

RESOLUTION NO. R-93- 344

RESOLUTION APPROVING ZONING PETITION NO. 81-190(C)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF CALEFFE INVESTMENTS LTD.

WHEREAS, the Board of County Commissioners, as the governing body, 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 hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 81-190(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on August 27, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board **of** County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 81-190(C), the petition of CALEFFE INVESTMENTS LTD., by Russell C. Scott, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS: CONDITIONS NO. 1, 11, 12, 12.A, 13, AND 14.D **OF** RESOLUTIONS NO. 82-120 AND NO. 82-468; CONDITION NO. 15 **OF** RESOLUTION NO. 82-468; AND DELITION OF ACREAGE, RESOLUTION NO. 90-812, on a parcel of land lying, in part, to PIPD-Planned Industrial Park District of all **of** Section 17, Township 41 South, Range 41 East, excepting therefrom: the North 990.00 feet of the West 410.00 feet thereof, **TOGETHER** with that parcel described as follows: COMMENCING at the Northwest corner of Section 19, thence South 00°04'57" East along the West line of said Section 18, a distance of 990.26 feet; thence South 88°45'46" East, parallel to the North line of Section 18, a distance **of** 720.18 feet to the POINT OF BEGINNING of the following description; thence South 00°04'57" East, a distance of 1,231.19 feet **to** the beginning **of** a 1,948.65 foot radius curve, concave East; thence South along the arc of said curve, thru a central angle **of** 18°39'00", a distance of 634.29 feet thence South 71°16'03" West, a distance of 660.00 feet to a point **on** a 2,608.65 foot radius curve, concave East, whose long chord bears South 20°30'26" East; thence South along the arc of said curve, thru a central angle of 03°17'22" East, a distance **of** 207.32 feet to a point **on** the South line of Section 18, thence South 87°16'55" East,

along the South line of Section 18, a distance of 3,562.08 feet to the Southeast corner of Section 18; thence North 01°28'50" East, along the East line of Section 18, a distance of 4,429.30 feet to a point 990.00 feet South of the Northeast corner of Section 18; thence North 88°45'46" West, along a line parallel to the North line of Section 18, a distance of 4,183.81 feet, more or less, to the POINT OF BEGINNING, TOGETHER WITH that parcel described as follows: ALL of Section 19, Township 41 South, Range 41 East, lying northeast of the northerly right-of-way of Beeline Highway, TOGETHER WITH that parcel described as follows: The south 330.00 feet of the north 990.00 feet of the west 410.00 feet of Section 17, Township 41 South, Range 41 East, and the south 330.00 feet of the north 990.00 feet; LESS the west 60.00 feet for road right-of-way, Section 18, Township 41 South, Range 41 East, said property located at the northeast corner of the intersection of Bee-Line Highway (S.R. 710) and Pratt-Whitney Road (S.R. 711), was approved as advertised, subject to the following modifications of the Master Plan and development authorization: and being located on the E. side of Pratt Whitney Road (SR 710), North of the Beeline Highway (SR 710) in the PIPD Zoning District, which was approved on August 27, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval in Resolutions #R82-120, #R82-468 and #R90-812, including original deadlines, as amended, unless expressly modified herein. (MONITORING)

B. LIGHTING (LOCAL GOVERNMENT CONDITION OF APPROVAL ONLY)

1. All lighting fixtures shall conform to the following height restriction:
  - a. Within 500 feet of all property with any residential designation by the Palm Beach County Comprehensive Plan, the maximum allowed height shall be thirty (30) feet.
  - b. Between 500 and 750 feet of all property with any residential designation by the Palm Beach County Comprehensive Plan, the maximum allowed height shall be forty five (45) feet.
  - c. Zoning code requirements shall apply to property more than 750 feet from all property with any residential designation by the Palm Beach County Comprehensive Plan. (BUILDING)

C. APPLICATION FOR DEVELOPMENT APPROVAL (ADA)

1. The response to Question Number 12-A of the Application for Development Approval (ADA), incorporated into the original approval of the Petition by Condition No. 1 of Zoning Petition 81-190, Resolution No. R-82-468, which currently states:

Answer 12-A.

"This is a 1,247.72 acre industrial park to be developed under the Planned Industrial Park District ordinance of Palm Beach County and featuring a harmonious blend of uses as shown on Map H.

The total tract is roughly one mile (north-south) and two miles (east-west) and has a mile of frontage on Beeline

Highway (S.R. 710) and a similar frontage on Pratt-Whitney Road (S.R. 711). Within the development are some 133.7 acres of environmentally unique areas which are to be preserved in their natural state.

A comprehensive approach to the land uses has been made by placement of the systems of drainage, roads and rail to define the separation of commercial from industrial uses. Further, the general industrial areas are buffered by light industrial uses on the southern and eastern boundary.

The total Park will be developed in five phases of five years each:

Phase I	0 - 5 yrs	1982 - 1986
Phase II	6 -10 yrs	1987 - 1991
Phase III	11-15 yrs	1992 - 1996
Phase IV	16-20 yrs	1997 - 2001
Phase V	21-25 yrs	2002 - 2006"

Is hereby amended to read as follows:

Answer 12-A.

"This is a 1,244.70 acre industrial park to be developed under the Planned Industrial Park District ordinance of Palm Beach County and featuring a harmonious blend of uses as shown on Map H.

The total tract is roughly one mile (north-south) and two miles (east-west) and has a mile of frontage on Beeline Highway (S.R. 710) and a similar frontage on Pratt-Whitney Road (S.R. 711). Within the development are some 133.7 acres of environmentally unique areas which are to be preserved in their natural state.

A comprehensive approach to the land uses has been made by placement of the systems of drainage, roads and rail to define the separation of commercial from industrial uses. Further, the general industrial areas are buffered by light industrial uses on the southern and eastern boundary.

The total Park will be developed in five phases of five years each:

Phase I	March 19, 1985 - July 31, 1994
Phase II	August 1, 1994 - July 31, 1999
Phase III	August 1, 1999 - July 31, 2004
Phase IV	August 1, 2004 - July 31, 2009
Phase V	August 1, 2009 - July 31, 2014."

2. The response to Question Number 14-A of the Application for Development Approval (ADA), incorporated into the original approval of this petition by Condition No. 1 of Zoning Petition No. 81-190, Resolution No. R-82-468, which currently states:

Answer 14-D

"This site is fortunate in that there is considerable existing vegetation to prevent any major problems with wind control. Even those areas shown as sand or sand

depressionals on Map B have some vegetation and because of the flat terrain have sufficient surface moisture to preclude wind borne fugitive particulates. The Crop Land in the northeast quarter of Section 17 as shown on Map F has developed new undergrowth of vegetation due to the nutrient levels of the recent farming activities and this will reduce any wind control problems.

Map C shows that the elevation differential on the site is three feet (23' msl to 20' msl). This low gradient and the vegetative abundance will reduce the soil erosion possibility. During construction the banks and slopes of the roadways and lakes will be seeded and mulched to promote rapid re-vegetation.

The first order of development is to dike and ditch the perimeter to gain control of the on-site surface water. Following this the rights-of-way will be cleared and graded and low dikes will be built around the preservation areas to maintain their integrity. Consistent with this effort the canals and lakes will be dug to develop internal surface water control and the resulting de-vegetated areas will be treated as indicated above.

It is not the intent of the developer to clear any of the developed tracts but rather leave this to the purchaser, however it is our intent to encourage retention of all native vegetation wherever possible and to conform to the County's Landscape Code."

Is hereby amended to read as follows:

Answer 14-D

"This site is fortunate in that there is considerable existing vegetation to prevent any major problems with wind control. Even those areas shown as sand or sand depressionals on Map B have some vegetation and because of the flat terrain have sufficient surface moisture to preclude wind borne fugitive particulates. The Crop Land in the northeast quarter of Section 17 as shown on Map F has developed new undergrowth of vegetation due to the nutrient levels of the recent farming activities and this will reduce any wind control problems.

Map C shows that the elevation differential on the site is three feet (23' msl to 20' msl). This low gradient and the vegetative abundance will reduce the soil erosion possibility. During construction the banks and slopes of the roadways and lakes will be seeded and mulched to promote rapid re-vegetation.

Following this the rights-of-way will be cleared and graded and a buffer zone of at least fifty (50) feet in width shall be established around the borders of all preservation and mitigation wetland areas to provide wildlife habitat and for water purification functions in accordance with U. S. Army Corps of Engineers permit(s). Consistent with this effort the canals and lakes will be dug to develop internal surface water control and the resulting de-vegetated areas will be treated as indicated above.

It is not the intent of the developer to clear any of the developed tracts but rather leave this to the purchaser,

however it is our intent to encourage retention of all native vegetation wherever possible and to conform to the County's Landscape Code."

E. ENGINEERING

1. Condition 11 of Zoning Petition Number **81-190**, Resolution Numbers **82-120** and **R-82-468**, which presently states:

"Commencing within one year of the issuance of the first Certificate of Occupancy, and continuing twice annually thereafter (once in the summer and once in the winter), the applicant 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. 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 the surrounding highway system. The study shall be coordinated by the Florida Department of Transportation and 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)**, Florida Statutes. This report shall also address the traffic control strategies listed in Condition number **10** and shall be coordinated with the County Engineer."

Is hereby amended to read as follows:

"Commencing in the year **1993**, and continuing every other year thereafter the applicant 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 the surrounding highway system. The study shall be coordinated by the Florida Department of Transportation and 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)**, Florida Statutes. This report shall also address the traffic control strategies listed in Condition number **10** and shall be coordinated with the County Engineer." (MONITORING - Engineering)

2. Conditions **#12** and **#13** of Zoning Petition Number **81-190**, Resolution Number **R-82-120**, and condition **#12** of Zoning Petition **81-190**, Resolution Number **R-82-468**, which presently states:

"Based upon traffic generation data, submitted by the applicant's traffic engineer, the project development is limited to Phase One consisting of **296.42** acres, in order

to limit traffic generation to 10% of the thoroughfare capacity. The 296.42 acres shall be distributed as follows:

Commercial	- Maximum 13 acres
Light Industrial	- Maximum 95.4 acres
General Industrial	- Maximum 58.5 acres
Transportation	- Maximum 23.0 acres
Utilities	- Maximum 15.32 acres
Institutional	- 5 acres
Recreational	- 4 acres
Canals/Lakes	- 51.3 acres
Wetlands	- 30.9 acres

The development of subsequent phases shall be subject to the Board of County Commissioners' re-evaluation of the project's status."

Is hereby amended to read as follows:

"Based upon traffic generation data, submitted by the applicant's traffic engineer, Phase One of the project development is limited to 296.42 acres, in order to limit traffic generation to 10% of the thoroughfare capacity. The 296.42 acres shall be distributed as follows:

Commercial	- Maximum 13 acres
Light Industrial	- Maximum 95.4 acres
General Industrial	- Maximum 58.5 acres
Transportation	- Maximum 23.0 acres
Utilities	- Maximum 15.32 acres
Institutional	- 5 acres
Recreational	- 4 acres
Canals/Lakes	- 51.3 acres
Wetlands	- 30.9 acres

The development of subsequent phases shall be permitted provided the traffic monitoring required by Condition 11 above shows the peak-season, peak hour, peak direction traffic volume does not exceed 1,890 on Beeline Highway (SR 710). If that volume is exceeded, no further building permits shall be issued for Palm Beach Park of Commerce until it can be demonstrated to the Palm Beach County Engineer, the Florida Department of Transportation and Treasure Coast Regional Planning Council that peak-season, peak-hour, peak-direction traffic is operating at an acceptable level of service." (ENGINEERING - Building)

3. Condition Number 15 of Zoning Petition Number 81-190, Resolution Number 82-468 which presently states:

"Convey to Palm Beach County at the time of the filing of the first contiguous plat or within ninety (90) days of notification by Palm Beach County, 192 feet from the west line of Section 18 for the ultimate right-of-way for University Parkway (approximately an additional 132 feet)."

Is hereby amended to read:

"Dedicate to Palm Beach County at the time of the filing of the first contiguous plat or within ninety (90) days of notification by Palm Beach County, 192 feet from the

west line of Section 18 for the ultimate right-of-way for Seminole Pratt Whitney Road (approximately an additional 132 feet)." (ENGINEERING)

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 16th day of March, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK