

RESOLUTION NO. R-2003- 1401

RESOLUTION APPROVING ZONING PETITION DOA1994-016B
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALM BEACH COUNTY DEPARTMENT OF FACILITIES
DEVELOPMENT AND OPERATIONS
BY KILDAY AND ASSOCIATES/PBC CAPITAL IMPROVEMENTS DIV, AGENT
(THE SPRINGS PUD/EEE HIGH SCHOOL / PBSO)

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 DOA1994-016B was presented to the Board of County Commissioners at a public hearing conducted on September 17, 2003; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1994-016B, the petition of Palm Beach County Department of Facilities Development and Operations, by Kilday and Associates/PBC Capital Improvements Div, agent, for a Development Order Amendment to a previously approved Residential Planned Unit Development, including an elementary or secondary school, to reconfigure site plan to allow government services on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 17, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

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

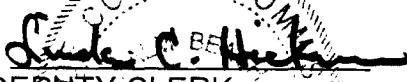
Filed with the Clerk of the Board of County Commissioners on 3 day of November, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

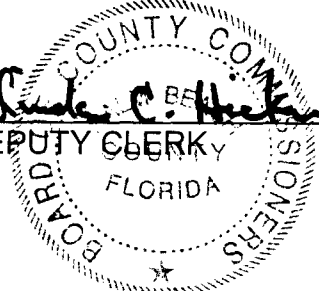


EXHIBIT A

LEGAL DESCRIPTION

OVERALL DESCRIPTION:

THAT PART OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 10; THENCE S.88°22'12"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10, 46.29 FEET TO THE POINT OF BEGINNING; THENCE S.69 11'56" W., 325.27 FEET; THENCE S.5°06.20"W, ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST L I N E OF THE SOUTHEAST QUARTER (S . E . 1 / 4) OF SECTION 10 AND ALONG THE EAST RIGHT OF WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 5895, PAQE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, 1138.10 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY WITH A RADIUS OF 2560.00 FEET AND 4 CENTRAL ANGLE OF 2 4° 5 0 ' 44"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE AND ALONG THE SAID EAST RIGHT OF WAY LINE OF JOG ROAD, 1 1 1 0 . 1 1 FEET TO A L I N E 25 .00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACT 71, BLOCK 4 0 PALM BEACH FARMS COMPANY PLAT NO. 3 , AS RECORDED I N PLAT BOOK 2 , PAGE 49 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S . 88°32' 03" E . , ALONG SAID PARALLEL L I N E , 197.34 FEET TO THE WEST L I N E OF THE SOUTHEAST QUARTER (S . E . 1 / 4) OF SECTION 10; THENCE S . 5° 0 6 ' 2 0 " W . , ALONG SAID WEST LINE, 2 4 7.7 4 FEET TO THE SOUTH L I N E OF S A I D SECTION 10; THENCE S 88°27'56 " E . , ALONG SAID SOUTH L I N E , 2 6 5 6.41 FEET TO THE SOUTHEAST CORNER OF SECTION 10; THENCE N.5°30'57"E., ALONG SAID EAST LINE , 2 7 6 8 . 2 0 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (S . E . 1 / 4) OF SECTION 10; THENCE N.8 8°2 2 ' 1 2 " W . , ALONG THE NORTH L I N E OF THE SOUTHEAST QUARTER (S. E. 1 / 4) OF SECTION 10, 2629.70 FEET TO THE SAID POINT OF BEGINNING. LESS AND NOT INCLUDING THE SOUTH 327 FEET OF THE NORTH 4 0 2 FEET OF THE EAST 400 FEET OF THE WEST 740 FEET OF THE SOUTHEAST QUARTER (S . E . 1 / 4 1 OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

AFFECTED AREA:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, SAID PARCEL BEING MORE PATICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE, ALONG THE SOUTH LINE OF SAID SECTION, SOUTH 89°46'15" WEST, A DISTANCE OF 448.00 FEET TO THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 12102 AT PAGE 278 OF THE PUBLIC RECORDS OF PALM BEACH, COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, CONTINUING ALONG SAID SOUTH LINE, SOUTH 89°46'15", A DISTANCE OF 2208.12 FEET TO A POINT ON THE WEST LINE OF THE SAID SOUTHEAST ONE QUARTER OF SECTION 10; THENCE ALONG SAID WEST LINE NORTH 03°20'31" EAST TO A POINT ON THE SOUTH LINE OF TRACT 71, BLOCK 40 OF PALM BEACH FARMS COMPANY PLAT NO. 2, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH, COUNTY, FLORIDA; THENCE, ALONG SAID SOUTH LINE, SOUTH 89°42'08" WEST, A DISTANCE OF 197.30 FEET TO A POINT ON THE

WEST RIGHT OF WAY LINE OF JOG ROAD AS RECORDED IN OFFICIAL RECORDS BOOK, 9117 AT PAGE 1316 OF THE PUBLIC RECORDS OF PALM BEACH, COUNTY, FLORIDA SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2560.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 61°48'54" WEST; THENCE, DEPARTING SAID SOUTH LINE OF TRACT 71, NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 911.47 FEET, THROUGH A CENTRAL ANGLE OF 20°23'59" TO A POINT ON THE SOUTH LINE OF TRACT "C-C" OF THE PLAT OF THE SPRINGS - PLAT NO. 1 "A PORTION OF JOG ROAD RESIDENTIAL P.U.D." AS RECORDED IN PLAT BOOK 80 AT PAGES 92 THROUGH 95 OF THE PUBLIC RECORDS OF PALM BEACH, COUNTY, FLORIDA; THENCE, ALONG THE SOUTH LINE OF SAID PLAT, NORTH 46°57'55" EAST, A DISTANCE OF 82.52 FEET; THENCE NORTH 86°26'56" EAST, A DISTANCE OF 223.22 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 640.00 FEET, THENCE, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 147.40 FEET THROUGH A CENTRAL ANGLE OF 13°11'45" TO THE POINT OF TANGENCY; THENCE NORTH 73°15'11" EAST, A DISTANCE OF 112.67 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 485.00 FEET, THENCE, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 253.95 FEET THROUGH A CENTRAL ANGLE OF 30°00'00" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE NORTH 13°15'11" EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 76°44'49" EAST, A DISTANCE OF 112.67 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 560.00 FEET, THENCE, ALONG THE ARC OF SAID CURVE, 146.61 FEET THROUGH A CENTRAL ANGLE OF 15°00'00" TO THE POINT OF TANGENCY; THENCE NORTH 88°15'11" EAST, A DISTANCE OF 290.33 FEET TO A POINT ON THE WEST LINE OF THAT SAID CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 12102 AT PAGE 278; THENCE, DEPARTING THE SOUTH LINE OF SAID PLAT OF THE SPRINGS - PLAT NO. 1 AND ALONG THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 12102 AT PAGE 278, SOUTH 03°46'12" WEST, A DISTANCE OF 157.78 FEET THENCE, NORTH 88°00'00" EAST, A DISTANCE OF 409.60 FEET; THENCE SOUTH 02°00'00" EAST, A DISTANCE OF 593.24 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 301.00 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 71°16'49" EAST; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 595.77 FEET THROUGH A CENTRAL ANGLE OF 113°24'18" TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 28.50 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 46.98 FEET THROUGH A CENTRAL ANGLE OF 94°27'21" TO THE POINT OF TANGENCY; THENCE SOUTH 00°13'45" EAST, A DISTANCE OF 121.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 53.331 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

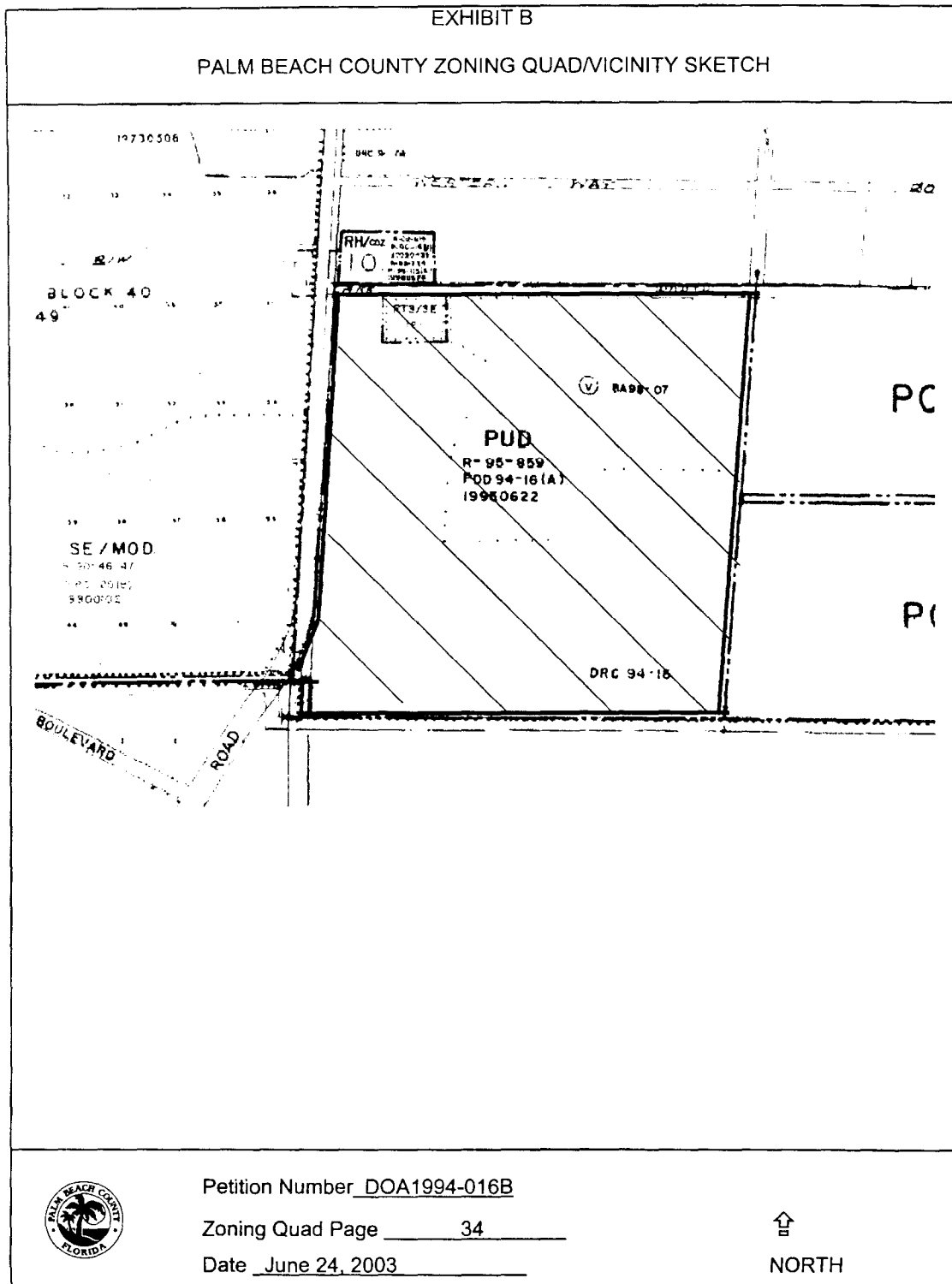


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Previous Condition A.1 of Resolution R-1995-859, Petition 1994-16(A), which currently states:

Resolution R-94-789, approving Zoning Petition 94-16, is hereby revoked.

Is hereby deleted. [REASON: Not applicable, Resolution R-94-789 was superceded by R-95-859.]

2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-95-0859, (Petition PDD 94-016(A)), 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)
3. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development and site plans are dated May 15, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING – Zoning)
4. This petition has been reviewed under the same requirements as a petition for a new planned unit development, and the new deadline for plat recordation is January 1, 2005. (DATE: MONITORING – Bldg)

B. CONCURRENCY

1. Condition F.1 of Resolution R95-0859, Petition 1994-16(A), which currently states:

Prior to approval of the first plat and/or issuance of the first building permit, a Concurrency Reservation shall be required. (BLDG/ENG)

Is hereby deleted. [Reason: Code requirement.]

C. COUNTY ATTORNEY

1. Condition J.1 of Resolution R95-0859, Petition 1994-16(A), which currently states:

The PUD shall record in the Public Records of Palm Beach County the Declaration of Covenants and Restrictions for the PUD's overall Property Owners Association prior to first plat approval by the Board of County Commissioners. For the purposes of the Property Owners Association documents, the School and the Park shall be subject only to the provisions requiring maintenance of the landscape medians on Jog Road and the internal access road, and shall be exempt from all other provisions of the Declaration of Covenants and Restrictions.

Is hereby amended to read:

The PUD shall record in the Public Records of Palm Beach County the Declaration of Covenants and Restrictions for the PUD's overall Property Owners Association prior to first plat approval by the Board of County Commissioners. The PBSO sub-station, Park, and School District property shall be exempt from all provisions of the Declaration of Covenants and Restrictions.

D. HEALTH

1. **The developer will take reasonable precautions during the development of the project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.** (ONGOING: HEALTH – Health) (Previous Condition G.1 of Resolution R1995-859, Petition 1994-16(A))

E. ENGINEERING

1. **The residential Property owner shall construct:**
 - a) **a left turn lane west approach on the 96 foot right-of-way which serves both this residential POD and the high school at its intersection with this project's north south entrance road.**
[NOTE: Completed].
 - b) **a left and right turn lane north approach on this project's entrance road at its intersection with the 96 foot right-of-way which serves this residential POD and the high school.**

This construction shall be concurrent with the paving and drainage improvements for the first plat for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of technical compliance. Construction shall be completed prior to the acknowledgement of completion for any plat of the site. (PLAT: ENG – Eng) (Previous Condition E.1 of Resolution R95-0859, Petition 1994-16(A))

2. **The residential Property owner shall fund the construction of the following off site intersection improvements:**
 - a) **separate right turn lane on both the east and west approach on Gateway Boulevard at its intersection with Military Trail.**
 - b) **separate right turn lane on both the east and west approach on Gateway Boulevard at its intersection with Lawrence Road.**

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. The residential property owner shall both design and construct the roadway improvements enumerated above based on the County Engineer's approval of the certified construction costs submitted by the residential developer's engineer. The costs for the improvements shall be credited against required traffic related impact fees. (BLDG/ENG: ENG – Zoning) (Previous Condition E.2 of Resolution R-95-0859, Petition 1994-16(A))

3. **A certified cost estimate from the residential Developer's Engineer for the off site intersection improvements outlined in Condition E2 above shall be approved by the Office of the Land Development Division on or before December 22, 1995.** (MONITORING: ENG – Eng) (Previous Condition E.3 of Resolution R-95-0859, Petition 1994-16(A))
[NOTE: Completed.]

4. **Acceptable surety required for the off site intersection improvements as outlined in Condition E2 above shall be posted with the Office of the Land Development Division on or before December 22, 1995. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the residential Developer's Engineer. No administrative time extensions may be granted by staff as this surety is required to meet Traffic Performance Standards. (MONITORING: ENG-Eng) (Previous Condition E.4 of Resolution R-95-0859, Petition 1994-16(A))**

5. **In order to comply with the mandatory Traffic Performance Standards, the residential Developer shall be restricted to the following phasing schedule:**
 - a) **No Building Permits for the 480 unit residential portion of the PUD shall be issued until the award of the contract for construction by the Board of County Commissioners for Jog Road as a 6 lane section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. (BLDG: ENG-Eng) (Previous Condition E.5.a of Resolution R-95-0859, Petition 1994-16(A)) [NOTE: Completed.]**

 - b) **Building permits shall not be issued for more than 121 multi-family residential units (or other combination of multi-family and single-family residential units as approved by the county Engineer that will not exceed 847 trips per day) until construction has begun for separate right turn lanes east and west approaches on Gateway Blvd. at its intersection with Military Trail plus the appropriate paved tapers. (BLDG: ENG - Eng) (Previous Condition E.5.b of Resolution R-95-0859, Petition 1994-16(A)) [NOTE: Completed.]**

 - c) **Building permits shall not be issued for more than 159 multi-family residential units (or other combination of multi-family and single-family residential units as approved by the County Engineer that will not exceed 1115 trips per day) until construction has begun for separate right turn lanes east and west approaches on Gateway Blvd. at its intersection with Lawrence Road plus the appropriate paved tapers. (BLDG: ENG - Eng) (Previous Condition E.5.c of Resolution R-95-0859, Petition 1994-16(A)) [NOTE: Completed.]**

 - d) **No building permits for this site may be issued after December 31, 1998.**

Is hereby deleted.

 - e) **If all the residential building permits for this PUD have not been issued for this project prior to December 31, 1997, then Building permits shall not be issued for more than 352 multi-family units and 126 single-family residential units (or other combination of multi-family and single-family residential units as approved by the County Engineer that will not exceed 3724 trips per day) until construction has begun for Gateway Blvd. as a 6-lane section from Military Trail to Congress Avenue. (BLDG: ENG - Eng) (Previous Condition E.5.e of Resolution R-95-0859, Petition 1994-16(A)) [NOTE: Completed.]**

 - f) **If all the residential building permits for this PUD have not been issued for this project prior to December 31, 1997, then Building permits shall not be issued for more than 352 multi-family units and 45 single-family residential units (or other combination of multi-family and single-family residential units as approved by**

the County Engineer that will not exceed 2922 trips per day) until construction has begun for Lantana Road as a 6-lane section from Military Trail to Lawrence Road. (BLDG: ENG – Eng) (Previous Condition E.5.f of Resolution R-95-0859, Petition 1994-16(A)) [NOTE: Completed.]

The number of allowable phased dwelling units and buildout date may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

6. **The School District and the County shall install signalization if warranted as determined by the County Engineer on:**

a) **Jog Road at project's entrance(s)**

Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

If the full signalization is not warranted, a temporary flasher shall be installed concurrent with the issuance of the first building permit. (DATE/BLDG: ENG – Eng) (Previous Condition E.6 of Resolution R-95-0859, Petition 1994-16(A))

7. **Previous Condition E.7 of Resolution R-95-0859, Petition 1994-16(A) which currently states:**

The residential property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 94-16(A), to be paid at the time of issuance of the Building Permit presently is:

- a) **\$1,650.00 per approved single family dwelling unit (10 trips per approved single family dwelling unit X \$165.00 per trip)**
- b) **\$1,155.00 per approved multi family dwelling unit (7 trips per approved multi family dwelling unit X \$165.00 per trip). (IMPACT FEE COORD: ENG – Engineering)**

Is hereby deleted. [Reason: Impact fees are code requirements.]

8. a) **Prior to August 1, 1995 or prior to the issuance of issuance of a 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 additional right of way for Jog Road to provide for a 120 foot ultimate right of way section. [NOTE: Completed.]**
- b) **Prior to December 1, 1995 or prior to the issuance of issuance of a 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 an additional 16 foot of right of way to provide for a minimum of 88 foot right of way for the proposed public road right of way which serves both this residential POD and the proposed high school. [NOTE: Completed.]**

This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (MONITORING: ENG – Eng) (Previous Condition E.8 of Resolution R-95-0859, Petition 1994-16(A))

9. **On or before August 1, 1995 the property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal drainage system to provide legal positive outfall for runoff from those segments of both:**
 - a) **Jog Road; and [NOTE: Completed.]**
 - b) **the proposed 88 foot public road right of way which serves both the residential and the high school portions of the PUD. [NOTE: Completed.]**

Limits of road right of way to be served by the easement shall be along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along both Jog Road and the proposed 96 foot public road right of way which serves both this residential POD. Said easements shall be no less than 20 feet in width. The easements shall be through the internal right of way which serves both the residential and high school portion of the PUD and through the School District and County property.

The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction 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 (MONITORING: ENG - Eng) (Previous Condition E.9 of Resolution R-95-0859, Petition 1994-16(A))

10. **The School District shall construct:**
 - a) **Left turn lane north approach on Jog Road at project's entrance(s); [NOTE: Completed.]**
 - b) **Right turn lane south approach on Jog Road at project's entrance(s);**

This construction shall be concurrent with the paving and drainage improvements for the school site. Construction shall be completed prior to the opening of the school or concurrent with the widening of Jog Road from Boynton Beach Boulevard to Hypoluxo Road whichever shall first occur. (ENGINEERING) (Previous Condition E.10 of Resolution R1995-859, Petition 1994-16(A))

11. **Prior to technical compliance, the School District shall convey to Palm Beach County by road right-of-way warranty deed additional right-of-way required for the construction of a right turn lane, south approach on Jog Road at the project's north entrance road. This right-of-way**

shall be 72 feet from centerline, 280 feet in length, with a taper length of 50 feet. Additional road right of way shall be free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. (TC: ENG – Eng) (Previous Condition E.11 of Resolution R-95-0859, Petition 1994-16(A))

12. **Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscaping installation and maintenance requirements shall be subject to the standards as 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.**

All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner 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 concurrent with the improvements with the first plat.

Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (TC: ENG - Co Att) (Previous Condition E.12 of Resolution R-95-0859, Petition 1994-16(A))

13. **A temporary entrance for only residential construction shall be located along the south side of the proposed civic pod. This entrance shall be closed to all traffic no later than June 1, 1998, or upon issuance of the final certificate of occupancy within the residential component of the PUD, whichever occurs first. (DATE/CO: ENG – Bldg)**
14. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) No Building Permits for the Palm Beach Sheriff Substation may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITOR – Eng)

F. LANDSCAPING - STANDARD

1. **All trees required to be planted on site by this approval 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.** (LANDSCAPE: ZONING – Zoning)
(Previous Condition B.1 of Resolution R-95-0859, Petition 1994-16(A))
2. All shrub or hedge materials in the right-of-way buffer west of the Palm Beach Sheriffs Office (PBSO) substation shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
- a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub; and
 - b. twenty-four (24) to forty-eight (48) inches – medium shrub. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG WEST PROPERTY LINE: PBSO SUBSTATION AND SCHOOL SITE (FRONTAGE OF JOG ROAD)

1. Previous Condition B.2 of Resolution R-95-0859, Petition 1994-16(A), which currently states:

Landscape buffer strips along the west and south property lines shall be as follows:

- a. **West, abutting Jog Road, shall be a minimum of twenty (20) feet wide; and,**
- b. **South, abutting Joe DeLong Road, shall be a minimum of twenty five (25) feet wide.**

Is hereby amended to read:

Landscaping and buffering along the west property line adjacent to the Palm Beach Sheriffs Office (PBSO) substation fronting on Jog Road shall be upgraded to include:

- a. A minimum twenty (20) foot wide right-of-way buffer;
 - b. One (1) native canopy tree for each twenty (20) linear feet of the property line;
 - c. One (1) palm tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
 - e. One (1) medium shrub for each two (2) linear feet of the property line, planted twenty-four (24) inches on center. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)
2. Landscaping and buffering along the west property line of the school site fronting on Jog Road shall be upgraded to include:
- a. A minimum twenty (20) foot wide right-of-way buffer;
 - b. One (1) canopy tree for each twenty (20) linear feet of frontage;
 - c. One (1) native palm tree for each thirty (30) linear feet of frontage; and,
 - d. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (LANDSCAPE: ZONING – Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE OF POD A (FRONTAGE OF JOG ROAD)

1. Condition B.4 of Resolution R-95-0859, Petition 1994-16(A), which currently states:

In addition to the requirements of Conditions B.1., B.2., and B.3. above, the landscape buffer of Pod A along Jog Road shall consist of the following:

- a. **A continuous three (3) to six (6) foot high berm ranging from a minimum of twenty (20) feet to forty (40) feet in width and a maximum 3 to 1 finished slope.**
- b. **The required hedge material shall be located on the top of the berm and maintained at a minimum four (4) foot height.**
- c. **One (1) evergreen canopy tree for each fifteen (15) linear feet of frontage; and,**
- d. **One (1) native palm tree for each twenty (20) linear feet of frontage.**

Is hereby amended to read:

- a. A minimum twenty (20) foot wide right-of-way buffer;
- b. A continuous three (3) to six (6) foot high berm ranging from a minimum of twenty (20) feet to forty (40) feet in width and a maximum 3 to 1 finished slope;
- c. The required hedge material shall be located on the top of the berm and maintained at a minimum four (4) foot height;
- d. One (1) canopy tree for each twenty (20) linear feet of frontage;
- e. One (1) evergreen canopy tree for each fifteen (15) linear feet of frontage; and,
- f. One (1) native palm tree for each twenty (20) linear feet of frontage; and,
- g. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (LANDSCAPE: ZONING – Zoning)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (FRONTAGE OF JOE DELONG BOULEVARD)

1. Condition B.3 of Resolution R-95-0859, Petition 1994-16(A), which currently states:

Landscaping within the required buffers along the west and south property lines abutting Jog Road and Joe Delong Boulevard shall be upgraded to include:

- a. **One (1) canopy tree for each twenty (20) linear feet of frontage;**
- b. **One (1) native palm tree for each thirty (30) linear feet of frontage; and,**
- c. **Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.**

Is hereby amended to read:

Landscaping and buffering along the south property line abutting Joe Delong Boulevard shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide right-of-way buffer;
- b. One (1) canopy tree for each twenty (20) linear feet of frontage;
- c. One (1) native palm tree for each thirty (30) linear feet of frontage; and,
- d. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (LANDSCAPE: ZONING – Zoning)

J. LANDSCAPING – INTERNAL (PBSO SUBSTATION)

1. The south and west side of the PBSO substation fuel facility shall be buffered as follows:
 - a. An eight (8) foot high vinyl coated chain link fence or decorative opaque fence;
 - b. Minimum length of the fence shall be fifty (50) feet;
 - c. A cluster of three (3) palms shall be planted at the western end of the fence; and
 - d. One (1) vine (*Ficus pumila* or similar species) shall be provided and spaced five (5) feet on center along the exterior side of the fence, if a chain link fence is used. (DRC/CO: ZONING/LANDSCAPE – Zoning)

K. PARKS

1. **Prior to site plan certification by the Development Review Committee (DRC), the Parks and Recreation Department shall arrange and meet with representatives from COWBRA and the Master Homeowners Associations of the Aberdeen, Northtree and Lake Charleston Developments to finalize the design for the district park.** (DRC: PARKS – Parks) (Previous Condition C.1 of Resolution R-95-0859, Petition 1994-16(A))

L. PLANNING

1. **There shall be no age-restriction on the occupancy of residential units.** (ONGOING: PLANNING – Planning) (Previous Condition A.2 of Resolution R-95-0859, Petition 1994-16(A))
2. **Each residential unit and non-residential land use shall have access to the continuous non-vehicular circulation system.** (DRC: PLANNING – Planning) (Previous Condition A.3 of Resolution R-95-0859, Petition 1994-16(A))
3. Prior to final Preliminary Development Plan (PDP) and site plan certification by the Development Review Committee (DRC), the site plan shall include pedestrian connections as indicated on the PDP dated May 15, 2003. The site plan shall also be revised to include a detail of the eastern side of the sheriff's building to include a doorway and an intercom/buzzer system to allow individuals from the school the ability to contact officers in the building. (DRC: PLANNING – Planning)
4. Prior to final Preliminary Development Plan (PDP) and site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the applicant shall provide cross-section details on the site plan depicting shaded sidewalks along the west property line for pedestrian and bicycle circulation for the sidewalk along Jog Road and for all internal pathways shown for the PBSO sub-station site with the exception of the covered walkway areas. (DRC: PLANNING – Planning)

M. PREM

1. **Prior to August 1, 1995, the Petitioner shall submit to PREM the necessary documentation to satisfy the following conditions:**
 - a. **The 1.95 acre Civic site shall be conveyed to Palm Beach County.** (MONITORING/ENG: PREM – PREM) (Previous Condition H.1.a of Resolution R-95-0859, Petition 1994-16(A))

b. The Petitioner shall convey to Palm Beach County, in addition to the 1.95 acre site in 1.a, land equivalent to the total of 2% of the gross area of the Planned Unit Development for use as a civic site and shall have satisfied each of the following conditions prior to conveyance of the civic site.

- (1) The Civic site shall be in a location and form acceptable to PREM and the County Attorney's Office.**
- (2) Developer to provide Palm Beach County Board of County Commissioners with a warranty deed for the civic site. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the title.**
- (3) All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.**
- (4) Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.**
- (5) The residential property owner shall provide all retention, detention and drainage required for any future development of the proposed 1.95 civic site by the County. Developer shall specifically address the following issues:**
 - (a) The discharge of surface water from the proposed civic site into the Developer's water retention basins.**
 - (b) An easement across Developer's property from the proposed civic site to the retention basins, if required.**
- (6) By acceptance of these conditions, Developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site. (ONGOING: PREM – PREM) (Previous Condition H.1.b of Resolution R-95-0859, Petition 1994-16(A))**

2. Subject to approval by PREM the Developer may exchange all or a portion of the required on-site dedication of land for cash of equal value or land off-site equal in acreage. In addition, should the off-site land option be chosen, each condition listed in #1 above will also apply, and should the land off-site be of less cash value than the on-site dedication, the petitioner shall contribute cash equal to the difference in values. Valuation of the land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Article 6.8.B.6.a(2). (PREM) (Previous Condition H.2 of Resolution R-95-0859, Petition 1994-16(A))

N. SIGNAGE

1. Freestanding signage for the Palm Beach County Sheriff's Office (PBSO) substation shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: ten (10) feet;
- b. Maximum sign face area: one-hundred (100) square feet;
- c. Maximum number of signs: one (1);
- d. Style: monument style only; and,
- e. Location: within one-hundred (100) feet of the projects entrance on Jog Road. (CO: BLDG – Zoning)

O. SITE DESIGN

- 1. **Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall amend the site plan to indicate sidewalks along Jog Road.** (DRC: ZONING – Zoning) (Previous Condition D.1 of Resolution R-95-0859, Petition 1994-16(A))
- 2. **No access from Joe DeLong Boulevard to the project shall be permitted.** (ONGOING/DRC: ZONING/ENG – Zoning) (Previous Condition D.2 of Resolution R-95-0859, Petition 1994-16(A))
- 3. Previous Condition D.3 of Resolution R-95-0859, Petition 1994-16(A), which currently states:

Prior to the issuance of the first building permit, the property owner shall remove any existing billboard signs located in the area in which the permit is being sought (i.e. school, park or residential component). Proof of removal shall be provided to the Department of Planning, Zoning and Building prior to permit issuance.

Is hereby deleted. [REASON: Conflicts with billboard settlement agreement.]

- 4. **Within the multi-family Pod A, any proposed three story building or three story portion thereof shall be setback a minimum of 200 feet from the ultimate right-of-way for Jog Road.** (BLDG: ZONING –Zoning) (Previous Condition D.4 of Resolution R-95-0859, Petition 1994-16(A))
- 5. **The site design and layout of Pod A, including but not limited to building orientation, landscaping, parking, circulation and access, shall be developed in accordance with Exhibit as shown to the Board of County Commissioners on June 22, 1995.** (DRC: ZONING – Zoning) (Previous Condition D.5 of Resolution R-95-0859, Petition 1994-016(A))
- 6. **In the residential component of the PUD:**
 - a. **Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the Unified Land Development Code (ULDC).**
 - b. **Street trees shall be planted pursuant to Section 6.8.A.23.d(3) of the ULDC.**
 - c. **All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC.** (CO: ZONING/ENG – Zoning) (Previous Condition D.6 of Resolution R-95-0859, Petition 1994-016(A))

P. 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)
- 2. Previous Condition I.1 of Resolution R-95-0859, Petition 1994-016(A), which currently states:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or**
- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;**
- c. A requirement of the development to conform with updated standards of development, applicable 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;**
- d. Referral to code enforcement; and/or**
- e. Imposition of entitlement density or intensity.**

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 Conditional Use, Rezoning, 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. (ONGOING: MONITORING –
Zoning)