

RESOLUTION NO. R-95- 1321.15

RESOLUTION APPROVING ZONING PETITION DOA81-190(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CALEFFE INVESTMENTS, LTD.
BY DONALD C. WALKER, AGENT
PALM BEACH PARK OF COMMERCE DRI

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, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA81-190(D) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 1995; and

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

WHEREAS, the Board of County Commissioners has determined the request is not a substantial deviation to the original development order; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (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 Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. 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.
6. This Development Order Amendment meets applicable local land development regulations.
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 concurrency determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
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 5 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 DOA81-190(D), the petition of Caleffe Investments, Ltd., for a Development Order Amendment (DOA) to amend Condition E.2 (phasing) of Resolution R-93-344, previously approved 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 September 28, 1995, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of September, 1995.

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

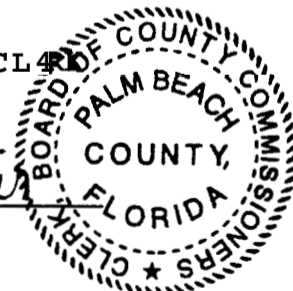


EXHIBIT A

LEGAL DESCRIPTION

90-300

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°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°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°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 BEE LINE EIGRWAY, 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°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°20'08" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 20°00'00", A DISTANCE OF 980.45 FEET; THENCE NORTH 33°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°20'08" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 11°00'00", A DISTANCE OF 541.55 FEET; THENCE NORTH 22°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°20'00" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 03°33'33", A DISTANCE OF 162.05 FEET; THENCE NORTH 70°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°53'41" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 18°39'00", A DISTANCE OF 634.29 FEET; THENCE NORTH 00°27'19" WEST, A DISTANCE OF 1,229.89 FEET; THENCE NORTH 89°08'22" WEST, A DISTANCE OF 650.18 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°27'19" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRATT-WHITNEY ROAD, A DISTANCE OF 330.09; THENCE SOUTH 89°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°56'16" EAST, ALONG A LINE 660.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 17,

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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.

THE ABOVE DESCRIBED PARCEL OF LAND ALSO HAS INCLUDED WITHIN IT THE ENTIRE PLAT OF "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1 AS RECORDED IN PLAT BOOK 60, PAGE 59, AND THE ENTIRE PLAT OF "CALBUT GENPAR TRACT A" AS RECORDED IN PLAT BOOK 45 PAGE 70, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: THAT CERTAIN CANAL RIGHT-OF-WAY BEING 100.00 FEET IN WIDTH AND BEING DESCRIBED IN OFFICIAL RECORD BOOK 803, PAGE 220 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: WETLANDS PRESERVATION TRACTS 1 THROUGH 13, INCLUSIVE, AS SHOWN ON THE AFOREMENTIONED PLAT "PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1".

LESS AND EXCEPTING THEREFROM: CANAL TRACTS 1 THROUGH 8, INCLUSIVE AS SHOWN ON SAID PLAT.

LESS AND EXCEPTING THEREFROM: ROAD RIGHTS-OF-WAY AS SHOWN ON SAID PLAT.

LESS AND EXCEPTING THEREFROM: PHASE 1 OF LOT L04

THE SOUTHERLY 3.938 ACRES OF LOT 4L, AS SHOWN ON SAID PLAT. SAID 2.938 ACRES BEING DESCRIBED IN OFFICIAL RECORD BOOK 5333, PAGE 1769 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: TRACT B AS SHOWN ON SAID PLAT.

THE NORTH 467.00 FEET OF THE SOUTH 617.00 FEET OF THE WEST 467.00 FEET OF THE EAST 617.00 FEET OF SAID SECTION 17. SAID TRACT BEING DESCRIBED IN OFFICIAL RECORD BOOK 4075, PAGE 130 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SOURCE: SURVEY

LESS AND EXCEPTING THEREFROM:

LOTS 4C, 8G-A, 9C-A AND 33G OF PLAT 1 AND LOTS 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, AND 18 OF PLAT 2.

LESS AND EXCEPTING THEREFROM: PARCEL A-4 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 7102, PAGE 117, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: LOT 7L-2 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 7131, PAGE 1064, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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LESS AND EXCEPTING THEREFROM: PARCEL B-4 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 7103, PAGE 164, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: WPT-19 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 6784, PAGE 66, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: WPT-16 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 6297, PAGE 1247, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: WPT-15 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 6297, PAGE 1256, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: 150 FOOT CANAL AS DESCRIBED IN OFFICIAL RECORD BOOK 6297, PAGE 1256, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: PARCEL C-8 AS DESCRIBED IN OFFICIAL RECORD BOOK 7073, PAGE 210, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: PARCEL C-7 AS DESCRIBED IN OFFICIAL RECORD BOOK 7073, PAGE 210, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM: PARCEL C-3 AS DESCRIBED IN OFFICIAL RECORD BOOK 7518, PAGE 1612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

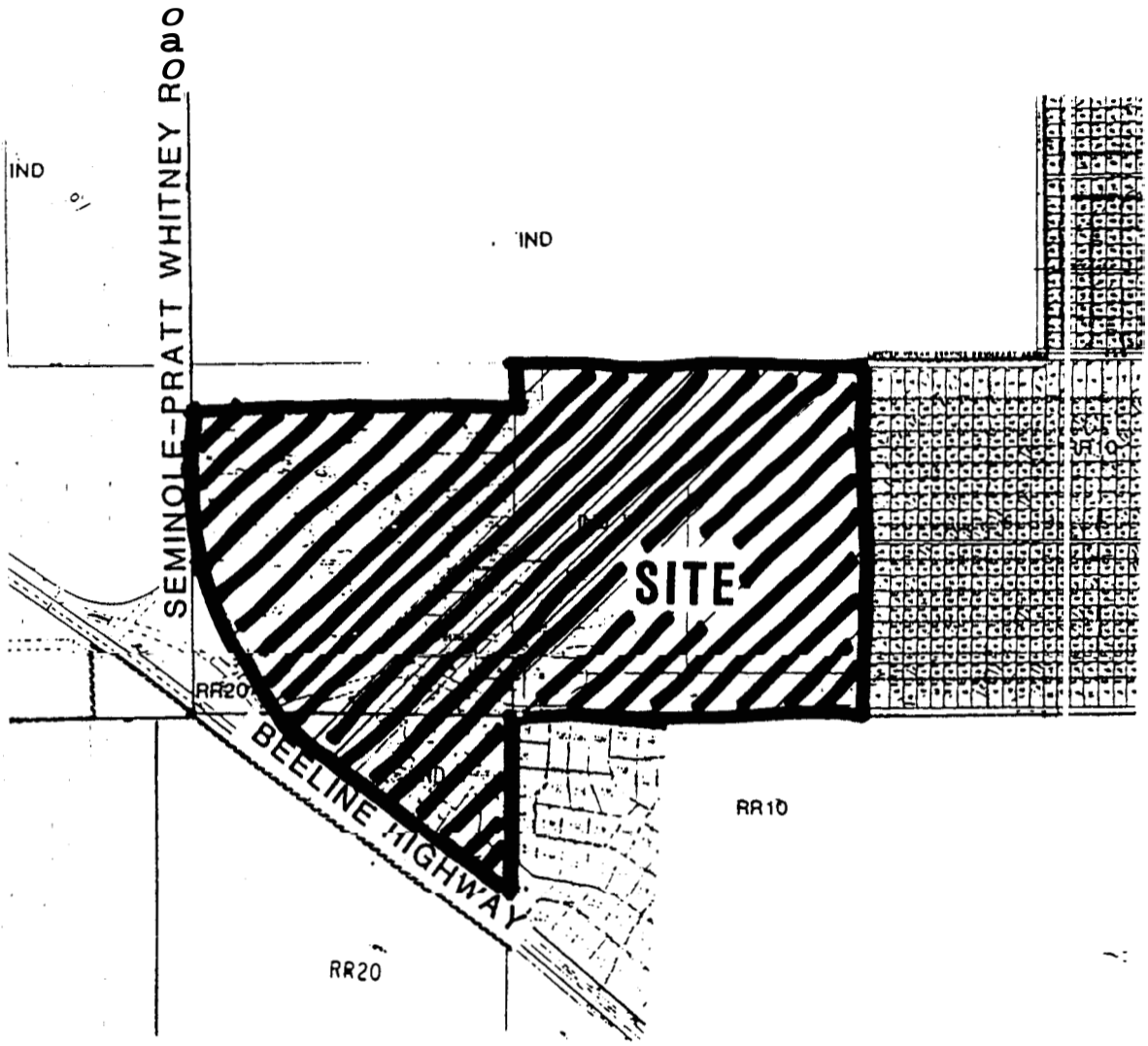


EXHIBIT C

CONDITIONS OF APPROVAL

E. **ENGINEERING**

2. Condition E.2 of Resolution R-93-344, Zoning Petition 81-190(C), which states:

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,

Is hereby amended to state:

Continued development of the project 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 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 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.

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 IDA are hereby 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. (ENGINEERING - Building)