

File 84-130

AMENDED
See R-85-336
9-1985

RESOLUTION NO. R-85-1135

RESOLUTION REPEALING AND RATIFYING

RESOLUTION NO. R-85-336

RESOLUTION APPROVING ZONING PETITION OF GOULD, ICC.

PETITION NO. 84-130, Rezoning

WHEREAS, Gould Inc. petitioned the Palm Beach County Planning Commission and the Board of County Commissioners sitting as the final zoning authority., on September 6, 1984 and September 27, 1984, respectively, for the Rezoning, from AR-Agricultural Residential District, in-part, and PIPD-Planned Industrial Park District, in-part, to PIPD-Planned Industrial Park District on a parcel of land located on the north side of Okeechobee Road (S.R. 714) being bounded on the East by Florida's Turnpike (Sunshine State Parkway); and

WHEREAS, Resolution No. R-85-336, adopted February 19, 1985, confirmed the action of the Board of County Commissioners sitting as the final zoning authority on September 27, 1984, attached hereto and made a part hereof, inadvertently contained conditions with numerous minor scrivner's errors and omissions; and

WHEREAS, the numerous scrivner's errors and omissions of the conditions in Resolution No. R-85-336 have been corrected.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Resolution No. R-85-336 is hereby repealed.
3. The repealed Resolution No. R-85-336 is hereby substituted with the following amended Resolution.

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

WHEREAS, Petition No. 84-130 was presented to the Board of County Commissioners of Palm Beach County at its public hearing

conducted on the 27th of September 1984; and

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

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

1. The site plan and proposed uses are consistent with the requirements of the Comprehensive Plan and the Planned Industrial Park District Provisions of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 84-130 the petition of GOULD INC., By James R. Erindell, Esquire, for the REZONING, FROM AH- AGRICULTURAL RESIDENTIAL DISTRICT, IN-PART, AND PIPD-PLANNED INDUSTRIAL PARK DISTRICT, IN-PART TO PIPD-PLANNED INDUSTRIAL PARK DISTRICT being all that part of Section 22, Township 43 South, Range 42 East, lying West of the Westerly Right-Of-Way of the Florida Sunshine State Turnpike. Subject to Right-of-way for Okeechobee Boulevard and sanitary sewer easements.

Together with the South 100.00 feet of the West 1/2 of Section 15, Township 43 South, Range 42 East.

Less a portion of Section 22, Township 43 South, Range 42 East, being more particularly described as follows:

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Commencing at the Southwest corner of said Section 22; thence North 03 degrees 27'29" East, along the West line of said Section 22, a distance of 100.07 feet to a point on the Northerly Right-of-way line of Okeechobee Boulevard as shown on the "State of Florida D.O.T. Right-of-way Map Section 9375-115", said point being the Point of Beginning on this description. Thence continue North 03 degrees 27'29" East, along the last described course, a distance of 1050.79 feet; thence South 88 degrees 45'24" East, along a line parallel with and 1050.01 feet North of, as measured at right angles to the said Northerly Right-of-way line of Okeechobee Boulevard, a distance of 809.39 feet; thence South 01 degrees 14'36" West, a distance of

1050.01 feet; thence North 88 degrees 45'24" West, along the said Northerly Right-Of-Way line of Okeechobee Boulevard, a distance of 850.00 feet to the Point of Beginning.

Subject to easements for sanitary sewer force mains over the 'East 30.00 feet of the West 60.00 feet and the South 30.00 feet of the North 50.00 feet both in Section 22, as recorded in Official Record Book 3091, Page 1050. Said property located on the north side of Okeechobee Road (S.H.704) being bounded on the East by Florida's Turnpike (Sunshine State Parkway) was approved as advertised subject to the following conditions:

AIR

1. Clearing of specific building sites shall not commence until the developer is ready to build the building or buildings to be located on that site.

2. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emissions shall be undertaken and implemented by the developer to the satisfaction of the Palm Beach County Health Department and the Florida Department of Environmental Regulation.

HISTORIC AND ARCHAEOLOGICAL SITES

3. In the event of discovery of any archaeological artifacts during project construction, the applicant shall stop construction in that area and immediately notify the Bureau of Historic Sites and Properties in the Florida Department of State. Proper protection, to the satisfaction of the Bureau, shall be provided by the applicant.

HABITAT, VEGETATION AND WILDLIFE

4. In the event that it is determined that any representative of a plant or animal species designated as endangered or threatened on Federal, State of Florida, or Florida Committee on Rare and Endangered Plants and Animals lists is resident on, or otherwise is significantly dependent upon the Gould Science and Technology Campus property, the developer shall cease all activities which might negatively affect that individual or population and immediately notify both the Florida Game and Freshwater Fish Commission and the U.S. Fish and Wildlife Service. Proper protection, to the satisfaction of both agencies, shall be provided by the developer.

5. The developer shall establish a vegetated littoral zone of no less than 10 acres as part of the surface water management system of lakes. The 10 acres of required littoral zone shall be fully vegetated with native plant species and occur from lake control elevation to a depth of three feet below control elevation. In addition, the developer shall preserve or create on-site 10 acres of seasonally flooded wetland habitat designed to be of value to wading birds for feeding, and consisting of native vegetation typical of such habitats. Prior to commencement of construction for any phase of the project, the developer shall prepare a design and management plan for all wetlands or littoral zones that will be a part of that phase. The plan shall 1) include a topographic map of the wetland or littoral zone, or include typical cross sections; 2) specify how vegetation is to be established, including the extent, type, method, and timing of any planting to be provided; and 3) provide a

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description of any management procedures to be followed in order to assure the continued viability, health and function of the littoral zone or wetland. The plan for each phase shall be subject to approval by Palm Beach County in consultation with Treasure Coast Regional Planning Council. The plan shall be implemented and work inspected prior to the beginning of the next phase.

6. The developer shall provide and maintain a buffer zone of native upland edge vegetation around wetland and deepwater habitats which are preserved or constructed on-site in accord with the following provisions. The buffer zone may consist of preserved or planted vegetation but shall include canopy, understory and ground cover of native species only. The edge habitat shall begin at the upland limit of any wetland or deepwater habitat and shall include a total area of at least ten square feet per linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of 10 feet of upland habitat.

7. During construction, all Melaleuca, Brazilian Pepper and Australian Pine which occur on-site shall be removed. Removal shall be in such a manner that avoids seed dispersal by any of these species. There shall be no planting of pest exotic vegetation on-site.

8. Prior to commencement of any land clearing activities, the developer shall conduct a survey of the site to locate all representatives of the endangered epiphyte Tillandsia fasciculata, the Cardinal wild pine bromeliad. All individuals of this species identified by the on-site survey shall be protected and preserved by the applicant in a manner which assures the continued health and viability of the population. The survey and protection methods shall be to the satisfaction of Palm Beach County in consultation with Treasure Coast Regional Planning Council.:

9. Thirty percent of the landscaped areas on-site, excluding the retention areas, the golf course greens and fairways, rights-of-way, building courtyard areas, and planting boxes which abut buildings shall be comprised to preserve, enhance or recreate native vegetation. The location of vegetation areas shall be such that the watering and fertilization of non-native areas not inhibit the management of the native vegetation areas in a healthy state. Fifty percent of the trees used in landscaping shall be native trees adapted to the soil conditions on-site.

DRAINAGE

10. For water quality enhancement purposes, the developer shall design and construct the surface water management system to detain the runoff from a one-hour, three-day storm event. Further, the system shall incorporate filtering or skimming devices such as grease traps, baffles, and skimmers to remove pollutants from parking lots, roads, and other impervious surfaces. Special attention should be given in the final drainage design to assure that existing water tables will not be lowered off-site.

11. The developer shall design and construct the golf course storm water management system to retain the first one-half inch of runoff from a one-hour, three-day storm event.

12. As part of the annual report required under Section 380.06(16), Florida Statutes, the developer shall provide a list of all industrial tenants, including a description of their activities and the four digit Standard Industrial Classification Code applicable to the operation. A copy of this list shall be provided to the Department of Environmental Regulation and the agency delegated the authority for maintaining, updating, and verifying the master files for hazardous waste generators in Palm Beach County.

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13. Each specific tenant or owner that uses, handles, stores, displays or generates hazardous materials or generates hazardous waste shall be required to design and construct before occupancy an appropriate separate spill containment system to hold spilled hazardous materials for cleanup independent from the storm water drainage system along with an appropriate early warning monitoring program. The containment system and monitoring program shall be acceptable to the Department of Environmental Regulation, South Florida Water Management District, and the Palm Beach County Health Department to serve all structures or areas where hazardous materials are used, handled, stored, displayed, or where hazardous wastes are generated. The developer shall impose these requirements and the obligation to remediate any contamination on each industrial tenant or owner in an appropriate covenant and restriction; said covenant and restriction shall be approved by the Department of Environmental Regulation, the South Florida Water Management District, and the Palm Beach County Health Department. In furtherance of this alternative condition, the document entitled Gould's proposed Management of potentially Hazardous Materials, dated August 27, 1984, as amended at the October 3, 1984, Board of County Commissioners' Zoning Hearing is hereby adopted as part of this alternative condition.

or

For ground surface industrial areas not served by industrial waste removal systems, the developer shall design and construct the drainage system as a double detention system with the initial receiving area from each industrial site being lined and sized for the runoff from a one-hour, three-year storm less one-inch (excluding building roof areas), and the secondary detention area being for common use and sized to detain one-inch of runoff.

14. The developer shall develop a hazardous materials contamination response plan for the development within one year of the effective date of the Development Order, to be reviewed and approved by the County in consultation with South Florida Water Management District, the Palm Beach County Emergency Preparedness Division, the Department of Environmental Regulation, Treasure Coast Regional Planning Council, and the Palm Beach County Health Department. The plan shall identify appropriate measures for contamination response, including, but not limited to:

- a. provision of equipment and trained personnel on-site or a contract with a contamination response firm meeting Florida Department of Environmental Regulation requirements, if found necessary by the above referenced agencies to protect the groundwater from possible contamination;
- b. Specification of follow-up water quality monitoring programs to be implemented in the event of contamination; and
- c. Specification of design and operational measures to contain and direct contaminated surface runoff away from ponds, canals, drainage structures and/or other connections to the surficial aquifer;
- d. Specifications for the development and implementation of a coordinated monitoring program which incorporates the individual site monitoring programs required under Condition 15 above in such a manner as to achieve an efficient and effective overall project early warning monitoring program; and
- e. Requirements for financial responsibility which will assure cleanup costs can be provided.

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In furtherance of this condition, the document entitled Gould's Proposed Management of Potentially Hazardous Materials, dated August 27, 1984, as amended at the October 3, 1984, Board of County Commissioners' Zoning Hearing is hereby adopted as part of this condition.

15. The minimum finished floor elevations shall be set at a minimum 20.5 feet NGVD and the road crown elevations shall be set at an elevation sufficient to protect the road base and pavement. In addition, to protect the site during the design storm event; from off-site discharges flowing through the site prior to completion of a Plan of Reclamation for Unit 5, perimeter site grading should be set at 19.5 feet NGVD.

WASTEWATER

16. Generation and disposal of hazardous effluents into the sanitary sewer system shall be prohibited unless adequate pretreatment facilities, approved by the Florida Department of Environmental Regulation and the agency responsible for sewerage works are constructed and used by project tenants or owners generating such effluents.

ENERGY

17. In the final site plans, the developer shall incorporate those energy conservation measures identified on pages 25-4 of the Gould Science and Technology Campus Application for Development Approval and, to the extent feasible, measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan.

ZONING

18. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.

19. Prior to site plan certification of the individual parcels the plans shall reflect the following:

- a) A maximum of 75% impervious area on individual parcels.
- b) Parcels adjacent to a collector or arterial street shall be required to have a 15' landscape strip along the frontage.

TRANSPORTATION:

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20. MAJOR ROAD IMPROVEMENTS

(Phase I of Project)

(A) The Developer shall not receive building permits for buildings (excluding temporary structures associated with construction and site related work) in Phase I (as defined in the Application for Development Approval Page 31-9) of the project which will generate a cumulative total of more than 786 vehicle trips per day when cumulated with other buildings (excluding temporary structures associated with construction and site related work) for which building permits have been issued until such time as the Developer has assured funding by cash, bond, or irrevocable letter of credit of the design and construction of the following improvements:

- (1) Two additional lanes to the existing segment of Okeechobee Boulevard from the west side of the intersection with Golden Lakes Boulevard east to the existing four-lane section of Okeechobee Boulevard east of the Florida Turnpike; and

(2) A new three-lane bridge over the Florida Turnpike on Okeechobee Boulevard.

The construction in (A)(1) and (2) above shall be completed in no case later than thirty (30) months from the effective date of the rezoning to PIPD and shall be designed and constructed in contemplation of a future eight-lane section. Furthermore, construction of buildings undertaken pursuant to any building permits issued (excluding those for 786 vehicle trips, temporary structures associated with construction, and site related work) under this provision shall be limited to footings and foundations until such time as construction has commenced on the improvements specified in (A)(1) and (2) above. The Developer shall provide construction plans for said road improvements to the Florida Department of Transportation (DOT) and the South Florida Water Management District (SFWMD) within nine (9) months of the effective date of the rezoning to PIPD, and shall let the contract(s) for construction of said improvements within sixty (60) days after approval of said plans by DOT and SFWMD, or as soon thereafter as the bid selection process allows.

(B) By the completion of construction in Phase I of the project (or of construction generating an equivalent number of vehicle trips per day), the Developer shall have completed the construction of a two-lane section of Jog Road running north along the west side of the project from Okeechobee Boulevard to the north property line of the project. This construction shall be completed in no case later than thirty-six (36) months from the effective date of the rezoning to PIPD.

(Phase II of Project)

(C) The developer shall not receive building permits for buildings (excluding temporary structures associated with construction and site related work) for Phase II of the project until the following have occurred.

A contract (or contracts) for the commencement of construction of an eight-lane section of roadway on Okeechobee Boulevard from the Florida Turnpike to Palm Beach Lakes Boulevard has been let. To expedite this construction, the developer shall provide the necessary funds toward the purchase of the right-of-way necessary to 8-lane Okeechobee Boulevard between Haverhill Road and the Florida Turnpike which shall not be less than \$800,000.00. Palm Beach County shall use road impact fees in the account for Zone 15 toward this right-of-way acquisition. These impact fee funds shall in no case be less than that currently in this account (\$196,000). Developer funds shall be made available within twelve (12) months of the approval date by the Board of County Commissioners of the rezoning to PIPD. The Developer shall provide the right-of-way map and all associated documents required for the taking of this right-of-way. Palm Beach County shall acquire this right-of-way within twenty-four (24) months of the approval date of the rezoning to PIPD.

(D) The Developer shall not receive building permits (excluding temporary structures associated with construction and site related work) in the last 50% of traffic projected to be generated by Phase II of this Development until the Developer has contributed to Palm Beach County \$1,000,000 toward the construction of Jog Road as a 2-lane section from Okeechobee Road south to Southern Boulevard with a 3-lane Turnpike crossing. Palm Beach County shall use road impact fees in the account for Zone 14 toward this construction. The Developer shall provide the construction plans for Jog Road as a 2-lane section expandable to six lanes, as well as plans for a 6-lane Turnpike crossing. The Developer shall provide right-of-way maps and all associated documents necessary for the taking of the right-of-way. These plans shall be provided by the Developer to and

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approved by Palm Beach County within thirty-six (36) months of the effective date of the rezoning to PIPD. The Developer may deduct costs incurred for design work, right-of-way plans, right-of-way map, and other associated documents from the \$1,000,000 contribution. The residual amount from the \$1,000,000 shall be made available to Palm Beach County which will then let the contract for said improvements in or before the calendar year 1988.

(E) Developer and the County shall make good faith efforts to achieve the agreements and improvements specified under subsections (C) and (D) above.

(F) The County shall make application in 1984 to the Florida Department of Commerce for a grant of funds to help meet the costs of the road improvements required by this section. Developer shall assist and support the County applying for and obtaining said funds. If such a grant is received, it shall be applied to the cost of the right-of-way acquisition described under subsection (C) above or to the improvements described under subsection (A) above. These monies shall be used prior to Palm Beach County impact funds being used.

21 .

SITE RELATED ROAD IMPROVEMENTS

The following site related road improvements shall be undertaken as specified below:

(A) The Developer shall convey to Palm Beach County, within ninety (90) days of adoption of the PIPD Rezoning Resolution by the Board of County Commissioners, the ultimate right-of-way for:

(1) Okeechobee Boulevard, 200' feet north of the north right-of-way line of the Lake Worth Drainage District L-1 Canal through the project's limits (approximately an additional 82 feet).

(2) Jog Road, 60 feet through the project's limits.

(3) The "Special Intersections" as shown on the Thoroughfare Right-of-way Protection Map.

a) 64 feet from centerline for Jog Road.

b) The necessary Right-of-way for the Okeechobee Overpass over the Florida Turnpike.

(B) The Developer shall complete, within twelve (12) months of the approval date by the Board of County Commissioners, the engineering plans for a 3-lane bridge on Okeechobee Boulevard over the Florida Turnpike.

Surety is to be submitted to the County Engineer for the design cost within ninety (90) days from the date of Rezoning approval.

(C) The Developer shall ensure that access for the entire site onto Okeechobee Boulevard shall be limited to one street connection into the site from Okeechobee Boulevard.

(D) The Developer shall construct the internal loop roadway as a 4-lane median divided section.

(E) The Developer shall construct, concurrent with the construction of the project's entrance road at its intersection with Okeechobee Boulevard:

(1) Right turn lane, east approach.

(2) Right turn lane, north approach.

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- (3) Dual left turn lanes, north approach.
- (4) Dual left turn lanes, west approach.
- (5) Signalization, when warranted as determined, by the County Engineer.

(F) The Developer shall construct, concurrent with the construction of Jog Road onto Okeechobee Boulevard:

- (1) Right turn lane, north approach.
- (2) Dual left turn lanes, north approach.
- (3) Dual left turn lanes, west approach.
- (4) Right turn lane, east approach.
- (5) Signalization when warranted as determined by the County Engineer.

(G) The Developer shall construct concurrent with the construction of Jog Road at the project's entrance roads:

- (1) Right turn lane, south approach.
- (2) Left turn lane, north approach.
- (3) Right turn lane, east approach.
- (4) Left turn lane, east approach.
- (5) signalization when warranted as determined by the County Engineer.

22. All areas of this development shall be platted and appropriate bonds, surety, or letters of credit shall be posted with the office of the County Engineer.

23. The Developer shall adhere to Best Management Practices (BMP) to enhance water quality incorporated into the surface water management system as per South Florida Water Management District System (SIWMD) requirements.

24. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is:

<u>PHASE I</u>	<u>TOTAL</u>
Hotel	\$38,625.00
Villas	9,850.00
Office	28,825.00
Light Industrial	26,113.00
Subtotal	\$103,413.00

<u>PHASE II</u>	<u>TOTAL</u>
Hotel	\$57,813.00

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Villas	8,775.00
Office	166,775.00
Light Industrial	107,625.00
Subtotal	\$340,988.00
Total (Cumulative Phase I & 11)	\$444,401.00

Credit for the Impact Fees shall be applied toward the construction and expenditures of funds as outlined in Conditions 20 (A), (C) and (D). Any credit shall be based upon a certified cost estimate by the developer's engineer and subject to approval by the County Engineer's Office.

25. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. A plan shall be submitted to the Palm Beach County Health Department to control unconfined particulates prior to the issuance of any land development permits.

26. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

27. Any fuel or chemical storage tanks shall be installed and protected against leakage or spillage due to corrosion, breakage, structural failure, or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

28. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C. A plan shall be submitted to the Palm Beach County Health Department.

29. Burning due to land clearing operations shall not be conducted during periods when the surface wind is from the western quadrant.

30. No building permits for buildings (excluding temporary structures associated with construction and site related work) within the project shall be issued unless and until plans for the provision of water for fire fighting purposes at a minimum rated capacity of 500 gpm at 20 psi residual pressure have been reviewed by the Military Park Fire Control Tax District #4 for code compliance.

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

KEN ADAMS - CHAIRMAN	-- AYE
KAREN T. MARCUS	-- AYE
KEN SPILLIAS	-- AYE
JERRY L. OWENS	-- AYE
DOROTHY H. WILKEN	-- AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of July 1985 confirming action of the 27th of September 1984.

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PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Sprague
County Attorney

FILED THIS DAY OF
..... JUL 23 1985
AND RECORDED IN RESOLUTION
MINUTE BOOK NO AT
PAGE RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY PATRICIA WEAVER D.C.

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