

RESOLUTION NO. R-97- 161

RESOLUTION CONSOLIDATING AND RESTATING
PALM BEACH PARK OF COMMERCE DEVELOPMENT OF
REGIONAL IMPACT (DRI) DEVELOPMENT ORDER

FILE COPY

WHEREAS, the Board of **County Commissioners** of Palm Beach County ("Board"), as the governing body of local government having jurisdiction, pursuant to Chapters 380.031 and 380.06, Florida **Statutes**, is authorized and empowered to consider applications for development approval of developments of regional impact and did so for the Palm Beach Park of Commerce Development of Regional Impact ("PBPOC DRI") pursuant to Petition 81-190 on **February 2, 1982**; and

WHEREAS, ~~the~~ Development Order and the PIPD for the PBPOC DRI has been amended as reflected in Resolution No. R-82-120, RESOLUTION APPROVING THE PALM BEACH PARK OF COMMERCE DEVELOPMENT OF REGIONAL IMPACT; Resolution No. R-82-468, RESOLUTION APPROVING ZONING PETITION 81-190 PIPD ZONING; Resolution No. R-90-812, RESOLUTION APPROVING **ZONING** PETITION NO. 81-190(A) MODIFICATION OF COMMISSION REQUIREMENTS PETITION OF **CALEFFE INVESTMENTS, LTD. AND EDWARD W. WORTHINGTON, JR.**; Resolution **No.** R-93-344, RESOLUTION APPROVING **ZONING** PETITION NO. 81-190(C) MODIFICATION OF COMMISSION REQUIREMENTS PETITION OF **CALEFFE INVESTMENTS LTD.**; and Resolution **No.** R-95-1321.15, RESOLUTION APPROVING ZONING PETITION DO81-190(D) DEVELOPMENT ORDER AMENDMENT PETITION OF **CALEFFE INVESTMENTS, LTD. BY DONALD C. WALKER**, AGENT PALM BEACH PARK OF COMMERCE DRI; and

WHEREAS, for ~~the~~ benefit of the public there should be a consolidation of **all** the current development order conditions for the PBPOC DRI; and

WHEREAS, for reasons of administrative efficiency, the Board has determined to **consolidate all** of the development order conditions and the PIPD conditions of approval of the PBPOC DRI and to restate ~~the~~ Development Order and the PIPD conditions of approval, with no substantive **changes**, in **separate** Resolutions; and

WHEREAS, for reasons of administration efficiency and for ease of administration, the Board has determined to separate the development order conditions and the PIPD conditions of approval in ~~the~~ PBPOC DRI into separate resolutions reflecting regional and local issues; and

WHEREAS, the developer has agreed to allow the PBPOC DRI development order to be ~~so~~ consolidated and restated; and

WHEREAS, the notice and hearing requirements ~~as~~ provided for in Article Five of the Palm Beach County Unified Land Development Code were satisfied in the Application for Development Approval (ADA) for the PBPOC DRI and its subsequent amendments; and

~~**WHEREAS**~~ the ADA and the **official report** and recommendations ~~of the~~ Treasure Coast Regional Planning Council resulting from its public hearing ~~of~~ December 17, 1981 were presented to the Board at its public hearing conducted on January 26, 1982; and

WHEREAS, the Board considered the evidence and testimony presented by the PBPOC ~~and other~~ interested parties, the recommendations of the various county review agencies and the recommendations of the Planning Commission on the development order and its subsequent amendments; and

WHEREAS, the Board determined that all regional issues had been sufficiently addressed ~~and that the proposed~~ development was consistent with ~~all~~ regional and local comprehensive plans pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Board assembled in regular sessions on **February** 2nd, 1982, **February** 25th, 1982, May 22nd, 1990, March 16th, 1993, and September 28, 1995 and approved and thereafter amended the ADA for the PBPOC **DRI**; and

~~**WHEREAS**~~ the Board of County Commissioners of Palm Beach County, Florida, in its regular session on ~~the~~ 25th day of February, 1982 approved the developer's petition for rezoning of ~~the~~ property, described on Exhibit "A", from AG-Agricultural District, in ~~part~~, and IL-Light Industrial District, in ~~part~~, to PIPD-Planned Industrial Park District; and

WHEREAS, the Board ~~has~~ previously made the following findings of fact:

- A. The development does ~~not~~ unreasonably ~~interfere~~ with the Treasure Coast Strategic Regional Policy Plan;
- B. **The** development is consistent with ~~the~~ Palm Beach County Comprehensive Plan ~~and the~~ Palm **Beach Unified** Land Development **Code**;
- C. The ~~development~~ is consistent with ~~the~~ report ~~and~~ recommendations of the Treasure Coast Regional **Planning** Council;
- D. **The** development ~~is~~ consistent with the State Comprehensive Plan;

E. The proposal complies with all requirements of the Planned Industrial Park District, Section 615, Palm Beach County Zoning Code, Ordinance 73-2, as amended; and

WHEREAS, Article Five of the Palm Beach County Unified Land Development Code requires that the action of the Board be adopted by resolution; and

~~WHEREAS~~ this resolution which consolidates and restates the PBPOC DRI development order conditions shall be read in conjunction with Resolution No. R-97-____ which consolidates and restates the PBPOC PIPD conditions of approval adopted this Same date.

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, assembled in regular session this 30th day of January, 1997, that the PBPOC DRI development order, encompassing the property described in Exhibit "A", attached hereto and made a part hereof, is hereby consolidated and restated to be and read as follows:

1. **FINDINGS**

The foregoing recitals are incorporated as findings of fact.

2. **INCORPORATION OF ALL DEVELOPMENT CONDITIONS**

~~The petitioner shall comply with This resolution incorporates and restates all the previous Development Order~~ conditions of approval as contained in Resolutions No. R-82-120, No. R-82-468, No. R-90-812, ~~No. R-93-344, and No. R-95-1321.15~~ including original deadlines, a! most recently amended, unless expressly modified herein. (R-93-344, Condition #A. 1.) (ONGOING: MONITORING)

3. **APPLICATION FOR DEVELOPMENT APPROVAL**

The PBPOC 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 ~~partes~~ as defined in Subsection 380.07(2)(c), 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. (R-82-468#1)

For the purposes of this condition, the ADA shall include the following items:

- A. Palm Beach Park of Commerce ADA, submitted September 4, 1981 (R-82-468, Condition #1);
- B. palm Beach Park of Commerce ADA Supplement, submitted October 21, 1981 (R-82-468, Condition #1);
- C. Letter and attachments dated October 26, 1981 from Doug Winter to Jeanne Hall regarding Water, Drainage, and Vegetation and Wildlife (R-82-468, Condition #1);
- D. Letter and attachments dated November 13, 1981 from Donald Walker to Sam Shannon regarding Transportation (R-82-468, Condition #1);
- E. Letter and attachments dated November 18, 1981 from Donald Walker to Sam Shannon regarding Transportation (R-82-468, Condition #1);
- F. Letter dated December 1, 1981 from Howard L. Searcy to Donald C. Lockhart regarding wetlands (R-82-468, Condition #1);
- G. Letter dated October 12 16, 1981 to ~~the Caloosa Homeowners Association~~ Tim Lunney, Palm Beach County Zoning Director, from Henry Skokowski regarding the Caloosa Homeowners Association meeting of October 12, 1981 describing the "Limited Development Zone" (R-82-468, Condition #1);
- H. Memorandum dated January 28, 1982 from Henry Skokowski to Tim Lunney restricting uses and establishing additional setbacks (R-82-468, Condition #1);
- L Condition C.1. of Resolution No. R-93-344 as subsequently modified by Condition E.2. R-95- 1.15 found at Condition #9 herein (R-95-1321.15); and
- L Condition C.2. of Resolution No. R-93-344 amending the answer to Question 14-D of the ADA. (R-93-344)

4. **SIGNIFICANT PHYSICAL DEVELOPMENT**

In ~~the event the~~ developer fails to commence significant physical development within three (3) years from the effective date of the Development Order **as adopted on February 2nd, 1982**, 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 (R-82-468, Condition #2). (ONGOING: MONITORING)

5. ARCHAEOLOGICAL ARTIFACTS

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 developer. (R-82-468, Condition #3) (ONGCING: PLANNING)

6. CENTRALIZED WASTEWATER AND POTABLE WATER TREATMENT FACILITIES

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 Protection. Only when a regional wastewater treatment system is constructed that would serve the proposed project, and when the applicant developer commits to connecting to the system, will this condition be removed from the applicant developer. (R-82-468, Condition #8). (ONGOING: HEALTH / ERM)

7. TRANSPORTATION COORDINATOR

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. (R-82-468, Condition #10)
(ONGOING: ENG)

8. TRAFFIC STUDY

Commencing in the year 1993, and continuing every other year thereafter the **applicant developer** 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**. Counts shall be conducted for three consecutive days from Tuesday through Thursday during one of the following months: January, **February** or March. 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 in on the **surrounding** highway system. The study shall be coordinated by the Florida Department of Transportation **and** the Palm Beach County Engineering Department and the results shall be provided **to** each **as part** of the annual report required by Subsection 380.06 **(156)(18)**, Florida **Statutes**. This report shall also **address** the traffic control strategies listed in **condition number 10** and shall be coordinated with the County Engineer. (R-93-344, Condition #E. 1) (DATE: MONITORING - Eng)

9. CONTINUED DEVELOPMENT

Continued development of the project shall be permitted provided the traffic monitoring required by **the Traffic Study** Condition #1 above **shows showing** the peak-season, **peak** hour, peak-direction traffic volume does not exceed LOS D (utilizing FDOT Generalized Level of Service Guidelines Manual service volumes) on Beeline Highway (SR 710).

If that volume is exceeded, no further building permits shall be issued for Palm Beach Park of Commerce PBPOC DRI until it *can* be demonstrated to the Palm Beach County Engineer, the **Florida** Department of Transportation and the Treasure Coast Regional Planning Council that peak-season, peak-hour, **peak direction** traffic is operating **at an** acceptable level of service.

Recognizing that the background traffic constraints existing at the time of initial development order adoption have been alleviated, and that demand for the approved land uses has not occurred in ~~linear~~ fashion as was projected, the internal phase projections in the ADA are collapsed into one phase. There is no minimum or maximum of development or type of development previously approved which must or may occur within any given time period, subject to the overall project buildout date. The buildout date for the project, July 31, 2014, remains unchanged. The land uses and their amounts previously approved remain unchanged. Development may proceed at any pace as long as the traffic limitations imposed in the development order are not exceeded. (R-95-1321.15, Condition #E.2.) (ONGOING: ENG - Bldg)

10. ENVIRONMENTAL LIAISON

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 Protection, 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 Protection. (R-82-468, Condition #19) (ONGOING - ERM)

11.

The paragraph headings of this Development Order are included solely for purposes of convenience and reference only, and shall not be deemed to explain, modify, limit, amplify or aid in the meaning, construction or interpretation of any of the provisions of this Development Order.

BE IT FURTHER **RESOLVED** that a copy of this resolution (Development Order: shall be **transmitted** to the State Land Planning Agency, the owner or developer, and a courtesy copy furnished **to** the Treasure Coast Regional Planning Council.

The foregoing resolution was offered by Commissioner McCarty who moved its adoption. **The** motion was seconded by Commissioner ~~Newell~~, and upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee , Vice Chair	--	Aye
Ken Foster	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

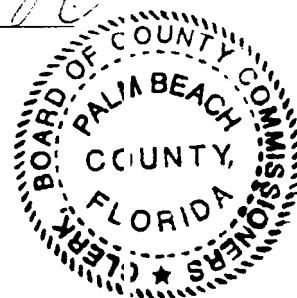
The Chairman thereupon declared the resolution duly passed and adopted this 30th day of January 1997 confirming **action** of ---

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**PALM BEACH COUNTY, FLORIDA 4
BY ITS BOARD OF COUNTY
COMMISSIONERS**

By: [Signature]
COUNTY ATTORNEY

By: [Signature]
DOROTHY H. WILKEN, CLERK



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EXHIBIT "A"

LEGAL DESCRIPTION:

A parcel of land situate in Sections 17, 18, and 19, Township 41 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of said Section 17; thence South $01^{\circ}04'41''$ West, along the East line of said Section 17, a distance of 5,443.04 feet to the Southeast corner of said Section 17; thence North $88^{\circ}40'25''$ West, along the South line of said Section 17, a distance of 5,375.33 feet to the Southwest corner of said Section 17; thence South $02^{\circ}48'45''$ East, along the East line of said Section 19, a distance of 2,893.36 feet to the Northerly right-of-way line of the Bæline Highway, as recorded in Road Book 2, Page 152, and also being recorded in Official Record Book 112, Page 381, of the Public Records of Palm Beach County, Florida; thence North $53^{\circ}39'52''$ West, along said right-of-way line, a distance of 3,587.09 feet to the beginning of a curve, having a radius of 2,808.79 feet from which a radial line bears North $36^{\circ}20'08''$ East; thence Northwesterly along the arc of said curve, subtending a central angle of $20^{\circ}00'00''$, a distance of 980.45 feet; thence North $33^{\circ}39'52''$ West, a distance of 457.86 feet to the beginning of a curve, having a radius of 2,820.79 feet from which a radial line bears North $56^{\circ}20'08''$ East; thence Northwesterly along the arc of said curve, subtending a central angle of $11^{\circ}00'00''$, a distance of 541.55 feet; thence North $22^{\circ}39'52''$ West, a distance of 1,594.85 feet to the beginning of a curve, having a radius of 2,608.65 feet from which a radial line bears North $67^{\circ}20'00''$ East; thence Northwesterly along the arc of said curve, subtending a central angle of $03^{\circ}33'33''$, a distance of 162.05 feet; thence North $70^{\circ}53'41''$ East, departing from said right-of-way line and running along the perimeter of a parcel of land described in Official Record Book 3271, Page 1976, of the Public Records of Palm Beach County, Florida, a distance of 660.00 feet to the beginning of a curve, having a radius of 1948.65 feet from which a radial line bears North $70^{\circ}53'41''$ East; thence Northerly along the arc of said curve, subtending a central angle of $18^{\circ}39'00''$, a distance of 634.29 feet; thence North $00^{\circ}27'19''$ West, a distance of 1,229.89 feet; thence North $89^{\circ}08'22''$ West, a distance of 660.18 feet to the Easterly right-of-way line of Pratt-Whitney Road, as recorded in Official Record Book 6, Page 18, of the Public Records of Palm Beach County, Florida. Said point also being the Northwest corner of the parcel of land described in said Official Record Book 3271, Page 1976, of the Public Records of Palm Beach County, Florida; thence North $00^{\circ}27'19''$ West, along said Easterly right-of-way line of Pratt-Whitney Road, a distance of 330.09; Thence south $89^{\circ}08'22''$ East, departing from said Easterly right-of-way line and running along a line 660.00 feet South of and parallel with the North line of said Section 18, a distance of 4,851.82 feet to the East line of said Section 18; thence South $88^{\circ}56'16''$ East, along a line 660.00 feet South of and parallel with the North line of said Section 17, a distance of 410.00 feet; thence North $01^{\circ}06'57''$ East, a distance of 660.00 feet to the North line of said Section 17; thence South $88^{\circ}56'16''$ East, along the North line of said Section 17, a distance of 4,961.77 feet to the point of beginning; comprising a total acreage of +/- 1,144.7 acres

The above described parcel of land also has included within it the entire plat of "Calbut Gumpar Tract A" as recorded in Plat Book 45, Page 70, the entire plat of "Palm Beach Park of Commerce, P.I.P.D., Plat No. 1" as recorded in Plat Book 56, Page 172, the entire plat of "Palm Beach Park of Commerce, P.I.P.D., Plat No. 2" as recorded in Plat Book 60, Page 49, and the entire plat of "Palm Beach Park of Commerce, P.I.P.D., Plat No. 4", as recorded in Plat Book 68, Page 88.

Less a Parcel: All of Lot 1L-2, Palm Beach Park of Commerce, P.I.P.D., Plat No. 2" Plat Book 60 at Pages 49 through 50 (R90-812).

All of the Public Records of Palm Beach County, Florida.

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