

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.: Z2004-351
Control No.: 2004-0259
Petitioner: Palm Beach County
Owner: Florida State Game and Fish Commission
Agent: PBC Facilities Development & Operations
Telephone No.: (561) 233-0200
Project Manager: Eric McClellan, Planner II

Location: Approximately 0.5 mile north of Northlake Boulevard on the west side of Seminole Pratt Whitney Road (**Research Park Accessory Multi Use Site**).

Title: Official Zoning Map Amendment. **Request:** Rezoning from the Preservation/Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District.

PETITION SUMMARY: Proposed is the rezoning of 28.37 acres of land from the Preservation/Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District. The rezoning will allow for the development of infrastructure improvements to accommodate the proposed Palm Beach County Biotechnology Research Park, and facilitate South Florida Water Management District's (SFWMD) future Comprehensive Everglades Restoration Program (CERP) project. The conceptual site plan indicates a Florida Power and Light (FPL) substation consisting of a 600 square foot minor utility within a 1.4-acre utility yard and 2 retention areas on 6.37 total acres; 4.73 acres to accommodate the future expansion of Seminole Pratt Whitney Road; 3.35 acres to accommodate a 40-foot wide maintenance berm with equestrian trail; and 13.92 acres to accommodate a 150-foot wide SFWMD easement for the future development of a conveyance canal as part of the CERP project. A paved driveway from Seminole Pratt Whitney Road will provide access to the FPL substation.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Palm Beach County Planning Division indicates that the 28.37-acre site is the subject of a concurrent Large Scale Land Use Amendment, LGA 2004-00046, Research Park Accessory Multi-Use Site, to change the Future Land Use (FLU) designation from Conservation (CON) to Transportation and Utilities Facilities (U/T). Planning staff is recommending approval of the requested amendment, and the Land Use Advisory Board (LUAB) also recommended approval with a vote of 7-3 at the June 11, 2004 hearing. Although the proposed PO Zoning District is consistent with the site's existing CON and proposed U/T FLU designations, the proposal to construct utility and roadway improvements on the subject site requires a FLU amendment to U/T. Contingent upon the approval of the FLU amendment by the Board of County Commissioners (BCC), the requested rezoning to the PO district and the proposed development would be consistent with the proposed U/T FLU designation of the Palm Beach County Comprehensive Plan. Furthermore, the subject site is located within the Glades Tier and is shown on the Greenways and Linked Open Space Program Map in the Comprehensive Plan. See Planning Division Comments for additional information.

- o Compatibility with Surrounding Land Uses

Property to the north and west of the site lies within the J.W. Corbett Wildlife Management Area and is designated for conservation purposes. Properties to the east, across Seminole Pratt Whitney Road (120-foot wide right-of-way), and to the south, across the M-O Canal and 94th Street North (135-foot wide right-of-way), support single-family homes within The Acreage. Additional property across Seminole Pratt Whitney Road to the northeast of the site is currently undeveloped and proposed for development as the Palm Beach County Biotechnology Research Park. The ULDC addresses compatibility with surrounding properties through the application of landscape buffers and supplementary use regulations. Staff anticipates no adverse impacts to the surrounding properties from the request.

- o Traffic

The Engineering Department estimates that the request will generate 2 trips per day for repair and maintenance purposes.

- o Landscape/Buffering

The conceptual site plan indicates that a 50-foot wide landscape buffer will be provided between Seminole Pratt Whitney Road and the 6.37-acre utility yard area to the west. A 25-foot wide landscape buffer will be provided along the north boundary of the 6.37-acre utility yard where the site abuts the J.W. Corbett Wildlife Management Area. A minimum 5-foot wide compatibility landscape buffer will be required along the southwest boundary of the utility yard where the site abuts a 185-foot wide FPL transmission line corridor.

Notations provided on the conceptual site plan indicate that existing native vegetation will be incorporated into the proposed landscape buffers, where applicable. Also, the petitioner has indicated that the proposed buffers will be planted to meet or exceed the requirements of ULDC Article 7, Landscaping. Conceptual details submitted by the petitioner indicate that the 1.4-acre utility yard will be enclosed by a 7-foot high chain link fence with hedge material in order to provide security and minimize visual impact.

- o Signs

No advertising or other commercial signage is associated with the rezoning request. Any signage displayed on the property will be in accordance with ULDC Article 8, Signage.

- o Architectural Review

The request entails no buildings, structures or other development that is subject to the Design Standards of ULDC Article 5.C.

- o Project Analysis

The proposed Zoning Map Amendment will allow for the development of a minor electric utility sub-station, drainage infrastructure, and both vehicular and non-vehicular circulation systems to accommodate the proposed 1919.23-acre Palm Beach County Biotechnology Research Park (BRP). The electrical distribution sub-station is a fundamental improvement that is required to support the BRP. The petitioner has sited several reasons why the 28.37-acre subject site is the ideal location for siting such utility infrastructure. For one, the petitioner indicates that this particular portion of the J.W. Corbett Wildlife Management Area (CWMA) has been degraded and is not of high environmental quality as a result of existing access and FPL transmission lines. Additionally, the site's proximity to those existing lines effectively eliminates the need for new or additional transmission lines that connect to a high voltage source. Inasmuch, the petitioner indicates that adverse impacts on both surrounding residences and lands within the CWMA will be minimal in comparison to other potential sites and development alternatives.

The minimum right-of-way width needed to provide adequate access to the BRP is 120 feet. Seminole Pratt Whitney Road currently exists at only 60 feet in width through this general area of Palm Beach County. Therefore, an additional 60 feet of right-of-way is required to achieve minimum access standards and comply with the Thoroughfare Right-of-Way Identification Map of the Palm Beach County Comprehensive Plan. Utilizing the east 60 feet of the subject site for the expansion of Seminole Pratt Whitney Road is regarded to be the best option since no condemnation of private property will be required; since this portion of the CWMA is of lesser environmental quality; and due to challenges in maintaining this portion of the CWMA given the proximity of existing residential properties and FPL transmission lines.

The proposed Zoning Map Amendment is also anticipated to allow the achievement of regional water management goals. Both the subject site and the BRP would become integral parts of the Comprehensive Everglades Restoration Program (CERP), which aims for the restoration of the Loxohatchee River watershed. A segment of a conveyance canal (i.e. Corbett Canal) would be constructed within the boundaries of the subject site. This canal would facilitate the movement of water from the CWMA to the west and the M-O canal to the south, through the BRP, and to the C-18 canal, which extends to the Loxohatchee River and Slough. The Corbett Canal corridor would also be used for flood control purposes.

In conjunction with the future Corbett Canal, a 40-foot wide maintenance berm will be installed along the east boundary of the canal. This berm will provide a natural barrier between Seminole Pratt Whitney Road and the conservation lands within the CWMA to the west. This same berm is slated to accommodate an equestrian trail, which will provide a connection to Indian Trail Improvement District's equestrian trail system that is established within The Acreage. The trail will also further efforts by Palm Beach County's Department of Environmental Resources Management to establish the "Ocean to Lake" trail system by providing a link between the Atlantic Ocean to the east and Lake Okeechobee to the west.

o **August 16, 2004 Zoning Commission (ZC) Hearing**

At the ZC hearing, a member of the public spoke in opposition to the proposed rezoning and site development. This individual voiced concerns within potential impacts on environmental resources within the J.W. Corbett Wildlife Area and the proposal to locate improvements west of Seminole Pratt Whitney Road. The petitioner indicated that this particular portion of the J.W. Corbett Wildlife Management Area has been degraded and is not of high environmental quality as a result of existing access and FPL transmission lines. The petitioner also indicated that land of higher environmental quality would be preserved through a land swap between Palm Beach County and the Florida State Game and Fish Commission. In response to the location of the proposed improvements, the petitioner indicated that alternative options would require takings of private property and that the proposed location is necessary to achieve the ultimate right-of-way width indicated in the Comprehensive Plan. Thereafter, the ZC voted unanimously to recommend approval of the proposed Zoning Map Amendment.

o **September 20, 2004 Board of County Commissioners (BCC) Hearing**

At the first BCC public hearing, several members of the public spoke in opposition to the request. These individuals voice concern with the encroachment of development into the J.W. Corbett Wildlife Management Area; impacts on environmental resources and wildlife; degradation of environmental quality; disruption of recreational activities; off-site drainage; the potential for reduced reliability in the delivery of local electric utility service; adverse visual impacts; character of landscape improvements; and light pollution. Comments made during the course of public commentary indicated desires that all improvements required to support the Biotechnology Research Park be provided on that parcel rather than at an off-site location, and that a complete environmental impact assessment be conducted. Additional comments suggested that the proposal sets a bad precedent for the conversion of conservation lands and is inconsistent with past promises of environmental protection.

In response to the above comments and concerns, the BCC indicated that the proposed FPL substation would have no adverse impact on local electric service, and may actually improve reliability in service since electricity is distributed through a series of independent grids. Furthermore, the BCC questioned why the Preservation/Conservation designation is being removed from the land area that is proposed to support the future conveyance canal and maintenance berm, as well as the proposed design for that berm. The BCC directed staff to evaluate these issues prior to the second public hearing.

In response to both public comments and questions posed by the BCC, staff indicated that the proposed site development is expected to advance environmental objectives by connecting local waterways and that a land-swap between Palm Beach County and the Florida State Game and Fish Commission would preserve approximately 60 acres of off-site lands that possess higher environmental qualities. Staff also confirmed that all required approvals had been obtained from the necessary governmental agencies to allow for the proposed development. Regarding the location of the proposed improvements, staff indicated that the 28.37-acre site would allow the ultimate right-of-way width of Seminole Pratt Whitney Road to be achieved without the condemnation of private property, and that any environmental impacts are capable of being mitigated. Furthermore, staff noted that a substantial number of overhead electricity transmission lines would likely be required by installing an electric substation on the proposed Biotechnology Research Park site, and that associated visual impacts can be mitigated by placing the facility on the west side of Seminole Pratt Whitney Road in close proximity to existing transmission lines. The BCC ultimately voted 3-2 to approve the request on first hearing and convene a second public hearing on September 30, 2004.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number:	00-40-42-13-00-000-1000 (a fraction thereof)	Pending
Land Use Designation:	Conservation (CON)	Transportation and Utilities Facilities (U/T)
Zoning District:	Preservation/Conservation (PC)	Public Ownership (PO)
Tier:	Glades	Same
Use:	Natural area	Minor utility, roadway, canal and equestrian trail
Acreage:	28.37 acres	Same
Floor Area:	0	600 sq. ft.
Building Coverage:	0	.0005%
FAR:	0	.0005
Parking:	0	1 space
Access:	Seminole Pratt Whitney Road (1)	Same (to be paved)

PUBLIC COMMENT SUMMARY: At time of publication, staff had received 1 letter in support and 6 letters in opposition to the request. The comments generally indicate concern with adverse visual impacts; the loss and/or damage of environmental resources; impact on local taxes; compatibility with the character of surrounding development; impact on rural lifestyle; increased traffic; uncertainties surrounding the proposed Research Park facility; conflict with local, regional and state land-use plans; threats to wildlife; increased quantities of roadkill on local roadways; and the distribution of economic benefits.

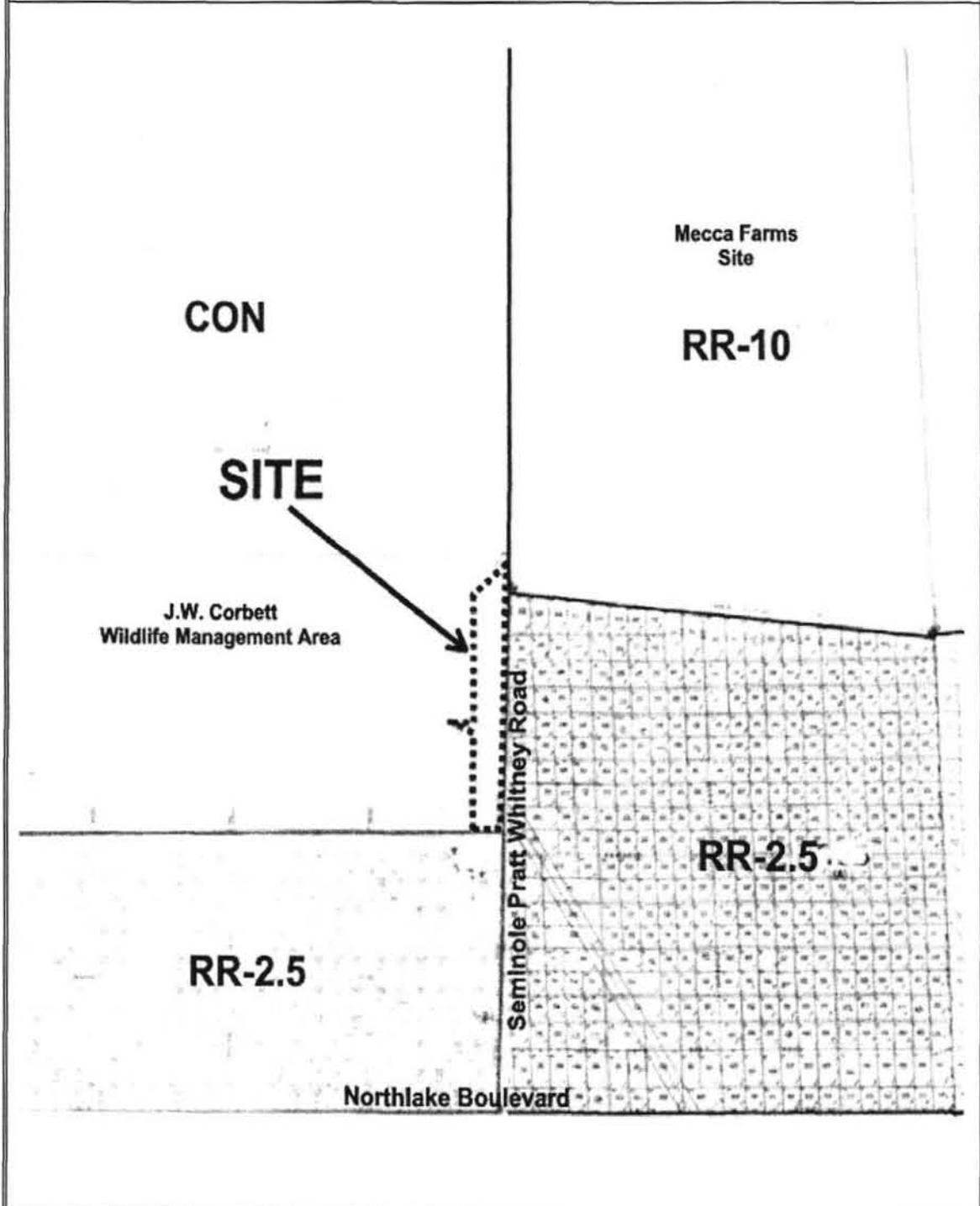
RECOMMENDATION: Staff recommends approval of the request, subject to nine (9) voluntary commitments as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: August 16, 2004: Motion to recommend approval of the request as advertised, carried 6-0.

ACTION BY THE BOARD OF COUNTY COMMISSIONERS: September 20, 2004: Motion to approve the request as advertised on first hearing and convene a second public hearing on September 30, 2004 at 9:30 a.m., carried 3-2.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Preservation/Conservation Zoning District to the Public Ownership Zoning District.

PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE



Petition Number: 2004-351

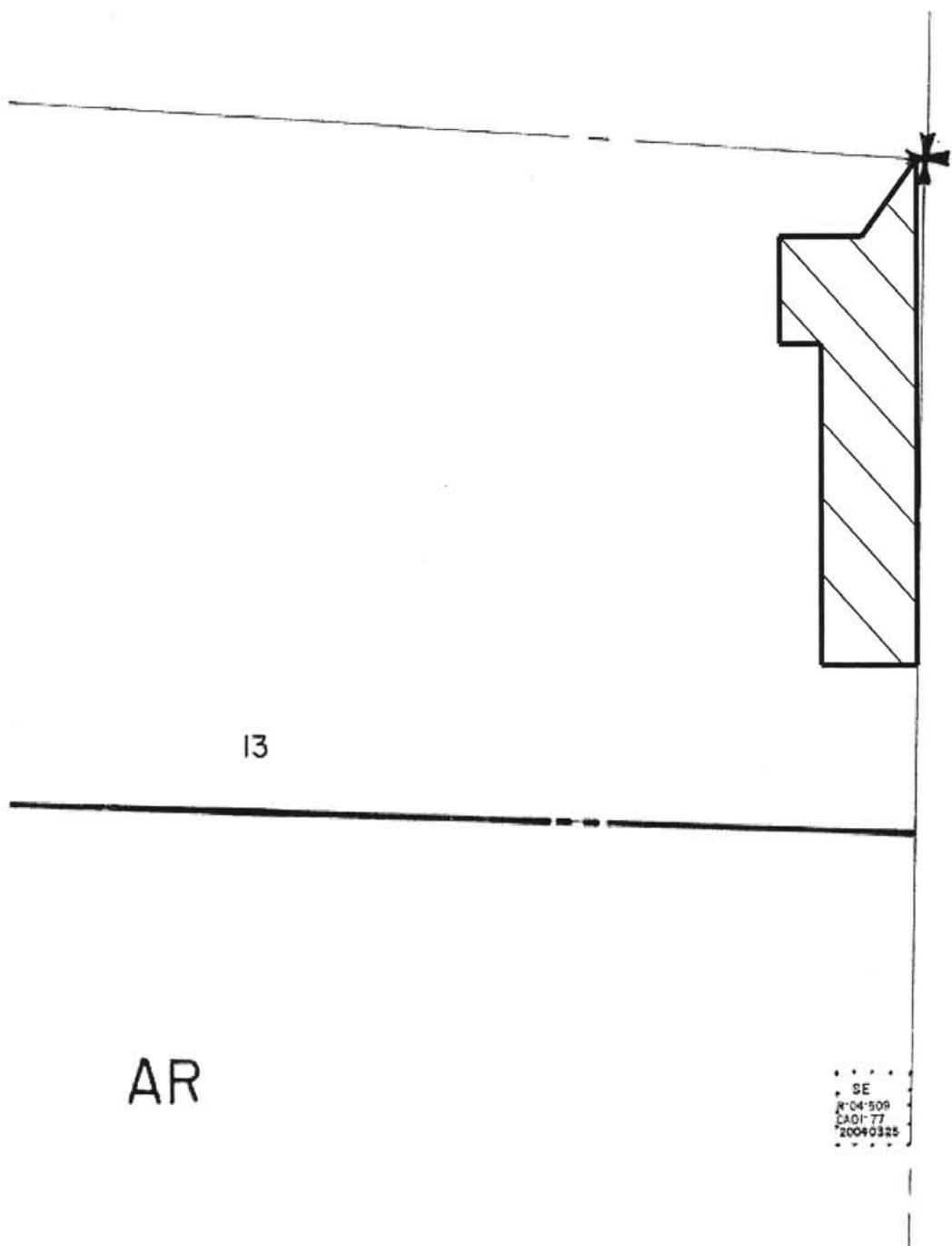
Land Use Atlas Page: 27

Date: 6-02-04



EXHIBIT B

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application # Z2004-351 Control # 2004-259

Zoning Quad Page 88

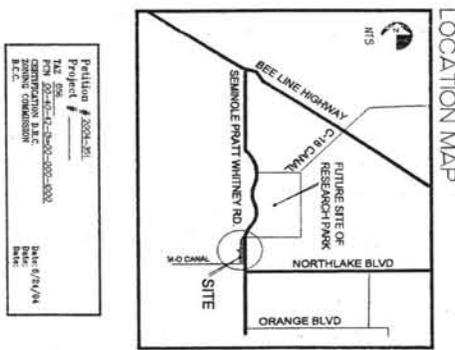
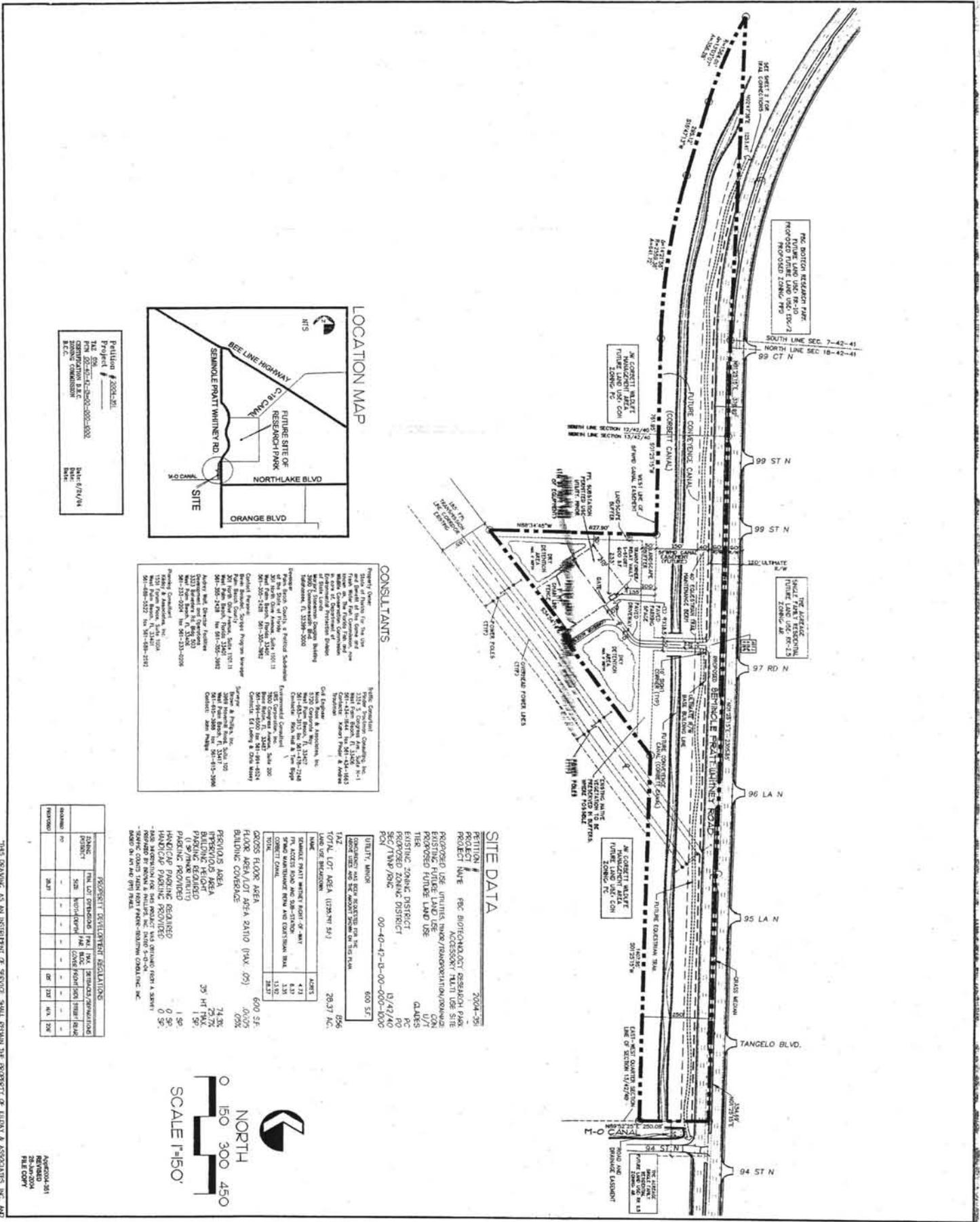
Date August 11, 2004



NORTH

**AERIAL PHOTOGRAPH NOT INCLUDED
IN ELECTRONIC STAFF REPORT**

CONCEPTUAL SITE PLAN DATED JUNE 28, 2004



Palmetto # 2004-281
 Project # 2004-281
 THE DATE: 06/28/04
 PROJECT NO.: 04-000-000-000
 DRAWING NO.: 04-000-000-000
 DRAWING TITLE: CONCEPTUAL SITE PLAN
 DATE: 06/28/04
 BY: [Signature]
 CHECKED BY: [Signature]

CONSULTANTS

Project Owner:
 Florida State University
 1100 University Blvd
 Tallahassee, FL 32306-2000
 Tel: 904-943-1111
 Fax: 904-943-1111

Site Consultant:
 Kilday & Associates
 1100 University Blvd, Suite 200
 Tallahassee, FL 32306-2000
 Tel: 904-943-1111
 Fax: 904-943-1111

Other Consultants:
 [List of other firms and their contact information]

SITE DATA

PERMIT # 2004-35
 PROJECT NAME: FSC BIOTECHNOLOGY RESEARCH PARK ACCESSORY MULTI USE SITE
 PROPOSED USE: UNUTILIZED TRACTS/REDEVELOPMENT/RENOVATION
 EXISTING FUTURE LAND USE: UNUTILIZED TRACTS/REDEVELOPMENT/RENOVATION
 EXISTING ZONING DISTRICT: UNUTILIZED TRACTS/REDEVELOPMENT/RENOVATION
 PROPOSED ZONING DISTRICT: PC
 SEC./TWP./RANG: 00-40-42-D-00-000-000
 UTILITY: MISC 600 SF
 CONVEYANCE HAS BEEN RECEIVED FOR THE PROJECT FROM THE STATE OF FLORIDA

TOTAL LOT AREA (125,391 S.F.)	28,377 S.F.
LAND USE REVISIONS:	
NAME	ACRES
SEMINOLE POINT WHITNEY ROAD - 41.1	
ORANGE BLVD - 6.3	
UNUTILIZED TRACTS - 11.8	
TOTAL	59.2

GROSS FLOOR AREA: 600 SF
 FLOOR AREA/LOT AREA (RATIO): 0.005
 BUILDING COVERAGE: 0.05%
 PROPOSED AREA: 74.96
 EXISTING AREA: 25.76
 BUILDING HEIGHT: 35' HT MAX
 PARKING PROVIDED: 1 SP
 HANDICAP PARKING REQUIRED: 0 SP
 HANDICAP PARKING PROVIDED: 0 SP
 ADA COMPLIANCE FOR THE PROJECT HAS OBTAINED FROM A SERVICE PROVIDER: [Name]
 TRACTS TO BE ACQUIRED FROM PRIVATE-BUILDING CONTRACTOR: [Name]

PERMIT DEVELOPMENT REGULATIONS

ZONING	MIN. LOT AREA	MIN. LOT WIDTH	MIN. LOT DEPTH	MIN. FRONT SETBACK	MIN. SIDE SETBACK	MIN. REAR SETBACK
UNUTILIZED TRACTS	-	-	-	-	-	-
PC	5,000	100	100	10	10	10



Palm Beach County, Florida
 Conceptual Site Plan
PALM BEACH COUNTY
BIOTECHNOLOGY
RESEARCH PARK
 ACCESSORY MULTI USE SITE

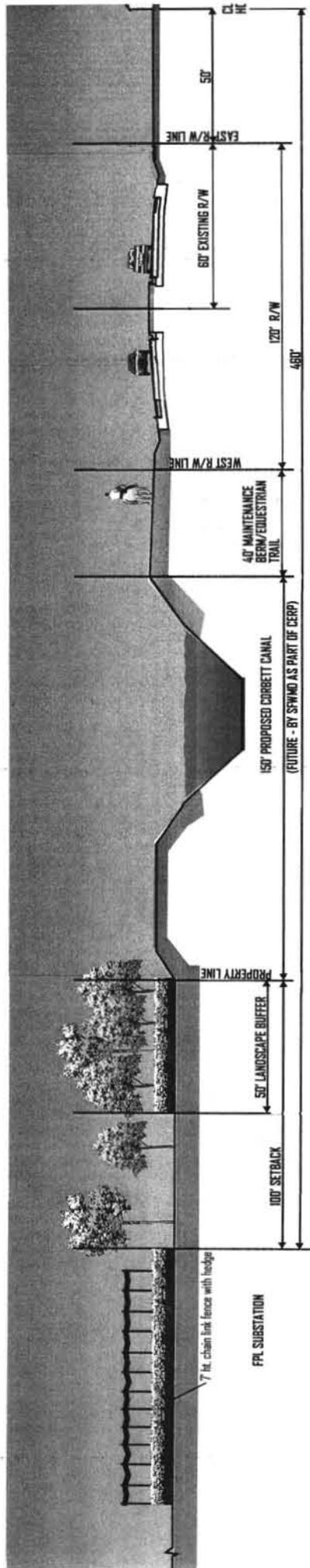
Landscape Architects / Planner
Kilday & Associates
 1100 University Blvd, Suite 200
 Tallahassee, FL 32306-2000
 Tel: 904-943-1111
 Fax: 904-943-1111



REVISIONS / SUBMISSIONS

NO.	DATE	DESCRIPTION
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3	06/28/04	Checked by: [Name]
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CONCEPTUAL CROSS-SECTION DATED JUNE 28, 2004



App#2004-351
 REVISED
 28-Jun-2004
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STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

EXISTING FUTURE LAND USE (FLU) DESIGNATION: Conservation (CON)

PROPOSED FLU DESIGNATION: Utilities and Transportation (U/T)

Underlying Land Use: None

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a rezoning from the Preservation/Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District. The rezoning is being requested in order to: locate a FPL sub-station site with access to Seminole Pratt Whitney Road; provide for the construction of Seminole Pratt Whitney Road as a divided section highway; provide land area for the "Corbett Canal" which will be for a future conveyance canal as part of the future CERP Project; and, in association with the conveyance canal, provide a maintenance berm, which will also be utilized as an equestrian trail.

The site is currently the subject of Comprehensive Plan Amendment to accommodate the proposed request. This request is dependent upon approval of a County Initiated Large Scale Amendment, LGA 2004-00046, Research Park Accessory Multi-Use Site, from Conservation (CON) to Transportation and Utilities (U/T). The Planning Division is recommending approval of this amendment. The Land Use Advisory Board (LUAB) also recommended approval, and the Board of County Commissioners (BCC) voted to transmit this amendment to the Department of Community Affairs (DCA) on June 28, 2004.

Contingent upon approval of the FLU amendment, the requested rezoning to PO would be consistent with the parcel's proposed U/T FLU designation. Contingent upon BCC adoption of the land use amendment, the applicant's request for a total of 600 square feet would also be consistent with the maximum Floor Area Ratio (FAR) of .05 for a site with a proposed U/T FLU designation. For this 28.37-acre site, the site could develop with a maximum of 61,789 square feet at the .05 FAR. The applicant has requested a FAR of approximately .0005 or 600 square feet for this site.

The subject property is shown on the Greenways and Linked Open Space Program Map in the Comprehensive Plan as being within a "Publicly Owned Conservation Land" (Corbett Area). Since this site is located within the Greenways Linked Open Space Map, it is also subject to the following policies and objectives of the Future Land Use Element including FLUE Objective 2.5 (63-FLUE), FLUE Policy 2.5-a (64-FLUE), FLUE Policy 2.5-b (64-FLUE), and FLUE Policy 2.5-d (64-FLUE). Conservation Policy 5.1-a states that "Conservation Greenway/Wildlife Corridors identified on the map entitled 'Linked Open Space Map' shall be recognized as a part of the overall land uses pattern of the Palm Beach County Comprehensive Plan...shall be protected during the Land Development process to the maximum extent feasible...(14-C)."

Per the intent of the above policies, regarding the connecting of greenways, prior to DRO Conceptual Site Plan certification, Staff suggested that the applicant revise the Conceptual Site Plan to indicate how multipath users cross Seminole Pratt Whitney Road to get to the Biotechnology Research Park (indicate crossing points); and the link-up points to equestrian and pedestrian trails that exist in the area (Acreage and Corbett area). After meeting with the applicant, a Conceptual Pathway Plan was submitted, which addressed Staff's concerns.

TIER: The subject property is in the Glades Tier.

FUTURE ANNEXATION AREAS: The subject site is not in a future annexation area identified within an adopted Comprehensive Plan.

INTERGOVERNMENTAL COORDINATION: None

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: None

FINDINGS: Contingent upon BCC adoption of the concurrent land use amendment, the proposed rezoning request to PO would be consistent with the proposed U/T land use designation of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

There is expected to be 2 trips per day using the site for repair and maintenance.

TRAFFIC:	Seminole Pratt Whitney Road
SEGMENT:	Northlake Boulevard – Project entrance
PRESENT:	2 lane shell rock road
HISTORICAL	
GROWTH TRAFFIC:	--
OTHER DEVELOPMENT	
TRAFFIC:	--
FROM PETITION:	2 trips per day
TOTAL:	-
PRESENT CAPACITY AT	
LEVEL OF SERVICE "D":	14900
PRESENT LANEAGE:	2 Lane shell rock road

PALM BEACH COUNTY HEALTH DEPARTMENT:

WATER: No water service is required or proposed.

SEWER: No sewer service is required or proposed.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is currently unimproved, has historically been part of the Corbett Wildlife Refuge, and contains some native upland vegetation. The area also contains wetlands, which will be significantly impacted. These wetlands are under the jurisdiction of the South Florida Water Management District and the Army Corps of Engineers.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

FINDINGS: The request is consistent with the environmental criteria pursuant to ULDC Article 4.D (Excavation) and 14 (Environmental Standards).

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: No impacts.

PARKS AND RECREATION: No impact.

CONCURRENCY: Concurrency has been approved for 600 square feet of minor utility use.

WATER/SEWER SERVICE PROVIDER: N/A

FINDING: The request is in compliance with ULDC Article 2.F., Concurrency (Adequate Public Facility Standards).

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: A 28.37-acre site, approximately 4,260 feet in width with an average depth of approximately 560 feet accessed by Seminole Pratt Whitney Road (1). The site currently supports natural area.

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan: Zoning District: Supporting:	Conservation (CON) Preservation/Conservation (PC) Natural area
SOUTH:	Comprehensive Plan: Zoning District: Supporting:	Rural Residential 2.5 (RR-2.5) Agricultural Residential (AR) Single-family residential
EAST:	Comprehensive Plan: Zoning District: Supporting:	Rural Residential 2.5 (RR-2.5) Agricultural Residential (AR) Single-family residential
WEST:	Comprehensive Plan: Zoning District: Supporting:	Conservation (CON) Preservation/Conservation (PC) Natural area

FINDINGS:

1. **Consistent with Comprehensive Plan.** Contingent upon the approval of the concurrent Future Land Use (FLU) amendment by the Board of County Commissioners (BCC), the requested rezoning from P/C to PO and the proposed development will be consistent with the U/T FLU designation of the Palm Beach County Comprehensive Plan.
2. **Consistent with Code.** The proposed Zoning Map Amendment is not in conflict with any portion of the ULDC, and is consistent with the stated purpose and intent of the ULDC.

3. **Compatible with surrounding uses.** The site is surrounded by a mix of developed and undeveloped properties. Property to the northeast is the subject of a concurrent request to allow for the development of multiple residential and non-residential uses. The site will be developed and landscaped in accordance with all ULDC requirements. Therefore, the proposed development will be compatible with the existing uses, character and zones of land surrounding and in the vicinity of the subject property as defined by the ULDC. The proposed development and zoning designation is appropriate for the subject property.
 4. **Changed conditions.** Determination of compliance with this standard is contingent upon BCC approval of the concurrent request for a FLU amendment.
 5. **Effect on Natural Environment.** The site is currently unimproved, contains some native upland vegetation, and also contains wetlands that are under the jurisdiction of the South Florida Water Management District and the Army Corps of Engineers. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.
 6. **Development Patterns.** Determination of compliance with this standard is contingent upon BCC approval of the concurrent request for a FLU amendment.
 7. **Consistency with Neighborhood Plan.** Not applicable.
 8. **Adequate Public Facilities.** Concurrency has been approved for 600 square feet of minor utility use. The request is in compliance with ULDC Article 2.F., Concurrency (Adequate Public Facility Standards).
-

EXHIBITS

- Exhibit A: Legal Description (NA - attached to resolution)
- Exhibit B: Vicinity Sketch
- Exhibit C: Voluntary Commitments
- Exhibit D: Accident History Report

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. (ONGOING: BLDG/CODE ENF - Zoning)

AB. 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)

~~There are no Voluntary Commitments B, C or D.~~

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)

Exhibit D:
Accident History Report

**One Year
Accident History Report
Zoning Petition**

Petition No. TBD
Project Name The Scripps Research Institute
Intersection Northlake Boulevard and Seminole Pratt Whitney Road
Total Number of Accidents /Year 5 - 05/01/03 - 04/30/04

Breakdown of Accidents:

<i>Rear End</i>	<u>1</u>
<i>Head On</i>	<u> </u>
<i>Right Angle</i>	<u>1</u>
<i>Left Turn</i>	<u> </u>
<i>Side Swipe</i>	<u>1</u>
<i>Backing Up</i>	<u> </u>
<i>Fixed Object</i>	<u>2</u>
<i>Ped./Bicycle</i>	<u> </u>
<i>Other</i>	<u> </u>

<i>Total Daily Volume Through Intersection</i>	<u>10,561</u>
<i>Project Daily Traffic Using Intersection</i>	<u> </u>
<i>Project Daily Traffic as % of Total</i>	<u> </u>
<i>Intersection Ranking by Number of Accidents</i>	<u>n/a - 03</u>
<i>Intersection Ranking by Rate of Accidents</i>	<u>n/a - 03</u>

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One Year Accident History Report Zoning Petition

<i>Petition No.</i>	TBD
<i>Project Name</i>	<u>The Scripps Research Institute</u>
<i>Intersection</i>	<u>Northlake Boulevard and Bee-line Hwy</u>
<i>Total Number of Accidents /Year</i>	<u>17 - 05/01/03 - 04/30/04</u>

Breakdown of Accidents:

<i>Rear End</i>	<u>9</u>
<i>Head On</i>	<u> </u>
<i>Right Angle</i>	<u>3</u>
<i>Left Turn</i>	<u>4</u>
<i>Side Swipe</i>	<u>1</u>
<i>Backing Up</i>	<u> </u>
<i>Fixed Object</i>	<u> </u>
<i>Ped./Bicycle</i>	<u> </u>
<i>Other</i>	<u> </u>

<i>Total Daily Volume Through Intersection</i>	<u>34,376</u>
<i>Project Daily Traffic Using Intersection</i>	<u> </u>
<i>Project Daily Traffic as % of Total</i>	<u> </u>
<i>Intersection Ranking by Number of Accidents</i>	<u>n/a - 03</u>
<i>Intersection Ranking by Rate of Accidents</i>	<u>n/a - 03</u>

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One Year Accident History Report Zoning Petition

Petition No. TBD
Project Name The Scripps Research Institute
Intersection Northlake Boulevard and Coconut Boulevard
Total Number of Accidents /Year 8 - 05/01/03 - 04/30/04

Breakdown of Accidents:

<i>Rear End</i>	4
<i>Head On</i>	
<i>Right Angle</i>	
<i>Left Turn</i>	
<i>Side Swipe</i>	3
<i>Backing Up</i>	
<i>Fixed Object</i>	1
<i>Ped./Bicycle</i>	
<i>Other</i>	

<i>Total Daily Volume Through Intersection</i>	26,825
<i>Project Daily Traffic Using Intersection</i>	
<i>Project Daily Traffic as % of Total</i>	
<i>Intersection Ranking by Number of Accidents</i>	n/a - 03
<i>Intersection Ranking by Rate of Accidents</i>	n/a - 03

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One Year Accident History Report Zoning Petition

<i>Petition No.</i>	TBD
<i>Project Name</i>	The Scripps Research Institute
<i>Intersection</i>	P.G.A. Boulevard and Bee-line Hwy
<i>Total Number of Accidents /Year</i>	5 - 05/01/03 - 04/30/04

Breakdown of Accidents:

<i>Rear End</i>	2
<i>Head On</i>	
<i>Right Angle</i>	1
<i>Left Turn</i>	
<i>Side Swipe</i>	1
<i>Backing Up</i>	
<i>Fixed Object</i>	1
<i>Ped./Bicycle</i>	
<i>Other</i>	

<i>Total Daily Volume Through Intersection</i>	9,462
<i>Project Daily Traffic Using Intersection</i>	
<i>Project Daily Traffic as % of Total</i>	
<i>Intersection Ranking by Number of Accidents</i>	n/a - 03
<i>Intersection Ranking by Rate of Accidents</i>	n/a - 03

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One Year Accident History Report Zoning Petition

Petition No. TBD
Project Name The Scripps Research Institute
Intersection Bee-line Hwy and Seminole Pratt Whitney Road
Total Number of Accidents /Year 1 - 05/01/03 – 04/30/04

Breakdown of Accidents:

<i>Rear End</i>	_____
<i>Head On</i>	_____
<i>Right Angle</i>	_____
<i>Left Turn</i>	_____
<i>Side Swipe</i>	_____
<i>Backing Up</i>	_____
<i>Fixed Object</i>	_____ <u>1</u> _____
<i>Ped./Bicycle</i>	_____
<i>Other</i>	_____

<i>Total Daily Volume Through Intersection</i>	_____ <u>13,065</u> _____
<i>Project Daily Traffic Using Intersection</i>	_____
<i>Project Daily Traffic as % of Total</i>	_____
<i>Intersection Ranking by Number of Accidents</i>	_____ <u>n/a – 03</u> _____
<i>Intersection Ranking by Rate of Accidents</i>	_____ <u>n/a – 03</u> _____

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