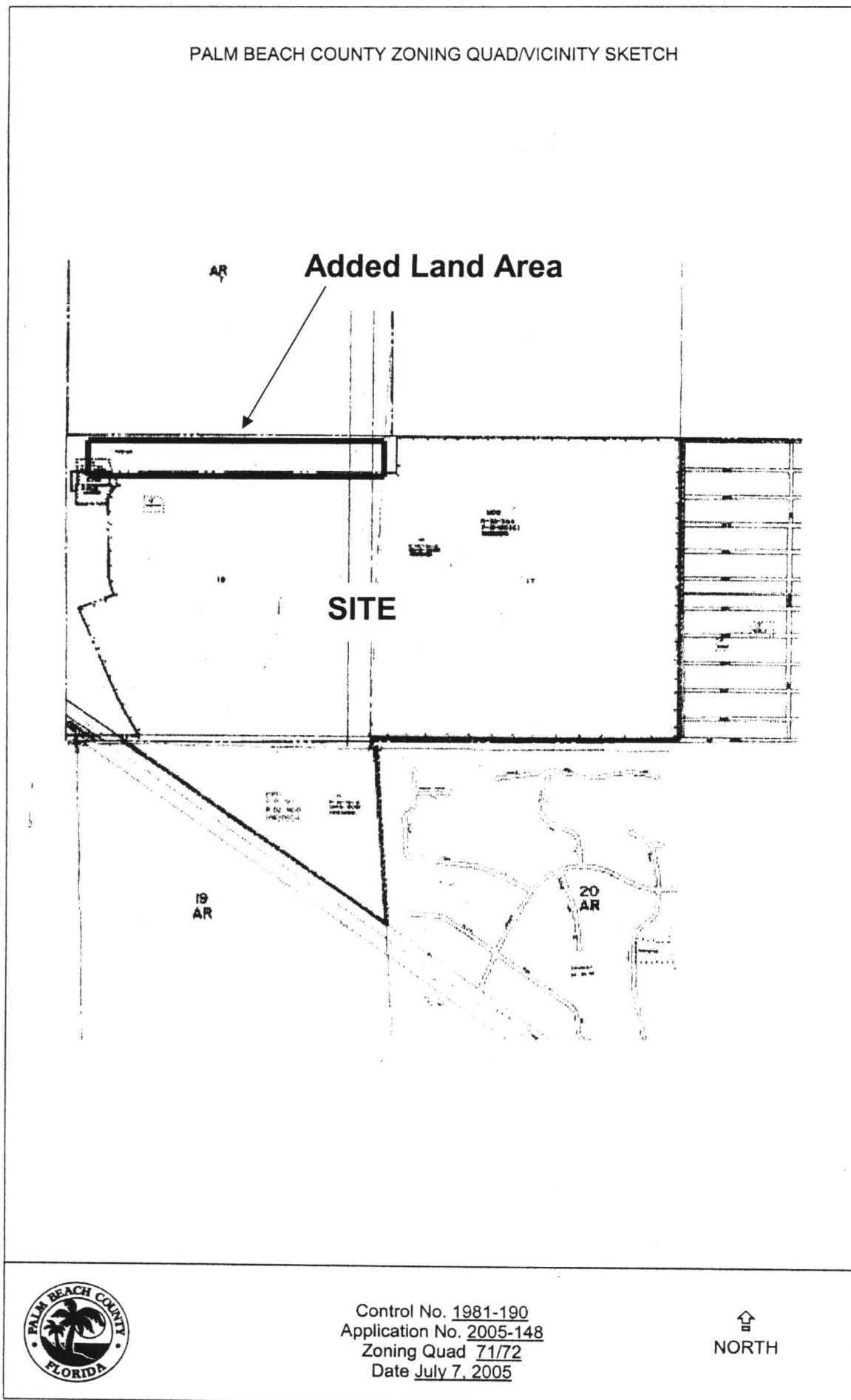


EXHIBIT C1  
CONDITIONS OF APPROVALS  
(PIPD)

SECTION I.

ALL PETITIONS

1. All Petitions Condition 1, of Resolution R-2005-1419.1, Control 1981-190 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1997-160 (Petition 1981-190), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-1419.1 (Control 1981-190), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

2. Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved preliminary development plan is dated October 18, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.
3. The PBPOC Application for Development Approval (ADA) is incorporated by reference into the Development Order and zoning approval by Palm Beach County in the following manner:

The Palm Beach Park of Commerce Application for Development Approval (ADA) is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval is a condition of approval unless waived or modified by agreement among the parties, as defined in Subsection 380.07(c), Florida Statutes. Substantial compliance shall include the requirement that groundwater withdrawal impacts described in the ADA shall not be exceeded. Substantial deviation from these representations shall require reconsideration of the Development Order.

For the purposes of this condition, the ADA shall include the following items:

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

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

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

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

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

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

Letter dated October 16, 1981 to Tim Lunney, Palm Beach County Zoning Director, from Henry Skokowski regarding the Caloosa Homeowners Association meeting of October 12, 1981 describing the "Limited Development Zone" (R-82-468, Condition #1);

Memorandum dated January 28, 1982 from Henry Skokowski to Tim Lunney restricting uses and establishing additional setbacks (R-82-468, Condition #1); Condition C.1. of Resolution No. R-93-344 as subsequently modified by Condition E.2. of R-95-1321.15 found at Condition #9 herein (R-95-1321.15); and Condition C.2. of Resolution No. R-93-344 amending the answer to Question 14-D of the ADA. (ONGOING:ZONING-Zoning) (Previous All Petitions Condition 2, of Resolution R-2005-1419.1, Control 1981-190)

4. As part of the annual report required by Subsection 380.06(18), Florida Statutes, the property owner/developer shall include a complete list of tenants locating in the development during the preceding year. The report shall include a description of the activities of, processes and materials used by, and operations of each tenant, and a map indicating their location within the development. A report shall be submitted to the Zoning Division and the South Florida Water Management District on or before January 31 annually. ( Previous All Petitions Condition 3, of Resolution R-2005-1419.1, Control 1981-190).
5. The paragraph headings of this Development Order are included solely for purposes of convenience and reference only, and shall not be deemed to explain, modify, limit, amplify or aid in the meaning, construction or interpretation of any of the provisions of this Development Order. (Previous All Petitions Condition 4, of Resolution R-2005-1419.1, Control 1981-190)
6. Subsequent amendments to this Resolution may be adopted without the need for review under Section 380.06(19), Florida Statutes. (ONGOING: ZONING-Zoning) (Previous All Petitions Condition 5, of Resolution R-2005-1419.1, Control 1981-190)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval for each lot, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. This condition shall apply to all undeveloped and redeveloped parcels meeting the substantial renovation criteria. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

#### BUILDING AND SITE DESIGN-DEP/SFWMD

1. Prior to Final site plan approval by the Development Review Officer of a parcel within the PIPD. The applicant shall obtain approval by the Florida Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) for each site within the PIPD to permit consideration of industrial waste, groundwater and surface water runoff issues.

Final Site Plan Approval shall be denied to any industrial uses until all appropriate DEP and SFWMD permits for waste treatment and air pollution control facilities have been granted, and until site development plans reflect SFWMD recommendations regarding storm water runoff facilities. Each site plan for parcels abutting adjacent residential development shall include a tree survey and specific landscape plans for the required 50-foot rear setback and for designated buffer areas. In order to insure adequate time for these reviews, applications for individual site plan and Master Plan approvals must be filed at least five weeks prior to the date of the meeting at which these plans will be reviewed. (DRO: ERM-DEP/SFWMD) (Previous Condition 1, Building and Site Design, of Resolution R-2005-1419.1, Petition 1981-190).

Is hereby deleted (REASON: Process no longer applicable).



## BUILDING AND SITE DESIGN-PEDESTRIAN CONNECTIONS

1. Prior to final DRO approval of the Master Plan, the property owner shall provide a phasing construction plan indicating continuous paved pedestrian access within existing and proposed rights-of-ways to be installed prior to 2021 for existing roads and concurrent with installation of improvements for new rights-of-ways or structures. There shall be a maximum of 6 phases with a minimum of 15% per phase. (DATE: LANDSCAPE - Zoning)

## ENGINEERING

1. Previous Condition Engineering 1 of Resolution R-2005-1419.1, Control 1981-190, which currently states:

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

- A. Beeline Highway (State Road #710) as a four-lane, median-divided section from Seminole Pratt & Whitney Road through the project's East entrance road. This construction may include the intersection of Seminole Pratt & Whitney Road and State Road #710.
- B. At the intersection of Indiantown Road and Seminole Pratt & Whitney Road:
  - a. left turn lane, north approach;
  - b. left turn lane, south approach;
  - c. left turn lane, east approach;
  - d. left turn lane, west approach; and
  - e. right turn lane, south approach.
- C. At the intersection of Seminole Pratt & Whitney Road and the project's entrance road, a left turn lane, north approach.
- D. At the intersection of Beeline Highway and the project's West entrance road, a left turn lane, west approach.
- E. At the intersection of Beeline Highway and the project's East entrance:
  - a. left turn lane, west approach; and
  - b. right turn lane, east approach.
- F. At the intersection of P.G.A. Boulevard and Beeline Highway:
  - a. left turn lane, north approach;
  - b. right turn lane, south approach; and
  - c. right turn lane, east approach. (ONGOING: ENG-Eng)

Is hereby amended to read:

- a) Building permits shall not be issued for development that generates more than 2,570 net external 2-way PM peak hour trips until construction commences for the intersection of Pratt Whitney Road and North Project Entrance with the following lanes:  
South Approach: 1 right  
North Approach: 1 left  
East Approach: 1 left, 1 right  
(BLDG PERMIT: MONITORING-Eng)
- b) Building permits shall not be issued for development that generates more than 2,570 net external 2-way PM peak hour trips until construction commences for the intersection of Beeline Highway and West Project Entrance with the following lanes:  
North Approach: 1 left, 1 right  
East Approach: 1 right  
West Approach: 1 left  
(BLDG PERMIT: MONITORING-Eng)
- c) Building permits shall not be issued for development that generates more than 5,321 net external 2-way PM peak hour trips until construction commences for the

north approach 2<sup>nd</sup> left-turn lane at the Beeline Highway and East Project Driveway Entrance intersection  
(BLDG PERMIT: MONITORING-Eng)

- d) Building permits shall not be issued for development that generates more than 5,714 net external 2-way PM peak hour trips until construction commences for the west approach 2<sup>nd</sup> left-turn lane and east approach 2<sup>nd</sup> right turn lane or continuous (hot) right turn lane at the Beeline Highway and East Project Driveway Entrance intersection  
(BLDG PERMIT: MONITORING-Eng)
- e) Building permits shall not be issued for development that generates more than 6,107 net external 2-way PM peak hour trips until construction commences for the east approach 2<sup>nd</sup> right-turn lane or continuous (hot) right-turn lane at the Pratt Whitney Road and South Project Driveway Entrance intersection  
(BLDG PERMIT: MONITORING-Eng)
- f) Building permits shall not be issued for development that generates more than 6,107 net external 2-way PM peak hour trips until construction commences for the north approach 2<sup>nd</sup> left-turn lane at the Beeline Highway and West Project Driveway Entrance intersection  
(BLDG PERMIT: MONITORING-Eng)
- g) Building permits shall not be issued for development that generates more than 6,500 net external 2-way PM peak hour trips until construction commences for the east approach 2<sup>nd</sup> left-turn lane and north approach 2<sup>nd</sup> left turn lane at the Pratt Whitney Road and South Project Driveway Entrance intersection  
(BLDG PERMIT: MONITORING-Eng)
- h) Building permits shall not be issued for development that generates more than 6,500 net external 2-way PM peak hour trips until construction commences for the north approach 2<sup>nd</sup> right-turn lane at the Beeline Highway and East Project Driveway Entrance intersection  
(BLDG PERMIT: MONITORING-Eng)
- i) The property owner shall fund the cost of signal installation if warranted as determined by the County Engineer for all of the four project entrances (Pratt Whitney and North Entrance, Pratt Whitney and South Entrance, Beeline Highway and West Entrance, and Beeline Highway and East Entrance). Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. The property owner shall conduct annually, at the expense of the property owner, AM and PM peak season peak hour turning movement counts at all driveways that are existing during the given peak season. This data shall be submitted annually to the County Engineer for review and approval. (ONGOING: ENGINEERING-Eng)
- j) When any of the peak season peak hour turning movement counts required in part (i) above indicate that more than 56 left-turning vehicles per hour are leaving the project at any of the four driveways, no additional building permits shall be issued until the Property Owner provides acceptable surety in the form of a cash bond or escrow agreement for the traffic signal at the intersection where the 56 vehicle per hour threshold was exceeded to the Traffic Division in an amount as determined by the Director of the Traffic Division. (ONGOING:MONITORING-Eng)
- k) In order to be relieved from the requirement in part (j) above and to request the release of the surety posted for the traffic signal(s) at the above intersection(s), the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the above intersections, OR the Property Owner shall provide written documentation to the Traffic Division that the property has been sold and that a replacement surety has been provided to the

Traffic Division by the new Property Owner. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: ENGINEERING-Eng)

2. Previous Condition Engineering 1 of Resolution R-2005-1419.1, Control 1981-190, which currently states:  
Only two access points onto Beeline Highway and one onto Seminole Pratt & Whitney Road, as shown on the Master Plan dated June 10, 2005 shall be permitted. (DRO:ENG-Eng)

Is hereby amended to read:

Only two access points onto Beeline Highway and two onto Seminole Pratt & Whitney Road, as shown on the Master Plan dated October 13, 2006 shall be permitted. (DRO: ENG-Eng)

3. Previous Condition Engineering 3 of Resolution R-2005-1419.1, Control 1981-190, which currently states:

Based on the traffic study as outlined in Condition #8, the property owner/developer shall provide any improvements required by the County Engineer as a result of development traffic and necessary to maintain Level of Service C at:

- a. The intersection of SR 711 and SR 706; and
- b. The intersections of the entrance roads with SR 710 and SR 711.  
(ONGOING: ENG-Eng)

Is hereby deleted. (REASON: Intersection identified in part a does not exist. Entrance road geometrics addressed by condition 1.)

4. Previous Condition Engineering 5 of Resolution R-2005-1419.1, Control 1981-190, which currently states:

The developer shall dedicate to Palm Beach County at the time of the filing of the first contiguous plat or within ninety (90) days of notification by Palm Beach County, 192 feet from the west line of Section 18 for the ultimate right-of-way for Seminole Pratt Whitney Road (approximately an additional 132 feet). (PLAT: ENG-Eng)

Is hereby amended to read:

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application 120 feet from the centerline (west line of Section 18). Right of way deed(s) and associated documents shall be provided and approved prior to September 19, 2007. Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final

acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING-Eng)

5. No Building Permits for the site may be issued after July 31, 2014. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Chapter E of the Unified Land Development Code. (DATE: MONITORING-Eng)
6. The number and locations of access points on non-thoroughfare roads within the site shall be subject to approval by the DRO only. (ONGOING: ENG-Eng)
7. On or before September 19, 2007 the property owner shall provide to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application ; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient detention storage and conveyance capacity as required by all permitting agencies to meet the storm water discharge and treatment requirements of Palm Beach County, Northern Palm Beach County Improvement District and SFWMD, for the combined runoff from the roadway and project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (DATE:MONITORING-Eng)
8. Landscape Within the Median of Seminole Pratt Whitney Road
  - a) The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below.
  - b) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to 6 months after completion of the widening of Seminole Pratt Road. (ONGOING)
  - c) All installation of the landscaping and irrigation shall be completed prior to 9 months after completion of the widening of Seminole Pratt Road. (ONGOING)
  - d) At Property Owner's option, when and if the County is ready to install OTIS



on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner.

- e) Alternately, at the option of the Property Owner, and prior to the widening of Seminole Pratt Road has begun, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Seminole Pratt Whitney Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

- 9. Prior to September 19, 2007, the property owner shall provide a temporary roadway construction easement along Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (TC: ENGINEERING-Eng)

#### ENVIRONMENTAL

- 1. Should a Wellfield be proposed or constructed, all parcels within the Zones of Influence shall comply with Article 14.B or the most current ULDC. (ONGOING: ERM)(Previous condition ERM-1 of Resolution R-2005-1419.1 Control 1981-190)
- 2. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (Previous Condition 12 (Pollutant Run-off) of Resolution R-1997-160, Petition 1981-190 ) (ONGOING:ERM-Erm)(Previous Condition ERM-2 of Resolution R-2005-1419.1 Control 1981-190) COMPLETED
- 3. All new excavations shall comply with the excavation criteria pursuant to Article 4.D or the most current ULDC. Excavation of a mined lake (water management tract) shall not be constructed within Zone 1 or 300 feet of a proposed or existing potable water supply. Separations shall be measured from the top of bank. No exfiltration trench is permitted in Wellfield Protection Zones 1 or 2. Regulated substances are prohibited in a Wellfield Zone 1. (ONGOING:ERM-Erm)(Previous Condition ERM-3 of Resolution R-2005-1419.1 Control 1981-190)
- 4. The property owner/developer shall prepare a land clearing plan (Plan) that provides for minimizing the removal or destruction of existing vegetation (with the exception of exotic species such as Brazilian pepper, Melaleuca or Australian pines).
  - a. The Plan shall include the requirement to prepare, for each lot or parcel(s) (Site) which is the subject of a site plan approval process, an inventory of all native and specimen trees of six inches (6 ") dbh or greater (trees).
  - b. This condition shall apply to all of the remaining undeveloped parcels in the Park totaling five hundred seventy-two (572) acres as described in Table 1 of

the ERM Rule Based Analysis (12.5% Preservation Requirement). Table 1 (Exhibit E) can be found in the Preliminary Assessment for the Palm Beach Park of Commerce, January 2004, prepared by Mitigation Resources, L.L.C., as revised.

- c. The Plan shall include a schedule of clearing that is directly related to the development activities of the subject site.
  - d. The Plan shall also be subject to the approval of ERM. For this Condition a clearing plan shall mean a Standard Vegetation Permit provided by ERM which may include a single lot or multiple parcels.
  - e. For this condition, minimization shall be determined by a lot or parcel(s) basis of between 10% to 15% with an overall minimum set-aside of 12.5% of the native high quality upland vegetation, or relocation or mitigation of such vegetation either on the Site or off the Site but within the Park. Vegetation other than trees may be approved for mitigation by ERM providing the vegetation is native and indigenous to the area. Set aside buy-out to satisfy the terms of this Condition, in whole or part, may be provided by the Board of County Commissioners based upon the current appraised value of the lot or parcel(s) being considered. (ONGOING:ERM-Erm)(Previous Condition ERM-4 of Resolution R-2005-1419.1 Control 1981-190)
5. Minimization of the removal or destruction of trees shall be by on Site preservation, mitigation or restoration of trees subject to Table 2 of this Condition, or relocation of relocatable trees and mitigation of specimen trees which are not relocatable for each site. Relocation of relocatable trees may be used to offset mitigation for specimen tree on a per tree/ per height basis.

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

- a. Trees with crown spread of 90 feet or greater or trees with 27 Inches or more in diameter at 4.5 feet above grade (dbh) will require 9 replacement trees;
  - b. Trees with crown spread of 60-89 feet or trees with 24-26 inches in diameter at 4.5 feet above grade (dbh) will require 8 replacement trees;
  - c. Trees with crown spread of 50-59 feet or trees with 21-23 inches in diameter at 4.5 feet above grade (dbh) will require 7 replacement trees;
  - d. Trees with crown spread of 40-49 feet or trees with 18-20 inches in diameter at 4.5 feet above grade (dbh) will require 6 replacement trees;
  - e. Trees with crown spread of 30-39 feet or trees with 15-17 inches in diameter at 4.5 feet above grade (dbh) will require 5 replacement trees;
  - f. Trees with crown spread of 20-29 feet or trees with 12-14 inches in diameter at 4.5 feet above grade (dbh) will require 4 replacement trees;
  - g. Trees with crown spread of 10-19 feet or trees with 9-11 inches in diameter at 4.5 feet above grade (dbh) will require 3 replacement trees;
  - h. Trees with crown spread of 5-9 feet or trees with 6-8 inches in diameter at 4.5 feet above grade (dbh) will require 2 replacement trees; and,
  - i. Trees with crown spread of less than 5 feet or trees less than 5 inches in diameter at 4.5 feet above grade (dbh) will require no replacement trees. (ONGOING:ERM-Erm) (Previous Condition ERM-5 of Resolution R-2005-1419.1 Control 1981-190)
6. Mitigation or restoration pursuant to Table 2 of Condition 5, Mitigation and Restoration, shall be subject to the following conditions:
- A. Replacement trees shall be at least 12 feet in height, two and one-half inches dbh, and consist of native vegetation, indigenous to the area, and be Florida Number 1 or better in quality. Field grown replacement trees shall be evaluated on a case by case basis for quality.
  - B. Replacement palms shall be at least 12 feet in height.
  - C. If the required replacement trees cannot be purchased within 60 miles from the Site, an alternate replacement may be approved by ERM.
  - D. Dahoon Holly trees shall be replaced like size for like size for mitigation and the number doubled for restoration.

- E. Monitoring time frames shall be established for mitigation and replacement vegetation as needed.
- F. If, at any time, the County, by general rule, regulation or ordinance, provides for mitigation or restoration at lesser levels than those set forth in Table 2, Mitigation and Restoration, of this Condition, the owner/developer shall be entitled to restore or mitigate trees at those lesser levels.
- G. In addition to the foregoing, replacement trees may be replaced with a contribution to the Natural Areas Stewardship Endowment Fund for the cost of the purchase and relocation of a like tree.

The owner/developer can fully satisfy the entire condition of the required minimum of high quality native upland vegetation preservation (Required Minimum) by applying the ERM Rule-Based Table set forth in Table 1, Palm Beach Park of Commerce, ERM Rule Based Analysis (12.5% Preservation Requirement). In accordance with ERM's analysis, the Required Minimum is equal to approximately 31.9 acres. However, for sites where the application of the 12.5% preservation requirement results in less than 0.5 acres of preserve requirement, a conservation easement and management plan shall not be required and a Tree Preservation Area (De Minimus Preserve Area) shall be required either on the parcel or elsewhere in the Park. Accordingly, the 31.9 acre Required Minimum shall be adjusted downward based on those parcels set forth in Table 1, Palm Beach Park of Commerce, ERM Rule Based Analysis (12.5% Preservation Requirement), where the otherwise preservable vegetation consists of less than 0.5 acre and the Tree Preservation Area requirement is fulfilled. The Required Minimum shall be deemed satisfied in full when a total of 31.9 acres, as adjusted downward for the De Minimus Preserve Areas, shall have been set aside anywhere within the Project.

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

Upon satisfaction of the Required Minimum, all upland vegetation preservation, mitigation and relocation requirements of the existing project shall be deemed complete and satisfied and no further development within the project shall be subject to existing or future rules, regulations or ordinances which would increase the obligations of the owner/developer or the project contained herein. (ONGOING:ERM-Erm)(Previous Condition ERM-6 of Resolution R-2005-1419.1 Control 1981-190)

- 7. Prior to the submittal for approval by the Development Review Officer (DRO), the applicant shall incorporate Table 1 (Exhibit E) as part of Condition 4, and shall be shown on the condition mylar. (DRO:ERM-Erm)(Previous Condition ERM-7 of Resolution R-2005-1419.1 Control 1981-190)
- 8. The Master Plan shall not be amended with respect to the 150 ft. water management tract, and with an additional 50 ft. setback to be measured from the buffer zone. No amendment to master plan for water management tract. (DRO:ERM-Erm) (No Amendment To Master Plan For Water Management



## HEALTH

1. Within the Florida Research Park no structure or improvement shall be constructed, or altered, nor shall any premises be used as a laboratory unless the premises and related organizational processes comply with all federal, state and local laws and published guidelines governing the construction and operation of such laboratory. (ONGOING: HEALTH-Health) (Previous Condition Health 1 of Resolution R-2005-1419.1, Control 1981-190)
2. The property owner or operator of the laboratory shall, upon request by Palm Beach County Health Department, provide proof of compliance with federal state and local regulations in the form of copies of licenses, permits, registrations, certificates of accreditation, inspection reports or other documentation deemed appropriate by the Palm Beach County Health Department. (ONGOING: HEALTH-Health) (Previous Condition Health 2 of Resolution R-2005-1419.1, Control 1981-190)
3. The property owner and operator of laboratories classified as Biosafety Level 2, 3 or 4, as defined in the Centers for Disease Control and Prevention (CDC) and National Institute of Health (NIH) "Biosafety in Microbiological and Biomedical Laboratories", 4th Edition, by the US Department of Health and Human Services, May 1999, shall ensure that all waste from such laboratories are effectively decontaminated before the waste leaves the area of the laboratory so designated. (ONGOING: HEALTH-Health) (Previous Condition Health 3 of Resolution R-2005-1419.1, Control 1981-190)
4. No waste from Biosafety Level 2, 3 or 4 laboratories as defined in the Centers for Disease Control and Prevention (CDC) and National Institute of Health (NIH) "Biosafety in Microbiological and Biomedical Laboratories", 4th Edition, by the US Department of Health and Human Services, May 1999, shall be discharged to the sewer before the waste is effectively decontaminated. All reasonable measures shall be instituted and maintained to prevent the accidental release of biological agents and toxins, and select agents and toxins, or other dangerous or exotic agents to the environment. (ONGOING: HEALTH-Health) (Previous Condition Health 4 of Resolution R-2005-1419.1, Control 1981-190)
5. The property owner or operator of laboratory uses shall ensure zero discharge of untreated potentially prion-contaminated waste to the sanitary sewer, and shall provide documented verification of such to the Palm Beach County Health Department upon request. (ONGOING: HEALTH-Health) (Previous Condition Health 5 of Resolution R-2005-1419.1, Control 1981-190)
6. The property owner or operator of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition Health 6 of Resolution R-2005-1419.1, Control 1981-190)
7. The property owner or operator of the laboratory shall maintain records of all waste treatment at the facility, including proof of the effective decontamination of all treated waste. These records shall include the date, time, amount of waste, method of treatment, method(s) used to verify effectiveness of treatment, and the results of tests used to verify treatment effectiveness. (ONGOING: HEALTH-Health) (Previous Condition Health 7 of Resolution R-2005-1419.1, Control 1981-190)
8. Any person who is a generator or an employee of a generator of hazardous or infectious waste shall store such wastes prior to disposal in an area secured as to deny access to unauthorized persons, animals, wind, rain, insects and rodents. If



such wastes are placed in a trash receptacle or compactor that is accessible at any time to unauthorized persons, such receptacle or compactor shall be locked to prevent access to the contents thereof to anyone other than authorized persons or waste collection personnel. (ONGOING: HEALTH-Health) (Previous Condition Health 8 of Resolution R-2005-1419.1, Control 1981-190)

9. Prior to the issuance of a certificate of occupancy (CO) for any laboratories, the facility owner or operator shall submit to the Palm Beach County Health Department a copy of the facility's Biosafety and Security Plan. The recommended design to focus on increased security needs can be found in Appendix F - Laboratory Security and Emergency Response Guidance for Laboratories Working with Select Agents, of the CDC and NIH publication entitled Biosafety in Microbiological and Biomedical Laboratories, 4th Edition. The Biosafety and Security Plan shall outline biosafety and containment procedures, security systems and procedures, and incident response procedures, and shall have been approved by an officer of the company or institution with appropriate signature authority. (DRO/CO: DRO/MONITORING-Health) (Previous Condition Health 9 of Resolution R-2005-1419.1, Control 1981-190)
10. All clearing, grading, construction, renovations and repairs shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve effective dust control: These measures include watering, application of approved surfactants, shrouding, control of vehicle speed, paving of access areas, or other operational or technological measures to reduce dispersion of dust. (ONGOING: HEALTH-Health) (Previous Condition Health 10 of Resolution R-2005-1419.1, Control 1981-190)
11. Prior to issuance of the first certificate of occupancy (CO) for each facility relative to this application, the property owner or the operator shall provide a copy of the waste management plan for the facility to the Palm Beach County Health Department for review and comment. (CO: MONITORING-Health) (Previous Condition Health 11 of Resolution R-2005-1419.1, Control 1981-190)
12. Open burning for land clearing shall not be conducted without the prior approval of the Palm Beach County Health Department. (ONGOING: HEALTH-Health) (Previous Condition Health 12 of Resolution R-2005-1419.1, Control 1981-190)
13. The surface water management system shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: CODE ENF-ERM/Health) (Previous Condition Health 13 of Resolution R-2005-1419.1, Control 1981-190)
14. The existing Florida Research Park (PIPD) water supply system is in place to serve the project. No other private, community, or limited use potable water wells shall be permitted on the site. (ONGOING: HEALTH-Health) (Previous Condition Health 14 of Resolution R-2005-1419.1, Control 1981-190)
15. No on-site sewage treatment and disposal system (OSTDS) shall be permitted on the site. All existing OSTDS shall be abandoned in accordance with Rule 64 E-6 FAC and Palm Beach County ECR-I. (ONGOING: HEALTH-Health) (Previous Condition Health 15 of Resolution R-2005-1419.1, Control 1981-190)
16. Prior to the issuance of the first certificate of occupancy (CO) for any facility in the Florida Research Park project, the developer/property owner shall prepare a Hazardous Materials Management Plan and have it approved by the Palm Beach County Health Department and Florida Department of Environmental Protection. The plan shall address the handling and disposal of any toxic, hazardous, and radioactive materials in accordance with Florida Administrative Code Rule 62-730,

and any biomedical waste in accordance with Florida Administrative Code Rule 64E-16. At a minimum, the plan shall:

- a. require disclosure by all owners or tenants of the property of all hazardous materials or waste proposed to be stored, used, or generated on premises;
  - b. require the inspection of all premises storing, using, or generating hazardous materials or waste prior to commencement of operation, and periodically thereafter, to assure that proper facilities and procedures are in place to properly manage hazardous materials projected to occur;
  - c. provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of such materials or waste;
  - d. provide for proper maintenance, operation, and monitoring of hazardous materials and waste management systems including spill and hazardous materials and waste containment systems;
  - e. detail actions and procedures to be followed in case of spills or other accidents involving hazardous materials or waste;
  - f. guarantee financial and physical responsibility for spill clean-up;
  - g. include a program for continued monitoring of surface and groundwater on the site;
  - h. The approved plan shall be incorporated into the development by including it as part of any lease or sale agreement provided to tenants and owners that will use, handle, store, display, or generate hazardous materials or waste. A copy of the approved Hazardous Materials Management Plan for the Florida Research Park PIPD shall be provided to the contractors and all owners, tenants and operators of businesses within the project and shall be required to comply with the applicable provisions of the plan. (CO: MONITORING - Health) (Previous Condition Health 16 of Resolution R-2005-1419.1, Control 1981-190)
17. The owner of the private water supply system serving the Florida Research Park shall monitor the water demand from the existing water treatment facilities and initiate appropriate and effective measures to ensure that in no event will the water demand including fire-flow demand exceed the permitted capacity of the water supply system. The measures to ensure adequacy of water system capacity must be initiated within 6 months after the first month in which the average water demand exceeds 75% of the permitted system capacity. (ONGOING: HEALTH-Health) (Previous Condition Health 17 of Resolution R-2005-1419.1, Control 1981-190)
18. The owner of the private wastewater system serving the Florida Research Park shall monitor the wastewater flow from the existing water treatment facilities and initiate appropriate and effective measures to ensure that in no event will the daily wastewater flows exceed the permitted capacity of the wastewater treatment system. The measures to ensure adequacy of the wastewater treatment system capacity must be initiated within 6 months after the first month in which the daily wastewater flows exceeds 75% of the permitted system capacity. (ONGOING: HEALTH-Health) (Previous Condition Health 18 of Resolution R-2005-1419.1, Control 1981-190)
19. Potable water and wastewater treatment facilities shall be integrated into a regional system at such time as a regional system is established. (ONGOING: HEALTH-Health) (Previous Condition Health 19 of Resolution R-2005-1419.1, Control 1981-190)
20. The generation and disposal of hazardous effluents into the sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environment Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH-Health) (Previous Condition Health 20 of Resolution R-2005-1419.1, Control 1981-190)
21. The developer will take reasonable precautions during the development of this

project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (ONGOING: HEALTH-Health) (Previous Condition Health 21 of Resolution R-2005-1419.1, Control 1981-190)

22. The property owner and operator of any facility that receives, possesses, handles, stores, or uses radioactive material must comply with all applicable Federal, State and local statutes, regulations, and ordinances. (ONGOING: CODE ENF-Health) (Previous Condition Health 22 of Resolution R-2005-1419.1, Control 1981-190)
23. The property owner shall notify the Palm Beach County Health Department upon closure of any operation that was issued a specific license for radioactive materials. (ONGOING: HEALTH-Health) (Previous Condition Health 23 of Resolution R-2005-1419.1, Control 1981-190)

#### ZONING - LANDSCAPING-NORTHWEST CORNER 80 ACRE ADDITION

1. The required 25 foot perimeter buffer and interior right-of-way buffer shall be upgraded to provide a minimum seventy-five (75%) percent of canopy trees as native and shall meet the following minimum standards at installation:
  - a. tree height: fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length;
  - d. an alternative landscape plan may be provided meeting or exceeding these requirements, and,
  - e. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)

#### LIGHTING

1. All lighting fixtures shall conform to the following height restrictions:
  - a. Within 500 feet of all adjacent property with any Residential Future Land Use designation, the maximum height shall be thirty (30) feet;
  - b. Between 500 and 750 feet of all property with any Residential Future Land Use designation, the maximum height shall be forty-five (45) feet;
  - c. Zoning code requirements shall apply to property more than 750 feet from all property with any Residential Future Land Use designation. (BLDG PERMIT: BLDG - Zoning) (Previous Lighting Condition 1. of Resolution R-2005-1419.1, Control 1981-190)

#### MASS TRANSIT

1. The location of proposed Bus Stop Boarding and Alighting Areas, subject to the approval of Palm Tran shall be shown on the Master Plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. Any amendments to the location of the proposed Bus Stop Boarding and Alighting Area shall be done by 'signature only' DRO administrative amendment. (DRO: PALM TRAN-Palm Tran) (DRO: PALM TRAN-Palm Tran)
2. Concurrent with individual subdivision or site plan review by DRO, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG

PERMIT/PLAT: MONITORING-Eng)  
PLANNING

1. Condition 4. of Resolution 2005-1419, Control 1981-190, which currently states:  
In the event of discovery of archaeological artifacts during project construction, the developer shall stop construction in that area and notify the Bureau of Historic Sites and Properties in the Florida Department of State. Proper protection of these artifacts to the satisfaction of the Bureau, shall be provided by the applicant developer.

Is hereby amended to read:

In the event of discovery of archeological artifacts during project construction, the developer shall stop construction in that area and notify the Bureau of Historic Sites and Properties in the Florida Department of State and the Palm Beach County Planning Division. Proper protection of these artifacts to the satisfaction of the Bureau and the Planning Division shall be provided by the property owner.  
(ONGOING:PLANNING-Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The developer shall donate 1.5 acres of the "public facilities" site to Palm Beach County Fire Rescue. (ONGOING: PREM-Prem) (Previous Condition 24 (Public Facilities Donation) of Resolution R-1997-160, Petition 1981-190)  
Is hereby DELETED (REASON: Condition Completed)
2. The heretofore uncommitted balance of the "public facilities site" (3.5 acres) shall be dedicated, without cost to Palm Beach County at the time of filing of the first contiguous plat. (PLAT:MONITORING-Prem) (Previous Condition 25 (Public Facilities Site Decdication) of Resolution R-1997-160, Petition 1981-190)

Is hereby DELETED (REASON: Condition Completed)

SIGNS

1. Signage fronting on Pratt Whitney Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point – eight (8) feet;
  - b. maximum sign face area per side - sixty (60) square feet;
  - c. maximum number of signs - one (1);
  - d. style – entry wall monument style only;
  - e. location – within one hundred (100) feet of the northernmost Ingress/ egress easement;
  - f. signs shall be limited to identification of the development, business or tenants only;
  - g. modifications to this condition may be approved subject to an alternative sign plan. (BLDG PERMIT: BLDG - Zoning)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

1. Subsequent to any South Florida Water Management District review of requests for construction approval of major components of the Master Drainage Plan, each site within a basin shall be subject to further review through the District's regulatory program in order to identify tenants and potential water quality problems and to prescribe appropriate measures to address such potential problems. This review shall be coordinated with County site plan reviews conducted pursuant to the Planned Industrial Park Ordinance. (DRO:ZONING-SFWMD) (Previous Zoning-SFWMD Condition 1, of Resolution R-2005-1419.1, Control 1981-190)
2. The developer shall mitigate any adverse impact on legal uses caused by water



withdrawals as defined by SFWMD Water Use Permitting Rules. (ONGOING: SFWMD-SFWMD) (Previous Zoning- SFWMD Condition 2, of Resolution R-2005-1419.1, Control 1981-190)

## USE LIMITATIONS

1. Development activity shall be restricted within the Limited Development Zone as outlined to the Caloosa Homeowners Association on October 12, 1981 and as submitted to the Zoning Department by cover letter dated October 16, 1981. (R-82-468, Condition #23) (ONGOING:ZONING-Zoning) (Previous Zoning - Use Limitations Condition 1, of Resolution R-2005-1419.1, Control 1981-190)
2. In addition to the list of permitted uses allowed in the PIPD District, the following additional uses:
  - a. Commercial Uses:
    - i. auction, enclosed;
    - ii. bakeries, limited preparation;
    - iii. florist;
    - iv. food store;
    - v. automobile rental; and,
    - vi. restaurant and lounge.
  - b. Light Industrial Uses:
    - i. appliance, manufacturing;
    - ii. auto service station (with or without mechanical repairs);
    - iii. beverage, manufacturing;
    - iv. bulk storage of gas and oil;
    - v. heliports; and,
    - vi. welding shop.
  - c. General Industrial Uses:
    - i. asphalt/concrete mixing and product, manufacturing and warehousing
    - ii. bulk storage;
    - iii. engine testing;
    - iv. exterminator manufacturing and warehousing;and,
    - v. restaurant/cafeteria, accessory to an industrial use warehouse.

The following uses shall not be permitted within the PIPD:

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

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

- i. brewery;
- ii. asphalt/concrete mixing and products, manufacturing and storage;
- iii. chemical manufacturing; and,
- iv. bulk storage of gas and oil. (ONGOING:ZONING-Zoning)(Previous Zoning -Use Limitations Condition 2, of Resolution R-2005-1419.1, Control 1981-190)

3. No nuclear reactor shall be allowed on any site within the Florida Research Park PIPD. (ONGOING: CODE ENF Zoning))(Previous Zoning - Use Limitations Condition 3, of Resolution R-2005-1419.1, Control 1981-190)
4. The property owner shall not allow any operation on the site that requires the following categories of specific licenses of radioactive materials outlined in Chapter 64E-5.204, Florida Administrative Code:
  - a. Commercial waste disposal or treatment facilities, including, burial or incineration;

- b. All other commercial facilities involving compaction, repackaging, storage, or transfer; and
  - c. Commercial treatment of radioactive materials for release to unrestricted areas. (ONGOING: CODE ENF Zoning) (Previous Zoning - Use Limitations Condition 4, of Resolution R-2005-1419.1, Control 1981-190)
5. Any additional uses (i.e. Hospital or Medical Center and College or University) approved in the Development Order for the DRI that are not already permitted approved uses in the PIPD shall subject to the approval by the Board of County Commissioners pursuant to the ULDC requirements. (ONGOING:ZONING-Zoning). (Previous Zoning - Use Limitations Condition 5, of Resolution R-2005-1419.1, Control 1981-190)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous Compliance Condition 1, of Resolution R-2005-1419.1, Control 1981-190)
2. Failure to comply with any of the conditions of approval for the subject property:
  - 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; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E 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. (ONGOING: MONITORING - Zoning) (Previous Compliance Condition 1, of Resolution R-2005-1419.1, Control 1981-190)

## SECTION II.

### ENGINEERING

As used within the development order conditions of approval, "LOS Modification" shall mean PBC Comprehensive Plan CRALLS designation, State Level of Service Variance, or any other approval or determination that would except from, or modify, the adopted generalized level of service standard for a given facility.

1. Previous Condition Engineering 1 of Resolution R-2005-1419.1, Control 1981-190, which currently states:

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

- A. Beeline Highway (State Road #710) as a four-lane, median-divided section from Seminole Pratt & Whitney Road through the project's East entrance road. This construction may include the intersection of Seminole Pratt & Whitney Road and State Road #710.
- B. At the intersection of Indiantown Road and Seminole Pratt & Whitney Road:
  - a. left turn lane, north approach;
  - b. left turn lane, south approach;
  - c. left turn lane, east approach;
  - d. left turn lane, west approach; and
  - e. right turn lane, south approach.
- C. At the intersection of Seminole Pratt & Whitney Road and the project's entrance road, a left turn lane, north approach.
- D. At the intersection of Beeline Highway and the project's West entrance road, a left turn lane, west approach.
- E. At the intersection of Beeline Highway and the project's East entrance:
  - a. left turn lane, west approach; and
  - b. right turn lane, east approach.
- F. At the intersection of P.G.A. Boulevard and Beeline Highway:
  - a. left turn lane, north approach;
  - b. right turn lane, south approach; and
  - c. right turn lane, east approach. (ONGOING: ENG-Eng)

Is hereby amended to read:

- a) Building permits shall not be issued for development that generates more than 2,570 net external 2-way PM peak hour trips until construction commences for the intersection of Pratt Whitney Road and North Project Entrance with the following lanes:  
South Approach: 1 right  
North Approach: 1 left  
  
East Approach: 1 left, 1 right  
(BLDG PERMIT: MONITORING-Eng)
- b) Building permits shall not be issued for development that generates more than 2,570 net external 2-way PM peak hour trips until construction commences for the intersection of Beeline Highway and West Project Entrance with the following lanes:  
North Approach: 1 left, 1 right  
East Approach: 1 right

West Approach: 1 left  
(BLDG PERMIT: MONITORING-Eng)

- c) Building permits shall not be issued for development that generates more than 5,321 net external 2-way PM peak hour trips until construction commences for the north approach 2<sup>nd</sup> left-turn lane at the Beeline Highway and East Project Driveway Entrance intersection (BLDG PERMIT: MONITORING-Eng)
- d) Building permits shall not be issued for development that generates more than 5,714 net external 2-way PM peak hour trips until construction commences for the west approach 2<sup>nd</sup> left-turn lane and east approach 2<sup>nd</sup> right turn lane or continuous (hot) right turn lane at the Beeline Highway and East Project Driveway Entrance intersection (BLDG PERMIT: MONITORING-Eng)
- e) Building permits shall not be issued for development that generates more than 6,107 net external 2-way PM peak hour trips until construction commences for the east approach 2<sup>nd</sup> right-turn lane or continuous (hot) right-turn lane at the Pratt Whitney Road and South Project Driveway Entrance intersection (BLDG PERMIT: MONITORING-Eng)
- f) Building permits shall not be issued for development that generates more than 6,107 net external 2-way PM peak hour trips until construction commences for the north approach 2<sup>nd</sup> left-turn lane at the Beeline Highway and West Project Driveway Entrance intersection (BLDG PERMIT: MONITORING-Eng)
- g) Building permits shall not be issued for development that generates more than 6,500 net external 2-way PM peak hour trips until construction commences for the east approach 2<sup>nd</sup> left-turn lane and north approach 2<sup>nd</sup> left turn lane at the Pratt Whitney Road and South Project Driveway Entrance intersection (BLDG PERMIT: MONITORING-Eng)
- h) Building permits shall not be issued for development that generates more than 6,500 net external 2-way PM peak hour trips until construction commences for the north approach 2<sup>nd</sup> right-turn lane at the Beeline Highway and East Project Driveway Entrance intersection (BLDG PERMIT: MONITORING-Eng)
- i) The property owner shall fund the cost of signal installation if warranted as determined by the County Engineer for all of the four project entrances (Pratt Whitney and North Entrance, Pratt Whitney and South Entrance, Beeline Highway and West Entrance, and Beeline Highway and East Entrance). Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. The property owner shall conduct annually, at the expense of the property owner, AM and PM peak season peak hour turning movement counts at all driveways that are existing during the given peak season. This data shall be submitted annually to the County Engineer for review and approval. (ONGOING: ENGINEERING-Eng)
- j) When any of the peak season peak hour turning movement counts required in part (i) above indicate that more than 56 left-turning vehicles per hour are leaving the project at any of the four driveways, no additional building permits shall be issued until the Property Owner provides acceptable surety in the form of a cash bond or escrow



agreement for the traffic signal at the intersection where the 56 vehicle per hour threshold was exceeded to the Traffic Division in an amount as determined by the Director of the Traffic Division. (ONGOING:MONITORING-Eng)

- k) In order to be relieved from the requirement in part (j) above and to request the release of the surety posted for the traffic signal(s) at the above intersection(s), the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the above intersections, OR the Property Owner shall provide written documentation to the Traffic Division that the property has been sold and that a replacement surety has been provided to the Traffic Division by the new Property Owner. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: ENGINEERING-Eng)

- 2. Previous Condition Engineering 1 of Resolution R-2005-1419.1, Control 1981-190, which currently states:

Only two access points onto Beeline Highway and one onto Seminole Pratt & Whitney Road, as shown on the Master Plan dated June 10, 2005 shall be permitted. (DRO:ENG-Eng)

Is hereby amended to read:

Only two access points onto Beeline Highway and two onto Seminole Pratt & Whitney Road, as shown on the Master Plan dated October 13, 2006 shall be permitted. (DRO:ENG-Eng)

- 3. Previous Condition Engineering 3 of Resolution R-2005-1419.1, Control 1981-90, which currently states:

Based on the traffic study as outlined in Condition #8, the property owner/developer shall provide any improvements required by the County Engineer as a result of development traffic and necessary to maintain Level of Service C at:

- a. The intersection of SR 711 and SR 706; and
- b. The intersections of the entrance roads with SR 710 and SR 711. (ONGOING: ENG-Eng)

Is hereby DELETED. (REASON: Replaced by more detailed conditions of approval based on updated traffic study)

- 4. Previous Condition Engineering 5 of Resolution R-2005-1419.1, Control 1981-190, which currently states:

The developer shall dedicate to Palm Beach County at the time of the filing of the first contiguous plat or within ninety (90) days of notification by Palm Beach County, 192 feet from the west line of Section 18 for the ultimate right-of-way for Seminole Pratt Whitney Road (approximately an additional 132 feet). (PLAT: ENG-Eng)

Is hereby amended to read:

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application 120 feet from the centerline (west line of Section 18). Right of way deed(s) and associated documents shall be provided and approved prior to September 19, 2007. Right of way conveyance shall

be along the entire frontage and shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING-Eng)

5. No Building Permits for the site may be issued after December 31, 2021. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Chapter E of the Unified Land Development Code. (DATE: MONITORING-Eng)
6. The number and locations of access points on non-thoroughfare roads within the site shall be subject to approval by the DRO only. (ONGOING: ENG-Eng)
7. On or before September 19, 2007 the property owner shall provide to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application ; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient detention storage and conveyance capacity as required by all permitting agencies to meet the storm water discharge and treatment requirements of Palm Beach County, Northern Palm Beach County Improvement District and SFWMD, for the combined runoff from the roadway and project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

Florida Research Park shall also permit Palm Beach County to use available water quality and attenuation volumes the existing internal drainage system may possess in excess of the maximum buildout of Florida Research Park for roadway drainage with first availability allocated to the 4-lane widening of Pratt Whitney Road between Beeline Highway and Indiantown Road. Palm Beach County shall be responsible for any improvements needed to incorporate the additional roadway drainage into

the existing internal drainage system. In addition, Palm Beach County shall be responsible for compliance with all governmental regulations, including but not limited to, permitting, water quality, and water quantity standards of any governmental authority having jurisdiction, now or in the future, with respect to the drainage associated with the additional roadway improvements and with respect to the quality of water flowing from the additional roadway right-of-way. Florida Research Park shall continue to cooperate with Palm Beach County as it proceeds with the permit and installation process for incorporation of the roadway drainage into the existing internal drainage system. The above requirements of Palm Beach County to meet the jurisdictional permitting, water quality, and water quantity standards does not preclude Palm Beach County from directly discharging the roadway drainage into the existing Florida Research Park internal drainage system if Palm Beach County can demonstrate, as required by the permitting agencies, that the water quality and attenuation of the roadway runoff will not negatively impact the water quality and water attenuation of the existing internal drainage system without increasing the property currently dedicated for water management tracts in Florida Research Park. (DATE:MONITORING-Eng)

8. Landscape Within the Median of Seminole Pratt Whitney Road

- a) The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Seminole Pratt Whitney Road adjacent to the additional 80 acres of property added as part of this application. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below.
- b) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to 6 months after completion of the widening of Seminole Pratt Road. (ONGOING)
- c) All installation of the landscaping and irrigation shall be completed prior to 9 months after completion of the widening of Seminole Pratt Road. (ONGOING)
- d) At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner.
- e) Alternately, at the option of the Property Owner, and prior to the widening of Seminole Pratt Road has begun, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Seminole Pratt Whitney Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

9. Prior to September 19, 2007, the property owner shall provide a temporary roadway construction easement along Seminole Pratt Whitney Road adjacent to the



additional 80 acres of property added as part of this application to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (TC: ENGINEERING-Eng)

#### Roadway Improvements – Traffic Phase 1

10. Building permits shall not be issued for development that generates more than 1,029 net external 2-way PM peak hour trips or after December 31, 2006, whichever occurs last, until either:
  - a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of Indiantown Road from Jupiter Farms Road to Florida's Turnpike to a six-lane cross section (BLDG PERMIT/DATE: MONITORING – Eng)
11. Building permits shall not be issued for development that generates more than 1,086 net external 2-way PM peak hour trips or after December 31, 2006, whichever occurs last, until either:
  - a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of Seminole Pratt Whitney Road from Orange Blvd. to Northlake Blvd. to a four-lane cross section. At the time of concurrency approval, this project was included for construction in FY 2008 of the PBC 5-year road program. (BLDG PERMIT/DATE: MONITORING – Eng)
12. Building permits shall not be issued for development that generates more than 1,099 net external 2-way PM peak hour trips or after December 31, 2006, whichever occurs last, until either:
  - a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on PGA Blvd. from Florida's Turnpike to Central Blvd. and the contract has been let for the construction to an eight-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
13. Building permits shall not be issued for development that generates more than 1,273 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:
  - a) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; (BLDG PERMIT: MONITORING- Eng) OR
  - b) the contract has been let for the construction of Seminole Pratt-Whitney Road as a minimum 2-lane cross section from the current terminus north of



Northlake Boulevard to Beeline Highway. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. This project was subsequently deleted from the PBC 5-year road program in the August 16, 2006 annual update. Pursuant to Article 12.B.2.F.2 of the ULDC, building permits for development that was phased to this construction shall be issued, but not sooner than September 30, 2007. (BLDG PERMIT: MONITORING-Eng)

14. Building permits shall not be issued for development that generates more than 1,273 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:
  - a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on Indiantown Road from Florida's Turnpike to I-95 and the contract has been let for the construction to an eight-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
15. Building permits shall not be issued for development that generates more than 1,351 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:
  - a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
16. Building permits shall not be issued for development that generates more than 1,385 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:
  - a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on PGA Blvd. from Central Blvd. to Military Trail and the contract has been let for the construction to an eight-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
17. Building permits shall not be issued for development that generates more than 1,577 net external 2-way PM peak hour trips or after December 31, 2007, whichever occurs last, until either:
  - a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of PGA Blvd. from Beeline Highway to Jog Road/Ryder Cup Blvd. to a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
18. Building permits shall not be issued for development that generates more than 1,775 net external 2-way PM peak hour trips or after December 31, 2008, whichever

occurs last, until either:

- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on Indiantown Road from I-95 to Central Blvd. and the contract has been let for the construction to an eight-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
19. Building permits shall not be issued for development that generates more than 1,841 net external 2-way PM peak hour trips or after December 31, 2008, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway a improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 10 lanes on Indiantown Road from I-95 to Central Blvd. and the contract has been let for the construction to a ten-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
20. Building permits shall not be issued for development that generates more than 1,936 net external 2-way PM peak hour trips or after December 31, 2008, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of Seminole Pratt Whitney Road from Northlake Blvd. to PGA Blvd. to a four-lane cross section. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. (BLDG PERMIT/DATE: MONITORING – Eng)
21. Building permits shall not be issued for development that generates more than 2,154 net external 2-way PM peak hour trips or after December 31, 2009, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 10 lanes on PGA Blvd. from Florida's Turnpike to Central Blvd. and the contract has been let for the construction to a ten-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
22. Building permits shall not be issued for development that generates more than 2,350 net external 2-way PM peak hour trips or after December 31, 2009, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

- c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 10 lanes on PGA Blvd. from Central Blvd. to Military Trail and the contract has been let for the construction to a ten-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
23. Building permits shall not be issued for development that generates more than 2,370 net external 2-way PM peak hour trips or after December 31, 2009, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of Seminole Pratt Whitney Road. from PGA Blvd. to Beeline Highway to a four-lane cross section. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. (BLDG PERMIT/DATE: MONITORING – Eng)
24. Building permits shall not be issued for development that generates more than 2,377 net external 2-way PM peak hour trips or after December 31, 2010, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike and the contract has been let for the construction to an eight-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
25. Building permits shall not be issued for development that generates more than 2,424 net external 2-way PM peak hour trips or after December 31, 2010, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of Pratt Whitney Road from Beeline Highway to Indiantown Road to a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
26. Prior to April 26, 2007, acceptable surety for the road construction listed in Conditions E.10, E.12, E.14 thru E.19, E.21, E.22, E.24 and E.25 above shall either be provided to the Land Development Division, LOS Modifications shall be obtained, or construction of these improvements shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)

#### Roadway Improvements – Buildout

27. a) Building permits shall not be issued for development that generates more than 2,735 net external 2-way PM peak hour trips or after December 31, 2011, whichever occurs last, until either:
- 1) a LOS Modification is adopted for the following roadway improvement described below; OR

- 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from Jog Road to Blue Heron Blvd. To a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2008, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
28. a) Building permits shall not be issued for development that generates more than 2,781 net external 2-way PM peak hour trips or after December 31, 2011, whichever occurs last, until either:
- 1) a LOS Modification is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from Northlake Blvd. to Jog Road to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2008, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
29. a) Building permits shall not be issued for development that generates more than 2,963 net external 2-way PM peak hour trips or after December 31, 2011, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Coconut Blvd. from Orange Blvd. to Northlake Blvd. to a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2008, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
30. a) Building permits shall not be issued for development that generates more than 3,721 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and



attached as an exhibit to the Development Order; OR

- 3) the contract has been let for the construction of Okeechobee Blvd. from Seminole Pratt Whitney Road to E Road to a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
  - b) Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
31. a) Building permits shall not be issued for development that generates more than 3,749 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Indiantown Road from Alexander Run Road to Jupiter Farms Road to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
32. a) Building permits shall not be issued for development that generates more than 3,812 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Indiantown Road from Pratt Whitney Road to Alexander Run Road to a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
33. a) Building permits shall not be issued for development that generates more than 3,874 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections

163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR

- 3) the contract has been let for the construction of Orange Blvd. from Coconut Blvd. to Royal Palm Beach Blvd. to a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
  - b) Prior to December 31, 2010, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
34. a) Building permits shall not be issued for development that generates more than 4,360 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 6 lanes on PGA Blvd. from Beeline Highway to Jog Road/Ryder Cup Blvd. and the contract has been let for the construction to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2012, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
35. Building permits shall not be issued for development that generates more than 4,698 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:
- a) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - b) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - c) the contract has been let for the construction of Seminole Pratt Whitney Road from Northlake Blvd. to PGA Blvd. to a six-lane cross section. At the time of concurrency approval, this project was included for construction in FY 2007 of the PBC 5-year road program. (BLDG PERMIT/DATE: MONITORING – Eng)
36. a) Building permits shall not be issued for development that generates more than 4,930 net external 2-way PM peak hour trips or after December 31, 2016, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Seminole Pratt Whitney Road from Orange Blvd. to Northlake Blvd. to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)

- b) Prior to December 31, 2013, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
  
- 37. a) Building permits shall not be issued for development that generates more than 5,123 net external 2-way PM peak hour trips or after December 31, 2016, whichever occurs last, until either:
  - 1) LOS Modification is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from North County Airport to PGA Blvd. to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
  - b) Prior to December 31, 2013, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
  
- 38. a) Building permits shall not be issued for development that generates more than 5,165 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:
  - 1) a LOS Modification is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from the Martin County Line to west of the Pratt Whitney Entrance to a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
  - b) Prior to December 31, 2014, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
  
- 39. a) Building permits shall not be issued for development that generates more than 5,434 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either: 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 1) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 2) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 10 lanes on Indiantown Road from Florida's Turnpike to I-95 and the contract has been let for the construction to a ten-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)

- b) Prior to December 31, 2014, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
40. a) Building permits shall not be issued for development that generates more than 5,498 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described in below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 8 lanes on Indiantown Road from Jupiter Farms Road to Florida's Turnpike and the contract has been let for the construction to an eight-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2014, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
41. a) Building permits shall not be issued for development that generates more than 5,753 net external 2-way PM peak hour trips or after December 31, 2018, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 6 lanes on Seminole Pratt Whitney Road from PGA Blvd. to Beeline Highway and the contract has been let for the construction to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2015, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
42. a) Building permits shall not be issued for development that generates more than 3,985 net external 2-way PM peak hour trips or after December 31, 2014, whichever occurs last, until either:
- 1) a LOS Modification is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) the contract has been let for the construction of Beeline Highway from Pratt Whitney Road to ¼ mile east of the east Project driveway to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)



- b) Prior to December 31, 2011, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
43. a) Building permits shall not be issued for development that generates more than 6,250 net external 2-way PM peak hour trips or after December 31, 2019, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following roadway improvement described below; OR
  - 2) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 3) Map TE 1.1 of the PBC Comprehensive Plan has been amended to show 6 lanes on Seminole Pratt Whitney Road from Beeline Highway to Indiantown Road and the contract has been let for the construction to a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2016, acceptable surety for the road construction listed in part a.3 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
44. a) If a LOS Modification is obtained for Pratt Whitney Road from Beeline Highway to Indiantown Road, Building permits shall not be issued for development that generates more than 5,635 net external 2-way PM peak hour trips or after December 31, 2018, whichever occurs last, until either:
- 1) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 2) the contract has been let for the construction of Pratt Whitney Road from Beeline Highway to Indiantown Road as a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
45. a) Building permits shall not be issued for development that generates more than 6,516 net external 2-way PM peak hour trips or after December 31, 2020, whichever occurs last, until either:
- 1) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 2) the contract has been let for the construction of Pratt Whitney Road from the Martin County line to Indiantown Road as a four-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) On December 31, 2017, if building permits have been issued for more than 6,516 net external 2-way PM peak hour trips, acceptable surety for the road construction listed in part a.2 above shall either be provided to the Land Development Division or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
- c) On December 31, 2017 and annually each year thereafter, if building permits have NOT been issued for more than 6,516 net external 2-way PM peak hour trips, the County shall calculate an average annual development rate

(based on usage of vested trips) for this project between December 31, 2006 and the current year. This rate will be used to project the year that building permits will be issued for more than 6,516 net external 2-way PM peak hour trips. Three (3) years prior to the projected year, acceptable surety for the road construction listed in part a.2 above shall either be provided to the Land Development Division or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)

- d) Should the developer not provide acceptable surety for the road construction listed in part a.2 above and this improvement is not in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program when required in part b or c above, building permits shall not be issued for development that generates more than 6,516 net external 2-way PM peak hour trips or after December 31, 2020, whichever occurs last. The intensity of development that has received building permits before December 31, 2020 shall be considered the maximum level of development and the master plan shall be amended accordingly. (DATE/BLDG PERMIT: MONITORING – Eng)

- 46. a) If a LOS Modification is obtained for PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike, Building permits shall not be issued for development that generates more than 6,579 net external 2-way PM peak hour trips or after December 31, 2020, whichever occurs last, until either:
  - 1) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; OR
  - 2) the contract has been let for the construction of PGA Blvd. from Jog Road/Ryder Cup Blvd. to Florida's Turnpike as a six-lane cross section. (BLDG PERMIT/DATE: MONITORING – Eng)

#### Intersection Improvements - Traffic Phase 1

- 47. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until a CRALLS designation is adopted for the intersection of Indiantown Road and Central Blvd. (BLDG PERMIT/DATE: MONITORING – Eng)
- 48. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until a CRALLS designation is adopted for the intersection of Northlake Blvd. and Military Trail. (BLDG PERMIT/DATE: MONITORING – Eng)
- 49. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:
  - a) a CRALLS designation is adopted for the following intersection; or
  - b) the contract has been let for the construction of the following improvements: construct second and third west approach left turn lanes, fourth west approach thru lane, third and fourth east approach thru lanes, third north approach left turn lane and second south approach right turn lane at the PGA Blvd./Florida's Turnpike intersection; OR
  - c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- 50. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:

- a) a CRALLS designation is adopted for the following intersection; OR
  - b) the contract has been let for the construction of the following improvements: second south approach thru lane, second west approach thru lane and second east approach thru lane at the Okeechobee Blvd./Seminole Pratt Whitney Road intersection; OR
  - c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
51. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:
- a) a CRALLS designation is adopted for the following intersection; OR
  - b) the contract has been let for the construction of the following improvements: exclusive west approach right turn lane at the Orange Blvd./Royal Palm Beach Blvd. intersection; OR
  - c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
52. Building permits shall not be issued for development that generates more than 998 net external 2-way PM peak hour trips or after December 31, 2006, whichever comes last, until either:
- a) a CRALLS designation is adopted for the following intersection; OR
  - b) the contract has been let for the construction of the following improvements: third south approach thru lane, third north approach thru lane, and second east approach left turn lane at the PGA Blvd./Military Trail intersection; OR
  - c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
53. Building permits shall not be issued for development that generates more than 1,784 net external 2-way PM peak hour trips or after December 31, 2008, whichever comes last, until either:
- a) a CRALLS designation is adopted for the following intersection; or
  - b) the contract has been let for the construction of the following improvements: construct third west approach thru lane at the Indiantown Road/Jupiter Farms Road intersection; OR
  - c) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
54. Prior to April 26, 2007, acceptable surety for the road construction listed in Conditions E.49 thru E.53 above shall either be provided to the Land Development Division, LOS modifications shall be obtained, or construction of these improvements shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)

#### Intersection Improvements - Buildout

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

- 1) a CRALLS designation is adopted for the following intersection; OR
  - 2) the contract has been let for the construction of the following improvements: second south approach thru and second north approach thru at the Orange Blvd./Seminole Pratt Whitney Road intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2009, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
56. a) Building permits shall not be issued for development that generates more than 3,356 net external 2-way PM peak hour trips or after December 31, 2012, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following intersection; OR
  - 2) the contract has been let for the construction of the following improvements: fourth west approach thru, fourth east approach thru, third west approach left turn lane, and second and third north approach left turn lanes at the PGA Blvd./Central Blvd. intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2009, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
57. a) Building permits shall not be issued for development that generates more than 3,749 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: second and third south approach thru lanes, second north approach left turn lane, second east approach left turn lane, and second east approach right turn lane at the Northlake/Seminole Pratt Whitney intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2010, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)



58. a) Building permits shall not be issued for development that generates more than 3,749 net external 2-way PM peak hour trips or after December 31, 2013, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: second east approach thru lane at the Northlake Blvd./Coconut Blvd. intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2010, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
59. a) Building permits shall not be issued for development that generates more than 4,535 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: second south approach thru lane, south approach free flow right turn lane, second and third north approach thru lanes, and second and third east approach thru lanes at the Indiantown Road/Pratt Whitney Road intersection; or
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2012, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
60. a) Building permits shall not be issued for development that generates more than 4,535 net external 2-way PM peak hour trips or after December 31, 2015, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: east approach exclusive right turn lane at the Orange Blvd./Coconut Blvd. intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2012, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road

Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)

61. a) Building permits shall not be issued for development that generates more than 5,321 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:
- 1) a LOS Modification is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: second and third south approach thru lanes, second and third north approach thru lanes, second south approach left turn lane, second east approach left turn lane, and exclusive west approach right turn lane at the Beeline Highway/Pratt Whitney Road intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2014, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
62. a) Building permits shall not be issued for development that generates more than 5,321 net external 2-way PM peak hour trips or after December 31, 2017, whichever occurs last, until either:
- 1) a CRALLS designation is adopted for the following intersection; or
  - 2) the contract has been let for the construction of the following improvements: third south approach thru lane, third north approach thru lane, and second east approach left turn lane at the PGA Blvd./Seminole Pratt Whitney Road intersection; OR
  - 3) a local government development agreement consistent with sections 163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order. (BLDG PERMIT/DATE: MONITORING – Eng)
- b) Prior to December 31, 2014, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)
63. a) Building permits shall not be issued for development that generates more than 5,714 net external 2-way PM peak hour trips or after December 31, 2018, whichever occurs last, until either:
- 1) a LOS Modification is adopted for the following intersection; OR
  - 2) the contract has been let for the construction of the following improvements: third north approach thru lane, second and third north approach left turn lanes, third south approach thru lane, first and second south approach left turn lanes, exclusive west approach left turn lane, first second and third west approach thru lanes, free flow west approach right turn lane, first and second east approach thru lanes, and free flow east approach right turn lane at the PGA Blvd./Beeline Highway intersection.
  - 3) a local government development agreement consistent with sections

163.3220 through 163.3243, Florida Statutes has been executed and attached as an exhibit to the Development Order; or (BLDG PERMIT/DATE: MONITORING – Eng)

- b) Prior to December 31, 2015, acceptable surety for the intersection improvements listed in part a.2 above shall either be provided to the Land Development Division, a LOS modification shall be obtained, or construction of this improvement shall be included in Palm Beach County's 5 Year Road Program or the State Transportation Improvement Program. (DATE: MONITORING – Eng)

#### Other Issues

- 64. On October 1, 2007, and continuing every other year thereafter, the property owner shall submit an Biennial Status Report indicating the status (schedule) of guaranteed improvements. This Biennial Status Report shall be submitted to Palm Beach County Traffic Division, Florida Department of Transportation, Treasure Coast Regional Planning Council (TCRPC), and the Department of Community Affairs (DCA) as part of the Development of Regional Impact Biennial Report, and as follows:
  - a) The Biennial Status Report shall list all roadway improvements needed to be constructed, the guaranteed date of completion for the construction of each needed improvement, the party responsible for the guaranteed construction of each improvement, and the form of the binding commitment that guarantees construction of each improvement.
  - b) No further building permits shall be issued at the time the Biennial Status Report reveals any needed transportation improvement included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is no longer guaranteed to be in place and operational, or under actual construction for the entire improvement consistent with the timing criteria established in this development order. (DATE:MONITORING-Eng)
- 65. Beginning January 1, 2008, the master developer/property owner shall submit an annual report to the Palm Beach County Planning Director and County Engineer that demonstrates compliance with all CRALLS mitigation measures as listed below.

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

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

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

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

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

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

Transportation Demand Management (TDM) Measure – Provide an on-going ride-sharing information service to persons employed at the project site.

Transportation Demand Management (TDM) Measure – Proportionately and annually fund an Employee Transportation Coordinator position that will coordinate the individual businesses in Florida Research Park.

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

Upon review by the Palm Beach County Planning Director, the annual report shall

be submitted to the BCC for consideration in the event that any mitigation measures are not fulfilled. The BCC may then amend or rescind any or all provisions of the CRALLS. (DATE:MONITORING-Eng/Planning)

66. All required roadway improvements contained within all of the conditions of approval shall include the cost of acquisition of right of way. Right of way acquisition costs shall be determined by the County Engineer. Acquisition of Thoroughfare Plan Road rights-of-way shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." Additional property deemed necessary by the County Engineer for expanded intersections of on-site roads shall be designated as right-of-way and include corner clips. (ONGOING:ENG-Eng)

#### MASS TRANSIT

1. The developer shall coordinate with Palm Tran to provide a bus route(s) to/from the site by January 1, 2015 or 3 million square feet, whichever comes first. (DRO: PALM TRAN-Palm Tran)
2. The developer shall provide onsite bus stop facilities (intermodal facility), within one year of provision of a bus service. (DRO: PALM TRAN-Palm Tran)
3. The developer shall provide an on-going ride-sharing information service to persons employed at the project site. (DRO: PALM TRAN-Palm Tran)

#### SECTION III.

#### DEVELOPMENT ORDER

Section 1 and Section III of this Development Order shall become effective upon adoption by the Board of County Commissioners. Section II of this Development order shall become effective upon the effective date of the Florida Research Park DRI related CRALLS Comprehensive Plan Amendment for which a transmittal public hearing was held on July 28, 2006 and upon the Applicant obtaining the LOS Modifications necessary from the Department of Transportation to address the transportation related conditions of approval. The Applicant shall provide written notification to the Director of Planning, Zoning and Building upon obtaining the LOS Modifications. In the event the Applicant does not obtain the LOS within two years from the date of the Board of County Commissioners hearing granting approval of this development order amendment Section II shall not become effective and shall expire.