

Resolution R- 2004-

RESOLUTION APPROVING A DEVELOPMENT OF REGIONAL IMPACT
PETITION OF PALM BEACH COUNTY BY
PBC FACILITIES & OPERATIONS, AGENT,

(PALM BEACH COUNTY BIOTECHNOLOGY RESEARCH PARK DRI)
DEVELOPMENT ORDER

WHEREAS, the Palm Beach County (Applicant), a political subdivision of the State of Florida, has filed a Development of Regional Impact (DRI) Application for Development Approval (ADA) with Palm Beach County, Florida, in accordance with Section 380.06, Florida Statutes, for a 1,919.23 acre parcel of property located approximately one mile north of Northlake Boulevard on the east side of Seminole Pratt-Whitney Road, Palm Beach County, Florida described in on the real property legally described in Exhibit A, attached hereto; and

WHEREAS, said Applicant proposes to construct a development consistent with the ADA for the Palm Beach County Biotechnology Research Park dated May 10, 2004 as supplemented; and

WHEREAS, the Board of County Commissioners as the governing body of Unincorporated Palm Beach County having jurisdiction, is the local government entity authorized and empowered by Chapter 380.06, Florida Statutes, to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the notice and hearing requirements of Section 380.06, Florida Statutes, have been satisfied; and

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

WHEREAS, on September 20, 2004 and September 30, 2004, the Board of County Commissioners held a duly noticed public hearings on the DRI ADA and has heard and considered the testimony taken there at; and

WHEREAS, the Board of County Commissioners has received and considered the assessment report and recommendations of the Treasure Coast Regional Planning Council; and

WHEREAS, the Board of County Commissioners made the following findings of fact and conclusions of law regarding the ADA:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Whereas clauses are true and correct and are incorporated herein.
2. The Board of County Commissioners is the governing body with legal description over the DRI property and is authorized and empowered by Chapter 380, Florida Statutes, to issue this Development Order.
3. The proposed Development is not in an area of critical state concern designated pursuant to the provisions of Section 380.06, Florida Statutes.
4. The proposed development, as conditioned, is consistent with the Palm Beach County Comprehensive Plan, the Unified Land Development Code and other applicable regulations.
5. The proposed development, as conditioned, is consistent with the State Comprehensive Plan.
6. The proposed development, as conditioned, is consistent with the report and recommendations of the Treasure Coast Regional Planning Council submitted pursuant to Section 380.06(12)(a), Florida Statutes; and
7. The Board of County Commissioners has determined that all regional issues have been sufficiently addressed and that the proposed development is consistent with all regional and local comprehensive plans pursuant to Chapter 163, Florida Statutes; and
8. The information contained in the Palm Beach County Biotechnology Research Park Application for Development Approval as supplemented, is incorporated into this Development Order by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes.
9. The impacts of the project, as conditioned, by this development order are adequately addressed pursuant to the requirements of section 380.06, F.S.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, in a public meeting, duly constituted and assembled this Thirtieth Day of September, 2004, the Palm Beach County Biotechnology Research Park DRI is hereby APPROVED, subject to the conditions described in Exhibit C, attached hereto, and the following restrictions and limitations:

1. Any modification or deviations from the approval plans or requirements of this Development Order (DO) shall be submitted to the Palm Beach County Board of County Commissioners. Any such submittal shall be made according to and processed in compliance with the requirements of Section 380.06(19), Florida Statutes, and Department of Community Affairs Rule 9J-2, Florida Administrative Code.
2. The definitions found in Chapter 380, Florida Statutes, shall apply to this DO.
3. Reference herein to any governmental agency shall be construed to mean any future instrumentality that may be created or designated as a successor in interest to, or which otherwise possesses the powers and duties to any referenced governmental agency in existence on the effective date of the DO.
4. Palm Beach County hereby agrees that prior to termination date of the DRI for the Palm Beach County Biotechnology Research Park, the DRI shall not be subject to

down zoning, unit density reduction, or intensity reduction, unless a) the County demonstrates that substantial changes in the conditions underlying the approval of the DO have occurred, or b) that the DO was based on substantially inaccurate information provided by the developer, or c) that the change is clearly established by the County to be essential to the public health, safety, or welfare, or d) that termination pursuant to the DRI Agreement occurs.

5. This DO shall be binding upon the developer and its assignees or successors in interest.
6. The approval granted by this DO is conditional and shall not be construed to obviate the duty of the developer to comply with all other applicable local, state, and federal permitting requirements.
7. If any portion or section of this DO is deemed to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, then this development shall be required to obtain a substantial deviation determination.
9. This DO shall become effective upon the effective date of the amendments to the Palm Beach County Comprehensive Plan adopted in amendment round 2004-04-ERP.
10. Certified copies of this DO shall be transmitted immediately by certified mail to the Department of community Affairs, the Treasure Coast Regional Planning Council, and Bevin Beaudet, on behalf of the Palm Beach County Biotechnology Research Park.
11. This DO is approved concurrent with Zoning Petitions Z2004-351 and PDD/R/W2004-352.

Commissioner _____ moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	–
Tony Masilotti, Vice Chairman	–
Jeff Koons	–
Warren H. Newell	–
Mary McCarty	–
Burt Aaronson	–
Addie L. Greene	–

The Chair thereupon declared that the resolution was duly passed and adopted on _____, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: _____
COUNTY ATTORNEY

BY: _____
DEPUTY CLERK

DRAFT

EXHIBIT A
LEGAL DESCRIPTION

THE WEST ½ OF SECTION 5, ALL OF SECTIONS 6 AND 7, AND THE WEST ½ OF SECTION 8, ALL LYING IN TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT OF WAY OF THE C-18 CANAL AS RECORDED IN DEED BOOK 1097, PAGE 261, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,919.23 ACRES, MORE OR LESS.

BEARINGS BASIS: N89°56'58"E ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 41 EAST.

EXHIBIT B
VICINITY SKETCH

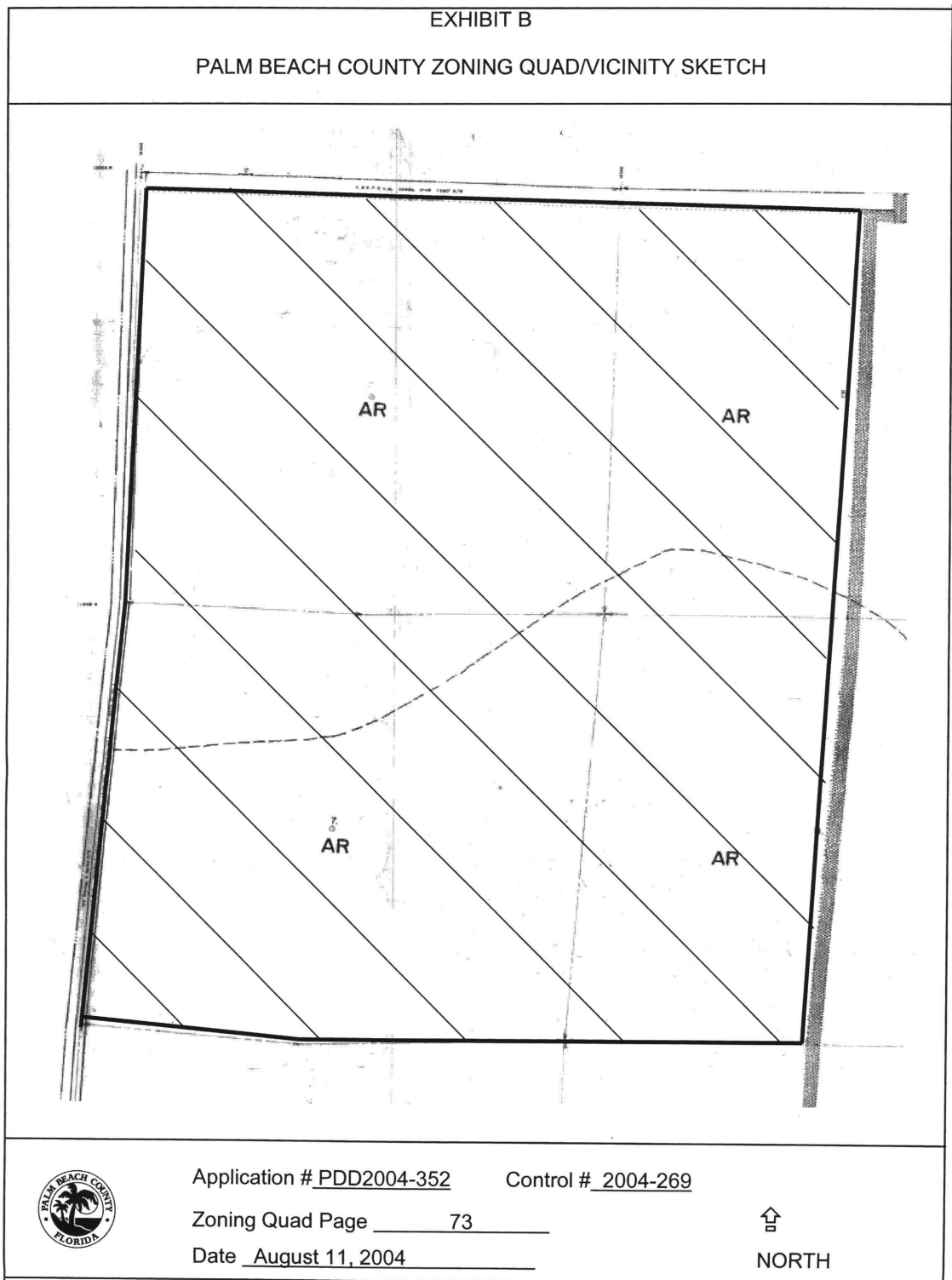


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: Conditions which are not specific shall apply to the entire project.

DRAFT