

RESOLUTION NO. R-2003-1391

RESOLUTION APPROVING ZONING PETITION DOA2001-009A
DEVELOPMENT ORDER AMENDMENT
PETITION OF WEISS GROUP, INC.
BY CH2M HILL, AUDREY HUGGINS, AGENT
(WEISS GROUP)

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 DOA2001-009A was presented to the Board of County Commissioners at a public hearing conducted on September 17, 2003; 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, 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 has considered the findings in the staff report and 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 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 DOA2001-009A, the petition of Weiss Group, Inc., by CH2M Hill, Audrey Huggins, agent, for a Development Order Amendment to allow a general daycare within POD A and to reconfigure the parking area of a previously approved Multiple Use Planned Development 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 17, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Aye
Warren H. Newell	- Absent
Mary McCarty	- Absent
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 17, 2003.

Filed with the Clerk of the Board of County Commissioners on 3 day of November, 2003.

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

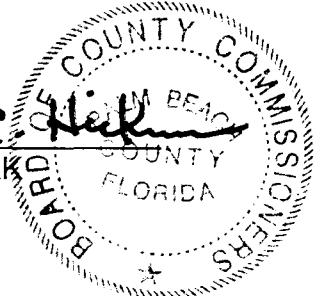


EXHIBIT A
LEGAL DESCRIPTION

KOB MUPD

BEING A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 89°56' 23" WEST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 2988.34 FEET; THENCE NORTH 00° 20' 57" WEST, 325.01 FEET TO A POINT ON A LINE THAT IS 325.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 00° 20' 57" WEST, 759.10 FEET; THENCE NORTH 89°39' 03" EAST, 686.00 FEET; THENCE SOUTH 00° 20' 57" EAST, 764.00 FEET TO A POINT ON A LINE THAT IS 325.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13; THENCE NORTH 89° 56' 23" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 682.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.99 ACRES MORE OR LESS.

BEING A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 00° 27' 19" WEST ALONG THE EAST LINE OF SAID SECTION 13, A DISTANCE OF 39.74 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILWAY COMPANY AS DESCRIBED IN DEED BOOK 219, PAGE 6 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 53° 39' 13" WEST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 1664.76 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 53° 39' 13" WEST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 3258.06 FEET; THENCE SOUTH 89° 39' 03" WEST, 125.51 FEET TO A POINT ON A LINE THAT IS 75.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH SAID SOUTHWESTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 53° 39' 13" EAST ALONG SAID PARALLEL LINE 651.85 FEET; THENCE SOUTH 00° 20' 57" EAST, 323.27 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 90° 00' 00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 125.66 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89° 39' 03" EAST, 3.10 FEET; THENCE NORTH 00° 20' 57" WEST, 14.22 FEET; THENCE NORTH 89° 39' 03" EAST, 30.06 FEET; THENCE SOUTH 00° 20' 57" EAST, 74.71 FEET; THENCE NORTH 89° 39' 03" EAST, 18.03 FEET; THENCE SOUTH 00° 20' 57" EAST, 61.92 FEET; THENCE SOUTH 89° 39' 03" WEST, 8.00 FEET; THENCE SOUTH 00° 20' 57" EAST, 50.05 FEET; THENCE SOUTH 89° 39' 03" WEST, 20.00 FEET; THENCE SOUTH 00° 20' 57" EAST, 78.74 FEET; THENCE SOUTH 45° 20' 57" EAST, 39.19 FEET; THENCE SOUTH 44° 39' 03" WEST, 68.61 FEET; THENCE SOUTH 89° 39' 03" WEST, 585.09 FEET; THENCE SOUTH 00° 20' 57" EAST, 33.00 FEET; THENCE NORTH 89° 39' 03" EAST, 447.27 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 55.00 FEET AND A CENTRAL ANGLE OF 42° 31' 41"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 40.82 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 47° 49' 15" EAST, 62.49 FEET; THENCE SOUTH 00° 20' 57" EAST, 17.02 FEET; THENCE NORTH 89° 39' 03" EAST, 413.72 FEET; THENCE NORTH 45° 39' 14" EAST, 97.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 47° 29' 01"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 41.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86° 51' 45" EAST, 84.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 62° 42' 05"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 54.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 24° 09' 40" EAST, 53.07 FEET; THENCE SOUTH 04° 55' 21" WEST, 37.61 FEET; THENCE SOUTH 17° 58' 53" EAST, 239.21 FEET; THENCE NORTH 89° 39' 03" EAST, 32.21 FEET; THENCE SOUTH 00° 20' 57" EAST, 301.94 FEET; THENCE NORTH 89° 39' 03" EAST, 820.24 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 410.00 FEET AND A CENTRAL ANGLE OF 37° 03' 38"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 265.20 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 53° 17' 19" EAST, 159.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 160.00 FEET AND A CENTRAL ANGLE OF 88° 30' 06"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 247.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.95 ACRES MORE OR LESS.

BEING A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 89° 56' 23" WEST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 2988.34 FEET; THENCE NORTH 00° 20' 57" WEST, 1084.11 FEET; THENCE SOUTH 89° 39' 03" WEST, 1064.58 FEET; THENCE NORTH 00° 20' 57" WEST, 755.75 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 00° 20' 57" WEST, 352.16 FEET; THENCE NORTH 45° 20' 57" WEST, 363.20 FEET; THENCE NORTH 00° 20' 57" WEST, 511.24 FEET; THENCE NORTH 89°39' 03" EAST, 236.84 FEET TO A POINT ON A LINE THAT IS 75.00 FEET SOUTHWEST OF AND PARALLEL WITH THE SOUTHWESTERLY RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILWAY COMPANY AS DESCRIBED IN DEED BOOK 219, PAGE 6 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 53°39' 13" EAST ALONG SAID PARALLEL LINE, 651.85 FEET; THENCE SOUTH 00° 20' 57" EAST, 323.27 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 90° 00' 00" ; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 125.66 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89° 39' 03" EAST, 3.10 FEET; THENCE NORTH 00° 20' 57" WEST, 14.22 FEET; THENCE NORTH 89° 39' 03" EAST, 30.06 FEET; THENCE SOUTH 00° 20' 57" EAST, 74.71 FEET; THENCE NORTH 89° 39' 03" EAST, 18.03 FEET; THENCE SOUTH 00°20' 57" EAST, 61.92 FEET; THENCE SOUTH 89° 39' 03" WEST, 8.00 FEET; THENCE SOUTH 00° 20' 57" EAST, 50.05 FEET; THENCE SOUTH 89° 39' 03" WEST, 20.00 FEET; THENCE SOUTH 00° 20' 57" EAST, 78.74 FEET; THENCE SOUTH 45° 20' 57" EAST, 39.19 FEET; THENCE SOUTH 44° 39' 03" WEST, 68.61 FEET; THENCE SOUTH 89° 39' 03" WEST, 585.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.27 ACRES MORE OR LESS.

BEING A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 17.76 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

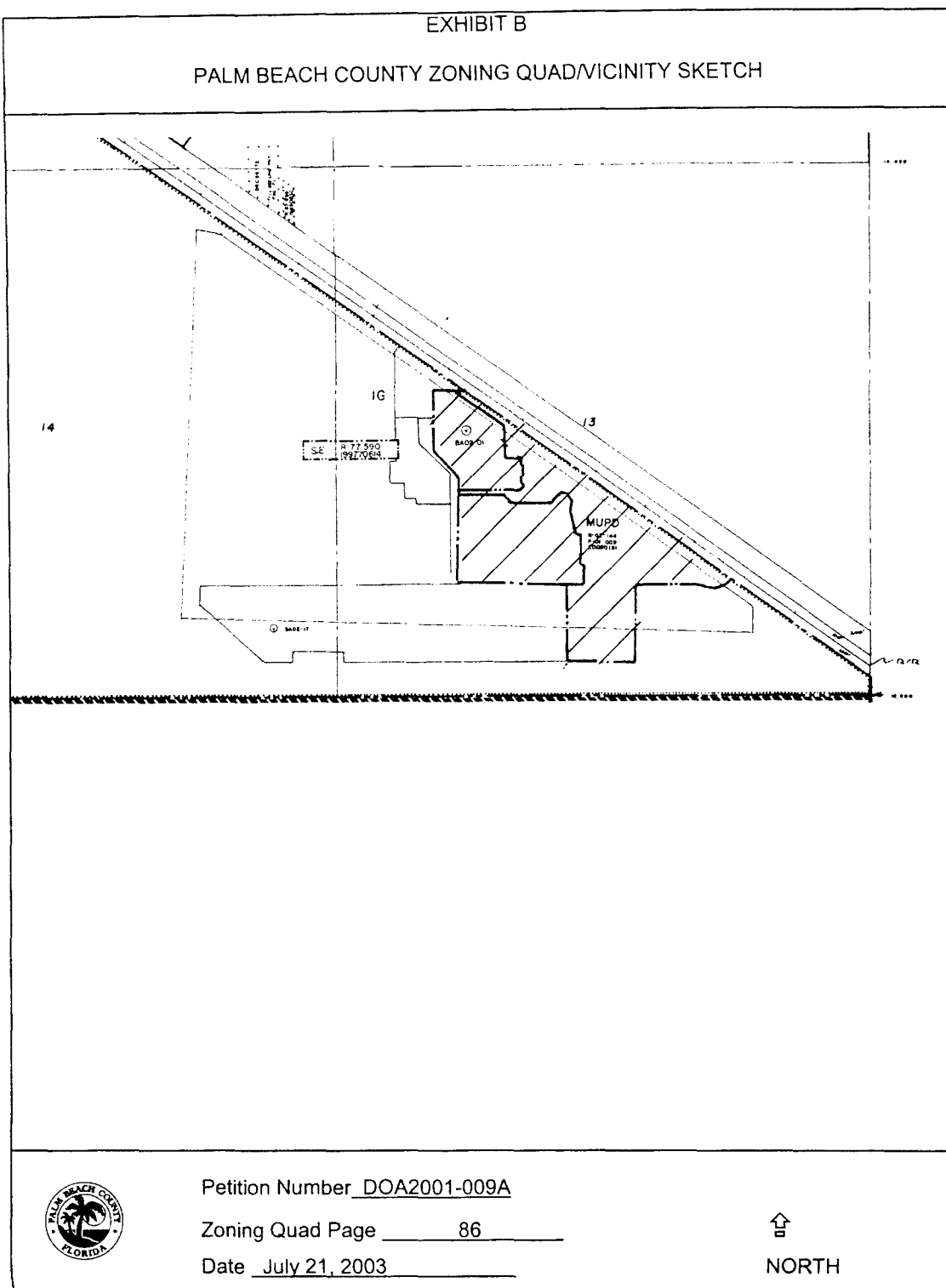


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

Condition A.1 of Resolution R-2002-0144, Petition PDD2001-009, which currently states:

1. **Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Pratt and Whitney Business Park MUPD 1 and MUPD 2 preliminary development plans are dated November 29, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.**

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Pratt and Whitney Business Park MUPD 1 site plan is dated November 29, 2001, and the MUPD 2 site plan is dated August 26, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING – Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2002-0144 (Petition 2001-009), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)

B. BINDING LETTER OF INTERPRETATION

1. **The petitioner shall obtain a Binding Letter of Interpretation from the Department of Community Affairs that the existing development on the site, together with the existing and proposed development of the adjacent property owned by United Technologies, do not require DRI approval. The Binding Letter determination shall be obtained prior to final DRC approval of the site plan or subdivision plan for either MUPD, issuance of any building permit, commencement of any land development activity, or the occupancy of the land or buildings within either MUPD by any person or entity other than United Technologies or its subsidiaries. (DRC/BLDG PRMT/ENG/CO – Zoning) (Previous Condition B.1 of R-2002-0144, Petition PDD2001-009)**
2. **If the Department of Community Affairs determines that the existing and proposed development of the site, either alone or when aggregated with the existing and proposed development on adjacent properties currently owned by United Technologies, require further DRI review and approval, the petitioner shall refrain from undertaking any of the activities described above until the approvals required by Section 380.06, Florida Statutes and the Palm Beach County Unified Land Development Code are obtained for such activities. (DRC/BLDG PERMIT/ENG/CO – Zoning) (Previous Condition B.2 of R-2002-0144, Petition PDD2001-009)**

C. BUILDING AND SITE DESIGN

1. **Total gross floor area shall be limited to a maximum of 68,745 square feet for Pratt and Whitney Business Park MUPD 1 and a maximum of 406,522 square feet for Pratt and Whitney Business Park MUPD 2. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet whichever is less for each MUPD, subject to approval by Traffic Division and DRC. (DRC: ZONING – Zoning) (Previous Condition C.1 of R-2002-0144, Petition PDD2001-009)**

D. CONCURRENCY

1. Condition D.1 of R-2002-0144, Petition PDD2001-009, which currently states:

Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise the concurrency to match the uses and square footages as shown on the approved Pratt and Whitney Business Park MUPD 1 and MUPD 2 preliminary development plans dated November 29, 2001.

Is hereby deleted. [REASON: Code requirement.]

E. ENGINEERING

1. **The Property owner shall construct: dual left turn lanes east approach at the intersection of Seminole Pratt Whitney Road and Bee Line Highway, if required by the County Engineer.**
 - A) **Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.**
 - B) **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit, for the north parcel, if required by the County Engineer. (BLDG PERMIT: Monitoring-Eng)**
 - C) **Construction shall be completed prior to the issuance of the first Certificate of Occupancy, for the north parcel, if required by the County Engineer. (CO: MONITORING – Eng) (Previous Condition E.1 of R-2002-0144, Petition PDD2001-009)**
2. **Any site plan for the parcel of land immediately east of the KOB Parcel (known as the Ballfield Parcel) should show the extension of Seminole-Pratt Whitney Road through the Ballfield Parcel to connect to the railroad crossing on Innovation Drive. (DRC: ENG – Eng) (Previous Condition E.2 of R-2002-0144, Petition PDD2001-009)**

F. LANDSCAPING – STANDARDS

1. **Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:**
 - a. **Tree height: Fourteen (14) feet;**
 - b. **Trunk diameter: 3.5 inches measured at 4.5 feet above grade;**
 - c. **Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.**

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning) (Previous Condition F.1 of R-2002-0144, Petition PDD2001-009)

2. **All shrub or hedge material shall be planted in a continuous hierarchy of layers consisting of varying heights where two (2) or more shrub sizes are specified herein, as follows:**

eighteen (18) to twenty-four (24) inches – groundcover and small shrub; twenty-four (24) to thirty-six (36) inches – medium shrub; and, forty-eight (48) to sixty (60) inches – large shrub

These heights shall be continuously maintained to achieve the hierarchical effect. Credit may be given for existing or relocated shrub material provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning) (Previous Condition F.2 of R-2002-0144, Petition PDD2001-009)

3. **All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning) (Previous Condition F.3 of R-2002-0144, Petition PDD2001-009)**

G. ENVIRONMENTAL

1. A Phase I site Audit shall be provided to ERM prior to Final Site plan Certification. (ONGOING: ERM - ERM)

H. HEALTH

1. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG – Health)

I. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES OF MUPD 1 (ADJACENT TO INNOVATION DRIVE AND BALLFIELD PARCEL)

1. **Landscaping and buffering along the north and east property lines of MUPD 1 only shall be upgraded to include:**
 - a. **a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;**
 - b. **a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;**
 - c. **one (1) canopy tree planted every thirty (30) feet on center;**
 - d. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,**
 - e. **one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,**
 - f. **one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE – Zoning) (Previous Condition G.1 of R-2002-0144, Petition PDD2001-009)**

J. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES OF MUPD 2 (ADJACENT TO INNOVATION DRIVE AND BLACKBIRD WAY)

1. **Landscaping and buffering along the south and west property lines of MUPD 2 only shall be upgraded to include:**
 - a. **a minimum fifteen (15) foot wide landscape buffer strip.**
 - b. **a minimum two (2) foot high continuous berm measured from top of curb;**

- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE – Zoning) (Previous Condition H.1 of R-2002-0144, Petition PDD2001-009)

K. LANDSCAPE ALTERNATIVE PLAN

- 1. Prior to final certification of the preliminary development plans for MUPD 1 and MUPD 2, an Alternative Landscape Plan shall be submitted for any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE – Zoning) (Previous Condition I.1 of R-2002-0144, Petition PDD2001-009)
- 2. Prior to final DRC certification, the applicant shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning). (Previous Condition I.2 of R-2002-0144, Petition PDD2001-009)

L. MASS TRANSIT

- 1. Prior to final certification of the preliminary development plans by the Development Review Committee, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, shelter(s) and/or bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING – Zoning) (Previous Condition J.1 of R-2002-0144, Petition PDD2001-009)
- 2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING – Eng) (Previous Condition J.2 of R-2002-0144, Petition PDD2001-009)
- 3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual tenants. (ONGOING: PALM TRAN – Palm Tran) (Previous Condition J.3 of R-2002-0144, Petition PDD2001-009)

M. MUPD

- 1. Condition K.1 of R-2002-0144, Petition PDD2001-009), which currently states:

To ensure consistency with the preliminary development plans dated November 29, 2001 presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage of the each building or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered.

Is hereby deleted. [REASON: Superseded by Condition A.1].

2. **A maximum of four (4) parcels shall be permitted on site.** (DRC: ZONING – Zoning) (Previous Condition K.2 of R-2002-0144, Petition PDD2001-009)
3. **Prior to certification of the preliminary development plans by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director.** (DRC: ZONING – Co Att) (Previous Condition K.3 of R-2002-0144, Petition PDD2001-009)
4. **Prior to certification of the preliminary development plans by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director.** (DRC: ZONING – Co Att) (Previous Condition K.4 of R-2002-0144, Petition PDD2001-009)
5. **Prior to final site plan certification by the Development Review Committee (DRC), the preliminary development plan for Pod A shall be amended to indicate a focal point in the round-a-bout at the terminus of Blackbird Way. The focal point shall be in the form of a plaza, fountain, arcade or any other site element or similar pedestrian oriented public area.** (DRC: ZONING – Zoning) (Previous Condition K.5 of R-2002-0144, Petition PDD2001-009)

N. SIGNS

1. Condition L.1 of R-2002-0144, Petition PDD2001-009), which currently states:

Freestanding point of purchase sign on the Bee Line Highway frontage for tenants in MUPD 1 and MUPD 2 shall be limited as follows:
 - a. **Maximum sign height, measured from finished grade to highest point - twenty (20) feet;**
 - b. **Maximum sign face area per side - 200 square feet;**
 - c. **Maximum number of signs - one (1); and**
 - d. **Style - monument style only.**

Is hereby amended to read:

Freestanding point of purchase signs for MUPD 1 and MUPD 2 shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
- b. Maximum sign face area per side - 200 square feet;
- c. Maximum number of signs - one (1);
- d. Location – project’s entrance on the Bee Line Highway;
- e. Style - monument style only; and
- f. No sign space shall be permitted to advertise the general day care use. (CO/ONGOING: BLDG/CODE ENF – Eng)

O. USE LIMITATIONS

1. Condition M.1 of R-2002-0144, Petition PDD2001-009, which currently states:

Prior to final site plan approval by the Development Review Committee, the preliminary development plans shall be amended to reflect that only the following uses are allowed on the site:

- a. **financial institution (not open to the public, provide on-site services only, and no drive-thru lanes);**
- b. **medical or dental laboratory;**
- c. **office, business, or professional (excluding medical, dental, legal, accounting, and real estate) (not open to the public-no outside traffic shall be generated);**
- d. **data information processing;**
- e. **heliport or helipad as an accessory use only subject to review and approval as a Conditional Use, Class A;**
- f. **government services (uses that are not open to the public);**
- g. **manufacturing and processing;**
- h. **warehousing;**
- i. **laboratory, industrial research;**
- j. **wholesaling; and**
- k. **contractor's storage yard to be screened from view and not open to the public or used for the storage of debris, inoperative vehicles or trailers.**

Any accessory uses that are allowed by the ULDC shall not generate any traffic from outside of the site.

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee, the preliminary development plans shall be amended to reflect that only the following uses are allowed on the site:

- a. financial institution (not open to the public, provide on-site services only, and no drive-thru lanes);
- b. medical or dental laboratory;
- c. office, business, or professional (excluding medical, dental, legal, accounting, and real estate) (not open to the public-no outside traffic shall be generated);
- d. data information processing;
- e. heliport or helipad as an accessory use only subject to review and approval as a Conditional Use, Class A;
- f. government services (uses that are not open to the public);
- g. manufacturing and processing;
- h. warehousing;
- i. laboratory, industrial research;
- j. wholesaling;
- k. contractor's storage yard to be screened from view and not open to the public or used for the storage of debris, inoperative vehicles or trailers;
- l. general day care center, limited to on-site employees of MUPD 1, MUPD 2, and contiguous facilities located south of the Bee Line Highway and having an Economic Development Center (EDC) Future Land Use (FLU) designation; and,
- m. any accessory uses that are allowed by the ULDC shall not generate any traffic from outside of the site. (DRC/CO: ZONING/BLDG – Zoning)

2. Prior to final site plan approval by the Development Review Committee, the preliminary development plans shall be amended to reflect that the following uses are not allowed on the site:

- a. **residential (excluding security quarters);**
- b. **commercial retail (excluding accessory use);**
- c. **restaurant (excluding accessory/ancillary use);**
- d. **convenience stores (with or without gas sales);**
- e. **automotive service stations;**
- f. **hotels, motels; and**
- g. **hospitals**

Any accessory uses that are allowed by the ULDC shall not generate any traffic from outside of the site. (DRC: PLANNING/ONGOING) (Previous Condition M.2 of R-2002-0144, Petition PDD2001-009)

3. **Prior to final site plan approval by the Development Review Committee, the preliminary development plans shall include all pedestrian pathways as indicated on the certified development plans dated November 29, 2001. (DRC: PLANNING – Planning) (Previous Condition M.3 of R-2002-0144, Petition PDD2001-009)**

P. COMPLIANCE

1. Condition N.1 of Resolution R-2002-0144, Petition PDD2001-009, which currently states:

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 condition of this approval.

Is hereby amended to read:

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 condition of this approval. (ONGOING: MONITORING – Zoning)

2. Condition N.2 of Resolution R-2002-0144, Petition PDD2001-009, which currently states:

Failure to comply with any of the conditions 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 conditions reasonably related to the failure to comply with existing conditions; 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 Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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.

Is hereby amended to read:

Failure to comply with any of the conditions 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 conditions reasonably related to the failure to comply with existing conditions; 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 Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)