

RESOLUTION NO. R- 82-468

RESOLUTION APPROVING ZONING PETITION 81-190, PIPD ZONING

'WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and Chapter 70-863, Laws of Florida, Special Acts of 1970, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, as the governing body of local government having jurisdiction, pursuant to Chapters 380.031 and 380.07, Florida Statutes, is authorized and empowered to consider applications for development approval of developments of regional impact; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-'2 and Chapters 380.06 (11) and 380.07, Florida Statutes, have been satisfied; and

WHEREAS, the Application for Development Approval and the official report and recommendations of the Treasure Coast Regional Planning Council resulting from its public hearing on December 17, 1981 were presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 January, 1982; and

WHEREAS, 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.

WHEREAS, on February 2, 1982, the Board of County Commissioners approved the Application for Development Approval for a development of **regional** impact by Caleffe Investments, Ltd and Worthington Enterprises, Inc. (Palm Beach Park of Commerce) for the property described herein; and

WHEREAS, Petition No. 81-190 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 February 1982; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant, staff and other interested parties and the recommendations of the various county and regional review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings-of fact:

1. The **proposal, as** herein modified, would be in harmony and compatible with the present and future development **of, and** plans for the area concerned, and
2. The proposal, as herein modified, complies with all requirements of the mandatory performance standards of the Comprehensive Plan, and
3. The proposal, as herein modified, complies with all requirements of the Planned Industrial Park District, Section 615, Palm Beach County Zoning Code, Ordinance 73-2, as amended, and
4. All concerns relating to environmental, traffic, **land use** compatibility, drainage, and timeliness issues have been thoroughly examined and adequately addressed by the proposal, as herein modified.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of February, 1982, that Petition No. 81-190 the petition of CALEFFE INVESTMENTS LTD. X and WORTHINGTON ENTERPRISES, INC. by Henry Skokowski, Agent, for the REZONING, FROM AG-AGRICULTURAL DISTRICT, IN PART, AND IL-LIGHT INDUSTRIAL DISTRICT, IN PART, TO PIPD-PLANNED INDUSTRIAL PARK DISTRICT of all of Section 17, Township 41 South, Range 41 East, excepting therefrom: the North 990.00 feet of the West 410.00 feet thereof, Together with that parcel described as follows: Commencing at the Northwest corner of Section 18, thence South $00^{\circ}04'57''$ East along the West-line of said Section 18, a distance of 990.26 feet; thence South $88^{\circ}45'46''$ East, parallel to the North line of Section 18, a distance of 720.18 feet to the Point of Beginning of the following description; thence South $00^{\circ}04'57''$ East, a distance of 1231.19 feet to the beginning of a 1948.65 foot radius curve, concave East; thence South along the arc of said curve, thru a central angle of $18^{\circ}39'00''$, a distance of 634.29 feet thence South $71^{\circ}16'03''$ West, a distance of 660.00 feet to a point on a 2608.65 foot radius curve, concave East, whose long chord bears South $20^{\circ}30'26''$ East; thence South along the arc of said curve, thru a central angle of $03^{\circ}33'33''$, a distance of 162.05 feet; thence South $22^{\circ}17'12''$ East, a distance of 1594.88 feet to the beginning of a 2820.79 foot radius curve, concave Northeast; thence Southeast along the arc of said curve, thru a central angle of $11^{\circ}00'00''$, a distance of 541.55 feet; thence South $33^{\circ}17'22''$ East, a distance of 207.32 feet to a point on the South line of Section 18, thence South $87^{\circ}16'55''$ East, along the South line of Section 18, a distance of 3562.08 feet to the Southeast corner of Section 18; thence North $01^{\circ}28'50''$ East, along the East line of Section 18, a distance of 4429.30 feet to a point 990.00 feet South of the Northeast corner of Section 18; thence, North $88^{\circ}45'46''$ West, along a line parallel to the North line of Section 18, a distance of 4183.81 feet, more or less,

to the Point of Beginning, Together with that parcel described as follows:
All of Section 19, Township 41 South, Range 41 East, lying Northeast of the Northerly right-of-way of Beeline Highway, Together with that parcel described as follows: The South 330.00 feet of the North 990.00 feet of the West 410.00 feet of Section 17, Township 41 South, Range 41 East, and the South 330.00 feet of the North 990.00 feet; less the West 60.00 feet for road right-of-way, Section 18, Township 41 South, Range 41 East, Said property located at the northeast corner of the intersection of **Bee-Line Highway (S.R. 710)** and Pratt-Whitney Road (**S.R. 711**), was approved as advertised, subject to **the following** modifications of the Master Plan and development authorization:

Sections #1 through #14 hereby incorporate the conditions of approval of the DRI Development Order, as hereby amended:

1) The Palm Beach Park of Commerce 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(2), 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:

- a. Palm Beach Park of Commerce ADA, submitted September 4, 1981;
- b. Palm Beach **Park** of Commerce ADA Supplement, submitted October 21, 1981;
- c. Letter and attachments dated October 26, 1981 from Doug Winter to Jeanne Hall regarding Water, Drainage, and Vegetation and Wildlife;

- d. Letter and attachments dated November 13, 1981 from Donald Walker to Sam Shannon regarding Transportation;
- e. Letter and attachments dated November 18, 1981 from Donald Walker to Sam Shannon regarding Transportation;
- f. Letter dated December 1, 1981 from Howard L. Searcy to Donald C. Lockhart regarding wetlands;
- g. Letter dated October 12, 1981 to the Caloosa Homeowners Association from Henry Skokowski describing the "Limited Development Zone"; and
- h. Memorandum dated January 28, 1982 from Henry Skokowski to Tim Lunney restricting uses and establishing additional setbacks; \

2) In the event the developer fails to commence significant physical development within three (3) years from the effective date of the Development Order, all development approvals shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes and Ordinance 73-2, as amended, the Palm Beach County Zoning Code, Significant physical development shall mean site preparation work for any portion of the project).

3) 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.

4) The developer shall prepare a land clearing 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). The plan shall also include a schedule of clearing that is directly related to development activities. The plan shall also be subject to the approval of the Palm Beach County Planning, Building and Zoning Department.

5) 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.

6) As part of the annual report required by Subsection 380.06 (15), Florida Statutes, the report shall include a complete list of tenants locating in the development during the preceding year. included in the report shall be 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. Copies of the report shall be provided to the South Florida Water Management District and the Palm Beach County Planning, Zoning and Building Department.

7) The developer shall prepare a planting and management plan for the littoral zone that surrounds the lake system. The plan shall include the types, extent and timing of planting that will be provided in the littoral zone. Also included in the plan shall be the identification of any management activities that are intended to ensure the continuance and health of the littoral zone. The plan shall be subject to the approval of the Palm Beach County Planning, Zoning and Building Department, in consultation with the Treasure Coast Regional Planning Council, prior to beginning excavation of the lake system.

8) The developer shall construct **centralized** wastewater and potable water treatment facilities adequate to service the project's wastewater discharge and demand rates. Further, all work will be done in accordance with rules and regulations of the Department of Environmental Regulation. Only when a regional **wastewater treatment** system is constructed that would serve the proposed project, and when the applicant commits **to connecting** to the system,* will this condition be removed from the applicant.

9) The developer shall donate 1.5 acres of the "public facilities" site to Jupiter Fire Control District No. 1.

10) The developer shall create and fully fund the position of a "Transportation Coordinator" under the authority of the "Park's Protective Covenants", whose duty it shall be to minimize traffic generated by site development, particularly during **peak** hour traffic, periods, by the implementation of traffic control strategies. These strategies shall be implemented at the outset of the project and shall be coordinated with the County Engineer and shall include, but not be limited to:

a. establishment of a **carpool/vanpool** program for employees within the Park;

b. facilitation of mass transit usage through
-construction of bus shelters
-provision of bus stop signs
-distribution of bus schedules
-survey of employee transportation needs
-coordination of **COTRAN** and other mass transit services with the businesses in the Park;

c. imposition of staggered work hours on the employers and their employees within the Park under the authority of the Protective Covenants;

d. coordination with Pratt & Whitney Aircraft and other area employers regarding carpooling, vanpooling, and mass transit options.

11) Commencing within one year of the issuance of the first Certificate of Occupancy, and continuing twice annually thereafter (once in the summer and once in the winter), the applicant shall undertake a study of traffic conditions along Beeline Highway. The study shall include hourly directional counts for a 24-hour period along Beeline Highway south of the project and at all project entrances. The study shall be conducted by a professional traffic engineer and shall include any other items, including detailed intersection analysis of any intersections in the project impact area, as deemed necessary by the Palm Beach County Engineering Department to determine the impact of the project on the surrounding highway system. The study shall be coordinated with the Florida Department of Transportation and Palm Beach County Engineering Department and the results shall be provided to each as **part** of the annual report required by Subsection 380.06(16), Florida Statutes. This report shall also address the traffic control strategies listed in Condition #10 and shall be coordinated with the County Engineer.

12) Based upon traffic generation data, submitted by the applicant's traffic engineer, the project development is limited to "Phase One" consisting of 296.42 acres, in **order**, to limit traffic generation to 10% of the existing thoroughfare capacity. The 296.42 acres shall be distributed as follows:

- Commercial - Maximum 13 acres
- Light Industrial - Maximum 95.4 acres
- General Industrial - Maximum 58.5 acres
- Transportation - Maximum 23.0 acres
- Utilities - Maximum 15.32 acres
- Institutional - 5 acres
- Recreational - 4 acres
- Canals/Lakes - 51.3 acres
- Wetlands - 30.9 acres

The development of subsequent phases shall be subject to the Board of County Commissioners' re-evaluation of the project's status.

13) Based on the traffic study required by Condition #11 above, the 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 the intersection of SR 711 and SR 706.

14) The developer shall provide all improvements necessary to maintain Level of Service C at the intersections of the entrance roads with SR 710 and SR 711.

15) Convey to Palm Beach County at the time of the filing of first contiguous plat or within ninety (90) days of notification by Palm Beach County, 192 ft. from **the West** line of Section 18 for the ultimate right-of-way for University Parkway (approximately an additional 132 ft.).

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

- A. Bee Line 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
 - 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 Bee Line Highway and the project's West entrance road, a left turn lane, west approach
 - E. At the intersection of Bee Line Highway and the project's East-entrance:
 - a. left turn lane, west approach
 - b. right turn lane, east approach
 - F. At the intersection of P.G.A. Boulevard and Bee Line Highway:
 - a. left turn lane, north approach
 - b. right turn lane, south approach
 - c. right turn lane, east approach
- 17) Only be permitted two access points onto Bee Line Highway and one onto Seminole Pratt & Whitney Road, as shown on the Master Plan. (Palm Beach County Exhibit No. 3)
- 18) Contribute a fair share in, the amount of \$48,285.00. Condition No. 16A may be credited against this fair share. This petitioner shall be credited only for the improvements he provides.
- 19) The developer shall create and fully fund the position of "Environmental Liaison" under the authority of the "Park's Protective Covenants," whose duty it shall be to monitor the development for compliance with all environmentally-related representations by the developer and conditions of approval. The "Environmental Liaison" shall prepare an educational and monitoring program to be coordinated with each tenant of the park and with appropriate regulatory agencies. The "Environmental Liaison" shall prepare an annual report describing these programs and their results which shall be submitted to the Palm Beach County Planning, Zoning and Building Department, the South Florida Water Management District, the Florida Department of Environmental Regulation, and the Treasure Coast Regional Planning Council. It shall also be the responsibility of the "Liaison" to report immediately any violation of conditions of approval or any potentially hazardous conditions or practices of any tenant on the environment to the Palm Beach County Zoning Division and the Florida Department of Environmental Regulation.

20) Potable water and wastewater treatment facilities shall be integrated into a regional system at such time a regional system is established.

21) 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.

22) Individual site plan approval by the Palm Beach County Site Plan Review Committee also including representatives from the Florida Department of Environmental Regulation (DER) and the South Florida Water Management District (SFWMD) shall be conducted for each site within the project 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 DER 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 sites abutting 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.

23) 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.

24) In addition to the list of permitted uses allowed in the PIPD District, the developer is hereby permitted the following additional uses pursuant to Section 517.G.5:

Commercial Uses: AUCTION, enclosed
BAKERIES, limited preparation
FLORIST
FOOD STORE
AUTOMOBILE RENTAL
RESTAURANT AND LOUNGE

-Light Industrial Uses:

APPLIANCE manufacturing
AUTO SERVICE STATION (with or without
mechanical repairs)
BEVERAGE, manufacturing
BULK STORAGE OF GAS AND OIL
HELIPORTS (See Section 500.17)
WELDING SHOP

General Industrial Uses:

ASPHALT AND CONCRETE MIXING AND PRODUCT,
manufacturing and warehousing
BULK STORAGE
ENGINE TESTING
EXTERMINATOR, manufacturing and warehouse
RESTAURANT/CAFETERIA, accessory to an .
industrial use
WAREHOUSE

The following uses are specifically prohibited from locating within the PIPD:

STEEL MILLS
PAPER MILLS
FERTILIZER MANUFACTURING
RADIOACTIVE MATERIALS Manufacturing and Storage of

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

BREWERY
ASPHALT AND CONCRETE MIXING AND PRODUCTS, manufacturing and storage
CHEMICAL MANUFACTURING
BULK STORAGE OF GAS AND OIL

25) 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.

26) 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.

27) The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.

28) The developer shall mitigate any adverse impact on legal uses caused by-water withdrawals as defined under SFWMD Rule #40E-2.501 FAC.

Commissioner Evatt , moved for approval of the petition.

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

Norman Gregory, Chairman	NAY
Peggy Evatt, Vice Chairman	AYE
Bill Bailey, Member	AYE
Dennis Koehler, Member	AYE
Frank Foster, Member	AYE

The foregoing resolution was declared duly passed and adopted

this 4th day of May, 1982 , confirming action of 25 February 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Rich Ann Allen*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Corbett
County Attorney

