

RESOLUTION NO. R-2004-2104

RESOLUTION APPROVING WAIVER REQUEST W2004-352  
WAIVER FROM REQUIRED SEPARATION OF EXCAVATION FROM RESIDENTIAL  
LAND USE, PETITION OF PALM BEACH COUNTY BY  
PBC FACILITIES & OPERATIONS, AGENT,

(PALM BEACH COUNTY BIOTECHNOLOGY RESEARCH PARK DRI)  
(LOCAL GOVERNMENT – PBC)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

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 waiver request W2004-352 is necessary to adopt and implement the local zoning related to the DRI; 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 notice and 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 W2004-352 was presented to the Board of County Commissioners at public hearings conducted on September 20, 2004 and October 13, 2004; and

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

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Waiver Request W2004-352 is consistent with the site's Economic Development Center Future Land Use designation and Comprehensive Plan text amendments in amendment round 2004-04-ERP. This approval is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan as amended in amendment round 2004-04-ERP, including standards for building and structural intensities and densities, and intensities of use.

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

1. This request for a Waiver for separation of excavation from residential land uses will meet the Compatibility Standards pursuant to Article 4.D.5.F.7, specifically the Location and Access, Setbacks, Fence, and Noise Standards. The vehicles hauling excavated materials will be utilizing collector

and arterial streets, and not local residential streets. The site has a Type III excavation use, which is compliant with requirements in effect at the time the Type III Excavation Use was approved. This Waiver will not increase the impact on the surrounding residential property owners anymore than the currently approved Type III Excavation.

2. This request for a Waiver for separation of excavation from residential land uses will not be injurious to the residential uses in the area adjacent to the excavation; will not be detrimental to the public welfare, and will not negatively impact the adjacent uses.
3. This request for a Waiver for separation of excavation from residential land uses is compatible with the adjacent residential uses.

WHEREAS, Article 2 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 W 2004-352, the petition of the Palm Beach County Board of County Commissioners for a Waiver request for separation of excavation from residential land uses, on a parcel of land legally described in EXHIBIT A, which is generally located as shown in EXHIBIT B, was APPROVED ON October 13, 2004, subject to the conditions of approval in EXHIBIT C.

Commissioner   KOONS   moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	¥ AYE
Tony Masilotti, Vice Chairman	¥ ABSENT
Jeff Koons	¥ AYE
Warren H. Newell	¥ AYE
Mary McCarty	¥ AYE
Burt Aaronson	¥ ABSENT
Addie L. Greene	¥ AYE

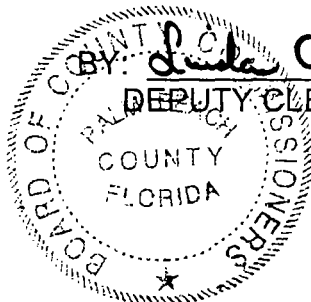
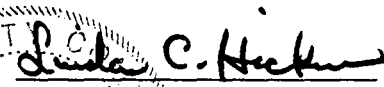
The Chair thereupon declared that the resolution was duly passed and adopted on October 13, 2004. This zoning resolution shall become effective upon the effective date of the amendments to the Palm Beach County Comprehensive Plan adopted in amendment round 2004-04-ERP.

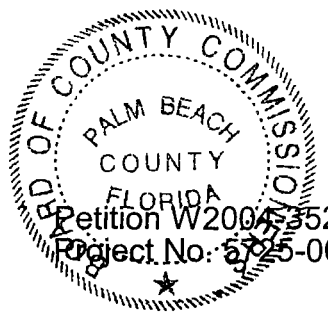
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

 BY:   
DEPUTY CLERK

  
Petition W2004-352  
Project No: 5725-000


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   Oct. 13, 2004  .  
DATED at   Palm Beach, FL   on   10-22-04  .  
DOROTHY H. WILKEN, Clerk  
By:  D.C.

EXHIBIT A  
LEGAL DESCRIPTION

THE WEST ½ OF SECTION 5, ALL OF SECTIONS 6 AND 7, AND THE WEST ½ OF SECTION 8, ALL LYING IN TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT OF WAY OF THE C-18 CANAL AS RECORDED IN DEED BOOK 1097, PAGE 261, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,919.23 ACRES, MORE OR LESS.

BEARINGS BASIS: N89°56'58"E ALONG THE NORTH LINE OF SECTION 6,  
TOWNSHIP 42 SOUTH, RANGE 41 EAST.

EXHIBIT B  
VICINITY SKETCH

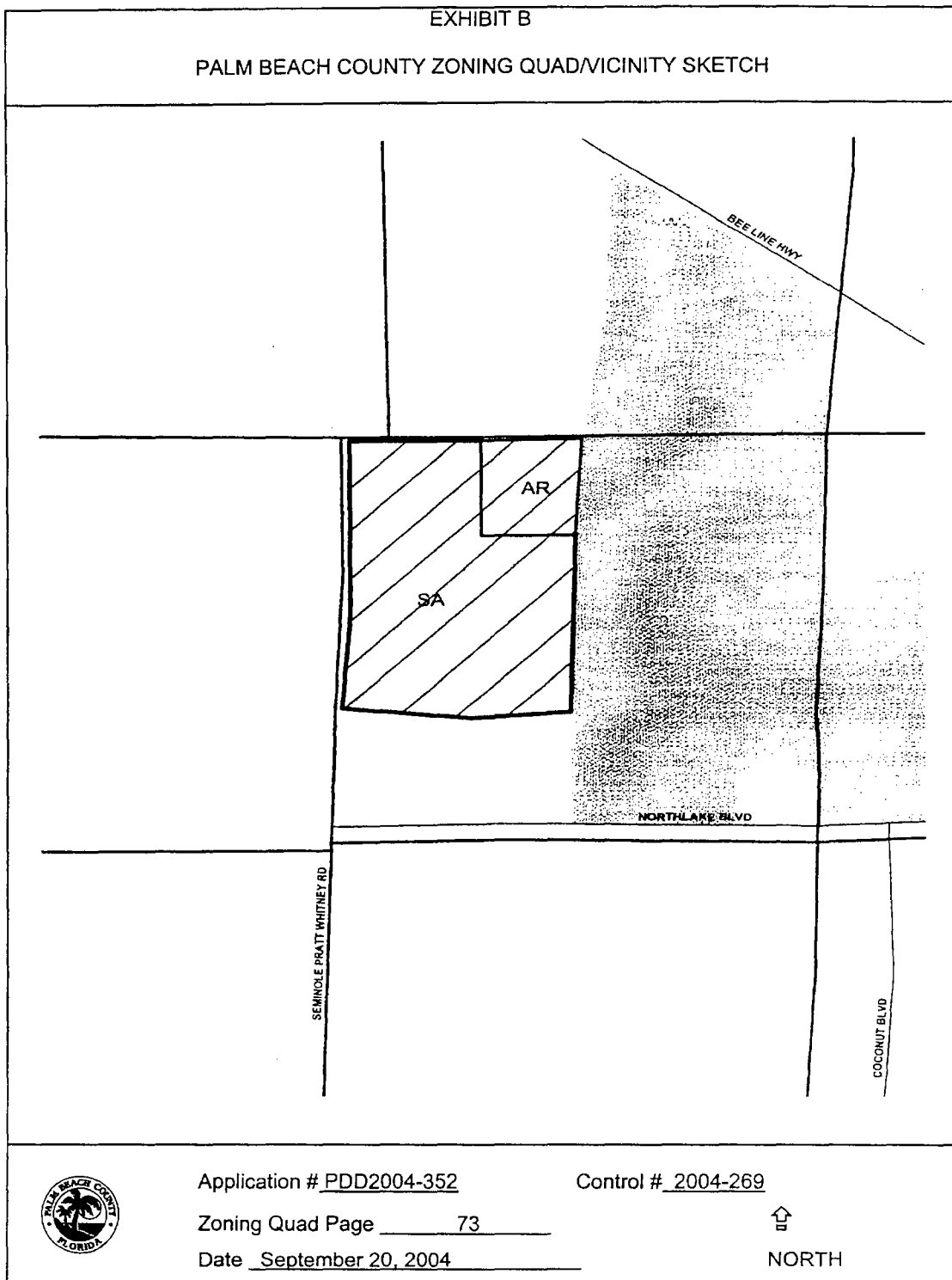


EXHIBIT C  
CONDITIONS OF APPROVAL  
NONE