

RESOLUTION NO. R-93- 555

RESOLUTION APPROVING ZONING PETITION NO. 80-73(G)
SPECIAL EXCEPTION PETITION AND
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF ST. ANDREWS PROPERTY OWNERS ASSOCIATION

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

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 80-73(G) was presented to the Board of County Commissioners of Palm Beach County at its Public Hearing conducted on April 29, 1993; and

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

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner as amended; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.
2. Whereas the Petitioner has demonstrated a change in circumstances based on the testimony of David Carpenter along with the letter from David Carpenter dated March 10, 1993, outlining the changed circumstances which has been entered into the record and other evidence in the record.
3. Whereas this secondary access point is necessary in order to promote public health and safety by reducing the response times of emergency vehicles.

WHEREAS, Chapter 402.5 of the Zoning 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 80-73(G), the petition of ST. ANDREWS PROPERTY OWNERS ASSOCIATION, by David Carpenter, Agent for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE ST. ANDREWS COUNTRY CLUB PLANNED UNIT DEVELOPMENT (PUD) TO ADD A SECOND ACCESS POINT and A MODIFICATION OF COMMISSION REQUIREMENTS (CONDITION NO. 10 OF RESOLUTION R-90-1299 ACCESS), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on April 29,

1993, 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:

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Warren Newell	--	Nay
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of April, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

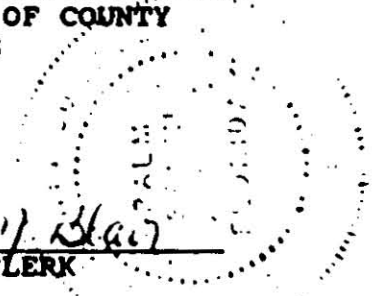


EXHIBIT A

LEGAL DESCRIPTION

A portion of Tract "L", Lake Estates, Plat No. 16, St. Andrews Country Club (PUD), Plat Book 66, Page 156 through 158; BEGINNING at the southeast corner of said Plat; thence North $00^{\circ}50'30''$ West, along the East line of said plat, (the East line of said Plat is assumed to bear North $00^{\circ}50'30''$ West and all other bearings are relative thereto) a distance of 118.01 feet to a point; thence South $89^{\circ}19'43''$ West, departing from said East line, a distance of 43.88 feet to the beginning of a non-tangent curve concave to the Northwest, being the Easterly Right-of-Way line of Lake Estates Drive, having a radius of 194.50 feet, a central angle of $45^{\circ}08'56''$, and a radial bearing at this point of North $59^{\circ}13'00''$ West; thence Southwesterly along the arc of said curve a distance of 153.27 feet to the terminus of said curve; thence departing said Right-of-Way line, South $00^{\circ}50'30''$ East, along a non-tangent line, 30.29 feet to the Southerly line of said Plat; thence North $89^{\circ}19'43''$ East, along said Southerly line, a distance of 165.00 feet to said Southeast corner of said plat and the POINT OF BEGINNING, in Section 36, Township 46 South, Range 42 East.

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Condition A.1. of Petition 80-73(H), which amended Condition No. 1 of R-90-1299, Petition 80-73(F), approved by the Board on July 30, 1992, resolution approved on March 16, 1993, which states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, as amended, unless expressly modified.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance (Ordinance 73-2, as amended) and Unified Land Development Code Section 5.8 compliance, as amended, unless expressly modified. (MONITORING)

2. Condition No. 1 of R-89-1080, Petition 80-73(C), which stated:

The developer shall comply with all previous conditions of approval, unless expressly modified herein.

Was deleted by Condition A.2. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

3. Condition No. 3 of R-86-456, Petition 80-73(B), which stated:

The petitioner shall comply with all previously approved conditions of Petition 80-73 and 80-73(A) except as herein amended.

Was deleted by Condition A.3. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

4. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 157). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to the Development Review Committee Powers and Standards of Review or required by the conditions of approval contained herein.
5. The petitioner shall submit an application to the Development Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to October 1, 1993.

B. AFFIDAVIT OF DISCLOSURE

1. Condition No. 5 of R-86-456, Petition 80-73(B), which stated:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Was deleted by Condition B.1. of Petition 80-7(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

C. BUILDING AND SITE DESIGN

1. Condition No. 1 of R-84-1287, Petition 80-73(A), which stated:

Prior to final approval by the Site Plan Review Committee, the proposed master plan shall be amended to show access and circulation routes in the area being added to the existing PUD.

Was deleted by Condition C.1. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

2. Prior to Master Plan Certification, the Master Plan shall be revised to reflect exact dwelling unit counts for all tracts that have been previously site planned and/or platted. Previously Condition No. 6 of R-86-456, Petition 80-73(B), and Condition No. C.2. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (ZONING)

3. Condition No. 2 of R-90-1299, Petition 80-73(F), which stated:

The commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed 1.62 acres.

Was amended by Condition No. C.3. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993, to read:

In the event the appropriate variances are not granted by the Board of Adjustment for the 1.2 acre commercial parcel, the commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed 1.62 acres. (ZONING)

4. Prior to certification of the Master Plan, all improvements, structures, buildings, parking areas and landscaping on the subject site (Petition 80-73(H)) shall conform with all land development regulations, including, but not limited to, platting and setback requirements and all building requirements of Palm Beach County or meet the requirements for and obtain appropriate variance relief from the Board of Adjustment in accordance with the Unified Land Development Code. Previously Condition No. C.4. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (ZONING-Engineering)

5. Prior to August 1, 1994, the petitioner shall remove the temporary structure and construct a permanent structure in accordance with all requirements of Palm Beach County in effect at the time. Previously Condition No. C.5. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. Condition subject of petition 80-73(H) only. (MONITORING-Zoning)

6. Prior to master plan certification, the master plan shall be revised to reflect the following:
 - a. All surrounding land uses.
 - b. The proposed guardhouse for the proposed access point on Old Clint Moore Road.
 - c. The proposed access width.
 - d. Clarification of the pod boundaries for pods O and P.
 - e. The landscaping details for the proposed entrance pursuant to the attached Entrance Gate Detail (Petition 80-739(G)). (Exhibit A) (ZONING)

D. CONCURRENCY

1. Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case #90-03-05-004X1) to reflect 6,000 Square Feet on 1.2 acres of commercial. Previously Condition No. D.1. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (PLANNING)

E. ENGINEERING

1. Conditions E.1., E.2., E.3., E.4. and E.5. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which currently state:

Within 30 months from the date of filing of the first plat the petitioner shall construct at the intersection of Old Clint Moore Road and the project's entrance:

- a. Right turn lane, north approach
- b. Left turn lane, north approach
- c. Right turn lane, east approach
- d. Left turn lane, west approach. Previously Condition No. 1 of R-80-1003, Petition 80-73, and Condition E.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall construct at the intersection of Clint Moore Road and S.R. 7, prior to the issuance of the final 50% Certificates of Occupancy:

- a. Right turn lane, south approach
- b. Right turn lane, east approach
- c. Left turn lane, east approach. Previously Condition No. 2 of R-80-1003, Petition 80-73, and Condition E.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall contribute the pro-rata share for the construction at the intersection of Old Clint Moore Road and Military Trail a right turn lane, north approach. Previously Condition No. 3 of R-80-1003, Petition 80-73, and Condition E.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall extend on Old Clint Moore Road the left turn lane, west approach, as approved by the County Engineer. Previously Condition No. 4 of R-80-1003, Petition 80-73, and Condition E.4. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall contribute the pro-rata share for the cost of signalization of:

- a. Old Clint Moore Road and Military Trail
- b. Clint Moore Road and Military Trail
- c. Clint Moore Road and S.R. 7 when warranted, as determined by the County Engineer. Previously Condition No. 6 of R-80-1003, Petition 80-73, and Condition E.6. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Are hereby deleted.

2. Petitioner shall contribute the pro-rata share for the construction at the intersection of Clint Moore Road and S.R. 7 a left turn lane, north approach. Previously Condition No. 5 of R-80-1003, Petition 80-73, and Condition E.6. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
3. Petitioner shall contribute One Hundred Fifty-eight Thousand, Nine Hundred Twenty-five Dollars (\$158,925.00) or Two Hundred Forty-eight Dollars (\$248.00)/dwelling units toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). Previously Condition No. 7 of R-80-1003, Petition 80-73, and Condition E.7. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING-Impact Fee Coordinator)
4. This development shall retain on-site the first one inch of stormwater runoff per the Palm Beach County Subdivision and Platting Ordinance No. 73-4, as amended. Previously Condition No. 3 of R-84-1287, Petition 80-73(A), and Condition E.8. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
5. The property owner shall convey for the ultimate right-of-way of Jog Road, 60 feet from centerline, within ninety (90) days of approval. Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit. Previously Condition No. 4 of R-84-1287, Petition 80-73(A), and Condition E.9. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING/BUILDING-Engineering)
6. The Developer shall pay a fair share fee in the amount and manner required by "The Fair Share Contribution for Roadway Improvements Ordinance" as it presently exists, or as it may, from time to time, be amended. Presently, the Fair Share Fee for this project is \$31,400.00 (\$200.00 per dwelling unit).

In addition, based upon the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$128,600.00 toward Palm Beach County's existing Roadway Improvement Program. Payment

shall be in the form of a clean, irrevocable letter of credit in favor of Palm Beach County posted within two (2) months of Special Exception approval by the Board of County Commissioners. Said funds shall be used to construct roadway improvements in the area, including Military Trail from Clint Moore Road to Linton Boulevard. If the Fair Share Contribution for Roadway Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited toward the increase Fair Share Fee. Previously Condition No. 5 of R-84-1287, Petition 80-73(A), and Condition E.10. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (IMPACT FEE COORDINATOR-Engineering)

7. The petitioner shall accept the runoff of the adjacent roads (Jog Road and Clint Moore Road) through this development's internal lake system, and, the design of such drainage plan shall be subject to all applicable government standards. Previously Condition No. 6 of R-84-1287, Petition 80-73(A), and Condition E.11. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
8. Condition E.12. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, (previously Condition 7 of R-84-1287, Petition 80-73(A)), which states:

The developer shall construct concurrent with the improvements constructed during the first plat:

- a. Left turn lane, east approach, on Clint Moore Road at Lyons Road.
- b. Right turn lane, south approach, on Lyons Road at Clint Moore Road.

Is hereby deleted.

9. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive out fall to accommodate the runoff of Jog Road and Clint Moore Road along the property boundary lines along Clint Moore Road and Jog Road. 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. Previously Condition No. 4 of R-86-456, Petition 80-73(B), and Condition E.13. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
10. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately

maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition No. 6 of R-90-1299, Petition 80-73(F), and Condition E.14. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING/CODE ENFORCEMENT)

11. The 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 presently is \$1,650.00 per approved single family dwelling unit. Previously Condition No. 7 of R-90-1299, Petition 80-73(F), and Condition E.15. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (IMPACT FEE COORDINATOR)
12. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. Previously Condition No. 9 of R-90-1299, Petition 80-73(F), and Condition E.16. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
13. Condition E.17. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, and previously Condition No. 10 of R-90-1299, Petition 80-73(F), which states:

The construction access to Pods "O" and "P" shall be permitted on Old Clint Moore Road for a maximum period of three (3) years from the time of issuance of Land Development permits.

Is hereby amended to read:

Access to Pods "O" and "P" shall be permitted on Old Clint Moore Road for construction purposes for a maximum period of three (3) years from the time of issuance of Land Development permits. This area shall be attended by a security guard from 7:00 a.m. to 5:00 p.m.

14. No cross access shall be permitted between Pods P and I of the development. Previously Condition No. 15 of R-90-1299, Petition 80-73(F), and Condition E.18. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (CODE ENFORCEMENT)
15. Prior to site plan approval by the Site Plan Review Committee the property owner shall file a Restrictive Covenant on the site limiting the use of the proposed administrative offices to the exclusive use of a real estate office. Previously Condition E.19. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING/County Attorney)
16. Prior to master plan and/or site plan certification, the petitioner shall apply for and obtain a revision to the South Florida Water Management District permit for the overall drainage system. Previously Condition E.20. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)

17. Prior to issuance of a building permit or extension of permits to the existing structure in the commercial tract, the petitioner shall replat the golf course and commercial tract in accordance with all Palm Beach County requirements in effect at the time. Previously Condition E.21. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
18. The property owner shall fund any required signal modifications in conjunction with roadway improvements at the intersection of Old Clint Moore Road and Jog Road. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. (ENGINEERING)

F. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Management District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. Previously Condition F.1. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (LWDD-Zoning)

G. LANDSCAPE WITHIN THE MEDIAN

1. No later than 90 days after award or issuance of a construction contract by Palm Beach County for the widening of Clint Moore Road to a 4 lane median divided section, 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 consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
- b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. Previously Condition G.1. of Petition 80-73 (H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING/BUILDING)

H. CIVIC SITE

1. Condition No. 11 of R-80-1003, Petition 80-73, which stated:

Within 30 months from the date of filing the first plat, the petitioner must dedicate the civic site to Palm Beach County, without cost, within ninety (90) days of the filing of the first plat.

Was deleted by Condition H.1. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

2. The petitioner may exchange the required on-site dedication of land for civic uses either for; 1] a parcel of land off site, acceptable to the county, equal in acreage; or 2] cash of equal value. The value of the site shall be determined by appraisal, acceptable to the county based upon its value as a civic site. This off site acreage or cash contribution shall be used to offset the identifiable impacts directly attributable to this project.

In the event that the off site land dedication is of less cash value than the on-site dedication, the petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications.

The off-site land or cash contribution shall be coordinated and accepted by the Palm Beach County Department of Real Property Management and shall be approved by the Board of County Commissioners. Once this approval is obtained the petitioner shall be deemed to have satisfied the intent of the Zoning Code, Section 500.21.H (Minimum Land Area Requirements). Previously Condition No. 2 of R-89-1080, Petition 80-73(C), and Condition H.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (PREM)

3. Future Board of County Commissioner's approval shall be required to change the land use designation of the civic tract. Previously Condition No. 3 of R-89-1080, Petition 80-73(C), and Condition H.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (PREM)
4. The petitioner may exchange the required on-site dedication of land for civic uses either by conveying fee simple title for a parcel of land off-site equal in acreage (14.0 acres minimum) or cash of equal value. In addition, in the event that the off-site land dedication

is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the land shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petition shall be deemed to have satisfied the intent of Zoning Code Section 500.21.X.

The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to master plan certification. This agreement shall be clearly noted by the applicant on the approved master plan.

The Petitioner shall have finalized the cash in lieu of land transaction prior to September 1, 1990. Previously Condition No. 3 of R-90-1299, Petition 80-73(F), and Condition H.4. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING/PREM)

I. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. Previously Condition I.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING/CODE ENFORCEMENT)

J. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. Previously Condition No. 9 of R-84-1287, Petition 80-73(A), and Condition J.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ERM)

2. Condition No. 2 of R-86-456, Petition 80-73(B), which stated:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Was deleted by Condition J.2. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

3. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification. Previously Condition J.3. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (ERM)

K. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously Condition No. 4 of R-90-1299, Petition 80-73(F), and Condition K.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (HEALTH/BUILDING)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition No. 5 of R-90-1299, Petition 80-73(F), and Condition K.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (HEALTH/BUILDING)

L. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. Previously Condition L.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (UTILITIES)

M. LAKE WORTH DRAINAGE DISTRICT

1. Condition M.1. of Petition 80-73(H), previously Condition No. 10 of R-80-1003, Petition 80-73, approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

Within 30 months from the date of filing of the first plat: The Lake Worth Drainage District will require the North 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38. We will also require the West 45 feet of said Section 33 for the right-of-way for Equalizing Canal No. 2-E. We would also require the North 95 feet of the South 1/2 of said Section 33 for the required right-of-way for Lateral Canal No. 39. We would accept all rights-of-way by Quit Claim Deed or an Easement (on our form), whichever the owner prefers.

Is hereby deleted.

2. Condition M.2. of Petition 80-73(H), previously Condition No. 4 of R-89-1080, Petition 80-73(C), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

Prior to site plan approval, the Petitioner shall dedicate to the Lake Worth Drainage District the required north 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38; together with the west 45 feet of said Section 33 for right-of-way for Equalizing Canal No. 2-E; together with the north 95 feet of the south half (S 1/2) of said Section 33 for the required right-of-way for Lateral Canal No. 39, all by way of Quit Claim Deeds or Easement Deeds.

Is hereby deleted.

3. Condition M.3. of Petition 80-73(H), previously Condition No. 8 of R-90-1299, Petition 80-73(F), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

Prior to July 1, 1990, the property owner shall convey to the Lake Worth Drainage District the north 95 feet of the

west 660 feet of the southwest 1/4 of section 34, township 46, range 42 East for the required right-of-way for Lateral Canal No. 30, by Quit Claim Deed or an Easement Deed in the form provided by said District.

Is hereby deleted.

N. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. Previously Condition M.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING)
2. All trees required for the landscaping of the proposed entrance, as indicated on Exhibit A, shall be a minimum of fourteen (14) feet in height. (ZONING)
3. All shrubs or hedge material required for the landscaping of the proposed entrance, as indicated on Exhibit A, shall be:
 - a. A minimum of thirty-six (36) inches in height spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ZONING)

O. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets. Previously Condition O.1. of Petition 80-73 (H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (CODE ENFORCEMENT)

P. RECYCLE SOLID WASTE

1. Condition P.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products.

Is hereby amended to read:

All property owners 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)

Q. SCHOOL BOARD

1. Within 30 months from the date of filing of the first plat: Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to;

provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact. Previously Condition No. 9 of R-80-1003, Petition 80-73, and Condition Q.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING/SCHOOL BOARD)

2. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be updated on an annual basis. Previously Condition No. 14 of R-90-1299, Petition 80-73(F), and Condition Q.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (SCHOOL BOARD)

R. SIGNS

1. Signs fronting on Old Clint Moore Road shall be limited as follows:
 - a. Maximum sign height - six (6) feet, measured from finished grade to highest point.
 - b. Maximum total sign face area per side - forty-eight (48) square feet.
 - c. Maximum number of signs - one (1).
 - d. Style - monument style only. (BUILDING-Zoning)
2. Condition R.8. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

There shall be no additional signs permitted.

Is hereby amended to read:

There shall be no additional signs permitted, except as allowed by Condition R.1. above. (BUILDING-Zoning)

S. USE LIMITATIONS

1. Condition No. 8 of R-80-1003, Petition 80-73, which stated:

Within 30 months from the date of filing of the first plat: The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.

Was deleted by Condition R.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

2. Condition No. 8 of R-84-1287, Petition 80-73(A), which stated:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance neighboring properties.

Was deleted by Condition R.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

3. Condition No. 1 of R-86-456, Petition 80-73(B), which stated:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Was deleted by Condition R.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

4. Units within Pod "P" shall not exceed 2 stories in height and shall be single family detached unit types. Previously Condition No. 11 of R-90-1299, Petition 80-73 (F), and Condition R.4. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING-Zoning)

5. Condition No. 13 of R-90-1299, Petition 80-73(F), which stated:

Land Development activity shall not take place prior to 7:00 a.m. and shall be appropriately muffled.

Was amended by Condition R.5. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, to read:

Land Development activity, including deliveries and construction, shall not take place prior to 7:00 a.m. nor continue later than 5:00 p.m. and shall be appropriately muffled. (CODE ENFORCEMENT)

6. Use of the 1.2 acre commercial site northeast of the intersection of Claridge Oval West and Clint Moore Road is limited to 6000 square feet of real estate office use. Previously Condition R.6. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING)

7. The permitted uses on the subject site (Petition 80-73 (H)) shall be limited to the following:

- a. The general administrative offices of Jerome V. Ansel and of Realty, and their respective assignees or successors in interest.
- b. Real estate sales offices.
- c. The sale and servicing of property, casualty and life insurance.
- d. Title insurance offices.
- e. St. Andrews travel club service for the exclusive use and for benefit of St. Andrews residents only.
- f. Office related services such a fax, copying, Federal Express and "Mail box" type services for the exclusive use and for benefit of St. Andrews residents only. Previously Condition R.7. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING/BUILDING)

8. No access to the subject site (Petition 80-73 (H)) from Clint Moore Road shall be permitted. Previously Condition R.9. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING/ENGINEERING/BUILDING)
10. Ingress and egress to the PUD from Old Clint Moore Road shall be limited to the residents of Pods "O" and "P" and emergency vehicles only. The method of restrictive access shall be provided to the Zoning Division by the petitioner in writing, in a manner and form acceptable to the Zoning Director, prior to site plan certification of the Master Plan amendment. At a minimum, ingress and egress shall be restricted at this location through the use of electronic or mechanical devices. (ZONING/CODE ENFORCEMENT)
11. No vehicle stacking shall be permitted on Old Clint Moore Road beyond the southeast property line of the PUD. (CODE ENFORCEMENT-Zoning)

T. VEGETATION PRESERVATION

1. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction. Previously Condition No. 2 of R-84-1287, Petition 80-73(A), and Condition S.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING)

U. VEGETATION REMOVAL

1. All prohibited species shall be removed from site. Previously Condition No. 12 of R-90-1299, Petition 80-73(F), and Condition T.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING)

V. COMPLIANCE

1. Condition No. 5 of R-89-1080, Petition 80-73(C), which stated:

Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Was deleted by Condition U.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

2. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6 (Ordinance 73-2, as amended), 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - 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. Previously Condition U.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING)
3. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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. Previously Condition U.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING)
 4. The approval of this petition shall not affect any Unified Land Development Code (ULDC) review date established as the result of a previous approval for this property or future review and/or action in accordance with Section 5.8 of the ULDC. (MONITORING)

Petitioner: St. Andrews Property Owners Association
Owner: Same
Agent: David Carpenter
Telephone: (407) 686-9520

Property Location: The subject property is located on the north side of Clint Moore Road, approximately 1.3 miles west of Military Trail, in the Residential Transitional (RT) Zoning District.

Request: A Special Exception to amend the Master Plan for the St. Andrews Country Club Planned Unit Development (PUD) to add a second access point and a Modification of Commission Requirements (Condition No. 10, Resolution R-90-1299, Petition 80-73 (F), regarding access).

PETITION SUMMARY:

This petition was denied by the Board of County Commissioners (BCC) on January 30, 1992, and is back before the Board as the result of the decision by the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Case No. AP 92-2329 AY (Exhibit A). The minutes from the January 30th BCC public hearing are attached as Exhibit B.

The petition has been readvertised, surrounding property owners have been noticed of this public hearing and the petitioner has submitted supplemental information (Exhibit C), in accordance with direction received from the County Attorney's office (Exhibit D).

The second access point is proposed to be located on Old Clint Moore Road at the southeast corner of the project. The entry drive and guardhouse will be designed to allow entry and exit to the residents of Pods O and P and emergency vehicles only. Details of the configuration of the proposed access point and landscaping are attached as Exhibits E and F.

ISSUES SUMMARY:

The proposed access point is currently utilized for construction purposes. On February 22, 1990, the Board of County Commissioners approved an amendment to the Master Plan for the St. Andrews Country Club to permit residential development within Pods O and P (Petition No. 80-73 (F)). At that time access to the PUD was permitted from Old Clint Moore Road for construction purposes only for a period of 3 years from the commencement of development in Pods O and P (Condition 10 of R-90-1299, attached as Exhibit G).

The petitioner proposes to convert the construction access point on Old Clint Moore Road to a permanent entrance/exit. Conditions of approval limit use of the proposed access point to the residents of Pods O and P and emergency vehicles only. Pods O and P are currently approved for a total of 63 single family dwelling units.

Old Clint Moore Road is a County maintained road and a public right-of-way. Improvements to Old Clint Moore Road were completed in 1991. In addition, in January 1992, (new) Clint Moore Road was over capacity. An access point to the PUD at the proposed location may improve the distribution of vehicular traffic from the project. At the time this petition was denied it was determined that the amount of traffic onto (new) Clint Moore Road would decrease while the amount of traffic onto Old Clint Moore Road and Jog Road, which were not over capacity, would increase.

Issues raised by the residents of Boniello Acres, a residential subdivision adjacent to the east boundary of the PUD with access from Old Clint Moore Road, are presented in a letter to the Zoning Division attached as Exhibit H. A response by the petitioner is attached as Exhibit I.

TABULAR DATA:	Existing	Proposed +/-
Zoning	RT/PUD	Same
Total Acreage	758.2	Same
Dwelling Units	734	Same
Access	One point from Clint Moore Road	Second point from Old Clint Moore Road

STAFF RECOMMENDATION:

Staff recommends approval of the petition, subject to 72 conditions.

PREVIOUS ACTION BY THE BOARD OF COUNTY COMMISSIONERS: March 25, 1993

Motion to postpone the petition 30 days, carried 6 to 0.

PREVIOUS ACTION BY THE BOARD OF COUNTY COMMISSIONERS: January 30, 1992

Motion to deny the petition carried 3 to 2, Commissioner's Marcus and Foster voting no.

PREVIOUS ACTION BY THE PLANNING COMMISSION: January 2, 1992

Motion to recommend approval of the petition, subject to the conditions suggested by staff, carried 7 to 0.

Staff recommends the following conditions:

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified or deleted herein. All conditions are applicable to the entire project unless otherwise noted.

A. ALL PETITIONS

1. **Condition A.1. of Petition 80-73(H), which amended Condition No. 1 of R-90-1299, Petition 80-73(F), approved by the Board on July 30, 1992, resolution approved on March 16, 1993, which states:**

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, as amended, unless expressly modified.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance (Ordinance 73-2, as amended) and Unified Land Development Code Section 5.8 compliance, as amended, unless expressly modified. (MONITORING)

2. **Condition No. 1 of R-89-1080, Petition 80-73(C), which stated:**

The developer shall comply with all previous conditions of approval, unless expressly modified herein.

Was deleted by Condition A.2. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

3. **Condition No. 3 of R-86-456, Petition 80-73(B), which stated:**

The petitioner shall comply with all previously approved conditions of Petition 80-73 and 80-73(A) except as herein amended.

Was deleted by Condition A.3. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

4. **Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 157). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to the Development Review Committee Powers and Standards of Review or required by the conditions of approval contained herein.**
5. **The petitioner shall submit an application to the Development Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to October 1, 1993.**

B. AFFIDAVIT OF DISCLOSURE

1. Condition No. 5 of R-86-456, Petition 80-73(B), which stated:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Was deleted by Condition B.1. of Petition 80-7(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

C. BUILDING AND SITE DESIGN

1. Condition No. 1 of R-84-1287, Petition 80-73(A), which stated:

Prior to final approval by the Site Plan Review Committee, the proposed master plan shall be amended to show access and circulation routes in the area being added to the existing PUD.

Was deleted by Condition C.1. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.

2. Prior to Master Plan Certification, the Master Plan shall be revised to reflect exact dwelling unit counts for all tracts that have been previously site planned and/or platted. Previously Condition No. 6 of R-86-456, Petition 80-73(B), and Condition No. C.2. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (ZONING)

3. Condition No. 2 of R-90-1299, Petition 80-73(F), which stated:

The commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed 1.62 acres.

Was amended by Condition No. C.3. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993, to read:

In the event the appropriate variances are not granted by the Board of Adjustment for the 1.2 acre commercial parcel, the commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed 1.62 acres. (ZONING)

4. Prior to certification of the Master Plan, all improvements, structures, buildings, parking areas and landscaping on the subject site (Petition 80-73(H)) shall conform with all land development regulations, including, but not limited to, platting and setback requirements and all building requirements of Palm Beach County or meet the requirements for and obtain appropriate variance relief from the Board of Adjustment in accordance with the Unified Land Development Code. Previously Condition No. C.4. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (ZONING-Engineering)
5. Prior to August 1, 1994, the petitioner shall remove the temporary structure and construct a permanent structure in accordance with all requirements of Palm Beach County in effect at the time. Previously Condition No. C.5. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. Condition subject of petition 80-73(H) only. (MONITORING-Zoning)

6. Prior to master plan certification, the master plan shall be revised to reflect the following:

- a. All surrounding land uses.
- b. The proposed guardhouse for the proposed access point on Old Clint Moore Road.
- c. The proposed access width.
- d. Clarification of the pod boundaries for pods O and P.
- e. The landscaping details for the proposed entrance pursuant to the attached Entrance Gate Detail (Petition 80-739(G)). (Exhibit A) (ZONING)

D. CONCURRENCY

1. Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case #90-03-05-004X1) to reflect 6,000 Square Feet on 1.2 acres of commercial. Previously Condition No. D.1. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (PLANNING)

E. ENGINEERING

1. Conditions E.1., E.2., E.3., E.4. and E.5. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which currently state:

Within 30 months from the date of filing of the first plat the petitioner shall construct at the intersection of Old Clint Moore Road and the project's entrance:

- a. Right turn lane, north approach
- b. Left turn lane, north approach
- c. Right turn lane, east approach
- d. Left turn lane, west approach. Previously Condition No. 1 of R-80-1003, Petition 80-73, and Condition E.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall construct at the intersection of Clint Moore Road and S.R. 7, prior to the issuance of the final 50% Certificates of Occupancy:

- a. Right turn lane, south approach
- b. Right turn lane, east approach
- c. Left turn lane, east approach. Previously Condition No. 2 of R-80-1003, Petition 80-73, and Condition E.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall contribute the pro-rata share for the construction at the intersection of Old Clint Moore Road and Military Trail a right turn lane, north approach. Previously Condition No. 3 of R-80-1003, Petition 80-73, and Condition E.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall extend on Old Clint Moore Road the left turn lane, west approach, as approved by the County Engineer. Previously Condition No. 4 of R-80-1003, Petition 80-73, and Condition E.4. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Petitioner shall contribute the pro-rata share for the cost of signalization of:

- a. Old Clint Moore Road and Military Trail
- b. Clint Moore Road and Military Trail
- c. Clint Moore Road and S.R. 7 when warranted, as determined by the County Engineer. Previously Condition No. 6 of R-80-1003, Petition 80-73, and Condition E.6. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

Are hereby deleted.

2. Petitioner shall contribute the pro-rata share for the construction at the intersection of Clint Moore Road and S.R. 7 a left turn lane, north approach. Previously Condition No. 5 of R-80-1003, Petition 80-73, and Condition E.6. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
3. Petitioner shall contribute One Hundred Fifty-eight Thousand, Nine Hundred Twenty-five Dollars (\$158,925.00) or Two Hundred Forty-eight Dollars (\$248.00)/dwelling units toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). Previously Condition No. 7 of R-80-1003, Petition 80-73, and Condition E.7. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING-Impact Fee Coordinator)
4. This development shall retain on-site the first one inch of stormwater runoff per the Palm Beach County Subdivision and Platting Ordinance No. 73-4, as amended. Previously Condition No. 3 of R-84-1287, Petition 80-73(A), and Condition E.8. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
5. The property owner shall convey for the ultimate right-of-way of Jog Road, 60 feet from centerline, within ninety (90) days of approval. Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit. Previously Condition No. 4 of R-84-1287, Petition 80-73(A), and Condition E.9. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING/BUILDING-Engineering)
6. The Developer shall pay a fair share fee in the amount and manner required by "The Fair Share Contribution for Roadway Improvements Ordinance" as it presently exists, or as it may, from time to time, be amended. Presently, the Fair Share Fee for this project is \$31,400.00 (\$200.00 per dwelling unit).

In addition, based upon the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$128,600.00 toward Palm Beach

County's existing Roadway Improvement Program. Payment shall be in the form of a clean, irrevocable letter of credit in favor of Palm Beach County posted within two (2) months of Special Exception approval by the Board of County Commissioners. Said funds shall be used to construct roadway improvements in the area, including Military Trail from Clint Moore Road to Linton Boulevard. If the Fair Share Contribution for Roadway Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited toward the increase Fair Share Fee. Previously Condition No. 5 of R-84-1287, Petition 80-73(A), and Condition E.10. of Petition 80-73 (H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (IMPACT FEE COORDINATOR-Engineering)

7. The petitioner shall accept the runoff of the adjacent roads (Jog Road and Clint Moore Road) through this development's internal lake system, and, the design of such drainage plan shall be subject to all applicable government standards. Previously Condition No. 6 of R-84-1287, Petition 80-73(A), and Condition E.11. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
8. Condition E.12. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, (previously Condition 7 of R-84-1287, Petition 80-73(A)), which states:

The developer shall construct concurrent with the improvements constructed during the first plat:

- a. Left turn lane, east approach, on Clint Moore Road at Lyons Road.
- b. Right turn lane, south approach, on Lyons Road at Clint Moore Road.

Is hereby deleted.

9. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive out fall to accommodate the runoff of Jog Road and Clint Moore Road along the property boundary lines along Clint Moore Road and Jog Road. 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. Previously Condition No. 4 of R-86-456, Petition 80-73(B), and Condition E.13. of Petition 80-73 (H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
10. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable

condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition No. 6 of R-90-1299, Petition 80-73(F), and Condition E.14. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING/CODE ENFORCEMENT)

11. The 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 presently is \$1,650.00 per approved single family dwelling unit. Previously Condition No. 7 of R-90-1299, Petition 80-73(F), and Condition E.15. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (IMPACT FEE COORDINATOR)
12. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. Previously Condition No. 9 of R-90-1299, Petition 80-73(F), and Condition E.16. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
13. Condition E.17. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, and previously Condition No. 10 of R-90-1299, Petition 80-73(F), which states:

The construction access to Pods "O" and "P" shall be permitted on Old Clint Moore Road for a maximum period of three (3) years from the time of issuance of Land Development permits.

Is hereby amended to read:

Access to Pods "O" and "P" shall be permitted on Old Clint Moore Road for construction purposes for a maximum period of three (3) years from the time of issuance of Land Development permits. This area shall be attended by a security guard from 7:00 a.m. to 5:00 p.m.

14. No cross access shall be permitted between Pods P and I of the development. Previously Condition No. 15 of R-90-1299, Petition 80-73(F), and Condition E.18. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (CODE ENFORCEMENT)
15. Prior to site plan approval by the Site Plan Review Committee the property owner shall file a Restrictive Covenant on the site limiting the use of the proposed administrative offices to the exclusive use of a real estate office. Previously Condition E.19. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING/County Attorney)

16. Prior to master plan and/or site plan certification, the petitioner shall apply for and obtain a revision to the South Florida Water Management District permit for the overall drainage system. Previously Condition E.20. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING)
17. Prior to issuance of a building permit or extension of permits to the existing structure in the commercial tract, the petitioner shall replat the golf course and commercial tract in accordance with all Palm Beach County requirements in effect at the time. Previously Condition E.21. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.(ENGINEERING)
18. The property owner shall fund any required signal modifications in conjunction with roadway improvements at the intersection of Old Clint Moore Road and Jog Road. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. (ENGINEERING)

F. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Management District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. Previously Condition F.1. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (LWDD-Zoning)

G. LANDSCAPE WITHIN THE MEDIAN

1. No later than 90 days after award or issuance of a construction contract by Palm Beach County for the widening of Clint Moore Road to a 4 lane median divided section, 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 consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.

4. The petitioner may exchange the required on-site dedication of land for civic uses either by conveying fee simple title for a parcel of land off-site equal in acreage (14.0 acres minimum) or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the land shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petition shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H.

The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to master plan certification. This agreement shall be clearly noted by the applicant on the approved master plan.

The Petitioner shall have finalized the cash in lieu of land transaction prior to September 1, 1990. Previously Condition No. 3 of R-90-1299, Petition 80-73(F), and Condition H.4. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING/PREM)

I. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. Previously Condition I.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING/CODE ENFORCEMENT)

J. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. Previously Condition No. 9 of R-84-1287, Petition 80-73(A), and Condition J.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ERM)
2. Condition No. 2 of R-86-456, Petition 80-73(B), which stated:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Was deleted by Condition J.2. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993.
3. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification. Previously Condition J.3. of Petition 80-73(H), approved by the Board on July 30, 1992, resolution approved on March 16, 1993. (ERM)

K. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously Condition No. 4 of R-90-1299, Petition 80-71(F), and Condition K.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (HEALTH/BUILDING)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition No. 5 of R-90-1299, Petition 80-73(F), and Condition K.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (HEALTH/BUILDING)

L. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. Previously Condition L.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (UTILITIES)

M. LAKE WORTH DRAINAGE DISTRICT

1. Condition M.1. of Petition 80-73(H), previously Condition No. 10 of R-80-1003, Petition 80-73, approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

Within 30 months from the date of filing of the first plat: The Lake Worth Drainage District will require the North 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38. We will also require the West 45 feet of said Section 33 for the right-of-way for Equalizing Canal No. 2-E. We would also require the North 95 feet of the South 1/2 of said Section 33 for the required right-of-way for Lateral Canal No. 39. We would accept all rights-of-way by Quit Claim Deed or an Easement (on our form), whichever the owner prefers.

Is hereby deleted.

2. Condition M.2. of Petition 80-73(H), previously Condition No. 4 of R-89-1080, Petition 80-73(C), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

Prior to site plan approval, the Petitioner shall dedicate to the Lake Worth Drainage District the required north 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38; together with the west 45 feet of said Section 33 for right-of-way for Equalizing Canal No. 2-E; together with the north 95 feet of the south half (S 1/2) of said Section 33 for the required right-of-way for Lateral Canal No. 39, all by way of Quit Claim Deeds or Easement Deeds.

Is hereby deleted.

3. Condition M.3. of Petition 80-73(H), previously Condition No. 8 of R-90-1299, Petition 80-73(F), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

Prior to July 1, 1990, the property owner shall convey to the Lake Worth Drainage District the north 95 feet of the west 660 feet of the southwest 1/4 of section 34, township 46, range 42 East for the required right-of-way for Lateral Canal No. 30, by Quit Claim Deed or an Easement Deed in the form provided by said District.

Is hereby deleted.

N. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. Previously Condition M.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING)
2. All trees required for the landscaping of the proposed entrance, as indicated on Exhibit A, shall be a minimum of fourteen (14) feet in height. (ZONING)
3. All shrubs or hedge material required for the landscaping of the proposed entrance, as indicated on Exhibit A, shall be:
 - a. A minimum of thirty-six (36) inches in height spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ZONING)

O. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets. Previously Condition O.1. of Petition 80-73 (H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (CODE ENFORCEMENT)

P. RECYCLE SOLID WASTE

1. Condition P.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products.

Is hereby amended to read:

All property owners 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)

Q. SCHOOL BOARD

1. Within 30 months from the date of filing of the first plat: Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact. Previously Condition No. 9 of R-80-1003, Petition 80-73, and Condition Q.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ENGINEERING/SCHOOL BOARD)
2. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be updated on an annual basis. Previously Condition No. 14 of R-90-1299, Petition 80-73(F), and Condition Q.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (SCHOOL BOARD)

R. SIGNS

1. Signs fronting on Old Clint Moore Road shall be limited as follows:
 - a. Maximum sign height - six (6) feet, measured from finished grade to highest point.
 - b. Maximum total sign face area per side - forty-eight (48) square feet.
 - c. Maximum number of signs - one (1).
 - d. Style - monument style only. (BUILDING-Zoning)
2. Condition R.8. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, which states:

There shall be no additional signs permitted.

Is hereby amended to read:

There shall be no additional signs permitted, except as allowed by Condition R.1. above. (BUILDING-Zoning)

S. USE LIMITATIONS

1. Condition No. 8 of R-80-1003, Petition 80-73, which stated:

Within 30 months from the date of filing of the first plat: The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.

Was deleted by Condition R.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

2. Condition No. 8 of R-84-1287, Petition 80-73(A), which stated:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance neighboring properties.

Was deleted by Condition R.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

3. Condition No. 1 of R-86-456, Petition 80-73(B), which stated:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Was deleted by Condition R.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

4. Units within Pod "P" shall not exceed 2 stories in height and shall be single family detached unit types. Previously Condition No. 11 of R-90-1299, Petition 80-73 (F), and Condition R.4. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING-Zoning)

5. Condition No. 13 of R-90-1299, Petition 80-73(F), which stated:

Land Development activity shall not take place prior to 7:00 a.m. and shall be appropriately muffled.

Was amended by Condition R.5. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993, to read:

Land Development activity, including deliveries and construction, shall not take place prior to 7:00 a.m. nor continue later than 5:00 p.m. and shall be appropriately muffled. (CODE ENFORCEMENT)

6. Use of the 1.2 acre commercial site northeast of the intersection of Claridge Oval West and Clint Moore Road is limited to 6000 square feet of real estate office use. Previously Condition R.6. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (BUILDING)

7. The permitted uses on the subject site (Petition 80-73 (H)) shall be limited to the following:

- a. The general administrative offices of Jerome V. Ansel and of Realty, and their respective assignees or successors in interest.
- b. Real estate sales offices.
- c. The sale and servicing of property, casualty and life insurance.

- d. Title insurance offices.
 - e. St. Andrews travel club service for the exclusive use and for benefit of St. Andrews residents only.
 - f. Office related services such a fax, copying, Federal Express and "Mail box" type services for the exclusive use and for benefit of St. Andrews residents only. Previously Condition R.7. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING/BUILDING)
8. No access to the subject site (Petition 80-73 (H)) from Clint Moore Road shall be permitted. Previously Condition R.9. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING/ENGINEERING/BUILDING)
10. Ingress and egress to the PUD from Old Clint Moore Road shall be limited to the residents of Pods "O" and "P" and emergency vehicles only. The method of restrictive access shall be provided to the Zoning Division by the petitioner in writing, in a manner and form acceptable to the Zoning Director, prior to site plan certification of the Master Plan amendment. At a minimum, ingress and egress shall be restricted at this location through the use of electronic or mechanical devices. (ZONING/CODE ENFORCEMENT)
11. No vehicle stacking shall be permitted on Old Clint Moore Road beyond the southeast property line of the PUD. (CODE ENFORCEMENT-Zoning)

T. VEGETATION PRESERVATION

- 1. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporated said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction. Previously Condition No. 2 of R-84-1287, Petition 80-73(A), and Condition S.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING)

U. VEGETATION REMOVAL

- 1. All prohibited species shall be removed from site. Previously Condition No. 12 of R-90-1299, Petition 80-73(F), and Condition T.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (ZONING)

V. COMPLIANCE

- 1. Condition No. 5 of R-89-1080, Petition 80-73(C), which stated:

Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Was deleted by Condition U.1. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993.

2. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6 (Ordinance 73-2, as amended), 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - 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. Previously Condition U.2. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING)
3. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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. Previously Condition U.3. of Petition 80-73(H), approved by the Board of County Commissioners on July 30, 1992, resolution approved on March 16, 1993. (MONITORING)
4. The approval of this petition shall not affect any Unified Land Development Code (ULDC) review date established as the result of a previous approval for this property or future review and/or action in accordance with Section 5.8 of the ULDC. (MONITORING)

STAFF REVIEW AND ANALYSIS

COMPREHENSIVE PLAN COMPATIBILITY #80-73(G)

PLANNING COMMENTS

LAND USE PLAN DESIGNATION: Low Residential 1 (LR1)

Underlying Land Use: None

CONSISTENCY WITH LAND USE PLAN DESIGNATION: The Planning Division has reviewed the petition and determined that the proposed amendment to the master plan to add an access point is consistent with this parcel's Residential Land Use designation.

COMPATIBILITY WITH SURROUNDING LAND USES: The proposed access point is compatible with the surrounding land uses.

CONCURRENCY: This site has a Concurrency Exemption for 193 dwelling units. The Certificate for Case Number 90-03-05-004 E will expire April 27, 1992. The Concurrency Equivalency has been made and shows that the reservation of additional traffic capacity is not required.

URBAN SERVICE AREA: The subject property is within the Urban Service Area.

INTERGOVERNMENTAL COORDINATION: The City of Boca Raton has been notified. No comments have been received to date.

FUTURE ANNEXATION AREAS: The subject site is within the City of Boca Raton future annexation area.

SPECIAL OVERLAY DISTRICT: None.

MANDATORY PERFORMANCE STANDARDS

1. **WATER SERVICE:** The Palm Beach County Utility Department and the Public Health Unit have reviewed the petition and determined that water service will be provided by Palm Beach County Utilities.
2. **SEWER SERVICE:** The Palm Beach County Utility Department and the Public Health Unit have reviewed the petition and determined that sewer service will be provided by Palm Beach County Utilities.
3. **MAJOR THOROUGHFARES:** The Engineering Department has reviewed the petition and determined:
 - a. This proposal is in compliance with Palm Beach County's 1990 Traffic Performance Ordinance. The total amount of external traffic for the PUD does not change. There are, however, directional changes in traffic distribution in the area.

TRAFFIC:	Old Clint Moore Road	New Clint Moore Road
SEGMENT:	Jog Road- Boniello Entrance	Jog Road- Florida Turnpike
PRESENT:	290	16,046
HISTORICAL GROWTH TRAFFIC: OTHER DEVELOPMENT TRAFFIC:	-	-
FROM PETITION:	630	6,820
TOTAL:	920	22,866
PRESENT CAPACITY AT LEVEL AS SERVICE "D":	13,100	13,000
PRESENT LANEAGE:	2 Lane	2 Lane
EXISTING LEVEL OF SERVICE:	A	E
PROPOSED LEVEL OF SERVICE:	A	E

b. Land Development Evaluation & Palm Beach County Subdivision & Platting Requirements: N/A

c. Engineering Department comments (January 1992):

The proposed secondary access onto Old Clint Moore Road provides for a better traffic distribution from the PUD. The amount of traffic onto New Clint Moore Road which is currently over capacity will decrease while the amount of traffic onto Old Clint Moore Road and Jog Road which are not over capacity will increase.

d. Engineering Department comments (current):

No further comments - It should be noted the 1992 ADT volume on Clint Moore Road between the Florida Turnpike and Powerline Road is 13,779 vehicles/day.

4. ENVIRONMENTAL IMPACTS:

- a. PALM BEACH COUNTY HEALTH DEPARTMENT COMMENTS: None.
- b. DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS: The site is located within Wellfield Protection Zones 1, 2, 3 and 4. Exfiltration trenches are prohibited within zones 1 and 2.
- c. VEGETATION PROTECTION: No significant native vegetation exists within the area of the proposed access point.

=====

OTHER CONSIDERATIONS

- 1. FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.
- 2. DRAINAGE:
 - a. Drainage District Confirmation: The letter of drainage district confirmation has been received from the Lake Worth Drainage District.
 - b. On-Site Provisions: Drainage will be accomplished by incorporating the runoff from this improvement into the drainage and lake systems currently in place in the development. This access road will have no impact on the retention capabilities of the development.
 - c. Flood Hazards: Zone B - Minimal flood hazards are anticipated.

3. **SCHOOL IMPACTS:** The School Board has reviewed the petition and confirmed that no significant impact on the County school system is anticipated.
4. **PARKS AND RECREATION:** N/A.
5. **NOISE IMPACTS:** No significant noise impacts are anticipated.

ZONING EVALUATION

SITE FACTORS: A 758.2 acre site with approximately 6,025 feet of frontage along Clint Moore Road and 5,309 feet of depth along the Florida Turnpike. The site currently supports the St. Andrews Country Club PUD, which is approximately 85% complete.

ADJACENT LAND USES:

NORTH: Comprehensive Plan: LR 3 and Park
 Zoning District: RTS/SE, AR and PO
 Supporting: Gleneagles PUD and park

SOUTH: Comprehensive Plan: City of Boca Raton
 Zoning District: City of Boca Raton
 Supporting: Residential Development

EAST: Comprehensive Plan: LR1 and LR3
 Zoning District: RE, RE/SE and RTS/SE
 Supporting: Residential, Boniello Acres and Newport Bay Club PUD

WEST: Comprehensive Plan: U/T Utilities/Transportation
 Zoning District: AR
 Supporting: Florida Turnpike

SURROUNDING LAND USES

The project is generally surrounded with residential developments and vacant/undeveloped land.

ZONING CODE REQUIREMENTS

The project as designed meets minimum Code requirements.

PROJECT HISTORY:

Petition No. 80-73: Rezoned to RE and received Special Exception approval for Planned Unit Development

80-73(A): Rezoned to RT and to expand and amend the master plan

80-73(B): Amended master plan and deleted 100 acres

80-73(C): Modification of Commission requirements

80-73(D): Request withdrawn

80-73(E): Request withdrawn

80-73(F): Rezoned to RT and amended the master plan by increasing the land area, increasing and transferring density, and relocating and reducing the land area of civic site

PROJECT DESIGN\ANALYSIS:

The St. Andrews Country Club PUD is approximately 80% built-out, with 589 of the 734 approved single family homes constructed. Of the 145 homes not yet constructed, 63 will be in Pods O and P; 82 units will be scattered around the development. Pods O and P have been platted and the roads, lakes, water and sewer systems have been completed. Buildout is assumed to be in mid-1992.

New Clint Moore Road was completed in 1990 and improvements were made to Old Clint Moore Road last year. Most planned unit developments already have more than one access point; this one will have two if the request is approved. The road improvements and the second access point will improve the traffic distribution for the project and those nearby.

RECOMMENDATION:

If the conditions of approval are found to mitigate all issues and concerns, staff recommends approval of the petition.

=====

RECOMMENDED FINDINGS OF FACT

This request is consistent with the Palm Beach County Comprehensive Plan; Zoning Code (Ordinance 73-2, as amended) Sections 402.1 (Planning Commission); 402.2 (Authority, functions, powers, and duties) and 402.5 (Board of County Commissioners-Zoning Authority).

This Special Exception request is consistent with Zoning Code Sections 102 (Legislative intent); 200.2 (Definitions); 401.1 (District boundary changes (rezoning)); 401.2 (Special exceptions); 401.5 (Modification of commission requirements, commission approvals, and approved master plans); 500.21 (Planned Unit Developments) and with all other land use and property development regulations of the Zoning Code (Ordinance 73-2, as amended).

- =====
- EXHIBITS:**
- A. Decision of the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Case No. AP 92-2329 AY.
 - B. Minutes from January 30, 1992, BCC public hearing.
 - C. Supplemental information submitted by petitioner.
 - D. Memorandum from Bob Banks, Assistant County Attorney, to Roxaine Manning, Zoning Director, dated February 10, 1993.
 - E. Proposed Entrance Design
 - F. Entrance Gate Detail
 - G. Resolution No. R-90-1299
 - H. Letter and petition with signatures from R. Keller, President of Boniello Homeowners Association, Inc., to J. Haro, Zoning Division, dated 12/20/91.
 - I. Response by the petitioner to Exhibit H, dated January 27, 1991, addressed to the Board of County Commissioners.

EXHIBIT A

As a result of the County's change in position, the Petitioner was afforded inadequate notice and was, therefore, ill-prepared to demonstrate the requisite change in circumstances which would justify the modification of a condition contained in a special exception. Accordingly, we grant the petition for writ of certiorari and remand the matter back to the County to conduct a de novo review of Petitioner's application upon proper notice.

Petition granted, order quashed, remanded.

OFTEDAL, BURK and HOY, JJ., concur.



FALM BEACH COUNTY — STATE OF FLORIDA
I hereby certify that the
foregoing is a true and correct copy

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL)

CASE NO. AP 92-2329 AY

ST. ANDREWS PROPERTY OWNERS
ASSOCIATION,

Petitioner,

vs.

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA.

Respondent.

FILED
93 FEB -8 AM 10:41
DOUGLAS H. WILKIN
CLERK CIR. & CO. CLS.
PALM BEACH CO., FL.

Opinion filed February 8, 1993.

Petition for Writ of Certiorari
seeking review of a decision
of the Board of County Commissioners
sitting as the Zoning Authority.

Steven A. Myans and John
Eubanks, of Moyle, Flanigan,
et al., West Palm Beach,
for Petitioner.

Robert P. Banks, Assistant County
Attorney, for Respondent.

Lawrence J. Markell, Boca Raton,
for Respondent - Amicus Curiae,
Boniello Acres.

PER CURIAM.

Petitioner St. Andrews Property Owners' Association
submitted an application for a special exception to allow an
additional entrance to the St. Andrews property. Up until the
final hearing all parties considered the application as a
request for a special exception. At the final hearing, however,
the county, for the first time, treated the application as a
request to modify a condition of a special exception.

1354 198

R 93 555¹⁸⁰

dica

DAVID L. CARPENTER & ASSOC.

March 10, 1993

Bill Whiteford, Senior Site Planner
Palm Beach County Zoning
3400 Belvedere Road
West Palm Beach, Florida
33406

RE: Petition #80-73 (G)
Changes in Circumstances
between 11/27/89 when petition
request #80-73(F) was submitted,
thru 1/30/92 when request for
residential access was denied
by the Board of County Commissioners

Dear Bill,

Please enter into evidence the following ~~Changes in Circumstances~~ that led to the request to the Palm Beach County Board of County Commissioners for an access point in addition to the single access point we currently show on our approved Master Plan.

These Changes in Circumstances occurred between November 27, 1989 when we applied for Zoning approval and received permission to use Old Clint Moore Road as a temporary construction entrance under Petition # 80-73 (F), and January 30, 1992 when we were denied access to Old Clint Moore Road under Petition # 80-73 (G).

1) At the time of our application under Petition #80-73 (F) in November, 1989, our main objective was to annex the 40 acres to our east making it a part of St. Andrews Country Club and to buy back the Civic Tract from the County. We did not request an additional residential access point at that time as it was not part of our overall plan for the development. We only asked for a temporary construction access commonly enjoyed by all developments to give access to heavy land moving and construction equipment.

The circumstances changed when the area was annexed and improvements to the land were installed, it was then that the property owner's association realized that a secondary access was necessary for emergency and secondary access to the community.

2) At the time of our application under Petition #80-73 (F) in November of 1989, Old Clint Moore Road was a outdated roadway, approximately 2' from the edge of a canal, badly worn, full of potholes and washouts, in generally poor condition, generally considered a dangerous roadway.

Circumstances changes when the improvements were finally visualized by the community and they realized that the improvements to the tune of approximately \$300,000. of taxpayer monies were far more substantial than they ever envisioned.

Instead of applying a top coat to the battered roadway in its existing location, which was a safety hazard, the road was relocated with new paving surface and sub-base approximately 20' from the canal making it safer and in effect, a new roadway. In addition to this, a guardrail was added along the entire length that was not present when the roadway was 2' from the bank, substantially adding to the safety of motorists using it. A sidewalk was also added on the north side of the roadway to the St. Andrews property. A sidewalk was never present along the old roadway which now made it accessible for people to walk to nearby attractions and commercial locations. These roadway improvements were accepted as complete by Palm Beach County on 11/14/90, one year after our initial application.

3) At the time of our initial application, ~~traffic Present on Clint Moore Road was 14,787 trips per day with Total traffic at 14,977.~~ (see Palm Beach County staff report for petition #80-73(F) dated February, 1990 attached)

Circumstances changes during the next months with traffic patterns substantially increasing on Clint Moore Road from 14,787 Present trips to 16,046 Present trips. Traffic counts increased from 14,977

Total trips to 22,866 Total trips. (see Palm Beach County staff report for petition #80-73(G) dated January, 1992 attached)
This substantial change in traffic made the community ever more aware of the need for a secondary access.

4) At the time of our application under petition #80-73(F), St. Andrews Country Club was built out to approximately 500 single family homes.

Circumstances changed due to the acreage added under petition #80-73(F) bringing the total number of potential homesites to 734. During the next 18 months, when the number of homes reached approximately 650 and traffic was noticeably increased, the residents realized they should have an additional access to the community for the additional acreage that was added to the development and for emergencies and applied for it under petition #80-73(G).

5) At the time of our application under petition #80-73(F) we thought the community would be better served by one access point, thereby limiting the access to one entrance for security purposes.

Changing Circumstances since that time regarding security concerns have been outweighed by the need for a second access point. Also the realization that every other community the size of St. Andrews has two, if not more, entrance locations.

Events at our only entrance and exit location, the most dramatic being a roofing truck on fire with acetylene gas tanks on board, closed our entrance for a substantial period of time. During this time there was no way in or out of the community, for emergencies or any other purposes.

6) At the time of our initial application on 11/27/89 under petition #80-73(F) when the County talked of abandoning Old Clint Moore Road, we expected the improvements to the road to be reduced from what was initially planned when the roadway was designed to serve the forty acres now annexed by St. Andrews.

Changes in circumstances occurred when the improvements were accepted by Palm Beach County on 11/14/90 at taxpayers expense of approximately \$300,000. made it apparent to us that the road should, and was going to, remain public.

This full blown design of a public roadway with design capability to serve 13,700 trips under Palm Beach County's Traffic Performance Standards Ordinance now served 20 single family homes with a future possibility of 29 total lots in the Boniello PUD. This leaves a capacity for 13,310 trips on the roadway. With the increased public interest in the roadway shown by the approval of approximately \$300,000. in improvements with public funds, we made application under petition #80-73(G) to use 630 of the available 13,310 trips associated with our proposed second entrance.

STAFF REVIEW AND ANALYSIS

COMPREHENSIVE PLAN COMPATIBILITY

LAND USE PLAN DESIGNATION: Low Residential 1. (LR 1)

Underlying Land Use: None.

CONSISTENCY WITH LAND USE PLAN DESIGNATION: The request has met the minimum Comprehensive Plan threshold requirements for zoning certification. A finding of fact, however, must be made that all mandatory performance standards have been satisfied in order for the request to be considered consistent with the Comprehensive Plan.

PLANNING COMMENTS: The Low Residential 1 (LR 1) land use allows a maximum of 1 dwelling unit per acre and has no minimum density requirement. This proposal has a density of 0.97 dwelling units per acre, therefore, the request is consistent with the use, intensity and density provision of the Comprehensive Plan.

URBAN SERVICE AREA: The subject property is within the Urban Service Area.

MANDATORY PERFORMANCE STANDARDS

1. WATER SERVICE: Water service will be provided by the Palm Beach County Utilities.
2. SEWER SERVICE: Sewer service will be provided by the Palm Beach County Utilities.
3. MAJOR THOROUGHFARES:
 - a. This proposal has been reviewed pursuant to the Palm Beach County Traffic Performance Code (Ordinance 87-18), Article V (Standard), Section J (Insignificant Project Standard). Total traffic from this project is 7,370 trips/day. Total traffic from the previous approval was 7,180 trips/day.

TRAFFIC:	Clint Moore Road
PRESENT:	14,787
FROM PETITION:	190 additional vehicle trips/day
TOTAL:	14,977
PRESENT CAPACITY AT LEVEL AS SERVICE "D":	13,100
PRESENT LANEAGE:	2 Lane
ADT AT BUILDOUT:	25,000
EXISTING LEVEL OF SERVICE:	D

- b. Zoning Evaluation & Palm Beach County Subdivision & Platting Requirements: New parcel within the planned unit development shall be platted in accordance with Palm Beach County's Subdivision and Platting Ordinance 73-4 as amended.

4. ENVIRONMENTAL IMPACTS:

- a. SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) COMMENTS: SFWMD has been notified. No comments have been received to date.
- b. PALM BEACH COUNTY HEALTH DEPARTMENT COMMENTS: None.

TRAFFIC:	Old Clint Moore Road	New Clint Moore Road
SEGMENT:	Jog Road- Boniella Entrance	Jog Road- Florida Turnpike
PRESENT:	290	16,046
HISTORICAL GROWTH TRAFFIC:	-	-
OTHER DEVELOPMENT TRAFFIC:	-	-
FROM PETITION:	630	6,920
TOTAL:	920	22,866
PRESENT CAPACITY AT LEVEL AS SERVICE "D":	13,100	13,000
PRESENT LANEAGE:	2 Lane	2 Lane
EXISTING LEVEL OF SERVICE:	A	E
PROPOSED LEVEL OF SERVICE:	A	E

- b. Land Development Evaluation & Palm Beach County
Subdivision & Platting Requirements: N/A

Engineering Department comments:

The new secondary access onto Old Clint Moore Road provides for a better traffic distribution from the PUD. The amount of traffic onto New Clint Moore Road which is currently over capacity will decrease while the amount of traffic onto Old Clint Moore Road and Jog Road which are not over capacity will increase.

4. ENVIRONMENTAL IMPACTS:

- a. PALM BEACH COUNTY HEALTH DEPARTMENT COMMENTS:

None.

- b. DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT
COMMENTS:

1. The site is located within Wellfield
Protection Zones 1, 2, 3 and 4. Exfiltration
trenches are prohibited within zones 1 and 2.

- c. VEGETATION PROTECTION: Not applicable.

OTHER CONSIDERATIONS

1. FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.
2. DRAINAGE:
 - a. Drainage District Confirmation: The letter of drainage district confirmation has been received from the Lake Worth Drainage District.
 - b. On-Site Provisions: Drainage will be accomplished by incorporating the runoff from this improvement into the drainage and lake systems currently in place in the development. This access road will have no impact on the retention capabilities of the development.
 - c. Flood Hazards: Zone B - Minimal flood hazards are anticipated.

Board of County Commissioners

Mary McCarty, Chair
Ken L. Foster, Vice Chairman
Karen T. Marcus
Carol A. Roberts
Warren H. Newell
Burt Aaronson
Maude Ford Lee

County Attorney

Joe Mount



DATE: February 10, 1993

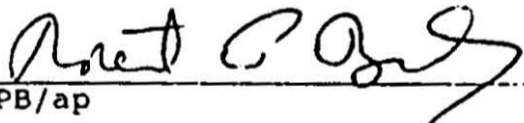
TO: Roxanne Manning
Zoning Director

FROM: Robert P. Banks
Assistant County Attorney

RE: St. Andrews Property Owners Association v. Board of
County Commissioners of Palm Beach County
Opinion of Circuit Court of February 8, 1993
Zoning Petition No. 80-73(6)
Resolution No. R-92-603

The Circuit Court in its appellate capacity has ordered the Board of County Commissioners to provide a new hearing to St. Andrews in the above-styled case in an opinion dated February 8, 1993. To comply with the Court's opinion, please schedule another hearing before the Board of County Commissioners at the next available opportunity. The surrounding property owners should receive notice of the hearing. St. Andrews should be provided the opportunity to present supplemental information to be incorporated into the report that goes to the BCC.

If you have any questions, please call me at 355-2542.


RPB/ap

cc: Gordon Selfridge, Assistant County Attorney
Bill Whiteford, Principal Site Planner

Attachment - Court Opinion

(manning)

BOOK 1354 PAGE 237

An Equal Opportunity - Affirmative Action Employer

R 93 555

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RESOLUTION NO. R-90-1299

RESOLUTION APPROVING ZONING PETITION NO. 80-73(F)
SPECIAL EXCEPTION PETITION OF
CITIZENS AND SOUTHERN TRUST COMPANY
BY DAVID L. CARPENTER, AGENT

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

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 80-73(F) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-73(F), the petition of CITIZENS AND SOUTHERN TRUST COMPANY, BY DAVID L. CARPENTER, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR ST. ANDREWS PLANNED UNIT DEVELOPMENT, INCREASE THE LAND AREA, INCREASE AND TRANSFER DENSITY, AND RELOCATE AND REDUCE THE LAND AREA OF THE CIVIC SITE on a parcel of land lying on Section 33, Township 46 South, Range 42 East, subject to a road right-of-way and easement over the South 45.00 feet, Deed Book 729, Page 498; TOGETHER WITH the Northwest 1/4 of Section 34, Township 46 South, Range 42 East, less and except the East 1688.84 feet, as measured at right angles, thereof. And, a parcel of land in said Section 34, the West 660.00 feet of the Southwest 1/4 less the South 825.00 feet; and the South 825.00 feet of the West 660.00 feet of the Southwest 1/4, less the South 60.00 feet for Clint Moore Road and being located on the south side of Lake Worth Drainage District Canal Number 38, bounded on the west by Florida's Turnpike, on the south by Clint Moore Road in a RT-Residential Transitional Zoning District, was approved on February 22, 1990, as advertised, subject to the following conditions:

Petition No. 80-73(F)

1. The petitioner shall comply with all previous conditions unless expressly modified herein.
2. The commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed 1.62 acres.
3. Condition No. 2 of Petition No. 80-73(C), which presently states:

"2. The petitioner may exchange the required on-site dedication of land for civic uses either for: 1) a parcel of land off site, acceptable to the county, equal in acreage; or 2) cash of equal value. The value of the site shall be determined by appraisal, acceptable to the county based upon its value as a civic site. This off site acreage or cash contribution shall be used to offset the identifiable impacts directly attributable to this project.

In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications.

The off-site land or cash contribution shall be coordinated and accepted by the Palm Beach County Department of Real Property Management and shall be approved by the Board of County Commissioners. Once this approval is obtained, the petitioner shall be deemed to have satisfied the intent of the Zoning Code, Section 500.21.H (Minimum Land Area Requirements)."

is hereby amended to read:

"The petitioner may exchange the required on-site dedication of land for civic uses either by conveying fee simple title for a parcel of land off-site equal in acreage (14.0 acres minimum) or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the land shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petition shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H.

The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to master plan certification. This agreement shall be clearly noted by the applicant on the approved master plan.

The Petitioner shall have finalized the cash in lieu of land transaction prior to September 1, 1990."

4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
7. The 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 presently is \$1,650.00 per approved single family dwelling unit.
8. Prior to July 1, 1990, the property owner shall convey to the Lake Worth Drainage District the north 95 feet of the west 660 feet of the southwest 1/4 of section 34, township 46, range 42 East for the required right-of-way for Lateral Canal No. 30, by Quit Claim Deed or an Easement Deed in the form provided by said District.
9. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
10. The construction access to Pods "O" and "P" shall be permitted on Old Clint Moore Road for a maximum period of three (3) years from the time of issuance of Land Development permits. ←
11. Units within Pod "P" shall not exceed 2 stories in height and shall be single family detached unit types.
12. All prohibited species shall be removed from site.
13. Land Development activity shall not take place prior to 7:00 a.m. and shall be appropriately muffled.
14. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be

Boniello Homeowners Association
c/o 17785 Boniello Drive
Boca Raton, Florida 33496

December 20, 1971

Planning, Zoning & Building Dept.
Attn: Ms. Julie Haro, Zoning Technician
Palm Beach County Zoning Division
3400 Belvedere Road
West Palm Beach, Florida 33406

Copy: County Commissioners

re: Petition No. 80-73(G)

Boniello Homeowners Association, the undersigned residents and affected individuals object to zoning proposal 80-73(G) for the following reasons;

1. Elimination of the use restrictions would forever prevent the Boniello subdivision from becoming a restricted access community.

For some time, Planning & Zoning and the County Commissioners have indicated the intent to abandon Old Clint Moore Road. This action has been taken except for the section of Old Clint Moore road affected by the proposal. Our Homeowners Association has often discussed the desirability of becoming a controlled access community and foresee that our community may wish to pursue that direction in the future. Removal of condition 10, which changes use from construction only to general use, and from 36 months time period to "forever", would prevent our community from ever pursuing that enhancement for our residence's.

2. A change of mind by St. Andrews should not result in an adverse affect on our community.

When the planning for New Clint Moore Road was reviewed with the public, there were options presented (and even preferred by the county) to provide two entrances from New Clint Moore Road to service the St. Andrews development. At those hearings, the St. Andrews Homeowners Association insisted that their community only wanted a single entrance. This position certainly influenced the fact that only one entrance was implemented.

To permit Old Clint Moore Road to be used as a general access to St. Andrews, all of such traffic would be directly in front of two Boniello Acres residences, one of which exits via a single turnout from the residence onto Old Clint Moore Road. The impact to this homeowner would be significant and could include the blocking of their residence driveway which is currently occurring when the temporary construction gate is closed.

Planning, Zoning & Building Dept., et al.

re: Petition No. 80-73(G)

3. Removal of the restriction would violate prior understandings between Boniello Acres Homeowners Association, Hasey Properties Inc., St. Andrews Homeowners Association (which agreed to the 36 months construction and closure restriction), County Commissioners' and the Planning and Zoning Board as established at prior zoning hearings.
4. Petition NO. 80-73(G) intentionally misleads its audience as to the actual use of the proposed access.

The petition requests "to allow this entrance location as a permanent entrance for Areas O & P and for emergency access to the entire community." This statement gives the impression that only origination and destination traffic for residences in Areas O & P could use this access point.

In fact, there are no means of ensuring that the requested entrance could be used by only Areas O & P. There are no internal check points between areas, exiting traffic certainly would not be stopped to determine origination for the intent of rerouting to the other exit, nor is it likely that incoming traffic would be asked their destination with the intent of rerouting to the other entrance. The result would be an entrance which would be used by any and all areas for services, delivery, construction, and residents (of which there are currently none in areas O & P).

This item also brings into question the basis for the traffic projections presented in the traffic study.

5. Traffic safety concerns for which we have seen no county study results.

a. Turnaround

There is no plan nor available space to provide adequate turnaround for traffic which is stacked at the proposed entrance. The Boniello residence driveway would be used for that purpose which places all individuals at that property at risk. It should be noted that a prior agreement by Hasey Properties Inc. to provide such a facility on their property prior to the construction gate was not done. Instead, minimal paving was constructed on county right-of-way not to T turnaround standards and is non functional.

b. Potential for severing access of emergency vehicles access to Boniello Acres residences.

Old Clint Moore road narrows to a minimal 2 lane road prior to the entrance to the development. Any accident sealing both lanes would sever access to all of our development as this is our only access point.

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un satisfactory in this document
when received.

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Planning, Zoning & Building Dept., et al.

re: Petition No. 80-73(G)

5c. Traffic entering from Old Clint Moore Road onto Jog/Powerline Road.

This intersection has been downgraded from an operating signal to a blinking caution for Jog/Powerline traffic and a blinking stop for Old Clint Moore Road traffic. The submitted traffic study projects over 300 percent increase to this intersection if this proposal is approved. Such an increase certainly increases the potential for accidents at this point.

d. Jog/Powerline left turn stacking for Old Clint Moore Road

Allowing Old Clint Moore Road as a general entrance to St. Andrews will result in exceeding the capability of the left turn stacking area from Jog/Powerline Road onto Old Clint Moore Road. A problem already exists in this area by the traffic using the left turn lane to enter the Bank which is immediately prior to the Old Clint Moore intersection. Bank traffic restricts this stacking lane to beyond the bank entrance.

6. Road use (and therefore traffic content and pattern) of a road which is an entrance/exit to a Boniello Acres residence, would be at the complete control of St. Andrews. Such control could result in service vehicles lining up on Old Clint Moore Road, parking directly in front of Boniello residences, blocking driveways and our development entrance without any viable corrective recourse available.

7. A second entrance is not needed to relieve St. Andrews existing entrance eastbound traffic congestion.

New Clint Moore Road is a major east west road with plans by the county to increase the width as needed to accommodate traffic requirements.

According to the Traffic Engineer who conducted the traffic count, the widening of New Clint Moore Road from the St. Andrews existing entrance to the Jog/Powerline intersection would solve the current congestion. He also indicated that this section was already approved for widening by the county.

Respectfully Yours



Robert G. Keller
President

BOOK 1354 PAGE 245

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Planning, Zoning & Building Dept., et al.

re: Petition No. 80-73(G)

Name	Address	Signature
Sandra Knight	17635 Boniello Dr 33746	Sandra Knight
John Knight	17535 Boniello Dr	John Knight
Alan Hower	17703 Boniello Dr.	Alan Hower
JEANNE HOWER	17703 BONIELLO DR.	Jeanne Hower
Fony Falano	17833 Boniello Dr.	Fony Falano
Anna Falano	17833 Boniello Dr.	Anna Falano
YVES CLERC	17832 Boniello Dr.	Yves Clerc
JOSIE CLERC	17832 Boniello Dr.	Josie Clerc
May Petrlicch	17632 Boniello Dr.	May Petrlicch
ROD PETRILICCH	17632 Boniello Dr.	Rod Petrlicch
Janie Feenan	17881 Boniello Dr.	Janie Feenan
George Widman	12857 Boniello Dr.	George Widman
Ray Widman	17857 Boniello Dr.	Ray Widman
DAVID BLECHMAN	17784 Boniello Dr.	David Blechman
BETSY BLECHMAN	17784 Boniello Dr.	Betsy Blechman
NICHOLAS S. NICKOLAS	6851 Oakleaf Manor Rd	Nicholas S. Nickolas

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Planning, Zoning & Building Dept., et al.
 re: Petition No. 80-73(G)

Name	Address	Signature
Shirley M. Nickolas	6851 Old Cliff Road	Shirley M. Nickolas
MICHAEL A. VILLOCK	17675 Bonicella Dr.	Michael A. Villock
PATRICK V GRANT	6773 Bonicello Rd	Patrick V Grant
Phyllis C. GRANHA	6723 Bonicella Rd	Phyllis C. Granha
THOMAS SPANOLA	17764 Bonicella Dr	Thomas Spanola
FRANK SPANOLA	17760 Bonicella Dr	Frank Spanola
Nick J. Spinelli	17809 Bonicello Drive	Nick J. Spinelli
Colleen Spinelli	17809 Bonicello Drive	Colleen Spinelli
Debra K. Erb	17645 Woodview Ter.	Debra K. Erb
JOHN CARBONELL	17585 Bonicello Rd	John Carbonell
Romiro Carbonell	2625 NW 25th St	Romiro Carbonell
Nelva Carbonell	2625 NW 25th St	Nelva Carbonell
Deborah Brown	19417 Caroline	Deborah Brown
DAVID BROWN	19417 Carolina Cir	David Brown
LETH BLECHMAN	6911 Erinwood Blvd	Leth Blechman
SEYMOUR BLECHMAN	6701 Erinwood Blvd	Seymour Blechman

007 555

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Planning, Zoning & Building Dept., et al.

re: Petition No. 80-73(G)

Name	Address	Signature
ROBERT G. KELLER	17785 BONIELLO DR	Robert G. Keller
DONNA L. KELLER	17785 Boniello Dr	Donna L. Keller
EUGENE G. PANDOLFI	17953 Boniello Rd	Eugene G. Pandolfi
LECTA PANDOLFI	17953 Boniello Rd	Lecta Pandolfi
CARLO BONIELLO	1131 Clint Moore Rd	Carlo Boniello
DAVID P. MILLER	17856 Boniello Dr	David P. Miller
CORRY P. MILLER	17856 Boniello Dr	Corry P. Miller
MATTHEW P. MILLER	17856 Boniello Dr	Matthew P. Miller
JOHN BONIELLO	17905 Boniello Dr	John Boniello
ROSE MARIE BONIELLO	17905 Boniello Dr	Rose Marie Boniello
FRIEZ R. NORDMANN	17808 BONIELLO DR	Friez R. Nordmann
ANNA B. NORDMANN	17808 BONIELLO DR	Anna B. Nordmann
JOHN E. PECKNER	518 N.E. 11 AVE	John E. Peckner
GARY T. LEWIS	17586 BONIELLO DR	Gary T. Lewis
JILL C. LEWIS	17586 BONIELLO DR	Jill C. Lewis
DON KNIGHT	17635 Boniello Rd	Don Knight

anning, Zoning & Building Dept., et al.

: Petition No. 80-73(G)

Name

Address

Signature

Name	Address	Signature
Don & Joyce Noellelin	20823 Superior	Don & Joyce Noellelin
Bertrice L. Roth	17031 Boca Club Blvd	Bertrice L. Roth
David B. Roth	17031 Boca Club Blvd	33487 DAVID B. ROTH

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Palm Beach County Board of County Commissioners
Palm Beach County Governmental Center
P.O. Box 1989
West Palm Beach, Florida
33402

RE: Response to letter from Boniello Homeowners Association
dated December 20, 1991

Boniello Homeowners Association, the undersigned residents
and affected individuals object to zoning proposal 60-73(B)
for the following reasons;

1. Elimination of the use restrictions would forever prevent
the Boniello subdivision from becoming a restricted access
community.

For some time, Planning & Zoning and the County
Commissioners have indicated the intent to abandon Old
Clint Moore Road. This action has been taken except for
the section of Old Clint Moore road affected by the
proposal. Our Homeowners Association has often discussed
the desirability of becoming a controlled access community
and foresee that our community may wish to pursue that
direction in the future. Removal of condition 10, which
changes use from construction only to general use, and
from 36 months time period to "forever", would prevent
our community from ever pursuing that enhancement for our
residents.

(1A) Boniello Acres is a P.U.D. approved in 1978, at which time up
to the present date, they could apply for and receive, restricted
access capability through installation of privacy access gates on
their property, limiting access to the general public.

Old Clint Moore Road has remained on the county rolls as a
public road due to the fact that the county, as part of a roadway
improvement program, spent approximately \$300,000 dollars on the
direct improvements to Old Clint Moore Road. This includes moving
the pavement away from the canal, a guardrail the entire length of
the canal, drainage improvements, and a sidewalk.

Modification or removal of condition #10 is not requested as
part of this petition. We still plan to cease all construction
traffic at this location when the 3 year period is over, as per the
condition. One must remember, that Old Clint Moore Road when
Boniello Acres was approved in 1979, was the only road. When they
built their homes, all traffic construction and residential for
St. Andrews and all other communities to the west, used this road
carrying over 16,000 trips per day. Today Old Clint Moore Road has
13,410 available trip capacity under level of service "C", making
it the "most under utilized public road in Palm Beach County."

2. A change of mind by St. Andrews should not result in an
adverse affect on our community.

When the planning for New Clint Moore Road was reviewed
with the public, there were options presented (and even
preferred by the county) to provide two entrances from
New Clint Moore Road to service the St. Andrews development.
At those hearings, the St. Andrews Homeowners Association
insisted that their community only wanted a single entrance.
This position certainly influenced the fact that the
entrance was implemented.

1354 PAGE 2/50

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RECORDERS MEMO: Legibility
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... use as a general access to St. Andrews, all of such traffic would be directly in front of two Boniello Acres residences, one of which exits via a single turnout from the residence onto Old Clint Moore Road. The impact to this homeowner would be significant and could include the blocking of their residence driveway which is currently occurring when the temporary construction gate is closed.

(2A) The Palm Beach County Board of County Commissioners at a public hearing on February 21, 1989, made decisions regarding Old Clint Moore Road based both on common sense and saving taxpayers money on unnecessary roadway improvements. Boniello wanted Old Clint Moore Road improved from Jog Road west to St. Andrews Entrance (twice the length of current improvements) and an additional culvert crossing across the LWDD I-40 Canal. This would have added "several hundred thousand dollars" to the cost of doing the improvements that the Board eventually selected. At this time, the 40 acres next to Boniello or the Civic tract eventually purchased from the county, were not part of St. Andrews residential community. (added in 1991)

Our request is not to allow the proposed access as a general entrance, but only for the residents of the 63 lots in Areas O & P. When the 3 year time limitation runs out for use as a construction entrance, all construction traffic, maintenance companies, and guests of residents living in this area, will have to use the main entrance on New Clint Moore Road. Only the residents of the 63 lots will have the electronic equipment necessary to enter and exit the access on Old Clint Moore Road. Other residents from elsewhere in the community will not be able to use this access point, as they will not be provided with the necessary electronic equipment.

There is only one driveway entrance potentially affected by the proposed entrance, as the entrance road serving all other 19 homes in Boniello Acres is 600' away. We have received preliminary approval of our proposed entrance from the Palm Beach County Traffic Division and Land Development division that we can meet the stacking requirements at the proposed entrance on our property without blocking Mr. Nicklas' driveway. In any case, we have met with Mr. Nicklas and agreed to move his driveway, at our expense, away from the proposed entrance. (Boniello design violates a B.C.C. condition of approval #3 requiring internal access)

3. Removal of the restriction would violate prior understandings between Boniello Acres Homeowners Association, Hazy Properties Inc., St. Andrews Homeowners Association (which agreed to the 36 months construction and closure restriction), County Commissioners' and the Planning and Zoning Board as established at prior zoning hearings.

(3A) We are not applying to modify condition #10. We still plan to close the entrance for construction traffic as agreed. In addition, we will be closing the entrance to maintenance vehicles and guests of residents under the same timetable.

- Petition NO. 00-73(G) intentionally misleads its audience as to the actual use of the proposed access.

The petition requests "to allow this entrance location as a permanent entrance for Areas O & P and for emergency access to the entire community." This statement gives the impression that only origination and destination traffic for residences in Areas O & P could use this access point.

In fact, there are no means of ensuring that the requested entrance could be used by only Areas O & P. There are no internal check points between areas, exiting traffic certainly would not be stopped to determine origination for the intent of rerouting to the other exit, nor is it likely that incoming traffic would be asked their destination with the intent of rerouting to the other entrance. The result would be an entrance which would be used by any and all areas for services, delivery, construction, and residents (of which there are currently none in areas O & P).

This item also brings into question the basis for the traffic projections presented in the traffic study.

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We have no intentions to mislead anyone about our proposal. If we wanted to access more than the 63 lots, we would have certainly applied to do so. There are 13,410 trips available on Old Clint Moore Road, which is enough to accommodate the entire future community of 734 residents. (7,340 AADT) We are not applying to add but the traffic from 63 lots in Areas O & P.

The proposed entrance would only allow residents from these two areas to enter or exit as there will be electronic devices which will exclude any others from using it.

Traffic counts used for our report are based on 10 trips per day which, according to county criteria, includes maintenance vehicles and guests. The fact that these vehicles will not be allowed lowers our actual traffic count well below what is projected in the report.

5. Traffic safety concerns for which we have seen no county study results.

a. Turnaround

There is no plan nor available space to provide adequate ~~turnaround to traffic which is stacked at the proposed~~ entrance. The Boniello residence driveway would be used for that purpose which places all individuals at that property at risk. It should be noted that a prior agreement by Hasey Properties Inc. to provide such a facility on their property prior to the construction gate was not done. Instead, minimal paving was constructed on county right-of-way not to T turnaround standards and is non functional.

(5A) There is currently no turnaround provided as part of the design provided by the county. As part of our entrance design, we have provided a turn around area. We currently have a turn around area on our property, but that is not accessible when the construction gate is closed.

b. Potential for severing access of emergency vehicles access to Boniello Acres residences.

Old Clint Moore road narrows to a minimal 2 lane road prior to the entrance to the development. Any accident sealing both lanes would sever access to all of our development as this is our only access point.

(5B) Emergency access to St. Andrews and Boniello Acres has been secured with the roadway improvements recently made to Old Clint Moore by Palm Beach County taxpayers. The road has been repaved at a new location 10' away from the canal, a guardrail along the canal and a sidewalk have been added. Our proposal would mean there would be a total of 92 lots using this public roadway. (29 from Boniello and 63 from St. Andrews) This will still be the most under utilized public road and thereby one of the safest in Palm Beach County.

5c. Traffic entering from Old Clint Moore Road onto Jog/Powerline Road.

This intersection has been downgraded from an operating signal to a blinking caution for Jog/Powerline traffic and a blinking stop for Old Clint Moore Road traffic. The submitted traffic study projects over 300 percent increase to this intersection if this proposal is approved. Such an increase certainly increases the potential for accidents at this point.

(5C) When New Clint Moore Road was constructed in 1990, the 16,000 trips per day that were utilizing Old Clint Moore Road (Boniello's only access since 1978) were moved to the new road. These homes were all built at the time when the road was in poor condition, 2' from the canal, and servicing 16,000 trips per day. Now that the road is improved, a total of 920 trips from both our properties, is 12,780 AADT below capacity.

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d. Jog/Powerline left turn stacking for Old Clint Moore Road

Allowing Old Clint Moore Road as a general entrance to St. Andrews will result in exceeding the capability of the left turn stacking area from Jog/Powerline Road onto Old Clint Moore Road. A problem already exists in this area by the traffic using the left turn lane to enter the Bank which is immediately prior to the Old Clint Moore intersection. Bank traffic restricts this stacking lane to beyond the bank entrance.

(5D) We did an "intersection analysis" of this location which showed the projected turning movements at 42 during the peak hour. This means that during the busiest hour of the day, 42 cars will turn left. (.6 per minute) This meets all requirements and criteria of Palm Beach County Engineering.

6. Road use (and therefore traffic content and pattern) of a road which is an entrance/exit to a Boniello Acres residence, would be at the complete control of St. Andrews. Such control could result in service vehicles lining up on Old Clint Moore Road, parking directly in front of Boniello residences, blocking driveways and our development entrance without any viable corrective recourse available.

(6A) Boniello Acres entrance drive is 600' away from our proposed entrance. Potential conflicts between these areas does not exist. There is only 1 private driveway off Old Clint Moore Road, which is also not in conflict with our proposed entrance. In any case, we have agreed to relocate the driveway for Mr. Nicklas as a good faith proposal and to relieve his concerns.

7. A second entrance is not needed to relieve St. Andrews existing entrance eastbound traffic congestion.

New Clint Moore Road is a major east west road with plans by the county to increase the width as needed to accommodate traffic requirements.

According to the Traffic Engineer who conducted the traffic count, the widening of New Clint Moore Road from the St. Andrews existing entrance to the Jog/Powerline intersection would solve the current congestion. He also indicated that this section was already approved for widening by the county.

(7A) There are no plans, by Palm Beach County or the City of Boca Raton, to make improvements to New Clint Moore Road from Jog Road to the Florida Turnpike. That was a developer commitment, with no timetable attached, from Woodfield Hunt Club, which is in bankruptcy.

The widening of New Clint Moore Road would actually magnify the present stacking problems incurred daily at the only current entrance to St. Andrews. The widening would put additional lineage to the north of the existing lineage which would reduce the available stacking distance to the guardhouse. This would stack traffic further into the travel lanes than it currently does, making it substantially worse than it is today.

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