

RESOLUTION NO. R-2004-2102

RESOLUTION APPROVING ZONING PETITION Z2004-351  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF PALM BEACH COUNTY  
BY PBC FACILITIES DEVELOPMENT & OPERATIONS, AGENT  
(RESEARCH PARK ACCESSORY MULTI USE SITE)

WHEREAS, Palm Beach County has filed a Development of Regional Impact (DRI) Application for Development Approval (ADA) with Palm Beach County, Florida, in accordance with Section 380.06, Florida Statutes, for a 1,919.23 acre parcel of property located approximately one mile north of Northlake Boulevard on the east side of Seminole Pratt Whitney Road, Palm Beach County, Florida and the rezoning of the research park accessory multi use site facilitates the development of the DRI and is necessary to allow for the development of the DRI while minimizing impacts on surrounding property; and

WHEREAS, the County entered into a Memorandum of Agreement with the Florida Office of Tourism, Trade and Economic Development on November 18, 2004 to provide for the expedited permitting review of the DRI and other permits pursuant to Sec. 403.973, Florida Statutes; and

WHEREAS, this approval is one of the permits that is subject to expedited permitting; and

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition Z2004-351 was presented to the Board of County Commissioners at a public hearing conducted on September 20, 2004 and October 13, 2004; and

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan as amended in amendment round 2004-04-ERP;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;

4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition Z2004-351, the petition of Palm Beach County, by PBC Facilities Development & Operations, agent, for an OFFICIAL ZONING MAP AMENDMENT from the Preservation/Conservation Zoning District to the Public Ownership Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 13, 2004 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner   KOONS   moved for the 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	¥ <b>AYE</b>
Tony Masilotti, Vice Chairman	¥ <b>ABSENT</b>
Jeff Koons	¥ <b>AYE</b>
Warren H. Newell	¥ <b>AYE</b>
Mary McCarty	¥ <b>AYE</b>
Burt Aaronson	¥ <b>ABSENT</b>
Addie L. Greene	¥ <b>AYE</b>

The Chair thereupon declared that the resolution was duly passed and adopted on October 13, 2004. This zoning resolution shall become effective upon the effective date of the amendments to the Palm Beach County Comprehensive Plan adopted in amendment round 2004-04-ERP.

Filed with the Clerk of the Board of County Commissioners on 22nd day of OCTOBER, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK  
COUNTY COMMISSIONERS  
BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY  
FLORIDA

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on October 22, 2004.  
DATED at West Palm Beach, FL on 10.22.04.  
DOROTHY H. WILKEN, Clerk  
By: [Signature] D.C.

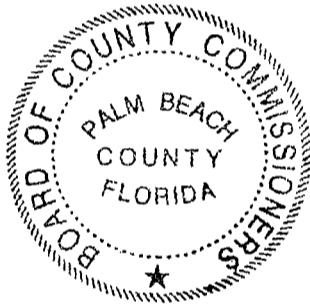


EXHIBIT A

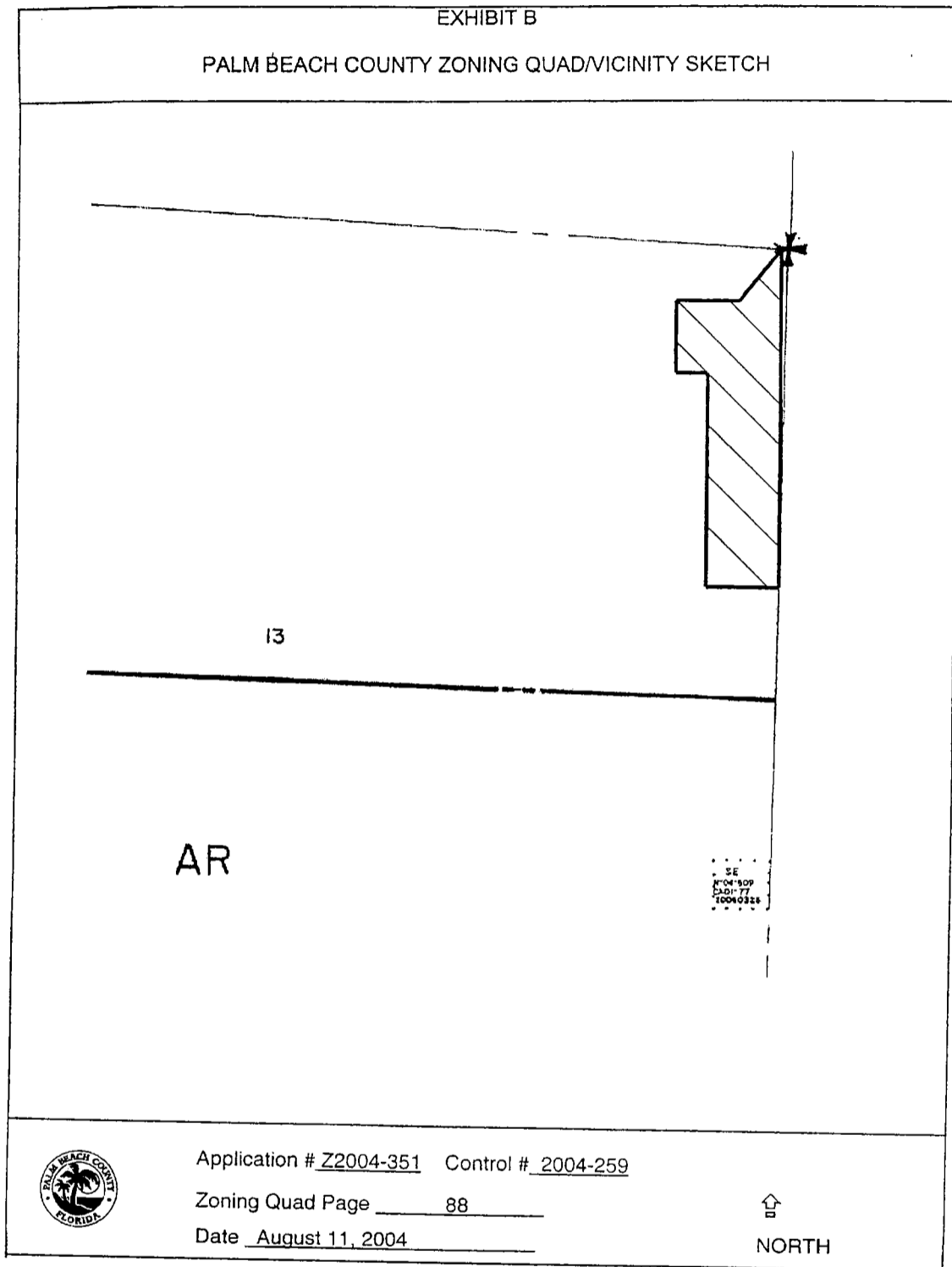
LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTIONS 12 AND 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EAST QUARTER CORNER OF SAID SECTION 13; THENCE ALONG THE EAST LINE OF SAID RANGE 40 EAST, N01°25'15"E FOR 334.69 FEET TO THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST; THENCE CONTINUE N01°25'15" E FOR 2305.55 FEET TO THE NORTHEAST CORNER OF SAID SECTION 13; THENCE CONTINUE N01°25'15" E FOR 376.92 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18; THENCE CONTINUE ALONG SAID RANGE LINE, N02°47'38" E FOR 1253.41 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 1564.01 FEET, WHERE A RADIAL LINE BEARS S61°09'40" E; THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°03'07" FOR 356.28 FEET TO A POINT OF TANGENCY; THENCE S15°47'13" W FOR 295.12 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2559.36 FEET; THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°21'58" FOR 641.72 FEET TO A POINT OF TANGENCY ON A LINE LYING 250.00 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF RANGE 40 EAST; THENCE ALONG SAID PARALLEL LINE, S01°25'15" W FOR 761.95 FEET; THENCE N88°34'45" W FOR 627.90 FEET TO THE EASTERLY LINE OF A 185' FPL EASEMENT, RECORDED IN OFFICIAL RECORD BOOK 765, PAGE 68, OF SAID THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY LINE, S34°54'14" E FOR 1060.00 FEET TO SAID LINE LYING 250.00 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF RANGE 40 EAST; THENCE ALONG SAID PARALLEL LINE, S01°25'15" W FOR 1407.95 FEET TO THE SAID EAST-WEST QUARTER SECTION LINE OF SECTION 13; THENCE ALONG SAID EAST-WEST QUARTER SECTION LINE, N89°52'25" E FOR 250.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 28.37 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### A. BUILDING AND SITE DESIGN

1. Any chain link fence that is installed by the applicant shall include a black, brown or green vinyl coating. Fencing installed along the perimeter of the fenced utility yard shall be exempt from this requirement. (ONGOING: BLDG/CODE ENF - Zoning)
2. All sides of the fenced utility yard shall be screened by a continuous, opaque hedge barrier. This hedge barrier shall be:
  - a. located within twelve (12) feet of the fence;
  - b. a minimum height of forty-eight (48) inches at installation; and,
  - c. maintained at a minimum height of seventy-two (72) inches at maturity. (ONGOING/BLDG PERMIT: CODE ENF/LANDSCAPE - Zoning)

#### B. HEALTH

1. The applicant shall not perform or conduct open burning for land clearing relative to the development or use of this property without the prior approval of the Palm Beach County Health Department. (ONGOING: HEALTH - Health)
2. Neither the applicant nor agents of the applicant shall conduct any land clearing, grading, construction, renovations and repairs without dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve effective dust control: These measures include watering, application of approved surfactants, shrouding, control of vehicle speed, paving of access areas, or other operational or technological measures to reduce dispersion of dust. (ONGOING: HEALTH - Health)

#### C. LANDSCAPING - STANDARD

1. All trees, palms and shrub/hedge materials that are planted by the applicant shall be native species. (ONGOING: LANDSCAPE - Zoning)

#### D. LIGHTING

1. All outdoor lighting that is installed by the applicant shall be extinguished no later than 9:00 p.m. daily, excluding security and street lighting only. (ONGOING: CODE ENF - Zoning)

#### E. ENGINEERING

1. CONVEYANCE OF ROAD RIGHT OF WAY FOR SEMINOLE PRATT WHITNEY ROAD

Prior to March 1, 2005, property required for Seminole Pratt Whitney Road shall be designated as road right-of-way or roadway easement acceptable to the County Engineer through the site. Widths of this corridor shall be on an alignment approved by the County Engineer and shall be as follows:

- a. Seminole Pratt Whitney Road, 120 feet from centerline.

Right of way conveyance or roadway easement acceptable to the County Engineer shall be free of all encumbrances and encroachments. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances or roadway easement acceptable to the County Engineer shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING - Eng)

2. Prior to March 1, 2005, property required for a temporary construction easement along Seminole Pratt Whitney Road shall be designated for this site by the Board of County Commissioners. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Eng)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of voluntary commitments reasonably related to the failure to comply with existing voluntary commitments; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)