

RESOLUTION NO. R-2016- 1554

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2016-00859
(CONTROL NO. 2001-00009)
a Development Order Amendment
APPLICATION OF Florida Power and Light
BY BRPH Architects-Engineers Inc., AGENT
(FPL Jupiter West Helistop Addition)

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, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2016-00859 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, THE Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/R-2016-00859, the Application of Florida Power and Light, by BRPH Architects-Engineers Inc., Agent, for a Development Order Amendment to reconfigure the site plan, modify Conditions of Approval (Landscape) and add a Requested Use, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 27, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Absent
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 27, 2016.

Filed with the Clerk of the Board of County Commissioners on October 31st, 2016.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

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° 57' 20" 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° 09' 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' 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' 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'; 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° 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' 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' 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:

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, 105.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 00° 20' 57" WEST, 617.75 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 40° 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 SOUTH 89° 39' 03" WEST, 1276.87 FEET; THENCE NORTH 45° 20' 57" WEST, 35.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 17.76 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

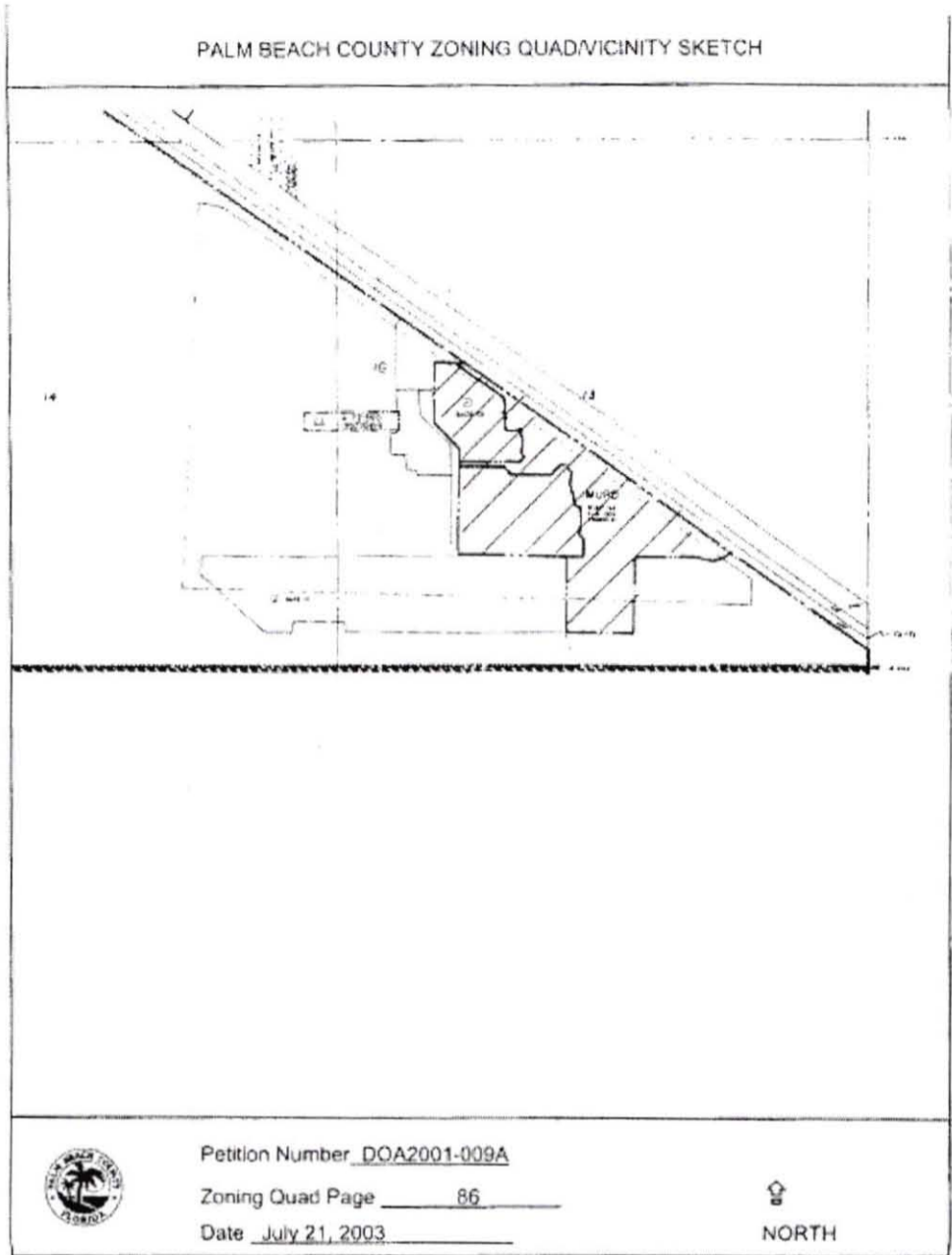


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-1450, Control No.2001-00009, which currently states:

The approved Preliminary Site plan is dated August 15, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan and Preliminary Regulating Plan are dated June 20, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-1450, Control No.2001-00009, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-0493 (Control 2001-00009), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-0493, and R-2011-1450, (Control 2001-00009), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

DRO

1. Prior to the final approval by the Development Review Officer, the Concurrency Table on MUPD 2 shall be updated to reflect the changes for Innovation Center, MUPD 1. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous DRO Condition 1 of Resolution R-2011-1450, Control No.2001-00009)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2011-1450, Control No.2001-00009, which currently states:

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. (ONGOING: ENGINEERING - Engineering)

- b. Permits required from 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. (BLDGPM: MONITORING - Engineering)
- 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 - Engineering)

Is hereby amended to read:

The Property Owner shall construct dual left turn lanes east approach at the intersection of Pratt Whitney Road and Bee Line Highway, if required by the County Engineer. 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.

- a. Permits required from 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. (BLDGPM/ONGOING: ENGINEERING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy, for the north parcel, if required by the County Engineer. (BLDGPM/CO: ENGINEERING - Engineering)

2. Previous ENGINEERING Condition 2 of Resolution R-2011-1450, Control No.2001-00009, which currently states:

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.

Is hereby amended to read:

Any site plan for the parcel of land immediately east of the KOB Parcel (known as the Ballfield Parcel) should show the extension of Pratt Whitney Road through the Ballfield Parcel to connect to the railroad crossing on Innovation Drive. (DRO: ENGINEERING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2011-1450, Control No.2001-00009, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No building permits for the site shall be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition E.3 of Resolution R-2009-493, Control No. 2001-009) (DATE: MONITORING - Engineering)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No building permits for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

4. The Property Owner shall construct:

- i. Left turn lane east approach on Innovation Dr. at the west entrance for MUPD1, and
 - ii. Left turn lane east approach on Innovation Dr. at the east entrance for MUPD1.
- This construction shall be concurrent with the paving and drainage improvements for the site. 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.
- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2011-1450, Control No.2001-00009)

5. Prior to final DRO approval, the site plan shall be revised to show all proposed gate locations for MUPD1. Proposed gates shall only be closed after hours. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-1450, Control No.2001-00009)

ENVIRONMENTAL

1. A Phase I site Audit shall be provided to ERM prior to Final Site plan Certification. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2009-493, Control No.2001-00009)

LANDSCAPE - GENERAL

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. [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-1450, Control No.2001-00009)

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:

- a. eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub; and,
- c. 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. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2011-1450, Control No.2001-00009)

3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2011-1450, Control No.2001-00009)

LANDSCAPE - GENERAL - ALTERNATIVE PLAN

4. 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. (DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 7 of Resolution R-2011-1450, Control No.2001-00009)

5. 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. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 8 of Resolution R-2011-1450, Control No.2001-00009)

LANDSCAPE - PERIMETER- ALONG NORTH PROPERTY LINE OF INNOVATION CENTER -MUPD 1 (ABUTTING INNOVATION DRIVE)

6. In addition to Code requirements, landscaping and buffering along the north property line of Innovation Center (MUPD 1) only shall be upgraded to include:

- a. a minimum twenty (20) 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) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2011-1450, Control No.2001-00009)

LANDSCAPE - PERIMETER- ALONG EAST PROPERTY LINE OF INNOVATION CENTER -MUPD 1 (ABUTTING BALLFIELD)

7. In addition to Code requirements, landscaping and buffering along the east property lines of Innovation Center (MUPD 1) only shall be upgraded to include:

- a. 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. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2011-1450, Control No.2001-00009)

LANDSCAPE - PERIMETER- ALONG SOUTH AND WEST PROPERTY LINES OF MUPD 2 (ADJACENT TO INNOVATION DRIVE AND BLACKBIRD)

8. 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;
- 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.
(ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2011-1450, Control No.2001-00009)

PLANNED DEVELOPMENT

1. A maximum of four (4) parcels shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2011-1450, Control No.2001-00009)

2. 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. (DRO: ZONING - County Attorney) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2011-1450, Control No.2001-00009)

3. 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. (DRO: ZONING - County Attorney) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2011-1450, Control No.2001-00009)

4. 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. (DRO: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2011-1450, Control No.2001-00009)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2009-493, Control No.2001-00009, which currently states:

The plans shall 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 assessor/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. (ONGOING: PLANNING - Planning)

Is hereby deleted. [REASON: Comprehensive Plan use restrictions have been codified into the ULDC's Research and Technology Overlay. This condition is also redundant to the Zoning Use Limitations Condition, which prohibits these same uses.]

2. 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. [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2009-493, Control No.2001-00009)

SIGNS

1. 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. (ONGOING: BUILDING DIVISION - Engineering) (Previous SIGNS Condition 1 of Resolution R-2011-1450, Control No.2001-00009)

SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 94,044 square feet for Innovation Center (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 DRO. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2011-1450, Control No.2001-00009)

USE LIMITATIONS

1. 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;
- 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; and,
- l. any accessory uses that are allowed by the ULDC shall not generate any traffic from outside of the site. (DRO/ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-1450, Control No.2001-00009)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - Zoning)

2. 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.