

RBSOLUTION NO. R-86-1926

RESOLUTION APPROVING ZONING PETITION **86-96**,  
SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT  
(RYAN **HOMES**)

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter **163** and Chapter **125**, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter **402.5** of the Palm Beach County Zoning Code Ordinance No. **73-2** have been satisfied; and

WHEREAS, Petition No. **86-96** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December **1**, **1986** and

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

With required Master Plan modifications, this project meets the minimum requirements and intent of the Comprehensive Plan and Zoning Code.

The School Board of Palm Beach County has demonstrated a direct and identifiable impact on public education facilities associated with the subject PUD. In efforts to mitigate this impact, petitioner proposes to dedicate a **15** acre school site, as shown on the master plan, to the School Board of Palm Beach County.

Petitioner also proposes to enter into formal contract with the School Board to assure timely conveyance and coordination of site development between petitioner and the School Board.

The Palm Beach County Department of Engineering and Public Works has determined that this project can satisfy the mandatory Traffic Performance Standard of the Comprehensive Plan if the petitioner:

- (a) Complies with the conditions of this approval; and
- (b) executes a tri-partite agreement with Palm Beech County and the developers of the adjacent AmeriFirst/Smith Dairy Planned Unit Development (Petition **86-106**). This agreement will allocate responsibilities for offsite

roadway improvements among the three (3) signatories. The Department of Engineering and Public Works has also determined that the Traffic Performance Standard cannot be satisfied unless this tri-partite agreement is executed.

The Palm Beach County Parks and Recreation Department has demonstrated a direct and identifiable impact on public park facilities associated with the subject P. U. D. In efforts to mitigate this impact, the petitioners in lieu of dedicating 15 acres of land, proposed to dedicate a 9 acre public park site to the Board of County Commissioners complete with developed recreation facilities as approved by the Parks and Recreation Department Director. The developed recreation facilities shall equal or exceed the value of 6 acres of land.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 9th day of December, 1986, that: **Petition No. 86-96** the petition of RYAN HOMES, By Robert Bentz, Agent, SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING AN EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS on all of Tracts 1 through 71, inclusive, in Block 40, Palm Beach Farms Company Plat No. 3, and Tracts 1 through 117, inclusive in Block 41, Palm Beach Farms Company Plat No. 3, in Sections 4, 5, 8, 9, 10, Township 45 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, together with a hiatus described as: The hiatus lying between the 1/4 section line of Sections 3 and 10, Township 45 South, Range 42 East, and the North 1/2 of Block 40, of the Palm Beach Farms as recorded in Plat No. 3, in Plat Book 2, Pages 48 and 49, and a revised Plat recorded in Plat Book 6, Page 99, and being more fully described as follows: Beginning at the 1/4 Section corner on the North line of Section 10, said Township and Range, and run with the 1/4 section line thereof South 04 degrees 20'30" West 2487 feet; thence, South 89 degrees 44'00" West 65 feet to the Southeast corner of Tract 36 of said Block 40; thence with the East line of Block 40, North 02 degrees 20'45" East 2482 feet to the North line of said Section 10; thence, North 02 degrees 10'30" West 192 feet to the Northeast corner of Tract 1 of said Block 40, thence, North 89 degrees 44' East 156 feet to the 1/4 section line of said Section 3; thence with the said 1/4 section line South 00 degrees 15'30" East 192 feet to the Point of Beginning, excepting therefrom a 40 foot road

Right-of-Way along the **East** line; less a parcel of land consisting of **135.922** acres as recorded in Official Record Book **2998**, Pages **1778** and **1779**, and less lands described in Official Record Book **3289**, Page **49** and Official Record Book **3289**, Page **55** Together with all Palm Beach Farms Company road Rights-of-way as abandoned in Official Records book **2891**, Pages **323** to **325** inclusive and quit claimed by the Lake Worth Drainage District in Official Records Book **3287**, Pages **710** and **711** inclusive, and sold by Hest Peninsular Title Company in Official Records Book **2715**, Pages **279** and **280** inclusive, excepting therefrom all Palm Beach Farms Company road Rights-of-way contained within the lands described in Official Record Book **2998**, Pages **1778** and **1779**; Official Record Book **3289**, Pages **49** through **54**; and Official Record Book **3289**, Pages **55** through **59**. Less and excepting therefrom the following described parcels of land:

(Parcel "A") - A parcel of land lying in Block **40**, Palm Beach Farms Company Plat No. **3**, according to the plat thereof, as recorded in Plat Book **2**, Pages **45** through **54**, inclusive, said parcel of land being all that part of said Block **40**, lying Easterly and Northerly of the following specifically described line: Commencing at the Northwest corner of said Block **40**; thence, South **00** degrees **44'33"** West, along the West line of said Block **40**, a distance of **55.00** feet to a point in the South Right-of-way line of Lake Worth Drainage District Lateral Canal No. **18**; thence, South **89** degrees **07'20"** East, along said Right-of-Hay line, a distance of **2144.32** feet for a Point of Beginning. Thence, South **00** degrees **52'40"** West, departing said Right-of-way line, a distance of **968.72** feet; thence, South **44** degrees **07'20"** East, a distance of **565.69** feet; thence, South **89** degrees **07'20"** East, a distance of **688.60** feet to a point on the Hest Right-of-Hay line of Jog Road and the end of said specifically described line.

(Parcel "B") - A parcel of land lying in Blocks **40** and **41**, Palm Beach Farms Company Plat No. **3**, according to the plat thereof, as recorded in Plat Book **2**, Pages **45** through **54**, inclusive, being more

particularly described as follows: Commencing at the Northeast corner of said Block 41; thence, South 00 degrees 44'33" West, along the East line of said Block 41, a distance of 55.00 feet to a point in the South Right-of-way line of Lake Worth Drainage District Lateral Canal No. 18; thence, North 89 degrees 07'20" West, along said Right-of-Way line, a distance of 54.00 feet for a Point of Beginning. Thence, continue North 89 degrees 07'20" West, a distance of 461.00 feet; thence, South 00 degrees 52'40" West, a distance of 707.70 feet; thence, South 89 degrees 07'20" East, a distance of 575.12 feet to a point lying on a curve, concave Easterly, having a radius of 1592.82 feet and whose radius point bears North 69 degrees 05'05" East; thence, Northerly along said curve through a central angle of 21 degrees 39'28", a distance of 602.09 feet to the point of tangency; thence, North 00 degrees 44'33" East, a distance of 120.12 feet to the Point of Beginning. Said property located on the south side of Hypoluxo Road Extension being bounded on the east side by Jog Road, on the west by Lake Worth Drainage District Canal No. E-2E, and on the south by Lake Worth Drainage District Canal No. 20. was **APPROVED** as advertised subject to the following conditions:

1. ABANDONMENT OF PRIOR EXCAVATION ACTIVITIES:
  - a. Prior to master plan certification, reclamation plans for the excavation permitted under Petition No. 73-21 shall receive Site Plan Review Committee certification.
  - b. Prior to master plan certification, the Special Exception for Excavation (Petition No. 73-21) shall be abandoned administratively by the Site Plan Review Committee. This request for abandonment can be placed upon the same agenda as application for certification of the Planned Unit Development master plan.
2. MASTER PROPERTY OWNERS ASSOCIATION: The planned unit development shall be controlled by a master property owners association subject to approval by the County Attorney.
3. REQUIRED MASTER PLAN MODIFICATIONS: Prior to master plan certification, the master plan shall be amended to reflect the following:
  - a. identification of individual parks
  - b. acreages of lakes
  - c. required number of trees
  - d. a cul-de-sac type street with a length of less than 1,320 feet
  - e. identify location of any overall sales center

- f. right-of-way status
- g. creation of a fifteen (15) foot landscaped buffer between the site and Hagen Ranch Road. No access shall be permitted to the site through this landscape buffer from Hagen Ranch Road.
- h. The acreage and type of recreation facilities proposed for each recreation area.
- i. Open space areas (i. e. lakes, buffers, easements, and right-of-ways) shall be subtotaled separately from recreation areas.
- j. Allocation of trees required to be planted pursuant to Zoning Code Section 500.35.E.1c, attributable to the lake areas, shall be distributed along the western property line adjacent to the Florida Turnpike in order to provide a visually opaque and noise buffer.

4. DESIGN OF LAKES:

- a. Cross section of all proposed lakes shall be in accordance with Palm Beach County Subdivision and Platting Regulation, Ordinance 73-4, as amended.
- b. All lakes shall be planted with a littoral zone which meets the standards outlined in Ordinance 86-21 (Lake Maintenance Easements). Lake depths shall not exceed that which is permitted by the South Florida Water Management District (SFWMD).

5. WATER AND SEWER SERVICE:

- a. Since sewer and water service are available to the property, septic tank and well shall not be approved for use on the property. This shall not preclude temporary use of a septic tank for the project's temporary real estate sales office.
- b. The property owner shall provide Water and Sewer to the proposed Turnpike Toll Plaza site within twenty-four (24) months of written notice by the Florida Department of Transportation, subject to the provisions of Condition 7.b.(1), below.

6. STORMWATER RETENTION: This development shall retain onsite the first one inch of the stormwater runoff in accordance with Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. The drainage system shall be maintained in an acceptable condition as determined by the County Engineer.

7. RIGHT-OF-WAY DEDICATIONS: Right of way shall be dedicated by the developer as indicated. Additional right-of-way shall be dedicated where any right turn lanes, special intersection or dual left turn lanes are required, including appropriate tapers. Exact dimensions of right-of-way to be determined by the County Engineer.

- a. Within 180 days of adoption of the resolution approving this project, petitioner shall convey sufficient land from the subject property for the ultimate right-of-way of:

(1) Jog Road, 60 feet from centerline.

- (2) Hagen Ranch Road, a total of 80 feet ultimate right-of-way on an alignment approved by the County Engineer.
  - (3) Additional right-of-way required for an "expanded intersection" at the intersection of Hagen Ranch Road and Hypoluxo Road as defined by the County Engineer.
  - (4) Hypoluxo Road, a total of 108 feet right-of-way on an alignment approved by the County Engineer. Note: Only that portion of Hypoluxo Road which is contained within this subject property and the adjacent out parcels (i.e., southwest corner of Jog and Hypoluxo Road and southwest corner of Jog Road and Hagen Ranch Road) will be required to be conveyed. The alignment map is to be completed by the developer's engineer within ninety (90) days of the adoption of the resolution approving this project.
- b. Within thirty (30) months of the effective date approving this project or when required by either the Florida Department of Transportation or Palm Beach County Engineering Department, petitioner shall convey sufficient land from the subject property for the ultimate right of way of:

- (1) Florida Turnpike, 30 feet in width and 900 feet in length with 1,300 feet taper length north and south within the subject property as approved by the County Engineer and the Florida Department of Transportation. This property is required for a proposed Turnpike Toll Plaza.
- (2) Additional right-of-way not to exceed 7.5 acres for the Turnpike overpass/diamond interchange required by the County Engineer.

NOTE: If, by the end of the thirty (30) month period referenced above, the Florida Department of Transportation or the Palm Beach County Engineering Department has not required the above Conveyances, this condition shall only expire after Ryan has first notified said agencies that the thirty (30) month period has expired and said agencies failed to require the conveyances within six months after Ryan's notice.

8. CONSTRUCTION OF TURN LANES: The property owner shall construct the following turn lanes with appropriate number of thru lanes as determined by the County Engineer:
- a. At the intersection of Hypoluxo Road at Hagen Ranch Road:
    - (1) Left turn lane, east approach.
    - (2) Left turn lane, south approach.
    - (3) Right turn lane, south approach.
  - b. At the intersection of Jog Road and the project's entrance road:
    - (1) Left turn lane, south approach.
    - (2) Right turn lane, north approach.
    - (3) Dual left turn lanes, west approach.
    - (4) Right turn lane, west approach.

- c. At the intersection of Hagen Ranch Road and the project's north entrance road:
  - (1) Left turn lane, north approach.
  - (2) Right turn lane, south approach.
  - (3) Left turn lane, east approach.
- d. At the intersection of Hagen Ranch Road and the project's south entrance road:
  - (1) Left turn lane, north approach.
  - (2) Left turn lane, south approach.
  - (3) Left turn lane, east approach.
  - (4) Left turn lane, west approach.
  - (5) Right turn lane, north approach.
  - (6) Right turn lane, south approach.
- e. At the intersection of Hypoluxo Road and Jog Road:
  - (1) Dual left turn lanes, north approach..
  - (2) Dual left turn lanes, south approach.
  - (3) Dual left turn lanes, east approach.
  - (4) Dual left turn lanes, west approach.
  - (5) Right turn lane, north approach.
  - (6) Right turn lane, south approach.
  - (7) Right turn lane, east approach.
  - (8) Right turn lane, west approach.
  - (9) Two (2) through lanes north, south, east and west approaches.

All construction of turn lanes serving this project shall be at the time of the construction of the access roads onto Hypoluxo Road, Hagen Ranch Road and Jog Road or at the time of construction of Hypoluxo Road, Hagen Ranch Road as determined by the County Engineer.

- 9. ROAD DRAINAGE SYSTEX: Petitioner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Hypoluxo Road, Jog Road and Hagen Ranch Road which touch the property. This drainage easement shall also be capable of accommodating the runoff from a maximum 400 feet distance each side of the property boundaries along Hypoluxo Road, Jog Road and Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable Water Control District and South Florida Water Management District. In designing the system, petitioner shall assume the total runoff from the ultimate Thoroughfare Plan Section road.

10. HAGEN RANCH ROAD IYPROVEMENTS:

- a. The petitioner shall provide construction plans for Hagen Ranch Road as a 2-lane section (expandable to 5-lane section) from Hypoluxo Road south to the north property line of Le Chalet, P.U.D. aka Parkwalk, P.U.D.

These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may exist at the time of submittal. Construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the resolution approving this project. Plan costs shall be approved by the County Engineer.

b. After approval of construction plans by the County Engineer, petitioner shall construct Hagen Ranch Road as a 2-lane section with the drainage compatible with the ultimate section from Hypoluxo Road south to the north property line of Le Chalet, P.U.D. according to the approved plans. Sidewalks shall be constructed on one side. Construction shall be initiated upon the first to occur of either of the following:

(1) Concurrent with the construction of required improvements for of each sequential plat filed along Hagen Ranch Road; or

(2) When required either by the County engineer or by the Palm Beach County School Board in order to provide paved roadway continuity for Hagen Ranch Road.

#### 11. HYPOLUXO ROAD IMPROVEMENTS:

a. The County shall acquire right-of-way for Hypoluxo Road as a 108 foot section from Military Trail west to Jog Road including right-of-way required for the expanded intersection at the intersection of Jog Road and Hypoluxo Road. Purchase of right-of-way by Palm Beach County is expected to be completed within 18 months of adoption of the resolution approving this petition. This property owner shall then be responsible for acquiring any remaining right-of-way for Hypoluxo Road from the Florida Turnpike to Jog Road.

b. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Hypoluxo Road as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 30 years. These documents shall be completed within 6 months of the adoption of the resolution approving this project.

c. The petitioner shall provide construction plans for Hypoluxo Road (including all right-of-way documents):

(1) as a 4-lane section (expandable to 6-lane median section) from Military Trail West to a point 250 feet west of Hagen Ranch Road; and

(2) tapered to a 2-lane section expandable to 6 lane median divided section tapering from the 4 lane section 250 feet west of Hagen Ranch Road to the westernmost entrance of this project. The drainage shall be compatible with the ultimate section and a sidewalk shall be constructed on one side.

These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they exist at the time of submittal. These construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the resolution approving this



petition. Plan costs shall be approved by the County Engineer.

d. The petitioner shall thereupon construct Hypoluxo Road as:

(1) A 4-lane section including canal relocation/reconstruction as required by the County Engineer from Military Trail west to a point 250 feet west of Hagen Ranch Road, plus all appropriate tapers according to approved plans. Construction shall be completed within 36 months of adoption of the resolution approving this petition. The intersection of Jog Road and Hypoluxo Road shall be constructed as an expanded intersection according to plans approved by the County Engineer.

(2) A 2-lane section from a point 250 feet west of Hagen Ranch Road west to a point fifty (50) feet west of the westernmost entrance of this project according to approved plans. Construction shall be completed when required by the County Engineer for paved continuity for Hypoluxo Road, and within 12 months notification by the Palm Beach County Engineering Department to the developer; or when required for access to the project from Hypoluxo Road, whichever shall first occur.

## 12. JOG ROAD IMPROVEMENTS :

a. Petitioner shall provide final construction plans and permit applications for Jog Road (including all right-of-way documents) as a 4-lane median divided section (expandable to 6-lane section) from a point 250 feet south of Lantana Road south to a point 250 feet south of Hypoluxo Road, plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they exist at the time of submittal. Final construction plans and permit applications shall be submitted to the County Engineer within twelve (12) months of adoption of the resolution approving this petition. Plan costs shall be approved by the County Engineer.

b. Palm Beach County shall acquire at its sole cost and expense right of way for Jog Road as a 120 feet section as necessary to provide for the construction above. Acquisition shall be done by the County. It is the intent that this right of way acquisition shall be completed within 18 months of adoption of the Resolution approving this project.

c. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Jog Road as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 30 years. These documents shall be completed within 6 months of the adoption of the resolution approving this project.

- d. The petitioner shall thereupon construct Jog Road as a 4-lane section from a point **250 feet** south of Lantana Road south to a point **250 feet** south of Hypoluxo Road, plus the appropriate tapers according to the approved plans. Construction shall be completed within **36 months** of adoption of the resolution approving this project.

**13. CONSTRUCTION OF MAJOR THOROUGHFARES:** All plans and construction of collector/arterial roadways shall be such that all drainage structures shall be sized and placed in such a manner as to be compatible with any future expansion of the roadway.

**14. CONDITIONS COMMON TO BOTH PETITION 86-106 AND PETITION 86-96:** The Engineering Department recognizes that several of the conditions are contained in both Petitions Nos. **86-106** and **86-96**. They are basically two reasons for listing conditions in both petitions:

(1) One petition may be approved and the other petition denied.

(2) If both petitions are approved, one may develop financial difficulties which may prevent the development from moving ahead.

It is the intent of Palm Beach County Engineering Department that the three parties involved in roadway improvements (i.e. Palm Beach County, Ryan Homes P. U. D. and Smith Dairy PUD) enter into a tri-party agreement within thirty (30) days after the adoption of the resolution approving this project. This agreement would contain specific requirements for each party.

**15. CONSTRUCTION OF EXPANDED INTERSECTIONS:** All intersecting thoroughfare plan roadways which are being constructed by the property owner shall be constructed as "expanded intersections" as defined by the County Engineer, but not to exceed the Standards for "special intersections" as defined in the Comprehensive Plan.

Right of way being funded and acquired by Palm Beach County shall be sufficient for the construction of these "expanded intersections." Final determination of right of way and roadway geometrics shall be determined by the County Engineer.

**16. SURETY FOR OFF-SITE ROAD IMPROVEMENTS:** Surety shall be required for the off-site road improvements outlined in Conditions numbers **10, 11, and 12**, above. Surety based upon a certified cost estimate by the developer's engineer (**110%**) shall be posted with the Office of the County Engineer within **6 months** of the effective date of the resolution approving this project or prior to the issuance of the first building permit, whichever shall first occur. The petitioner agrees, as a condition of this approval, that the amount of surety to be provided for all work herein described shall be updated with a certified cost estimate on an annual basis and implemented if necessary so as to guarantee that the remaining amount shall always be sufficient to complete the work as approved by the County Engineer. This surety may be called upon by Palm Beach County for noncompliance with any work as referenced in condition nos. **10, 11, and 12**.

**17. PROJECT PHASING/TRAFFIC PERFORMANCE STANDARD COMPLIANCE:** This developer is limited to the following phasing schedule:

- a. No more than **350** building permits shall be issued until surety has been posted for the construction of Hypoluxo Road as a 4 laned section from Military Trail to Hagen Ranch Road.
- b. No more than 350 building permits shall be issued until surety has been posted for the construction of Jog Road as a 4 laned section from Hypoluxo Road to Melaleuca Lane.
- c. No more than **350** building permits shall be issued until surety has been posted for the construction of Lantana Road from Hagen Ranch Road to Military Trail.
- d. No more than 1500 building permits shall be issued until the contracts for the construction of the following roadways have been let:
- (1) Four lane Jog Road a point 250 feet north of Melaleuca Lane to 10th Avenue North, including intersection improvements at Lake Worth Road.
  - (2) Four lane Lantana Road from Congress Avenue to **250** feet west of Military Trail.
  - (3) Four lane Military Trail from Lake Worth Road to Boynton Beach Boulevard.
  - (4) Four lane (at a minimum) Boynton Beach Boulevard from Military Trail to Congress Avenue.
  - (5) Four lane Hypoluxo Road from Congress Avenue to 195, including intersection improvements at Congress Avenue.
- e. (1) If on the fifth anniversary date of the development order approving this project the contracts for all five of the roadways outlined in Paragraph 17.d., above, have not been let, then the petitioner shall at that point in time be entitled to the issuance of an additional number of building permits annually thereafter, in an amount equal to the number of building permits set forth in the table below for the unfinished roadway or roadways, whichever number of building permits is less. The following table shall govern this provision:

	ROADWAY LINK	NUMBER OF BUILDING PERMITS
1.	Jog Road from 10th Avenue North to Lake Worth Road	<b>455</b>
2.	Jog Road from Lake Worth Road to Meleleuca Lane	214
3.	Lantana Road from Congress Avenue to Military Trail	417
4.	Military Trail from Lake Worth Road to Meleleuca Lane	<b>484</b>
5.	Military Trail from Meleleuca Lane to Lantana Road	316
6.	Military Trail from Lantana Road to Hypoluxo Road	<b>296</b>

7.	Military Trail from Hypoluxo Road to Northwest 22nd Avenue	604
8.	Military Trail from Northwest 22nd Avenue to Boynton Beach Boulevard	226
9.	Hypoluxo Road from Congress Avenue to I95	762
10.	Boynton Beach Boulevard from Military Trail to Lawrence Road	844
11.	Boynton Beach Boulevard from Lawrence Road to Congress Avenue	1215

(2) Notwithstanding the schedule established in Condition **17(1)**, above, after the fifth anniversary, petitioner shall be limited to no more than 275 building permits per year until buildout or until contracts have been let for the construction of the impacted road links listed in the above table.

**18. INSTALLATION OF TRAFFIC SIGNALS:**

a. Petitioner shall install signalization if warranted by the County Engineer at the following locations:

(1) Hypoluxo Road and Hagen Ranch Road;

(2) Hypoluxo Road and the project's entrance road(s);

(3) Jog Road and the project's entrance road; and

(4) Jog Road and Hypoluxo Road.

b. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the petitioner shall be relieved from this condition. Performance security shall be posted to ensure performance of this condition. It may be combined with other performance security.

**19. DESIGN OF INTERIOR ROADWAYS:** All interior collector roadways shall meet a design speed for an **80** foot collector roadway at **45** miles per hour if these roadways are public and **35** miles per hour if these roadways are private. Roadway radii shall be approved by the County Engineer.

**20. JOG ROAD PEDESTRIAN FACILITIES:** Petitioner shall construct a continuous **8** foot wide pedestrian facility within the public right-of-way on the west side of Jog Road from the terminus of the existing sidewalk within the adjacent Northtree PUD to Hypoluxo Road. The sidewalk shall be built to standards approved by the County Engineer.

**21. DRAINAGE DISTRICT CONTRIBUTIONS:** The petitioner shall provide the Lake Worth Drainage District with a revised survey and other appropriate documents indicating that the right-of-way for Lateral Canal No. **20** has been adjusted to fit the physical ditch, within **90** days of adoption of the resolution approving this petition.

**22. CIVIC SITE CONTRIBUTIONS:**

- a. Petitioner shall convey 30 acres for civic uses. Fifteen acres shall be used for a school site. Fifteen acres shall be used for park and recreation purposes. The two (2) sites shall be contiguous. In lieu of this project's 15 acre site to be used for park and recreation purposes, the petitioner may convey for park purposes nine (9) acres with improvements equal to the value of 6 acres of land for a developed, "turn-key" (excluding field lighting) community-type park built to County Engineer and Park Planning and Design standards the cost of which shall not exceed a total of \$120,000.00 of which 95% must be allocated for actual improvements. This \$120,000.00 shall not include the cost for site drainage, road access, utilities and fill to grade. Said park development shall be completed within thirty-six (36) months of the date of the resolution approving this petition, or the issuance of the one thousand two hundredth building permit of this project, whichever shall first occur. Said park development shall be secured by an irrevocable letter of credit in the amount of one hundred ten percent (110%) of the estimated cost of design, plan preparation, and construction. The County Engineer and Director of Parks and Recreation shall be presented with the design and construction plans for their approval.
  - b. Credit for the above park/recreation and school dedication and improvements shall be given against any future Palm Beach County park and recreation or school impact fee ordinances that may be applicable to this project as provided for in said ordinances.
23. CREDIT FOR IMPACT FEES: Credit for Palm Beach County's Fair Share Fee for Road Improvements Ordinance shall be given for work performed under condition Nos. 8a, 8e, 9, 10, 11b, 11c, 11d, 12, 15m, 18a(1)m, 18a(4), and 20. The credit for Condition Number 9 shall be calculated by multiplying the total cost of the drainage improvements by the County's percentage of total usage related to Conditions 10, 11 and 12, herein.
24. SUSPENSION OF DEVELOPMENT APPROVAL/APPEALS:
- a. It is the intent that a tri-party agreement be entered into among Palm Beach County and the property owners for Petition 86-96 and Petition 86-106 to delineate responsibility among them as to the construction of the major roadways, including but not limited to purchase of right of way, preparation of plans, and the phasing schedule for these items.
  - b. In the event that this tri-party agreement is not executed within 30 days of adoption of the resolution by the Board of County Commissioners approving this project, this development approval shall be suspended and be reconsidered either by the petitioner upon its own motion or the Board of County Commissioners pursuant to a staff-initiated petition for revocation or modification of commission requirements.
  - c. No master plan approval, site plan approval, technical compliance approval, or County permit shall be issued until the staff-initiated petition is reconsidered by the Board of County Commissioners.
25. PUD COMMERCIAL SITE CONDITIONS:
- a. Petitioner shall construct a 6 foot berm in the PUD buffer abutting the property to the south. This berm shall be planted to 75% opaqueness.

- b. All exterior lighting shall be directed towards the interior of the site and away from contiguous residential areas.

Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Roberts, and upon being put to a vote, the vote was as follows:

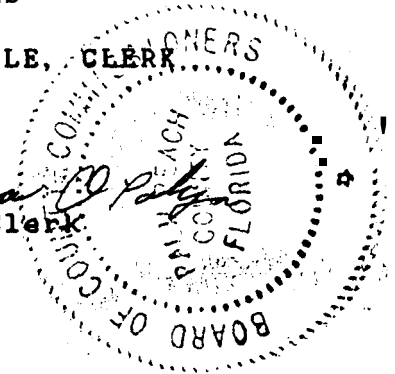
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	ASSENT
Carol Roberts, Member	--	AVE
Dorothy Hilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of December, 1986 confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara C. Palya*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

County Attorney