

RESOLUTION NO. R-2001- 1868

RESOLUTION APPROVING ZONING PETITION DOA1985-171(E)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF WELCOME HOMES OF FLORIDA INC.  
BY KEVIN MCGINLEY, AGENT  
(DORFMAN PUD)

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 DOA1985-171(E) was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2001; 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and 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 DOA1985-171(E), the petition of Welcome Homes of Florida Inc., by Kevin McGinley, agent, for a Development Order Amendment (DOA) to re-designate land use and add units 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 October 25, 2001, 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 Roberts and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Nay
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on October 25, 2001.

Filed with the Clerk of the Board of County Commissioners on 25 day of October, 2001.

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

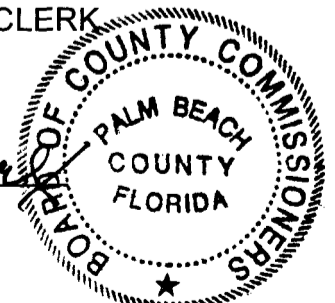


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land situate in Section 13, Township 43 South, Range 42 East, Palm Beach County, Florida; said parcel being more particularly described as follows:

The North 480.00 feet of the West 416.00 feet less and except the West 4.0 feet thereof, deeded to county for Haverhill Road Right-of-way of the following described parcel of land:

Commencing at the Southwest corner of said Section 13; thence North 01 degree 29' 17" East, along the West line of said Section 13; a distance of 65.09 feet; thence South 88 degrees 30' 43" East, a distance of 50.00 feet to the Point of Beginning. Said Point of Beginning on the Easterly Right-of-way line of Haverhill Road as is now laid out and in use.

From The Point of Beginning; thence North 1 degree 29' 17" East, along a line 50.00 feet East of and parallel with the west line of said Section 13, and along said Easterly Right-of-Way line, a distance of 1254.88 feet; thence South 88 degrees 34' 18" East, along the South perimeter of the Plat of "Pineridge of Haverhill" (Plat Book 43, Pages 11-12), and along the North line of the South 1320 feet of said Section 13, a distance of 1365.86 feet; thence South 01 degree 59' 22" West, a distance of 989.96 feet; thence South 88 degrees 34' 19" East a distance of 70.56 feet; thence South 01 degree 59' 22" West, a distance of 251.47 feet to the Northerly Right-of-way line of 12th Street (Road Book 5, Page 124) (ORB 2535, Page 1518), and a point on a curve having a radius of 1949.86 feet from which a radial line bears South 03 degrees 38' 57" West; thence along said Right-of-way line of the following courses and distances:

1. Westerly along the arc of said curve, subtending a central angle of 02 degrees 13' 16", a distance of 75.59 feet; thence
2. North 88 degrees 34' 18" West, a distance of 316.80 feet to the beginning of a tangent curve concave to the South having a radius of 2904.79 feet; thence
3. Westerly along the arc of said curve, subtending a central angle of 05 degrees 50' 50", a distance of 296.44 feet; thence
4. South 85 degrees 34' 50" West, a distance of 100.00 feet to the beginning of a tangent curve concave to the North having a radius of 2824.79 feet; thence
5. Westerly along the arc of said curve, subtending a central angle of 05 degrees 50' 51", a distance of 288.29 feet; thence
6. North 88 degrees 34' 19" West, a distance of 324.95 feet; thence
7. North 43 degrees 35' 44" West, a distance of 35.41 feet to the point of Beginning.



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

1. Condition A.1 of Resolution R-2001-0966, Petition DOA85-171(D) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-573-11 (Petition 85-171(A), R-88-1236 (Petition 85-171(B) and R-94-1680 (SR 85-171.2), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2001-0965 and R-2001-0966 of Petition 85-171(D) 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)

2. Condition A.2 of Resolution R-2001-0966, Petition DOA85-171(D) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 23,1998. 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)

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 Preliminary Development Plan for the PUD and site plan for Pod 4 are dated August 23, 2001, and site plan for Pods 1 and 2 are dated March 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. (ONGOING: ZONING)

3. Prior to final DRC certification of the site plan, the petitioner shall revise the **master/site** plans and concurrency reservation to reflect the correct number of students. (DRC: ZONING) (Previous Condition A.3 of Resolution R-2001-0966 of Petition 1985-171(D))
4. Prior to final DRC certification of the site plan for Pod 4, the petitioner shall revise the site plan to indicate the correct number of parking spaces for the apartment complex in Pod 4. (DRC: ZONING)

B. ARCHITECTURAL CONTROL (POD 4 - CLF)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the apartment building in Pod 4. (BLDG PERMIT: BLDG / Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for the apartment complex in Pod 4 to the Architectural Review Section of the Zoning Division. Elevations shall be designed to be consistent with the Architectural Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
3. Condition B.I of Resolution R-2001-0966 of Petition 1985-171(D)) which currently states:

The proposed congregate living facility building shall be designed and constructed to be consistent with the facade elevations by Miklos & Associates, P.A. Architects/Planners dated July 17, 1998. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. Reason: [the petitioner requested to replace CLF with apartments].

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.1 of Resolution R-2001-0966 of Petition 1985-171(D))
2. All roof or ground mounted air conditioning and mechanical equipment for the new building(s) shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.2 of Resolution R-2001-0966 of Petition 1985-171(D))
3. Condition C.3 of Resolution R-2001-0966 of Petition 1985-171(D) which currently states:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south and east property lines of the 4.5 acre CLF parcel. (DRC/ONGOING: ZONING/CODE ENF)

Is hereby amended to read:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south and east property lines of the 4.5 acre parcel. (DRC/ONGOING: ZONING/CODE ENF)

4. Condition C.4 of Resolution R-2001-0966 of Petition 1985-171(D) which currently states:

Prior to final site plan approval by the Development Review Committee, the site plan and preliminary development plan shall be revised to indicate internal nonvehicular connection (ie. **Pedestrian/bike**) between the 4.5 acre CLF parcel and the adjacent multi-family pod. The design of the connection shall meet all ADA requirements and be approved by the Zoning Division. Security gates may be provided and may be closed at night. (DRC: ZONING/ENG)

~~It~~ hereby deleted. Reason: [BCC approved petitioner's request to delete this Condition at the 10/25/01 hearing].

D. HEALTH

1. Sewer service is available to the property, therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter **10D-6** FAC and Palm Beach County ECR-I. (HEALTH) (Previous Condition D.5 of Resolution R-2001-0966 of Petition 1985-171(D))
2. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH) (Previous Condition D.6 of Resolution R-2001-0966 of Petition 1985-171(D))
3. Condition D.7 of Resolution R-2001-0966 of Petition 1985-171(D) which currently states:

Architectural plans shall be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter **10D-24** prior to issuance of a building permit. (HEALTH)

E. ENGINEERING

1. The property owner shall convey for the ultimate right-of-way for:
  - a) Haverhill Road, 54 feet from centerline [completed]
  - b) Military Trail, 60 feet from centerline [completed]
  - c) The construction of a right turn lane North approach at the project's north entrance onto Military Trail. The minimum length of this right-of-way shall be 150 feet long, 12 feet in width, with a minimum taper length of 180 feet. [completed]

All within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (ENG) (Previous Condition **E.2** of Resolution R-2001-0966 of Petition 1985-171(D))

2. The property owner shall construct:
  - a) on Haverhill Road at the project's entrance road a left turn lane, north approach and a right turn lane, south approach. (Previous Condition E.3.a of Resolution R-2001-0966 of Petition 1985-171(D)) [completed]

- b) on Community Drive (12th Street) at the western project entrance road a left turn lane, west approach and a right turn lane, east approach; and at the eastern project entrance road, a left turn lane, west approach. (Previous Condition E.3.b of Resolution R-2001-0966 of Petition 1985-171(D))
  - c) on Military Trail at the project's north entrance road a left turn lane, south approach and a right turn lane, north approach per the Florida Department of Transportation approval. This construction shall include eliminating the existing median opening to the north with raised mountable curbing concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (Previous Condition E.3.c of Resolution R-2001-0966 of Petition 1985-171(D))
3. The property owner shall provide Palm Beach county a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of 12th Street, Haverhill Road and Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along 12th Street, Haverhill Road and Military Trail. The drainage system within the project shall have sufficient **retention/detention** capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements. (Previous Condition E.4 of Resolution R-2001-0966 of Petition 1985-171(D))
  4. Condition **E.5** of Resolution R-2001-0966 of Petition 1985-171(D) which currently states:
 

**If** the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$134,792.00 shall be credited toward the increased Fair Share Fee.

~~Is~~ hereby deleted. [REASON: Impact fees are code requirements.]
  5. Property owner shall align the eastern-most **entrance/exit** onto 12th Street with the proposed shopping center to the south or as approved by the County Engineer. (Previous Condition E.7 of Resolution R-2001-0966 of Petition 1985-171(D)) [completed]
  6. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$124,874.00 toward Palm Beach County's existing Roadway Improvement Program. Total funds of \$374,621.00 are to be paid as follows:
    - a) \$290,902.00 is to be paid for western half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of a site plan for either Phase 1 (multiple family apartments) or Phase 2 (ACLF) by the Site Plan Review Committee whichever shall first occur. (Previous Condition E.9.a of Resolution R-2001-0966 of Petition 1985-171(D)) [completed]
    - b) \$83,719.00 is to be paid for the eastern half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of any site plan for Phase 3 (J.C.C. recreation areas) by the Site Plan Review Committee, whichever shall first occur. (Previous



Condition E.9.b of Resolution R-2001-0966 of Petition 1985-171(D))  
[completed]

7. Condition E.10 of Resolution R-2001-0966 of Petition 1985-171(D) which currently states:

In order to comply with the mandatory traffic performance standards the property owner(s) shall be restricted to no more than 276 building permits for rental units until the contract has been let for 45th Street as a 4 lane section from ~~1-95~~ to Haverhill Road plus the appropriate paved tapers. [completed, 45<sup>th</sup> Street has been widened in this area.]  
There shall be no additional access from the proposed ACLF onto Haverhill Road.

Is hereby amended to read:

In order to comply with the mandatory traffic performance standards the property owner(s) shall be restricted to no more than 276 building permits for rental units until the contract has been let for 45th Street as a 4 lane section from 1-95 to Haverhill Road plus the appropriate paved tapers. [completed, 45<sup>th</sup> Street has been widened in this area.]

8. Prior to the issuance of a building permit or prior to February 1, 1999, whichever shall first occur, the property owner shall convey to Palm Beach County a temporary roadway construction easement along Haverhill Road. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT DATE: MONITORING - Eng) (Previous Condition E.11 of Resolution R-2001-0966 of Petition 1985-171(D)) (COMPLETED)
9. Prior to the issuance of a building permit or prior to February 1, 1999, whichever shall first occur, the property owner shall convey to Palm Beach County a 55 foot **drainage/utility** easement from Haverhill Road to the project's east property line. The location of this easement shall be approved by the County Engineer prior to recordation. (BLDG PERMIT DATE: MONITORING - Eng) (Previous Condition E.12 of Resolution R-2001-0966 of Petition 1985-171(D)) (COMPLETED)
10. Prior to June 1, 1999, if required by the County Engineer the property owner shall construct within this drainage easement a closed piping system, appropriate **wingwall** or other structures including **exfiltration** system as approved by the County Engineer. Elevation and location of this drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING- Eng) (Previous Condition E.13 of Resolution R-2001-0966 of Petition 1985-171(D))
11. Prior to July 15, 1995 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, 60 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to

ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (MONITORING/BUILDING - Engineering) (Previous Condition E.14 of Resolution R-2001-0966 of Petition 1985-171 (D)) [completed]

12. LANDSCAPE WITHIN MEDIAN OF MILITARY TRAIL

- A. Prior to January 1, 2003, the property owner shall revise the proposed Landscape Plans on file with the County Engineer to permit landscaping the adjacent median of Military Trail **Right-of-Way**. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng) (Previous Condition E.16.A of Resolution R-2001-0966 of Petition 1985-171(D))
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property **Owner's** Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior June 1, 2003. (DATE: MONITORING-Eng) (Previous Condition E.16.B of Resolution R-2001-0966 of Petition 1985-171(D))
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be

approved and recorded prior to January 1, 2003.  
(DATE:MONITORING-Eng) (Previous Condition E.16.C of Resolution R-2001-0966 of Petition 1985-171(D))

13. In order to comply with the mandatory traffic performance standards the Property owner shall fund the construction of a right turn lane south approach on Military Trail at Community Drive. This turn lane shall be a minimum of 280 feet in length with a taper length of 50 feet or as approved 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. Funding for this construction shall be completed prior to July 26, 1995. Traffic impact fee credit shall be permitted for funding of the construction of this right turn lane. (MONITORING - Engineering). (Previous Condition E.17 of Resolution R-2001-0966 of Petition 1985-171(D)) (COMPLETED)
14. In order to comply with the mandatory Traffic Performance Standards, the Developer shall not be issued any building permits until construction has begun for a right turn lane south approach on Military Trail at Community Drive. (BUILDING- Engineering). (Previous Condition E.18 of Resolution R-2001-0966 of Petition 1985-171(D)) (COMPLETED)
15. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a. Building Permits for the Phase 3 - 20,238 square foot elementary school expansion (126 students) shall not be issued until the contract has been awarded for the construction of Military Trail as a 6 lane section from Okeechobee Blvd. to 45th Street plus the appropriate paved tapers. This restriction shall not apply if a CRALLS designation has been adopted for this roadway segment by the Board of County Commissioners or if the expansion of Military Trail is scheduled in the first three years of the FDOT 5-year road plan. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.20.a of Resolution R-2001-0966 of Petition 1985-171(D)) (COMPLETED)
  - b. Building Permits for the Phase 3 - 20,238 square foot elementary school expansion (126 students) shall not be issued until the widening of the existing 3-lane segment of Community Drive between Military Trail and Village Boulevard to a 4-lane cross section has either been assured or a CRALLS designation has been adopted for this roadway segment by the Board of County Commissioners. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.20.b of Resolution R-2001-0966 of Petition 1985-171(D))
16. The property owner shall fund any required signal modifications at Community Drive and Projects entrance. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications may also include installation of mast arms for the existing signal. Funding shall be completed within 60 days after receiving notice from Palm Beach County. (ONGOING: ENGINEERING) (Previous Condition E.21 of Resolution R-2001-0966 of Petition 1985-171(D))

17. Prior to issuance of a building permit for the Meyer Academy/JCC Day School (Control Number 0492-006) the property owners shall plat POD 1, in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT:MONITORING-Eng) (Previous Condition E.22 of Resolution R-2001-0966 of Petition 1985-171(D))
18. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule for the Welcome Home Apartment Community which is part of the Dorfman PUD.
  - a) No Building Permits shall be issued until the contract has been let for the construction of Military Trail as 6 lane median divided section from 45th Street to Okeechobee Blvd.
  - b) No Building Permits shall be issued until a CRALLS designation has been adopted for the existing 3 lane section of Community Drive from Military Trail to Village Blvd.
19. The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING: Eng)
20. Prior to issuance of any building permits within POD 4 (the Welcome Home Apartment Community) the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG. PERMIT: MONITORING-Eng)

F. LANDSCAPING - STANDARD

1. Condition F.1 of Resolution R-2001-0966 of Petition 1985-171(D) which currently states:

Fifty percent (50%) of the canopy trees (for future replacement) required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: twelve (12) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Fifty percent (50%) of the canopy trees (for Pod4) and the remaining portion of the PUD required to be planted on site shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;

- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
- a. Palm heights: twelve **(12)** feet clear trunk;
  - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2001-0966 of Petition 1985-171(D))
3. A group of three or more palm or pine trees may supersede the requirement for a perimeter canopy tree in that location. Only fifty (50) percent of the required canopy trees may be replaced by the clustered palm or pine trees within each required buffer. (CO: LANDSCAPE - Zoning) (Previous Condition F.3 of Resolution R-2001-0966 of Petition 1985-171(D))
4. All shrub or hedge material for the buffers in Pod 4 shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights 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. (CO: LANDSCAPE - Zoning)
5. All trees, palms and shrub/hedge material for the buffers in Pod 4 shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES OF THE PRIVATE SCHOOL POD (ABUTTING VACANT/UNDEVELOPED PROPERTY TO THE NORTH AND RESIDENTIAL TO THE WEST)

1. Landscaping and buffering along the north and west property line shall be upgraded to include:
- a. A four (4) foot high berm, except around preserve areas.
  - b. An opaque hedge, planted at 36" in height and maintained at a height of six (6) feet installed on top of the berm.
  - c. A single row of canopy trees planted every twenty **(20)** feet on center on the exterior side of the **berm/hedge**. (CO: LANDSCAPE) (Previous Condition 1.1 of Resolution R-2001-0966 of Petition 1985-171(D))

H. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (RESIDENTIAL AND HAVERHILL ROAD FRONTAGE FOR POD 4)

1. Condition H.I of Resolution R-2001-0966 of Petition 1985-171(D)) which currently states:

In addition to the ULDC requirements for a Type 2 buffer, landscaping and buffering along the north property line of the 4.5 acre CLF parcel shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip; and,
- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters. (CO: LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the north and west property lines for Pod 4 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) canopy tree planted for each thirty (30) linear feet of the property line;
- 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 (30) inches at installation. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO PALM LAKES APARTMENTS - POD 3)

1. Condition J.I of Resolution R-2001-0966 of Petition 1985-171 (D) which currently states:

In addition to the ULDC requirements for the Type 2 buffer, landscaping and buffering along the south and east property lines of the 4.5 acre CLF parcel shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip. Encroachment of the drainage/utility easement as required by Condition **E.12** shall only be permitted along the south 120' of the east property line and five (5) feet along the south property line consistent with the **easement/buffer** detail dated August 11, 1998 (see attached). Encroachment of existing lift station and water and sewer lines which traverse the buffers may be permitted;
- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters; and,

- c. The required landscaping materials of this condition, within the south 120' of the east property line, shall be relocated to the west to provide additional screening for the **service/dumpster** area, (CO: LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the south and east property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip except for area where lift station and drainage easement are located;
- b. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
- 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; **and**,
- d. 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,
- e. one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE)

J. LANDSCAPING ALONG WEST PROPERTY LINE FOR POD 4 (ADJACENT TO HAVERHILL ROAD)

- 1. Condition K.I of Resolution R-2001-0966 of Petition 1985-171 (D) which currently states:

In addition to the ULDC requirements for this right-of-way buffer, landscaping and buffering along the west property line of the 4.5 acre CLF parcel shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A one (1) to three (3) foot undulating berm, with an average height of (2) feet, measured from the top of the curb; and,
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters. (CO: LANDSCAPE)

Is hereby deleted. Reason: [replaced by revised Condition H.1]

K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition L.1 of Resolution R-2001-0966 of Petition 1985-171(D))
- 2. All outdoor lighting fixtures, including wall mounted lights, shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition L.2 of Resolution R-2001-0966 of Petition 1985-171(D)) (applicable to Pod 4 only)
- 3. The lighting conditions above shall not apply to proposed security or low voltage **landscape/accent** type lights used to emphasize plant material. (ONGOING: CODE ENF) (Previous Condition L.4 of Resolution R-2001-0966 of Petition 1985-171(D))

4. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT) (Previous Condition L.6 of Resolution R-2001-0966 of Petition 1985-171(D))
5. Outdoor lighting for the athletic fields and outdoor play areas shall not be permitted. (BUILDING/CODE ENFORCEMENT) (Previous Condition L.7 of Resolution R-2001-0966 of Petition 1985-171(D))

L. MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a 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) (Previous Condition M.1.A of Resolution R-2001-0966 of Petition 1985-171(D))
- B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the certificate of occupancy for the CLF. 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 M.1.B of Resolution R-2001-0966 of Petition 1985-171(D))

M. PLANNED UNIT DEVELOPMENT

All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att) (Previous Condition N.1 of Resolution R-2001-0966 of Petition 1985-171(D))

2. Decorative street lights for Pod 4 shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)



3. Street trees for Pod 4 shall be planted within or adjacent to streets of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
4. Street bike lanes for Pod 4 shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG - Eng)
5. All utilities for Pod 4 shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)
6. Prior to final site plan certification by the Development Review Committee (DRC), the site plan for Pod 4 shall be amended to show a focal point at the main access at Haverhill Road, and at terminus of each residential access street. The focal point shall be in the form of special planting and decorative pavement. (DRC: ZONING)

N. RECYCLE SOLID WASTE

1. The school shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to paper, plastic, metal and glass products. (SWA) (Previous Condition 0.1 of Resolution R-2001-0966 of Petition 1985-171(D))

O. SIGNS

1. Freestanding signs, including entrance wall, directional and point of purchase signs, fronting on Haverhill Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 32 square feet;
  - c. Maximum number of signs - one (1); and,
  - d. Style - monument style only. (BLDG PERMIT/CO: ZONING/BLDG) (Previous Condition P.1 of Resolution R-2001-0966 of Petition 1985-171(D))
2. Should the sign on Community Drive be replaced, the new sign shall be limited to:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - one (1); and,
  - d. Style - monument style only. (BLDG PERMIT/CO: ZONING/BLDG) (Previous Condition P.2 of Resolution R-2001-0966 of Petition 1985-171(D))

P. USE LIMITATIONS

1. Condition R.1 of Resolution R-2001-0966 of Petition 1985-171(D)) which currently states:

Prior to site plan certification, the Master Plan shall be revised to reflect the following:

- a) Designation of the acreage and the amenity package of the recreation tract within the housing tract.

- b) Areas of preservation of significant native vegetation including that within the required buffer area and central and eastern portion of the site.

Is hereby deleted. Reason: [completed].

- 2. Condition R.2 of Resolution R-2001-0966 of Petition 1985-171(D)) which currently states:

The CLF shall be limited to a maximum of ninety-six **(96)** residents. (DRC: BLDG/HEALTH - Zoning)

Is hereby deleted. Reason: [the petitioner requested to delete CLF, this condition is no longer applicable].

- 3. Construction hours shall not commence prior to **7:00** a.m. or continue later than **7:00 p.m.** Monday through Friday and **9:00** a.m. through **5:00 p.m.** on Saturday. No construction activities permitted on Sunday. (ONGOING: CODE ENF - Zoning) (Previous Condition R.3 of Resolution R-2001-0966 of Petition 1985-171(D)) (applicable to Pod **4** - CLF only)

- 4. Condition R.4 of Resolution R-2001-0966 of Petition 1985-171(D) which currently states:

Deliveries, other than emergency medical supplies or services shall not be allowed to the site prior to **7:00** a.m. nor continue later than **6:00 p.m.** Monday through Friday and **9:00** a.m. through **5:00 p.m.** on Saturday. No deliveries on Sunday except for medical emergency provisions. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. Reason: [no longer applicable].

- 5. The outdoor speaker system shall not be used except for emergency purposes. (CODE ENFORCEMENT) (Previous Condition R.5 of Resolution R-2001-0966 of Petition 1985-171(D)) (applicable to Pod 1 – private school only )

- 6. External school bells shall be used only between the hours of **8:00** a.m. and **4:00 p.m.** Monday through Friday. External school bells shall ring no more than **11** total times per day. All external school bells shall be installed no closer to the west property line than the west wall of the principal school building and shall be appropriately muffled to reduce sound on site. Bells shall not be used on weekends or when school is not in session, except for testing purposes. No bells shall be installed oriented or facing towards the north, or on the north side of any building or structure. (BUILDING/CODE ENFORCEMENT-Zoning) (Previous Condition R.6 of Resolution R-2001-0966 of Petition 1985-171(D)) (applicable to Pod 1 - private school only )

Q. COMPLIANCE

- 1. 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) (Previous Condition M.1 of Resolution R-2001-0966 of Petition 1985-171(D))

2. Condition S.2 of Resolution R-2001-0966 of Petition 1985-171(D) 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 the Code Enforcement Division 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.  
(MONITORING)

**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. (MONITORING)