

RESOLUTION NO. R-2022- 0383

RESOLUTION APPROVING ZONING APPLICATION SV/DOA-2021-00921
(CONTROL NO. 1988-00019)
a Development Order Amendment
APPLICATION OF Duke Realty LP - Richard Swindasz, Duke Realty Land LLC
BY Schmidt Nichols, AGENT
(Palm Beach Logistics Center)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application SV/DOA-2021-00921 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2022;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application SV/DOA-2021-00921, the Application of Duke Realty LP - Richard Swindasz, Duke Realty Land LLC, by Schmidt Nichols, Agent, for a Development Order Amendment to add land area and square footage and to modify the site plan and Conditions of Approval, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	-	Aye
Commissioner Gregg K. Weiss, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 28, 2022.

Filed with the Clerk of the Board of County Commissioners on April 28th, 2022.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL 1:

THE NORTH 494.58 FEET OF TRACT 12, BLOCK 7, OF PALM BEACH FARMS COMPANY PLAT NO. 3, A SUBDIVISION OF PALM BEACH COUNTY, FLORIDA, LESS THE EAST 110 FEET THEREOF, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR SAID COUNTY, IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE.

PARCEL 2:

THE SOUTH 228.87 FEET OF THE NORTH 299.16 FEET OF TRACT 13, BLOCK 7, LESS THE EAST 66 FEET AND LESS THE SOUTH 30 FEET, THE PALM BEACH FARMS COMPANY NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

TRACT 12, BLOCK 7, LESS THE NORTH 494.58 FEET THEREOF AND LESS THE EAST 66 FEET, AND THE NORTH 70.29 FEET OF TRACT 13, BLOCK 7, LESS THE EAST 66 FEET; TOGETHER WITH THE ABANDONED RIGHT OF WAY, 30 FEET IN WIDTH NORTH TO SOUTH AND APPROXIMATELY 990 FEET FROM EAST TO WEST LESS THE EAST 80 FEET THEREOF, LYING BETWEEN SAID TRACTS 12 AND 13, PURSUANT TO RESOLUTION NO. R-80-1686 RECORDED IN OFFICIAL RECORDS BOOK 3435, PAGE 413, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGES 45 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONTAINED IN THE RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 32801, PAGE 1632 OF SAID PUBLIC RECORDS.

PARCEL 3:

THE EASTERLY 660 FEET OF THE NORTHERLY 330 FEET OF TRACT 11, BLOCK 7, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 THROUGH 54.

TOGETHER WITH PERPETUAL EASEMENT RIGHTS OVER THE EAST 25 FEET OF TRACTS 10 AND 3, ADJOINING SAID TRACT 11, FOR THE PURPOSE OF EGRESS AND INGRESS.

TOGETHER WITH EASEMENT RIGHTS OVER THE NORTHERLY 25 FEET OF THE WESTERLY 330 FEET OF SAID TRACT 11, BLOCK 7, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, FOR PURPOSE OF EGRESS AND INGRESS.

TOGETHER WITH EASEMENT RIGHTS TO PUMP, TRANSFER OR CONVEY EXCESS WATER THAT MAY ACCUMULATE ON THE ABOVE-DESCRIBED REALTY, INTO THE DRAINAGE DITCH LOCATED UPON TRACT 14, BLOCK 7, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, SAID PROPERTY HAVING BEEN OWNED BY FRANK DOUDERA ON MAY 26, 1955, AND SAID EASEMENT HAVING BEEN CREATED BY INSTRUMENT FILED MAY 31, 1955, IN DEED BOOK 1095, PAGE 288, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID EASEMENT TO BE PERPETUAL AND RUN WITH THE LAND.

TOGETHER WITH AN EASEMENT RIGHT TO PUMP EXCESS WATER THAT MIGHT ACCUMULATE ON THE AFORESAID PROPERTY, OVER THE EASTERLY 660 FEET OF THE SOUTHERLY 330 FEET OF SAID TRACT 11, BLOCK 7.

LESS AND EXCEPT THE FOLLOWING:

A PORTION OF TRACT 11, BLOCK 7 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE NORTH LINE OF SAID TRACT 11; AT THE INTERSECTION OF THE EAST LINE OF THE WEST 330 FEET OF SAID TRACT 11; THENCE, NORTH 89°23'54" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS 260.00 FEET, A CENTRAL ANGLE OF 09°18'00" AND A CHORD BEARING OF SOUTH 05°15'06" EAST; THENCE, SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 42.20 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 09°54'06" EAST, A DISTANCE OF 200.31 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 80°42'00" AND A CHORD BEARING OF SOUTH 50°15'06" EAST; THENCE, SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 84.51 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 89°23'54" EAST A DISTANCE OF 68.36 FEET TO THE POINT OF A CURVATURE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 35°39'33" AND A CHORD BEARING OF NORTH 71°34'07" EAST; THENCE, EASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 15.56 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 125°41'04" AND A CHORD BEARING OF SOUTH 63°25'07" EAST; THENCE, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 120.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 330 FEET OF TRACT 11; THENCE, SOUTH 89°24'00" WEST, ALONG SAID NORTH LINE OF THE SOUTH 330 FEET OF TRACT 11, A DISTANCE OF 267.98 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 140.00 FEET, A CENTRAL ANGLE OF 04°18'54" AND A CHORD BEARING OF NORTH 44°01'52" WEST; THENCE, NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 10.54 FEET TO A POINT ON THE EAST LINE OF THE WEST 330 FEET OF SAID TRACT 11; THENCE, NORTH 00°33'49" WEST. ALONG SAID EAST LINE, A DISTANCE OF 322.35 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

ALL THREE PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 11, 12 AND 13, BLOCK 7, OF PALM BEACH FARMS COMPANY PLAT NO. 3, A SUBDIVISION OF PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (1) AT THE SOUTHWEST CORNER OF LOT 2, "LEELAN WEST INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 62 AT PAGES 133 AND 134 OF SAID PUBLIC RECORDS; THENCE NORTH 88°58'51" EAST, ALONG THE SOUTH LINE OF SAID LOT 2 AND WATER MANAGEMENT TRACT "A" OF SAID "LEELAN WEST INDUSTRIAL PARK" AND THE SOUTH LINE OF 5' LANDSCAPE TRACT, AS SHOWN ON "BENOIST FARMS CORPORATE PARK - P.I.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70 AT PAGES 78 THROUGH 80 OF SAID PUBLIC RECORDS, A DISTANCE OF 1530.38 FEET; THENCE SOUTH 00°56'31" EAST, ALONG A LINE 110.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 12, BLOCK 7,

A DISTANCE OF 494.59 FEET; THENCE NORTH 88°58'51" EAST, ALONG THE SOUTH LINE OF THE NORTH 494.58 FEET OF SAID TRACT 12, BLOCK 7, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°56'31" EAST, ALONG A LINE 100.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 12 AND 11, BLOCK 7, A DISTANCE OF 463.94 FEET; THENCE SOUTH 89°01'05" WEST, ALONG THE NORTH LINE OF TRACT A, "WEST PALM BEACH AUTO AUCTION, M.U.P.D. REPLAT NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113 AT PAGES 193 THROUGH 198, OF SAID PUBLIC RECORDS, A DISTANCE OF 890.46 FEET; THENCE NORTH 00°56'19" WEST, ALONG THE EAST LINE OF SAID TRACT A AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 627.94 FEET; THENCE SOUTH 88°58'57" WEST, ALONG THE SOUTH LINE OF THE NORTH 330.00 FEET OF SAID TRACT 11, BLOCK 7, A DISTANCE OF 384.51 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 88°59'29" WEST, SAID POINT TO BE KNOWN HEREINAFTER AS REFERENCE POINT A; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 55.00 FEET AND A CENTRAL ANGLE OF 125°40'12", A DISTANCE OF 120.63 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 35°39'33", A DISTANCE OF 15.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88°58'51" WEST, A DISTANCE OF 68.36 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 80°42'00", A DISTANCE OF 84.51 FEET TO THE POINT OF TANGENCY; THENCE NORTH 10°19'09" WEST, A DISTANCE OF 200.31 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 260.00 FEET AND A CENTRAL ANGLE OF 09°18'00", A DISTANCE OF 42.20 TO THE POINT OF BEGINNING (1).

TOGETHER WITH:

COMMENCING AT THE AFOREMENTIONED REFERENCE POINT A; THENCE SOUTH 88°58'57" WEST, ALONG THE SOUTH LINE OF THE NORTH 330.00 FEET OF SAID TRACT 11, BLOCK 7, A DISTANCE OF 267.98 FEET TO THE POINT OF BEGINNING (2); THENCE CONTINUE SOUTH 88°58'57" WEST, ALONG SAID LINE, A DISTANCE OF 7.48 FEET; THENCE NORTH 00°56'19" EAST, ALONG THE WEST LINE OF THE EAST 660.00 FEET OF SAID TRACT 11, BLOCK 7, A DISTANCE OF 7.65 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 47°51'08" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 140.00 FEET AND A CENTRAL ANGLE OF 04°28'03", A DISTANCE OF 10.91 FEET TO THE POINT OF BEGINNING (2).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 23.993 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-1925, Control No.1988-00019, which currently states:

The approved Preliminary Site Plan is dated October 13, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated February 10, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2020-1925 (Control No. 1988-00019), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2020-1925, Control No.1988-00019, which currently states:

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

a. No Building Permits for the site may be issued after December 31, 2022, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

Is hereby amended to read:

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

a. No Building Permits for the site may be issued after December 31, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Previous ENGINEERING Condition 2 of Resolution R-2020-1925, Control No.1988-00019, which currently states:

The Property Owner shall create an exclusive south approach left turn lane on Benoist Farms Rd at the northern project entrance by either restriping the center turn lane or

creating an exclusive lane or as approved by the County Engineer.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall create exclusive south approach left turn lanes on Benoist Farms Rd at all three project entrances by either restriping the center turn lane or creating an exclusive lane or as approved by the County Engineer. If the County's widening plan for the Benoist Farms Rd includes the construction of a center turn lane at the project frontage, this condition will be considered satisfied.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2020-1925, Control No.1988-00019, which currently states:

Prior to the issuance of the first building permit, drainage easements for any existing onsite historical drainage shall be recorded. The easement shall be recorded by the Property Owner and reviewed by Land Development prior to the recordation. (BLDGPMT: MONITORING - Engineering)

Is hereby deleted. [REASON: Replaced by new condition]

4. Property Owner shall construct a minimum six (6) foot wide concrete sidewalk along the west side of Benoist Farms Road along the project frontage. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2020-1925, Control No.1988-00019)

5. Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along the project frontage on Benoist Farms Road, a minimum of ten (10) feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2020-1925, Control No.1988-00019)

6. The Property Owner shall construct right turn lanes at the middle and southern project driveways, as approved by the County Engineer.

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

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

8. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

9. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 Benoist Farms Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. (BLDGPM: MONITORING - Engineering)

10. Prior to the final approval of the Final Site Plan by the Development Review Officer, the Property Owner shall show the Water Management area in a tract (with solid dark line) and add any required drainage easements from the future Stinson Way extension to the water management tract as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

11. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 the unimproved portion of Stinson Way along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify the general relocation area(s) of the native ficus species, or as approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

SIGNS

1. Prior to final Development Review Officer approval, the Master Sign Plan shall be updated to include the sign program budget and indicate all proposed signage including wall signs. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2020-1925, Control No.1988-00019)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2020-1925, Control No.1988-00019, which currently states:

- a) The wall shall be installed on both the north and south side of the northernmost ingress/egress access point, beginning at the northern property line, extending south, for a distance of 150 feet, excluding the accessway;
- b) The wall shall be located outside and parallel to the Right-of-Way buffer (west side of Right-of Way buffer);
- c) The wall shall be constructed with similar material as the building; and
- d) An eight (8) foot hedge shall be provided on the east side of the wall, outside of the aforementioned Right-of-Way buffer.

Is hereby amended to read:

- a) The wall shall be installed on both the north and south side of the northernmost ingress/egress access point, beginning at the northern property line, extending south, for approximately 140 feet in line with the wing wall extending from the building, excluding the accessway;
- b)The wall shall be installed on both the north and south side of the southernmost ingress/egress access point, beginning at the southern property line, extending north, for 202 feet, extending from the building excluding the accessway;
- c) The wall shall be located outside and parallel to the Right-of-Way buffer (west side of Right-of Way buffer);
- d) The wall shall be constructed with similar material as the building; and
- e) An eight (8) foot hedge shall be provided on the east side of the wall, outside of the aforementioned Right-of-Way buffer. (ONGOING: MONITORING - Zoning)

2. Prior to Final DRO approval, the Site Plan shall be modified to indicate the 8 ft. Compatibility Buffer along the northern property line to be 8 ft. free and clear with no easement overlap or encumbrances. (DRO: ZONING - Zoning)

3. Prior to Final DRO approval, the Site Plan shall be modified to indicate the correct R-O-W Buffer width along Benoist Farms Road. (DRO: ZONING - Zoning)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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