

ORIGINAL

RESOLUTION NO. R-92-695

RESOLUTION APPROVING ZONING PETITION NO. 84-130(B)
SUBSTANTIAL DEVIATION DETERMINATION &
SPECIAL EXCEPTION PETITION OF
PALM BEACH COMMERCE CENTER, ASSOC. LTD.

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, have been satisfied; and

WHEREAS, Petition No. 84-130(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on February 27, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 Treasure Coast Regional Planning Council and the Planning Commission; and

WHEREAS, this proposal is subject to Chapter 380.06, Florida Statutes; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal does not create a Substantial Deviation to the approved Development Order for this project, as amended.
2. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

WHEREAS, the conditions included in this resolution are hereby adopted and shall be considered part of the Development Order for the project (Resolution No. R-89-847, attached as Exhibit A).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-130(B), the petition of PALM BEACH COMMERCE CENTER, ASSOC. LTD., BY ROBERT A. BENTZ, AGENT, for a SUBSTANTIAL DEVIATION DETERMINATION AND A SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE VISTA CENTER DRI on a parcel of land lying on the South 100.00 feet LESS the West 60.00 feet thereof, of the West 1/2 of Section 15,

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Township 43 South, Range 42 East, and all that part of Section 22, Township 43 South, Range 42 East, lying west of the westerly right-of-way line of the Sunshine State Parkway (Florida Turnpike), EXCEPTING THEREFROM the South 170.00 feet thereof, also EXCEPTING THEREFROM the West 60.00 feet thereof and also EXCEPTING THEREFROM the following described parcel: COMMENCING at the intersection of the said North line of the South 170.00 feet of Section 22 with the East line of the West 60.00 feet of Section 22, run thence North 3°27'29" East, along the said East line of the West 60.00 feet of Section 22, a distance of 980.74 feet to a line parallel with and 1,150.01 feet Northerly from, as measured at right angles to the South line of said Section 22; thence South 88°45'24" East along said parallel line, a distance of 749.35 feet; thence South 1°14'36" West, a distance of 980.01 feet to a point in the North line of the said South 170.00 feet of Section 22; thence North 88°45'24" West along said North line of the South 170.00 feet of Section 22, a distance of 787.25 feet to the POINT OF BEGINNING, and being located ON THE N SIDE OF OKEECHOBEE BLVD., BOUND ON THE E BY FLORIDA'S TURNPIKE, IN THE PIPD ZONING DISTRICT, was approved on February 27, 1992, as advertised, subject to the following conditions:

A. MASTER PLAN MODIFICATIONS

1. Development of the site is limited to the uses and site design shown on the Master Plan approved by the Board of County Commissioners (Exhibit No. 64). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E) 2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
2. The petitioner shall receive certification of the Master Plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before June 24, 1992.
3. The petitioner shall comply with all outstanding requirements of the Development Order prior to Master Plan certification.

E. ENGINEERING

1. Condition No. 10.c. of Resolution No. R-89-847, the revised Development Order, which presently states:

"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."

Is hereby revised to read:

"The developer shall ensure that access for the entire site onto Okeechobee Boulevard shall be limited to three street connections into the site from Okeechobee Boulevard. The requested eastern access shall be limited to right turn movement only."

2. Property owner shall convey a cross access easement with the property owner to the west prior to June 1, 1992.

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3. Prior to Master Plan/Site Plan approval, an approved traffic impact analysis shall be submitted to the Engineering Department. This Traffic Impact Analysis shall include the projected traffic from the parcel to the west. Geometrics, including stacking distance, shall then be approved by the County Engineer and Florida Department of Transportation based upon the approved Traffic Impact Analysis.
4. Condition 9.d. of Zoning Petition Number 84-130A, which presently states:

"The Developer shall not receive building permits (excluding temporary structures associated with construction and site related work) for the last **50% of** traffic projected to be generated by Phase II of this Development until the Developer has contributed to Palm Beach County \$1,000,000.00 toward the construction of Jog Road two/three lane sections from Okeechobee Road south to Southern Boulevard within a 3-lane Turnpike crossing. The Developer shall provide the construction plans **for** Jog Road, with the scope of the design to be determined by the County Engineer based upon Palm Beach County's present construction plan standards, as they presently exist or as they may from time to time be amended. The developer shall provide a right-of-way map suitable for recording and all associated right-of-way documents necessary for the taking of the right-of-way. Developer shall provide these right-of-way maps and permittable construction plans to, and receive approval from, Palm Beach County within 12 months from the date of the alignment of Jog Road as finally determined by the County. The right-of-way alignment map shall be furnished to Palm Beach County by October 15, 1988. **The** developer may deduct costs incurred for design work, right-of-way plans, right-of-way maps, and other associated documents from the **\$1,000,000.00** contribution upon approval of these costs by the County Engineer. The residual amount from the **\$1,000,000.00** shall be paid to Palm Beach County by November 1, 1991. Palm Beach County will then award the contract for said improvements within three (3) months of receipt of the funds, plans, and final permits."

Is hereby amended to read:

"9.d.1. The Developer shall not receive building permits (excluding temporary structures associated with construction and site related work) for the last **50%** of traffic projected **to be** generated by Phase II of this Development until the Developer has contributed to **Palm Beach County \$1,000,000.00** toward the **construction** of Jog Road two/three lane sections from Okeechobee Road south to Southern Boulevard within a 3-lane Turnpike crossing.

2. The Property owner shall provide Palm Beach , County Land Development Division and the Florida Turnpike Authority construction plans for Jog Road as a **6** lane facility from Belvedere Road to Okeechobee Boulevard, including bridge plans (**6** lane), plus the appropriate paved tapers. These construction

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plans and costs shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended.

- a) These construction plans shall be completed prior to June 1, 1992, unless there are other changes to the plans required by the County Engineer or the Florida Department of Transportation. Should changes be required, then the completion date may be extended by the County Engineer.
- b) All permit applications should be completed and submitted to the appropriate regulatory agencies prior to June 1, 1992.

The developer may deduct costs incurred for design work, right-of-way plans, right-of-way maps, and other associated documents from the \$1,000,000.00 contribution upon approval of these costs by the County Engineer.

- c) Palm Beach County shall notify property owner 120 days prior to awarding the contract. The property owner shall pay the residual amount from the \$1,000,000.00 to Palm Beach County within 30 days of the above notification. Palm Beach County shall award the contract within three (3) months of receipt of the funds.

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Commissioner Roberts moved for approval of the Resolution.

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


Karen T. Marcus, Chair	--	aye
Carole Phillips	--	absent
Carol A. Roberts	--	aye
Carol J. Elmquist	--	aye
Mary McCarty	--	aye
Ken Foster	--	aye
Maude Ford Lee	--	aye

The Chair thereupon declared the resolution **was** duly passed and adopted this 12th day of May, 1992.

APPROVED **AS** TO FORM
AND **LEGAL** SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD **OF** COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

RESOLUTION NO. R-89-847

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: ADOPTING A REVISED DEVELOPMENT ORDER FOR VISTA CENTER PLANNED INDUSTRIAL PARK DISTRICT, A DEVELOPMENT OF REGIONAL IMPACT; REPEALING PREVIOUS RESOLUTIONS AND RATIFYING PREVIOUS WHEREAS CLAUSES, FINDINGS OF FACT, ETC; ESTABLISHING AN OFFICIAL APPROVAL DATE; SPECIFYING CONDITIONS OF APPROVAL; PROVIDING FOR AN ANNUAL REPORT; PROVIDING FOR TRANSMITTAL OF COPIES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Palm Beach Commerce Center Associates Limited has petitioned the Palm Beach County Planning Commission and the Board of County Commissioners of Palm Beach County, Florida to modify the conditions of approval imposed on the Vista Center Planned Industrial Park District (formerly known as the Gould Planned Industrial Park District), a Development of Regional Impact (DRI); 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, the Planning Commission at a public hearing held on June 2, 1988 determined that this petition satisfied the requirements of the Palm Beach County Zoning Code and recommend approval to the Board of County Commissioners; and

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 related to zoning; and

WHEREAS, the Board of County Commissioners at a public hearing held on July 28, 1988 and, after receiving the comments of the Florida Department of Community Affairs and the Treasure Coast Regional Planning Council, determined that the proposed modification of conditions 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 evidence and testimony presented by the applicant and other interested parties and the recommendation 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. This proposal is consistent with the Comprehensive Plan and local land development regulations.

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WHEREAS, the Board of County Commissioners has ratified the findings of fact in the previous hearings on this matter, as provided in Section I of this resolution, below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session, that Petition No. 84-130(A), the petition of PALM BEACH COMMERCE CENTER ASSOCIATES LIMITED, by Alan J. Ciklin, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS, on property located on the north side of Okeechobee Road (SR 704), and bounded on the east by Florida's Turnpike (Sunshine State Parkway), in a PIPD-Planned Industrial Park Zoning District, was approved as advertised subject to the conditions stated herein as follows:

SECTION I. PREVIOUS RESOLUTIONS REPEALED: ORIGINAL WHEREAS CLAUSES, FINDINGS OF FACT AND CONCLUSIONS OF LAW, APPROVAL DATE, AND CONDITIONS OF APPROVAL RATIFIED.

1. Except as provided herein, the following Resolutions relating to this development are hereby repealed in their entirety:

- a. Resolution No. R-84-1555 (October 16, 1984), entitled "RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ISSUING A DEVELOPMENT ORDER APPROVING THE GOULD INCORPORATED DEVELOPMENT OF REGIONAL IMPACT";
- b. Resolution No. R-84-1934 (December 18, 1984), entitled "RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, AMENDING RESOLUTION NO. R-84-1555, THE DEVELOPMENT ORDER FOR THE GOULD INCORPORATED DEVELOPMENT OF REGIONAL IMPACT"; AND
- c. Resolution No. R-85-1135 (July 23, 1985), entitled "RESOLUTION REPEALING AND RATIFYING RESOLUTION NO. R-85-336 A RESOLUTION APPROVING ZONING PETITION OF GOULD, INC. PETITION NO. 84-130, REZONING."

2. The purpose of this action is to consolidate the various resolutions relating to this development into one Development Order which can be more easily administered. This consolidation will eliminate scrivener's errors and minimize confusion over the terms of the conditions of the original development approval. Unless otherwise provided in this resolution, no substantial changes are made in the conditions of approval currently in force. Except as provided by Zoning Petition No. 84-130(A), this consolidation of resolutions is not intended to and shall not constitute an amendment of the development's original date of approval. Consolidation shall not affect the substantive requirements of any condition, including dates for performance. The whereas clauses, findings of fact and conclusions of law, approval date, and conditions of approval are hereby ratified and shall remain in effect as if restated in this Resolution in their entirety.

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3. This Resolution shall constitute the Development Order for the Vista Center Development of Regional Impact.

SECTION 11. LEGAL DESCRIPTION OF PARCEL OF LAND SUBJECT TO DEVELOPMENT ORDER.

The legal description of the parcel of land to which this Resolution applies is found in Exhibit A, which is attached to and made an integral part of this Development Order.

SECTION 111. DEVELOPMENT'S OFFICIAL APPROVAL DATE.

This development's official approval date shall be July 23, 1985, the date of approval by the Board of County Commissioners of Resolution No. R-85-1135, entitled "RESOLUTION REPEALING AND RATIFYING RESOLUTION NO. R-85-336 A RESOLUTION APPROVING ZONING PETITION OF GOULD, INC. PETITION NO. 84-130, REZONING."

SECTION IV. CONDITIONS OF APPROVAL.

Approval of this Development Order is expressly conditioned upon compliance with and satisfaction of the following conditions of approval:

1. INCORPORATION BY REFERENCE: The Gould Science and Technology **Campus** Application for Development Approval is incorporated herein by reference and relied upon by the parties discharging their statutory duties under Chapter 330, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval is a condition for approval unless waived or modified by agreement among the parties, as defined in Subsection 380.07(2), Florida Statutes. For the purpose of this condition, the Application for Development Approval (ADA) shall include the following items:

a. ADA submitted April 6, 1984; and

b. Response to Informational Sufficiency Report submitted May 17, 1984.

2. COMMENCEMENT OF DEVELOPMENT: In the event the developer fails to commence significant physical development within three (3) years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project.

3. AIR POLLUTION:

a. 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.

b. 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.

4. **HISTORIC AND ARCHAEOLOGICAL SITES:** 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.

5. **HABITAT, VEGETATION, AND WILDLIFE:**

a. 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.

b. The developer shall establish a vegetated littoral zone of no less than ten (10) acres as part of the surface water management system of lakes. The ten (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 (3) feet below control elevation. In addition, the developer shall preserve or create on-site ten (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 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 the Treasure Coast Regional Planning Council. The plan shall be implemented and work inspected prior to the beginning of the next phase.

c. 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 accordance 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

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edge habitat shall begin at the upland limit of any wetland or deepwater habitat and shall include a total area of at least ten (10) square feet per linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than fifty (50) percent of the total shoreline is buffered by a minimum width of 10 (ten) feet of upland habitat.

d. 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.

e. 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 the Treasure Coast Regional Planning Council.

f. Thirty (30) 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 do not inhibit the management of the native vegetation areas in a healthy state. Fifty (50) percent of the trees used in landscaping shall be native trees adapted to the soil conditions on-site.

6. DRAINAGE AND HAZARDOUS WASTE:

a. 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-year 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.

b. 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-year storm event,

c. 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 (4) digit Standard Industrial Classification Code applicable to the operation. A copy of this list shall be provided to the Department of Environmental

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Regulation and the agency delegated the authority for maintaining, updating, and verifying the master files for hazardous waste generators in Palm Beach County.

d. 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 and the South Florida Water Management District 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 act the October 3, 1984 Board of County Commissioners' Zoning Hearing, is hereby adopted as part of this alternative condition.

e. The developer shall develop a hazardous materials contamination response plan for the development within one (1) year of the effective date of the Development Order, to be reviewed and approved by the County in consultation with the South Florida Water Management District, the Palm Beach County Emergency Preparedness Division, the Department of Environmental Regulation, the 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:

1] 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:

2] Specification of follow-up water quality monitoring programs to be implemented in the event of contamination;

3] 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;

4] Specification for the development and implementation of a coordinated monitoring program which incorporates the individual site monitoring programs required under Condition No. 6(d) above in such a manner as to achieve an

efficient and effective overall project early warning monitoring program; and

5) Requirements for financial responsibility which will assure cleanup costs can be provided.

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 at the Board of County Commissioners' Zoning District, is hereby adopted as part of this condition.

f. 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.

7. WASTEWATER: 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 sewage works, are constructed and used by project tenants or owners generating such effluents.

8. ENERGY: 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.

9. TRANSPORTATION; MAJOR ROAD IMPROVEMENTS:

PHASE I OF PROJECT

a. The Developer shall not receive building permit 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 until such time as the Developer has assured funding by cash bond, or irrevocable letter of credit for 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 as identified in the construction plans which received technical approval from the Florida Department of Transportation in approximately May 1988 and as specified in the Tri-Part Agreement between the Developer, Palm Beach County, and the Florida Department of Transportation; and

23 A new three-lane bridge over the Florida Turnpike on Okeechobee Boulevard.

The construction in (a) (1) and (2) above shall be designed and constructed in contemplation of a future eight-lane section. The Developer shall provide construction plans for said road improvements to the Florida Department of Transportation (DOT) and to the South Florida Water Management District (SFWMD) for their review. Construction of (a) (1) and (2) improvements shall be completed within 18 months from the date of issuance of the construction permit by DOT. Furthermore, construction of buildings undertaken pursuant to any building permits issued (excluding those for 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 award the contract (s) for construction of said improvements by July 15, 1988.

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 to Palm Beach County Thoroughfare Plan standards including the ultimate drainage for a multiple lane road. Developer shall complete construction of this two-lane section of Jog Road within 15 months from the date of issuance of a construction permit for the Jog Road construction by the County. This construction shall commence by September 1990 and be completed in no case later than July 1991.

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 awarded. To expedite this construction, the developer shall provide all necessary funds toward the purchase of the right-of-way necessary to 6-lane Okeechobee Boulevard between Haverhill Road and the Florida Turnpike. This shall include all studies, appraisals, court costs, etc. This amount shall not be less than \$800,000. Palm Beach County shall contribute road impact fees to the Florida Department of Transportation toward this right-of-way acquisition. These impact fee funds shall be (\$196,000). Developer funds shall be made available when requested by Florida Department of Transportation. The developer shall also provide the right-of-way map

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and all associated documents required for the taking of this right-of-way. Florida Department of Transportation shall acquire this right-of-way.

d. The Developer shall not receive building permits (excluding temporary structures associated with construction and site related work) for 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 two/three lane sections from Okeechobee Road south to Southern Boulevard with a 3-lane Turnpike crossing. The Developer shall provide the construction plans for Jog Road, with the scope of the design to be determined by the County Engineer based upon Palm Beach County's present construction plan standards as they presently exist or as they may from time to time be amended. The Developer shall provide a right-of-way map suitable for recording and all associated right-of-way documents necessary for the taking of the right-of-way. Developer shall provide these right-of-way maps and permissible construction plans to, and receive approval from, Palm Beach County within 12 months from the date of the alignment of Jog Road as finally determined by the County. The right-of-way alignment map shall be furnished to Palm Beach County by October 15, 1988. 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 upon approval of these costs by the County Engineer. **The residual** amount from the \$1,000,000 shall be paid to Palm Beach County by November 1, 1991. Palm Beach County will then award the contract for said improvements within three (3) months of receipt of the funds, plans, and final permits.

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.

10. TRANSPORTATION; 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 eighty-two (82) feet].

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

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

a] Sixty-four (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 three-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 special exception 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 four-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;
- 3) Dual left turn lanes, north approach;
- 4) Dual left turn lanes, west approach; and
- 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; and

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 road:

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

11. PLATTING; POSTING OF BONDS AND SURETY: 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.

12. BEST MANAGEMENT PRACTICES FOR WATER QUALITY: 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's (SFWMD) requirements.

13. FAIR SHARE ROAD IMPACT FEES: 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	<u>26,113.00</u>
Subtotal	103,413.00
 <u>PHASE II</u>	
Hotel	\$ 57,813.00
Villas	8,775.00
Office	166,775.00
Light Industrial	<u>107,625.00</u>
subtotal	340,988.00
Cumulative Total of Phase I and Phase II	\$444,401.00

Credit for the Impact Fees shall be applied toward the construction and expenditures of funds as outlined in Condition No. 9 (a), (c) and (d). Any credit shall be based upon:

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certified cost estimate by the developer's engineer and subject to approval by the County Engineer's Office.

14. UNCONFINED PARTICULATES: 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.

15. POLLUTION OF SURFACE WATERS: Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

16. INSTALLATION OF STORAGE TANKS: 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.

17. TOXIC OR HAZARDOUS WASTE PLAN: 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.

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

19. FIRE PROTECTION WATER SUPPLY: 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 1,500 gpm at 20 psi residual pressure have been reviewed by the Military Park Fire Control Tax District #4 for code compliance.

20. STATUS OF HEALTH DEPARTMENT: All references to environmental regulatory agencies shall include Palm Beach County Health Department.

21. COMPLIANCE: Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer, owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

SECTION V. COMPLIANCE PROCEDURES

Compliance with the Development Order shall be monitored through normal County permitting procedures, the procedure:

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listed in specific Conditions of Approval, and review of the Annual Report. The local official responsible for assuring compliance with this Development Order is the Executive Director of the Palm Beach County Planning, Zoning and Building Department.

SECTION VI. ANNUAL REPORT

The Annual Report required by Section 380.06(16), Florida Statutes shall be submitted on or before October 16th of each year. This Annual Report shall be submitted to Palm Beach County, the Treasure Coast Regional Planning Council, the State of Florida Department of Community Affairs, the State of Florida Department of Environmental Regulation, and the South Florida Water Management District. This Annual Report shall include the following items:

1. Changes in the plan of development or phasing for the reporting year and for the next year;
2. A summary comparison of development activity proposed and actually conducted for the year;
3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
4. Identification and intended use of lands; purchased, leased, or optioned by the developer adjacent to the original DRI site since the Development Order was issued;
5. An assessment of the development's and the local government's compliance with Conditions of Approval contained in the DRI Development Order;
6. Any known incremental DRI applications or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
7. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
8. A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the developer pursuant to Paragraph 380.06(14)(d), Florida Statutes; and
9. A list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation.

SECTION VII. TRANSMITTAL OF COPIES

copies of this revised Development Order shall be transmitted immediately by Certified Mail to the State of Florida

Department of Community Affairs, the Treasure Coast Regional Planning Council, and the Developer.

SECTION VIII. SEVERABILITY

Should any section or provision of this Resolution or portion hereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Resolution.

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

Carol A. Roberts	Aye
Carol J. Elmquist	Aye
Karen T. Marcus	Aye
Dorothy Wilken	Absent
James Watt	Absent

The foregoing resolution was declared duly passed and adopted this 9th day of May, 1983 confirming action of July 28, 1988.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

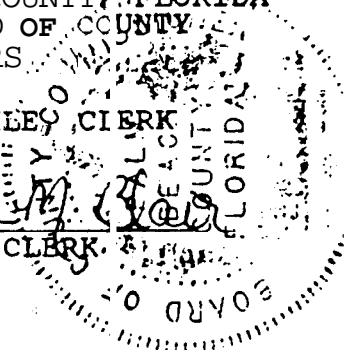
JOHN B. DUNKLEY, CLERK

BY :

Richard Altman
COUNTY ATTORNEY

BY:

John B. Dunkley
DEPUTY CLERK



Richard Altman

RESOLUTION NO. R-89-847

APPENDIX "A"

LEGAL DESCRIPTION OF
VISTA CENTER PLANNED INDUSTRIAL PARK DISTRICT
A DEVELOPMENT OF REGIONAL IMPACT

Gould Science and Technology Campus:

The South 100.00 feet less the West 60.00 feet thereof, of the West 1/2 of Section 15, Township 43 South, Range 42 East, Palm Beach County, Florida, and all that part of Section 22, Township 43 South, Range 42 East, Palm Beach County, Florida, lying West of the Westerly right-of-way line of the Sunshine State Parkway (Florida Turnpike), excepting therefrom the South 170.00 feet thereof, also excepting therefrom the West 60.00 feet thereof and also excepting therefrom the following described parcel: Commencing at the intersection of the said North line of the South 170.00 feet of Section 22 with the East Line of the West 60.00 feet of Section 22, run thence North 3 degrees 27' 29" East, along the said East line of the West 60.00 feet of Section 22, a distance of 980.74 feet to a line parallel with and 1150.01 feet Northerly from, as measured at right angles to, the South line of said Section 22; thence South 88 degrees 45' 24" East along said parallel line, a distance of 749.35 feet; thence South 01 degree 14' 36" West, a distance of 980.01 feet to a point in the North line of the said South 170.00 feet of Section 22; thence North 88 degrees 45' 24" West along said North line of the South 170.00 feet of Section 22, a distance of 787.25 feet to the Point of Beginning; Containing 493.687 acres, more or less.

102-695145