

TOWN OF JUNO BEACH RESOLUTION NO. 84-9

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUNO BEACH, FLORIDA, APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL OF FLORIDA POWER & LIGHT COMPANY FOR THE JUNO BEACH OFFICES EXPANSION, SUBJECT TO CERTAIN CONDITIONS

WHEREAS, on March 2, 1984, Florida Power & Light Company, hereinafter referred to as "Applicant", submitted to the Town of Juno Beach an application for development approval (ADA) for a development of regional impact (DRI) known as "Juno Beach Offices Expansion", in accordance with Section 380.06, Florida Statutes; and

WHEREAS, on May 1, 1984, Applicant responded to a request from the Treasure Coast Regional Planning Council (RPC) for additional information by filing a supplement to said ADA; and

WHEREAS, the Juno Beach Offices Expansion as proposed in the ADA consists of approximately 996,000 square feet of office space (including an existing 164,000 square foot office facility) located on approximately 58.5 acres of land in the Town of Juno Beach; and

WHEREAS, pursuant to Sections 380.031 and 380.06, Florida Statutes, the Town Commission of the Town of Juno Beach (hereinafter referred to as either the Commission or the Town), as the local government having jurisdiction, is authorized and required by law to consider the Juno Beach Offices Expansion DRI ADA; and

WHEREAS, the Commission has received and reviewed the report and recommendations of the RPC, which recommends approval of the ADA subject to certain conditions; and

WHEREAS, the Commission on September 12, 1984, held a public hearing on the ADA at which all parties, and any member of the general public requesting to do so, was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, public notice of said hearing was duly published in the Palm Beach Post on July 6, July 14, and August 29, 1984 and was duly provided to the Florida Department of Community Affairs (DCA), the RPC, and other persons designated by DCA rules.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF JUNO BEACH, FLORIDA, THAT SAID COMMISSION MAKES THE FOLLOWING FINDINGS OF FACT:

1. The legal description of the property comprising the proposed Juno Beach Offices Expansion DRI is set forth on pages I-2 to I-5 of the ADA, which is incorporated herein by reference.

2. When developed in accordance with the conditions imposed by this development order, the Juno Beach Offices Expansion DRI:

(a) Will not have a significant negative impact on the environment and natural resources of the region;

(b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;

(c) will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;

(d) will not unduly burden public transportation facilities;

(e) will not adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(f) will not create an unreasonable additional demand for, or additional use of, energy.

BE IT FURTHER RESOLVED THAT THE COMMISSION ENTERS THE FOLLOWING CONCLUSIONS OF LAW:

1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380, Florida Statutes; and all conditions precedent to the granting of development approval required by Chapter 380, Florida Statutes, have occurred.

2. The proposed Juno Beach Offices Expansion DRI is not located in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

3. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.

4. The proposed Juno Beach Offices Expansion DRI, subject to the conditions imposed by this development order, is consistent with the Town of Juno Beach Comprehensive Plan, zoning ordinance, subdivision regulations, and other local land development regulations.

5. The proposed development is in all material respects consistent with the report and recommendations of the RPC submitted pursuant to Section 380.06(11), Florida Statutes.

6. The ADA for the Juno Beach Offices Expansion DRI is hereby approved, subject to the conditions of development approval contained in Attachment A which is made a part hereof by reference.

7. This resolution constitutes the development order pursuant to Section 380.06, Florida Statutes, for the Juno Beach Offices Expansion DRI. The Town has previously approved the site plan on September 18, 1984 pursuant to Section 11 of the Comprehensive Zoning Ordinance of the Town of Juno Beach for Phase A of the development. The ADA and supplemental information filed by the Applicant, together with the site plan for Phase A of the development, are incorporated herein by reference. The proposed development shall be carried out in conformance with the ADA, except to the extent that the ADA as revised is inconsistent with the other terms and conditions of this development order. The ADA is amended by any inconsistent terms of this resolution and the attachments incorporated by reference.

8. The Town Planner is designated as the local official responsible for receiving and monitoring the annual reports and for assuring compliance with this development order.

Section 11 of the Town of Juno Beach Comprehensive Zoning Ordinance shall be followed to facilitate such compliance monitoring by the Town Planner.

9. This development order shall take effect upon adoption and shall remain in effect for the duration of the development as described in the ADA. The effectiveness of this development order may be extended by the Commission upon a showing by Applicant of excusable delay and a showing that the completed portions of the development comply with the conditions of this development order. The period of effectiveness of this development order shall be extended during any period of time during which there is any building permit moratorium affecting the property within the Juno Beach Offices Expansion DRI boundary imposed by the Town of Juno Beach or other governmental agency having authority to do so.

10. Unless otherwise specifically provided in this order or in Attachment A hereto, any changes proposed by the Applicant to the ADA, as amended herein, which exceed the limits established in Section 380.06(17)(b), Florida Statutes, which limits are presumed not to be substantial deviations, shall be submitted to the Commission for a determination if such change constitutes a substantial deviation requiring further review pursuant to Section 380.06, Florida Statutes. Any changes below those limits need not be submitted for review to the RPC. Any use of additional structured parking that is approved by the Town pursuant to its site plan review procedures shall not constitute a substantial deviation requiring further review by the RPC.

11. Pursuant to Section 380.06(16), Florida Statutes, Applicant shall provide an annual report relating to its activities to the Town Planner, the RPC, the DCA, and the South Florida Water Management District on September 30, of each year during the term of this development order, commencing on September 30, 1985. The annual report shall contain the following information:

(a) Changes in the plan of development or phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;

(e) An assessment of the development's and local government's compliance with conditions of approval contained in the DRI development order;

(f) Any known incremental DRI applications for development approval or requests for substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(h) A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(14)(d), Florida Statutes.

12. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order. The developer Florida Power & Light Company is referred to as the Applicant throughout this development order. This development order shall be binding on and enure to the benefit of the Applicant, its affiliates, successors and assigns.

13. In the event that any portion or section of this development order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this development order shall remain in full force and effect.

14. Notice of the adoption of this resolution and a certified copy of this resolution shall be recorded by the Applicant in accordance with Section 380.06(14)(d), Florida Statutes.

15. The Town Clerk shall transmit a certified copy of this development order by certified mail to the DCA, the RPC, and the Applicant.

PASSED AND ADOPTED THIS 18th day of September, 1984.

TOWN COMMISSION OF TOWN OF

JUNO BEACH, FLORIDA

BY W. Kellum

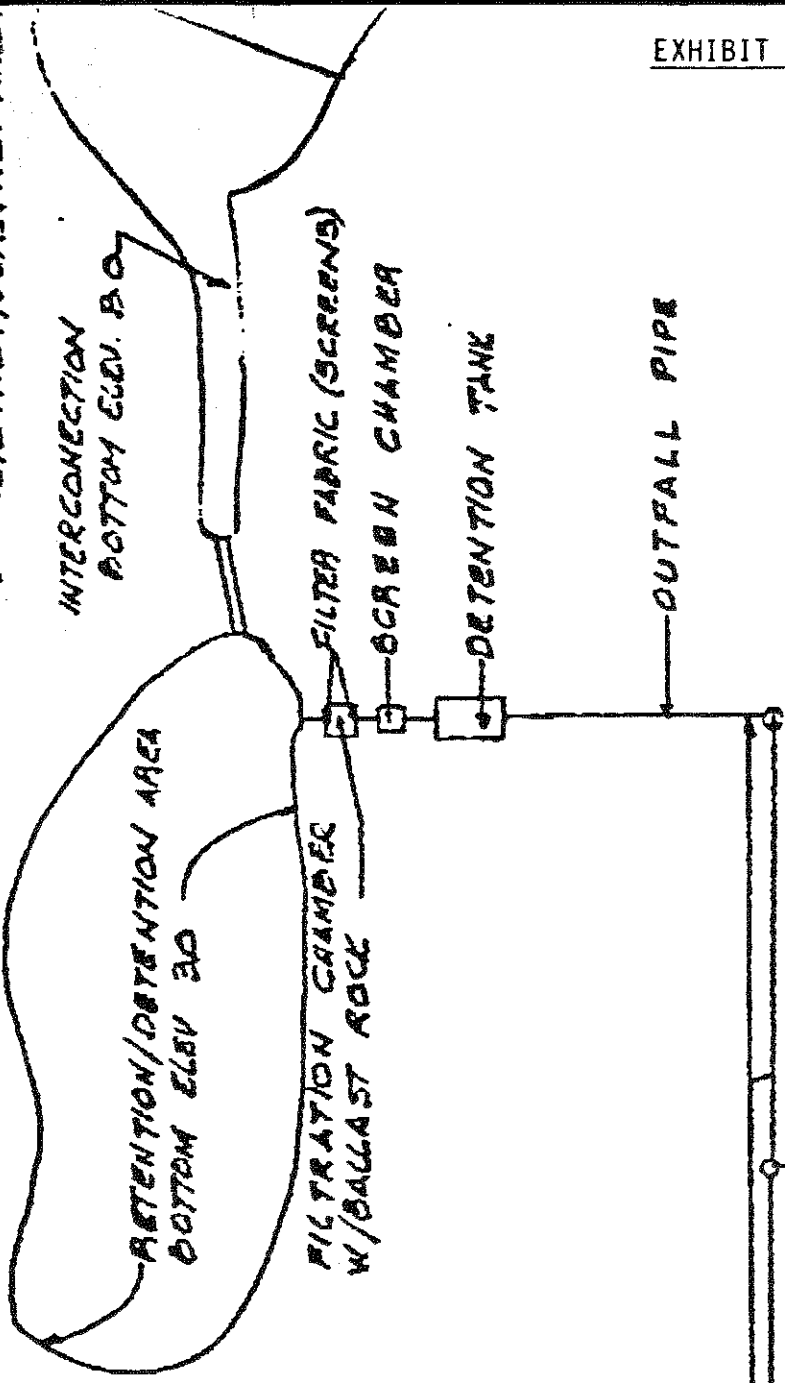
Chairman

ATTEST:

BY Gail F. Nelson

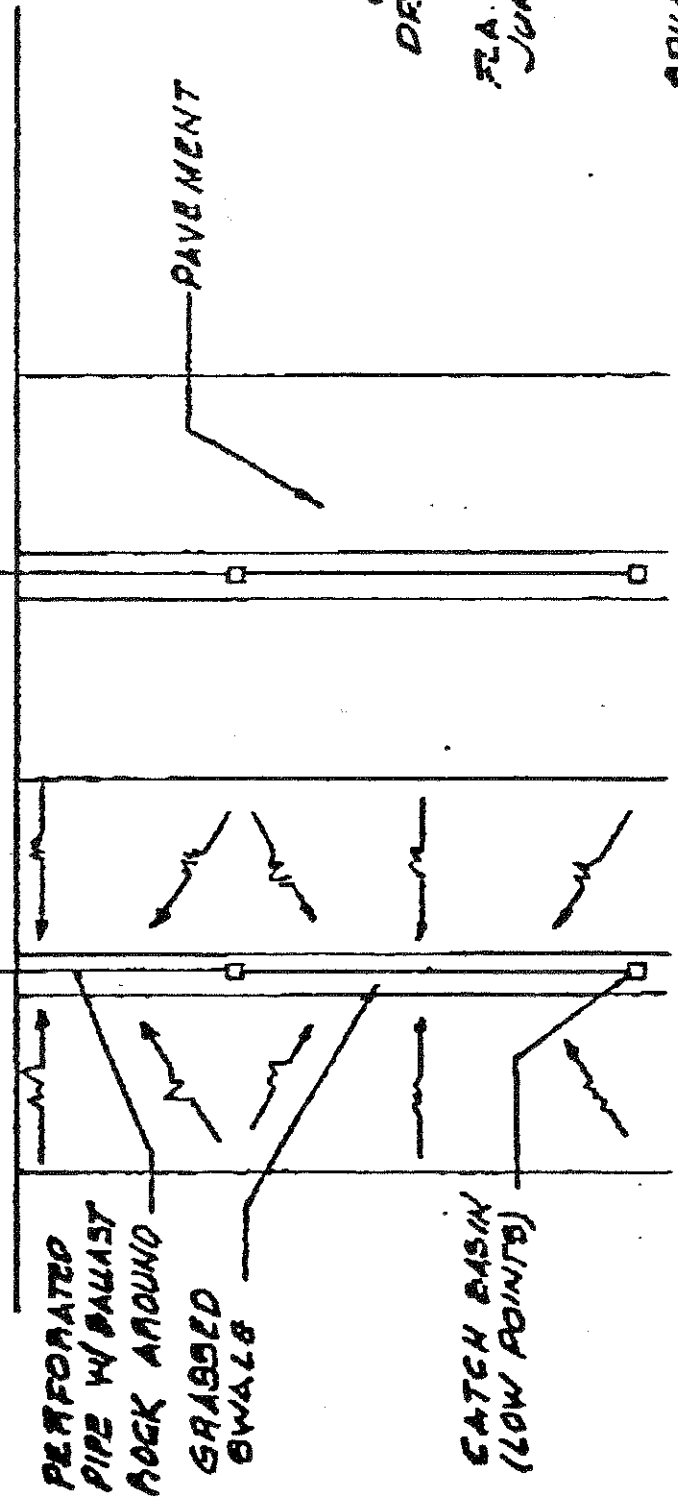
Clerk

EXISTING CASE
RETENTION/DETENTION AREA



TELECOPY
 FROM: ALVAROZ
 TO: JUNE SWALL
 TIME: 9:00 AM
 DATE: 7/17/84

RETENTION/DETENTION AREA
 BOTTOM ELEV. 30
 INTERCONNECTION
 BOTTOM ELEV. 30
 FILTER FABRIC (SCREENS)
 SCREEN CHAMBER
 DETENTION TANK
 OUTFALL PIPE
 PERFORATED PIPE
 W/ BALLAST ROCK
 AROUND



CONCEPTUAL
DRAINAGE DIAGRAM

FLA. POWER & LIGHT CO
JUNO BEACH, FLA.

7/17/84

OPILLIS, CANDELA & PARTNERS P.A.

TYPICAL PARKING UNIT

Attachment A

CONDITIONS OF DEVELOPMENT APPROVAL

1. The Juno Beach Offices Expansion Application for Development Approval is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval is a condition for approval unless waived or modified by agreement among the parties, as defined in Subsection 380.07(2), Florida Statutes, or unless inconsistent with the conditions of this Development Order.

For the purpose of this condition, the Application for Development Approval (ADA) shall include the following items:

- a. Application for Development Approval dated January 1984 and submitted March 2, 1984; and
- b. Supplemental information dated April 30, 1984 and submitted May 1, 1984.

COMMENCEMENT OF DEVELOPMENT

2. In the event the developer fails to commence significant physical development within three years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06,

Florida Statutes. Significant physical development shall mean site preparation work for any portion of the proposed project expansion.

HISTORIC AND ARCHAEOLOGICAL SITES

3. In the event of discovery of any archeological artifacts during project construction, the developer shall stop construction in that area and immediately notify the Bureau of Historic Sites and Properties in the Florida Department of State. Proper protection, to the satisfaction of the Bureau, shall be provided by the applicant.

HABITAT, VEGETATION AND WILDLIFE

4. The developer shall set aside a minimum of 10.5 acres of upland habitat and a minimum of 2.0 acres of wetland habitat to be managed and maintained as a native habitat preserve. The preserve areas shall be located as indicated in Exhibit A and shall consist of three parts: 1) a northern scrub and wetland preserve area; 2) a southern scrub preserve area; and 3) a scrub buffer area around the western portion of the site. No building permit shall be granted for the first phase of development until a site preservation map and a preserve area management plan have been approved by the Town of Juno Beach in consultation with the Treasure Coast Regional Planning Council. If additional parking area is required, it shall be multi-level or under-building parking, and no additional open space shall be impacted.

The site preservation map shall: 1) provide for the total preservation area specified above; 2) delineate the precise boundaries of the three areas as shown in the above referenced Exhibit A; and 3) provide for

the preservation and protection in situ of all Four-petal pawpaw (Asimina tetramera) as shown in Exhibit A except for those explicitly designated as proposed for attempted relocation in Exhibit A and a minimum number of plants which must be relocated to allow for the placement of the roadway along the northern boundary; and 4) provide a minimum 10 foot buffer of native scrub vegetation around each preserved plant. The preserve area management plan shall identify a program of habitat management that will specify: 1) all activities to be undertaken to support habitat values necessary to maintain Gopher Tortoises, Scrub Jays and Scrub Lizards in the preserve area; 2) the manner and method in which all Four-petal pawpaw disrupted by development will be transplanted to suitable locations within the preserve area; 3) the management procedures necessary to maintain 2.0 acres of viable productive wetland habitat and 10.5 acres of healthy scrub habitat; 4) design features and management techniques to protect the habitat and endangered and threatened species from the effects of drainage and other development related impacts; and 5) the extent, type and timing of any planting to be provided to enhance habitat conditions.

5. The developer shall establish a vegetated littoral zone as part of the surface water management system. Prior to construction of the pond expansion which is part of the system the developer shall prepare a design and management plan for the wetland/littoral zone that will be developed as part of that system. The plan shall: 1) include a topographic map of the surface water management system showing the

control elevation contour and -3 foot contour or typical lake cross sections; 2) specify how vegetation is to be established within the zone, including the extent, method and timing of any planting to be provided; and 3) provide a description of any management procedures to be followed in order to assure the continued viability and health of the littoral zone. The littoral zone as established shall consist entirely of native vegetation and shall be maintained permanently as part of the water management system. As a minimum, a total of one-half acre of vegetated littoral zone shall be established along lake shoreline occurring within the development. The plan shall be subject to approval by the Town of Juno Beach in consultation with the Treasure Coast Regional Planning Council prior to beginning any pond expansion excavation activity. The plan shall be implemented and work inspected no later than 18 months after each lake is excavated.

6. During construction of each phase, all Melaleuca, Brazilian pepper and Australian pines which occur on-site shall be removed. Removal shall be in such a manner that avoids seed dispersal by any of these species.

DRAINAGE

7. The drainage system shall be designed and constructed to conform with Exhibit B, Conceptual Drainage Diagram, and shall incorporate the following or comparable design features:

Step 1. Collectors - Grassed swales around and through parking areas to collect all storm water runoff generated in those paved areas.

Step 2. Collector Points - Catch basins located along the grassed swales. Catch basins are concrete structures with bottom elevations one

to two feet below the outfall in order to collect the heavy particles flowing from the parking areas. A sump hole will allow for seepage of any storm water collected on the low portion of the catch basin.

Step 3. Collector Piping - All collectors will consist of perforated pipes embraced by ballast rock with filter fabric around the rock.

Step 4. Outfall Pipe - Receives contribution from collectors and consists of perforated pipe, similar in design to collector piping, which discharges into the detention tank assembly.

Step 5. Detention Tank - A concrete structure with two compartments separated by a concrete baffle. The inlet compartment will collect oil and floating particles. The second compartment will discharge into a screen chamber a relatively clear effluent.

Step 6. Screen Chamber - A concrete structure with a bar screen at the inlet side that will retain any medium size particles that have gone through the detention tanks.

Step 7. Filtration Chamber - A concrete structure filled with ballast rock and filter fabric at the inlet and outlet sides of the structure. The filter fabric will retain particles that have gone through the previous structures. The filtration bed (ballast rock) will retain any oil that has gone through the detention tank and all nuisances still in the storm water effluent. An outfall pipe will discharge from this structure to the detention/retention area.

Step 8. Detention/Retention Area - Final discharge point of the storm water runoff (wetlands). Bottom elevation is 3.0. This area will

retain the first one-inch or the one-hour, three-year storm water runoff whichever is greater.

WATER SUPPLY

8. In an effort to decrease potable water demand, the developer shall install water saving fixtures, including three gallon toilets (or more efficient designs) and water tap flow restrictors or tap aerators.
9. Excluding designated and defined preserve or buffer areas which are to be restored to natural condition and maintained exclusively in native vegetation, and excluding areas which have already been landscaped in non-native vegetation, at development completion 80 percent of all remaining portions of the site which are to be vegetated shall be planted and maintained exclusively with native vegetation adapted to the soil types and climate conditions which occur on-site. A minimum of 25 percent of the landscaping installed in conjunction with each phase shall consist of native vegetation. The primary objectives of limiting the area in which non-native vegetation may be planted are: 1) to minimize irrigation water requirements; and 2) to provide habitat values for the endangered and threatened plant and animal species which have historically occurred on this site. Prior to issuance of a building permit for any phase of this development, a landscaping plan for that phase must be found consistent with the above listed objectives by the Town of Juno Beach in consultation with Treasure Coast Regional Planning Council.

ENERGY

10. In the final site plans, the developer shall incorporate those energy conservation measures identified on pages II-98 through II-100 of the Application for Development Approval and, to the extent feasible, measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan.

TRANSPORTATION

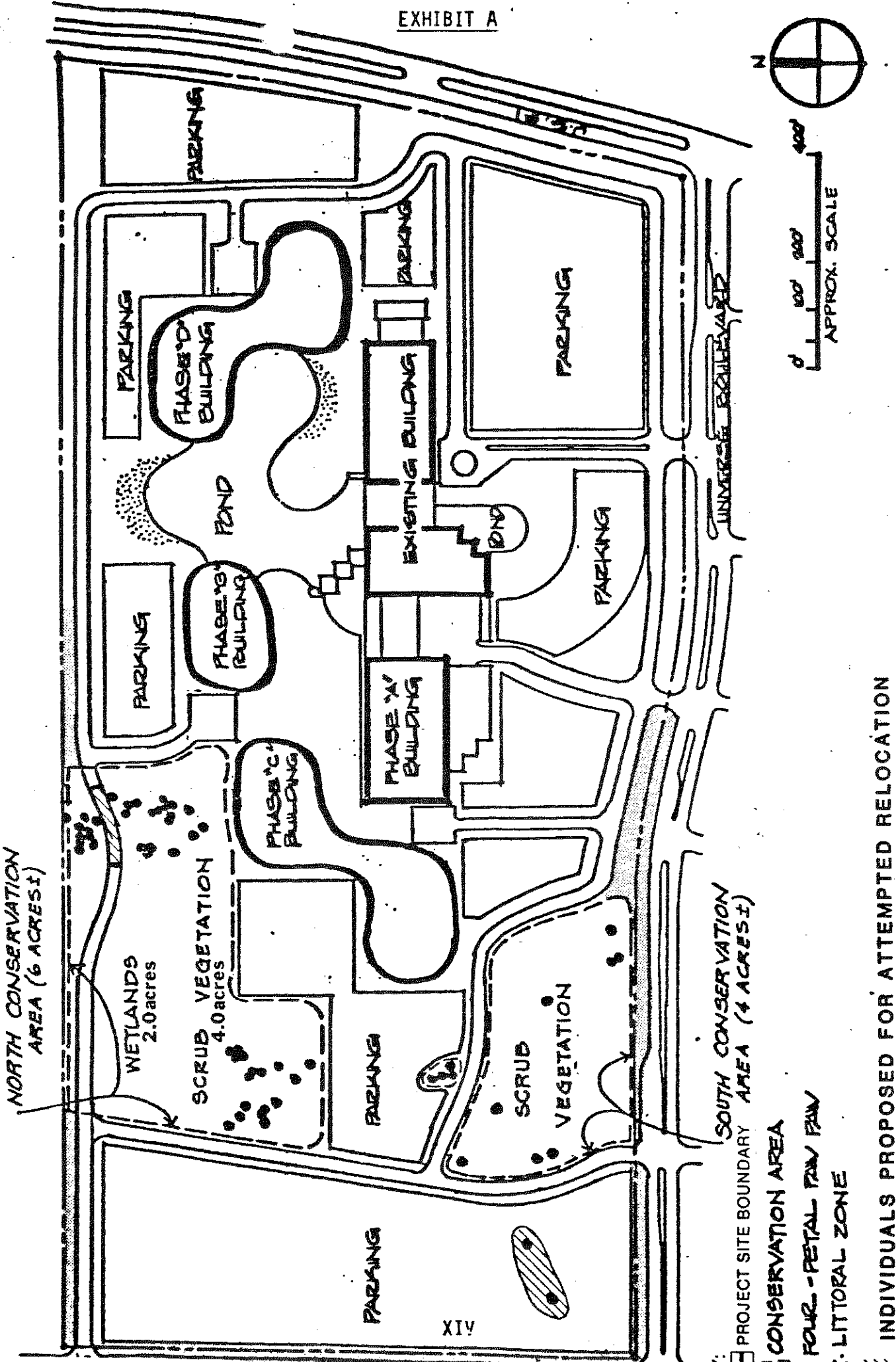
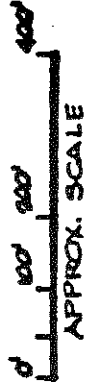
11. At the time of issuance of the building permit for Phase A of the project, the developer shall pay a fair share traffic impact fee in the amount of \$125,000. This fee shall constitute the total traffic impact fee for all phases of the development and shall not be reduced by any credit that might otherwise be applicable under the Fair Share Contribution for Road Improvements Ordinance or any other provision of law.
12. The developer shall construct one southbound right-turn lane at the intersection of Ellison Wilson Road at PGA Boulevard. If required to implement this improvement, the County shall use its power of eminent domain to secure any required right-of-way. The cost of the right-of-way shall be borne by the developer. This improvement shall be completed within one year after the issuance of the permanent Certificate of Occupancy for Phase A of the project unless the improvement is delayed by inability to secure the required right-of-way.
13. The developer shall be responsible for the signalization of the intersection of Ellison Wilson Road at Universe Boulevard. Signalization shall occur when warranted and after issuance of the necessary signalization permits. At the developer's option, the developer may pay a fee

to the County (the amount to be negotiated at the time) for the implementation of this improvement or the developer may contract privately for the construction.

14. The developer shall be responsible for the signalization of the intersection of U.S. 1 at Universe Boulevard. Signalization shall occur when warranted and after issuance of the necessary signalization permits. At the developer's option, the developer may pay a fee to the County (the amount to be negotiated at the time) for the implementation of this improvement or the developer may contract privately for the construction.
15. Prior to the issuance of the permanent Certificate of Occupancy for Phase B of the project, the developer shall construct a southbound left-turn lane on Ellison Wilson Road to serve the proposed driveway access point.
16. The developer shall establish and actively support a car pooling program. In the first annual report following the end of the first year of Phase A operations, FPL shall report on its activities and provide an evaluation of their effectiveness. Copies of this information shall be provided to the Metropolitan Planning Organization and the Palm Beach County Traffic Engineer.
17. Within one year of commencement of Phase A operations, or any subsequent expansion of facilities, the developer shall undertake a study of the feasibility of establishing or participating in a van pool program. The developer shall incorporate the results of that study into the next DRI annual report and shall also transmit the results to the

Metropolitan Planning Organization and the Palm Beach County Traffic Engineer.

18. Upon commencement of Phase A operations or any subsequent expansion, the developer shall provide the Palm Beach County Transportation Authority with information regarding the general location of its employees' residences and shall consult with the Authority regarding the feasibility of establishing or expanding bus routes to serve the site. If bus service is provided to the site the applicant shall provide boarding and unloading space on-site.



NORTH CONSERVATION AREA (6 ACRES)

WETLANDS 2.0 acres

SCRUB VEGETATION 4.0 acres

SOUTH CONSERVATION AREA (4 ACRES)

CONSERVATION AREA

FOUR-FETAL PAN FAN

LITTORAL ZONE

INDIVIDUALS PROPOSED FOR ATTEMPTED RELOCATION

BUFFER ZONE

FPL - JUNO BEACH - FLORIDA

CONCEPTUAL MASTER PLAN