

RESOLUTION NO. R-2005- 1419

RESOLUTION APPROVING ZONING APPLICATION DOA2005-148
(CONTROL NUMBER 1981-190)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF INTERNATIONAL TRADE CENTER, LLC
BY LEWIS, LONGMAN & WALKER, P.A, AGENT
(FLORIDA RESEARCH PARK aka PARK OF COMMERCE – DRI)

WHEREAS, Florida Research Park aka Palm Beach Commerce Center PIPD, International Trade Center, LLC has petitioned the Board of County Commissioners of Palm Beach County, Florida, to modify the development order for the Park of Commerce Development of Regional Impact (DRI); and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, Zoning Application DOA2005-148 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2005; 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

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 applicant has indicated a future intent to include a College or University and a Hospital or Medical Center for the PIPD, and these two facilities will be subsequently subject to a Development Order Amendment, and a Requested use approval by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners, after receiving the comments of the Florida Department of Community Affairs and the Treasure Coast Regional Planning Council, determined that the proposed amendment to the development order 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 findings in the staff report and the following findings of fact:

1. This Development Order Amendment is not a substantial deviation.
2. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
3. This Development Order Amendment complies with the relevant and appropriate portions of Supplementary Use Standard of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code and meets applicable local land development regulations.

5. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
6. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a traffic concurrency exemption record that assumes 6.5 million square feet and a buildout date to 2014. Any future application for development that exceeds 6.5 million square feet or extends the buildout date would require a Development Order Amendment to address the full impacts of square footage and extended timeframe for all concurrency providers.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b 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 Application DOA2005-148, the petition of International Trade Center, LLC, by Lewis, Longman & Walker, P.A., agent, for a Development Order Amendment to modify/delete conditions of approval of the PIPD on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 28, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner MARCUS 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 28, 2005.

Filed with the Clerk of the Board of County Commissioners on 15 th day of AUGUST, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

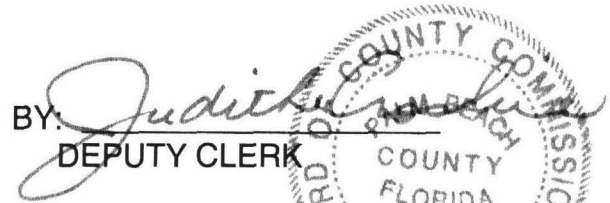
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK




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 5,375.38 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 Beeline 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 +/- 1,244.7 acres.

The above described parcel of land also has included within it the entire plat of "Calbut Genpar 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.

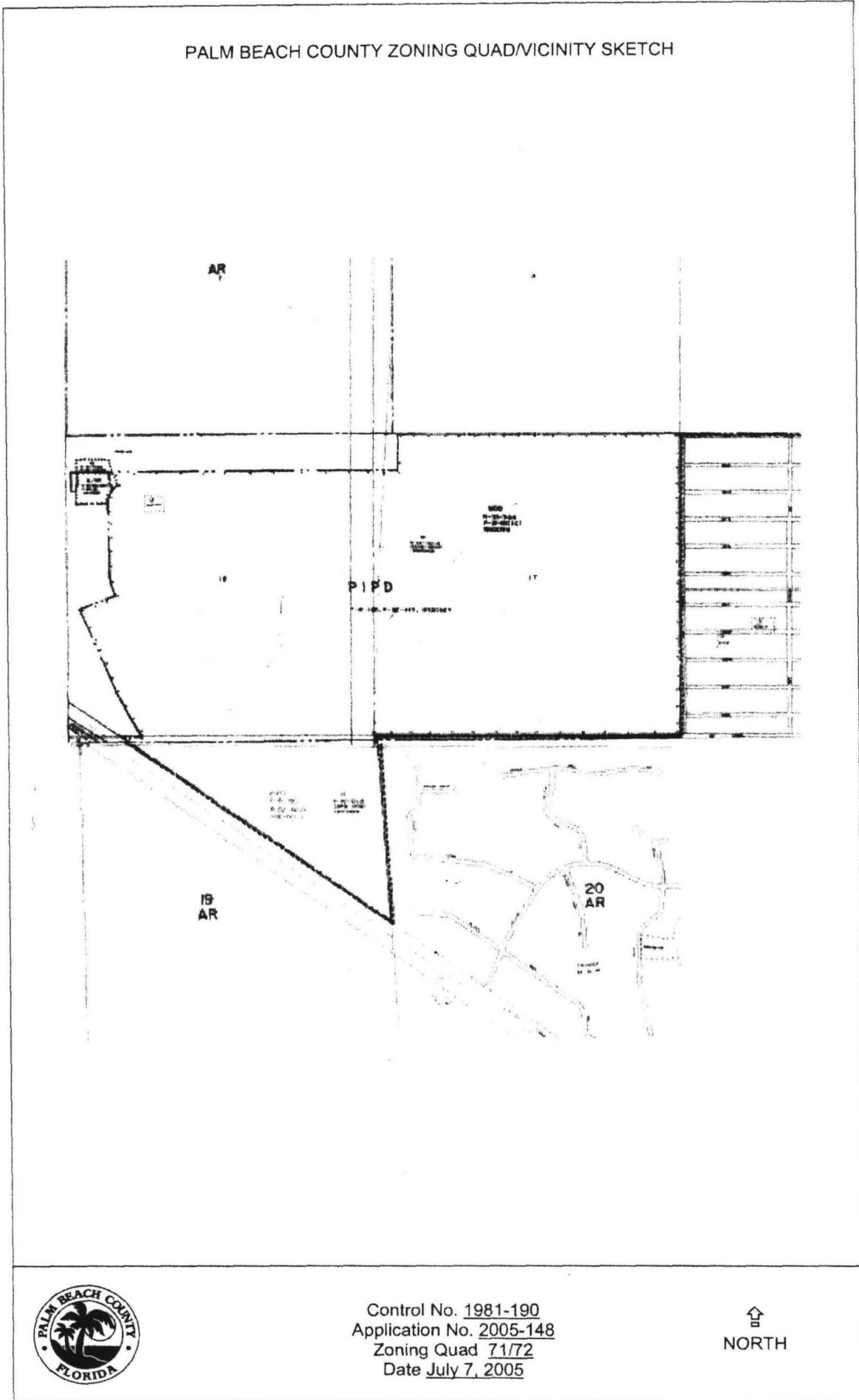
Less a Parcel: All of Lot 1L-2, "Palm Beach Park of Commerce, P.I.P.D., Plat No. 2", Plat Book 60 at Pages 49 through 50.

Less a Parcel: (from lot 1L-2)

Beginning at the Northwest corner of Lot 2L-2 of said Palm Beach Park of Commerce P. I. P. D. Plat No. 2 run South 06 Degrees 29' 10" east along the west line of said lot 2L-2 a distance of 231.91 feet; thence continuing along said West line, South 31 Degrees 41' 55" East a distance of 79.94 feet to the Southwest corner of said Lot 2L-2, said corner also being the Southeast corner of Lot 1L-2 of said Palm Beach Park of Commerce P.I.P.D. Plat No. 2 and also lying on a non-tangent curve having a radius of 190.00 feet and from which a radial line bears South 31 Degrees 41' 44" East; thence Southwesterly along the arc of said curve and along the South line of said Lot 1L-2 a distance of 25.07 feet (through an angle of 07 Degrees 33°39'11") to a point on a non-tangent line; thence North 31 Degrees 41' 55" West a distance of 87.19 feet; thence North 06 Degrees 29' 10" West a distance of 240.72 feet to a point on the North line of said Lot 1L-2; thence South 89 Degrees 08' 22" East along said North line a distance of 25.21 feet to the point of beginning.

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

EXHIBIT B
VICINITY SKETCH



Control No. 1981-190
Application No. 2005-148
Zoning Quad 71/72
Date July 7, 2005

↑
NORTH

EXHIBIT C

CONDITIONS OF APPROVAL (DRI)

1. INCORPORATION OF ALL DEVELOPMENT CONDITIONS

This resolution incorporates and restates 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, No. R-95-1321.15, and R-97-161 including original deadlines, as most recently amended. (ONGOING: MONITORING-Zoning) (Previous Condition 2 of Resolution R-1997-161)

2. 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 parties, as defined in Subsection 380.07(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.

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

- A. Palm Beach Park of Commerce ADA, submitted September 4, 1981;
- B. Palm Beach Park of Commerce ADA Supplement, submitted October 21, 1981;
- C. Letter and attachments dated October 26, 1981 from Doug Winter to Jeanne Hall regarding Water, Drainage, and Vegetation and Wildlife;
- D. Letter and attachments dated November 13, 1981 from Donald Walker to Sam Shannon regarding Transportation;
- E. Letter and attachments dated November 18, 1981 from Donald Walker to Sam Shannon regarding Transportation;
- F. Letter dated December 1, 1981 from Howard L. Searcy to Donald C. Lockhart regarding wetlands;
- G. Letter dated October 16, 1981 to 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" ;
- H. Memorandum dated January 28, 1982 from Henry Skokowski to Tim Lunney restricting uses and establishing additional setbacks;
- I. Condition C.1. of Resolution No. R-93-344 as subsequently modified by Condition E.2. of R-95-1321.15 found at Condition #9 herein; and
- J. Condition C.2. of Resolution No. R-93-344 amending the answer to Question 14-D of the ADA. (ONGOING: MONITORING-Zoning) (Previous Condition 3 of Resolution R-1997-161)

3. 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. (ONGOING: MONITORING-Zoning) (Previous Condition 4 of Resolution R-1997-161)

4. 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 developer. (ONGOING: PLANNING-Planning) (Previous Condition 5 of Resolution R-1997-161)

5. 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 Protection. Only when a regional wastewater treatment system is constructed that would serve the proposed project, and when the developer commits to connecting to the system, will this condition be removed from the developer. (R-82-468, Condition #8). (ONGOING: HEALTH/ERM) (Previous Condition 6 of Resolution R-1997-161)

6. 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. (ONGOING: ENG-Eng) (Previous Condition 7 of Resolution R-1997-161)

7. TRAFFIC STUDY

Commencing in the year 1993, and continuing every other year thereafter the 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 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(18), Florida Statutes. This report shall also address the traffic control strategies listed in the Transportation

Coordinator Condition and shall be coordinated with the County Engineer. (DATE: MONITORING - Eng) (Previous Condition 8 of Resolution R-1997-161)

8. CONTINUED DEVELOPMENT

Continued development of the project shall be permitted provided the traffic monitoring required by the Traffic Study Condition 7 above 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 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. (DATE:MONITORING-Eng) (Previous Condition 9 of Resolution R-1997-161)

9. 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 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 Protection. (ONGOING: ERM-Erm) (Previous Condition 10 of Resolution R-1997-161) COMPLETED.

10. PARAGRAPH HEADINGS

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. (ONGOING:TCRPC) (Previous Condition 11 of Resolution R-1997-161)