

RESOLUTION NO. R-95- 1321.16

RESOLUTION APPROVING ZONING PETITION DOA87-7(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF A.N. WINICK PROPERTIES, INC.
BY ROBERT A. BENTZ, AGENT
DELRAY TRAINING CENTER

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA87-7(B) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 1995; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA87-7(B), the petition of A.N. Winick Properties, Inc., for a Development Order Amendment (DOA) to modify/delete previous conditions of approval in Resolution R-89-2215, redesign the master plan for the Delray Training Center PUD, relocate access, add access, and add square footage (equestrian center) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of September, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

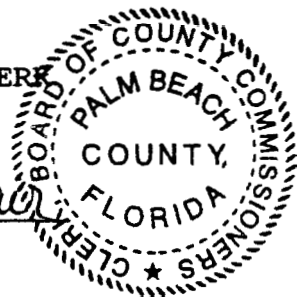


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL NO. 1:

TRACTS 36 THRU 61 INCLUSIVE, AND THAT PORTION OF TRACTS 35 & 62 LYING WEST OF THE SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE), OF PALM BEACH FARMS CO. PLAT NO. 1 IN SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26, 27 & 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 134.39 ACRES MORE OR LESS.

PARCEL NO. 2:

TRACTS 5 THRU 8 INCLUSIVE, AND TRACTS 25 THRU 28 INCLUSIVE, AND TRACTS 4 AND 29 LYING WEST OF THE SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE) OF PALM BEACH FARMS CO. PLAT NO. 1 IN SECTION 29, TOWNSHIP 46 SWTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 26, 27 AND 28 OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 47.08 ACRES MORE OR LESS.

PARCEL NO. 3:

TRACTS 9 THRU 24 INCLUSIVE IN SECTION 29, TOWNSHIP 46 SWTH, RANGE 42 EAST, OF PALM BEACH FARMS CO., PLAT NO. 1 IN SECTION 29, TOWNSHIP 46 SWTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGES 26, 27 AND 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE NORTH 28.00 FEET OF TRACTS 9 & 10 FOR LAKE WORTH DRAINAGE DISTRICT, AS RECORDED IN OFFICIAL RECORDS BOOK 113 AT PAGES 406 AND 407.
CONTAINING 80.15 ACRES MORE OR LESS.

PARCEL NO. 4:

TRACTS 101 THRU 104 INCLUSIVE AND TRACTS 121 THRU 124 INCLUSIVE, AND TRACTS 100 AND 125 LYING WEST OF THE SUNSHINE STATE PARKWAY (FLORIDA TURNPIKE) OF PALM BEACH FARMS CO. PLAT NO. 1 IN SECTION 20, TOWNSHIP 46 SWTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGES 26, 27 AND 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 43.68 ACRES MORE OR LESS.

PARCEL NO. 5:

ALL OF TRACTS 105 AND 120, AND TRACTS 106 AND 119 LESS THE WEST 33.23 FEET THEREOF, OF PALM BEACH FARMS CO. PLAT NO. 1 IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGES 26, 27 AND 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,
CONTAINING 18.92 ACRES MORE OR LESS.

PARCEL NO. 6:

A PARCEL OF LAND SITUATE WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING WITHIN BLOCK 20 OF PALM BEACH FARMS COMPANY PLAT NO 1 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF TRACTS 107 THRU 118, INCLUSIVE, TOGETHER WITH THE WEST 33.23 FEET OF TRACTS 106 AND 119, LESS AND EXCEPTING THEREFROM THE WEST 40.00 FEET OF TRACTS 112 AND 113 DEEDED TO THE COUNTY OF PALM BEACH BY THAT CERTAIN DEED DATED SEPTEMBER 11, 1968, RECORDED IN OFFICIAL RECORDS BOOK 1676, PAGE 926.

SURVEYOR'S NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAYS OF RECORD EXCEPT AS SHOWN ON THE RECORD PLAT, IF ANY.
2. INDIVIDUAL PARCELS ARE SEPARATED BY A 30' WIDE ROADWAY DEDICATIONS SHOWN ON PALM BEACH FARMS CO. PLAT NO 1.
3. BEARINGS SHOWN HEREON REFER TO AN ASSUMED MERIDIAN OF N.01°52'21"W. ALONG THE WEST LINE OF SECTION 20, TOWNSHIP 46, RANGE 42.
4. MAJOR IMPROVEMENTS: BUILDINGS, BOUNDARY FENCES AND ABOVE GROUND UTILITIES, AND ROADWAYS ARE AS SHOWN ON SKETCH. INTERIOR FENCES AND SMALL FARM BUILDINGS NOT SHOWN.
5. NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE UNDERGROUND FOOTINGS OF BUILDINGS OR FENCES ON/OR ADJACENT TO THIS SITE.
6. TRACT LINES EXTEND TO THE CENTER OF RIGHT OF WAYS SHOWN ON PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2 PAGES 26, 27 AND 28.
7. SITE AREAS COMPUTED TO THE DEDICATED ROADWAY LINES.
8. THERE IS A MAINTENANCE LINE AS SHOWN IN ROAD PLAT BOOK 5 PAGE 74, ALONG THE WEST LINE OF TRACTS 16 & 17 LOCATED APPROXIMATELY ALONG THE BOUNDARY FENCE AS SHOWN ON SKETCH OF SURVEY.

EXHIBIT B
VICINITY SKETCH

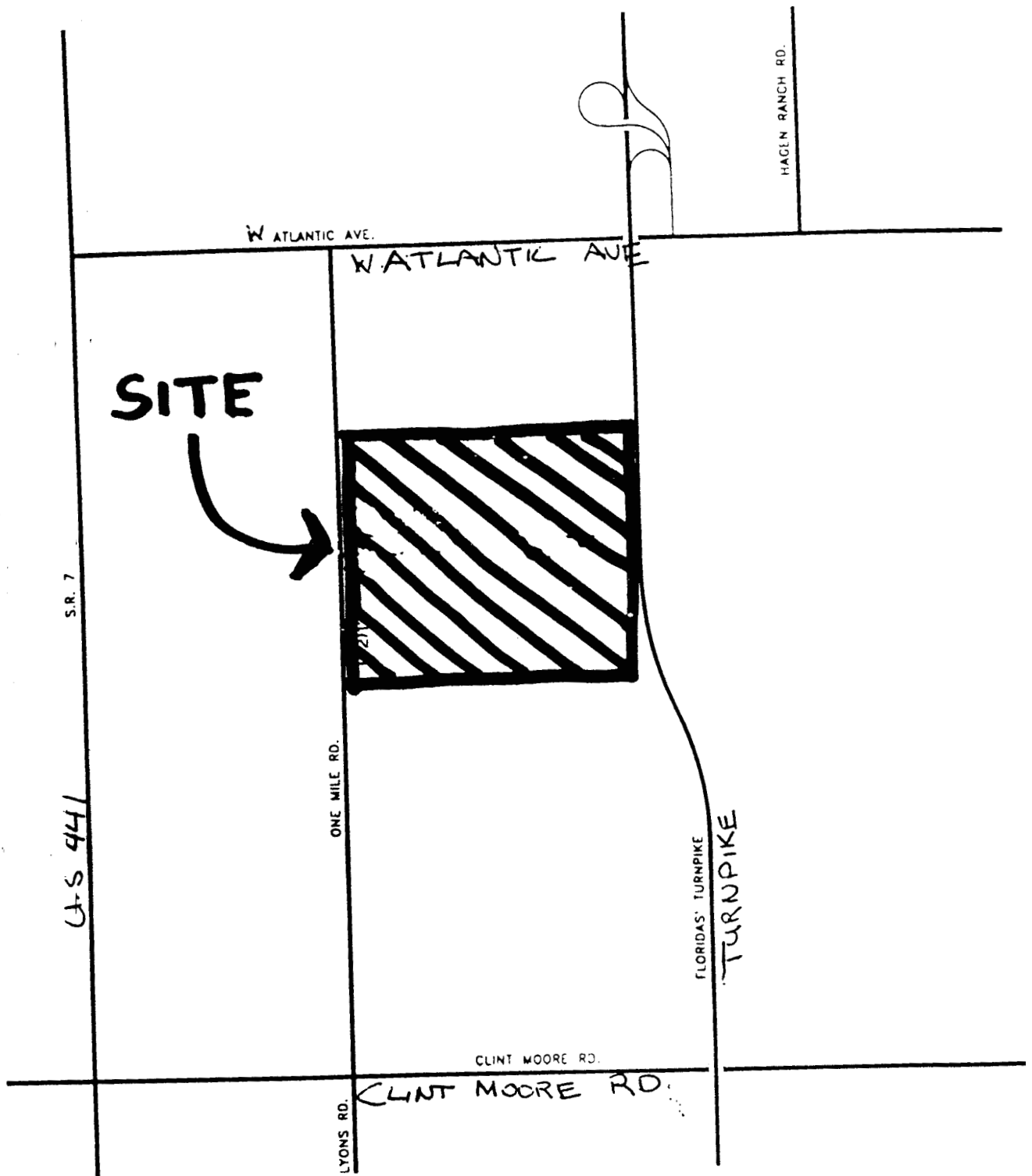


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the PUD. (Previously Condition 1 of Resolution No. R-89-2215, Petition 87-7(A)). COUNTY ATTORNEY
2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-89-2215 (Petition 87-7A) have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. MONITORING-Zoning
3. Prior to February 1, 1997, the master plan may be amended by the Development Review Committee to conform with the revisions to the Comprehensive Plan for PUD's in the Agricultural Reserve Area adopted by the Board of County Commissioners on Tuesday, September 19, 1995. (MONITORING-Zoning)

B. BUFFERS/SETBACKS

1. A minimum twenty (20) foot wide Type D buffer shall be provided along all portions of the PUD adjacent to Linton Boulevard and Lyons Road. (ZONING)
2. Reduction of buffer widths shall be subject to review and approval by the Development Review Committee. Buffer widths required by Condition B.1. above shall not be reduced. (ZONING)
3. Buffers between incompatible land uses, pods, and adjacent to internal rights-of-way within the PUD shall be subject to review and approval by the Development Review Committee. (ZONING)
4. Lake setbacks shall be subject to approval by the Development Review Committee. (ZONING)

C. CIVIC/OPEN SPACE

1. Condition 4 of Resolution R-89-2215, Petition 87-7(A) which currently states:

Prior to Master Plan Certification, the petitioner shall:

- a. Dedicate the civic site by unencumbered fee simple title deed to Palm Beach County, 2% of the gross area of the Planned Unit Development (8.0 acres); or
- b. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. 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 on-site land dedication 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 petitioner shall be deemed to have satisfied the intent of Zoning Code, Section 500.21.H.

Is hereby deleted.

2. Condition 5 of Resolution R-89-2215, Petition 87-7(A), which currently states:

The open space areas, created by the configuration of the development pods shall be limited to open pasture land for grazing of horses, including area for horseback riding and passive recreation.

Is hereby amended to state:

The open space areas, created by the configuration of the development pods shall be limited to open pasture land for grazing of horses, including areas for horseback riding, passive recreation and paddocks. (ZONING)

3. The petitioner shall:

- 1) Deed to Palm Beach County Board of County Commissioners a 8.0 acre civic site, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide Palm Beach County Board of County Commissioners with a warranty deed by February 1, 1997, a 8.0 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FDO), and the County Attorney's office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed.
 - b. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
 - c. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - d. Developer to provide the County with a certified survey of the proposed civic site by November 1, 1996. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 1. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 2. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

3. The survey should include a location of any proposed water retention area that will border the civic site. Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site.
- e. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
- f. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 1. The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 2. As easement across Developer's property from the proposed civic site to the retention basins, if required.
- g. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
- h. The Petitioner shall provide PREM with an Environmental Assessment of the proposed civic site by November 1, 1996. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

1. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
2. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. Records to review but shall not be limited to are:

- a. Palm Beach County Environmental Resources Management Department Records.
- b. Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- a. EPA's National Priorities list (NPL)
- d. Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- e. Hazardous Waste Data Management System List (HWDMS).
3. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

4. Perform on-site survey to describe site conditions and to identify potential area of contamination.
 5. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.
 - i. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - j. Developer to provide water and sewer stubbed out to the property line.
- 2) At the Developer's option, the Developer may request that the required on-site dedication of land (by fee simple title) be exchanged for cash of equal value or land off-site equal in acreage. In addition, should the off-site land option be chosen, each condition listed in (1) above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (MONITORING/PREM)

D. HEALTH

1. Condition 2 of Resolution R-89-2215, Petition 87-07(A), which currently states:

No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system and water supply system.

Is hereby amended to state:

No building permit shall be issued within the residential portion of the PUD until such a time that the residential portion of the PUD is connected to a public sewer system and water supply system. (HEALTH)

2. Condition 3 of Resolution R-89-2215, Petition 87-07(A), which currently states:

Since sewer and water service are available to the property, septic tank and well shall not be approved for use on said property.

Is hereby amended to state:

Since sewer and water service are available to the residential portion of the PUD, septic tank and well shall not be approved for use on the residential portion of the PUD. (HEALTH)

E. ENGINEERING

1. 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 first one inch of stormwater runoff. In the event that the subject site abuts a Florida 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. (Previously Condition 7 of Resolution R-89-2215, Petition 87-7(A)). (ENGINEERING)

2. The Property owner shall convey for the ultimate right-of-way of:
 - a. Linton Boulevard, a total of 120 feet on an alignment approved by the County Engineer;
 - b. Lyons Road, 55 feet from centerline; and,
 - c. the additional right-of-way required for the Turnpike Overpass and expanded intersections at Lyons Road and Linton Boulevard

~~All within 180 days of the approval of the Resolution approving this project.~~ by December 1, 1996 or Technical Compliance, whichever occurs first. (Previously Condition 8 of Resolution No. R-89-2215, Petition 87-7(A)). (MONITORING/ENGINEERING)

3. The Property owner shall provide to Palm Beach County a road drainage easement which is adjacent to the property within the project's internal lake system capable of accommodating all runoff from those segments of Lyons Road right of way and Linton Boulevard right of way along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along the Lyons Road and Linton Boulevard rights of way. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable Drainage District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition 9 of Resolution R-89-2215, Petition 87-7A). (ENGINEERING)

4. Condition No. 10 of Resolution No. R-89-2215, Petition 87-7(A), which currently states:

The Developer 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 \$281,641.00 (3,503 trips X \$80.40 per trip). Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$70,410.00 toward Palm Beach County's existing Roadway Improvement Program. Any funds remaining after receiving credit for work performed in accordance with condition nos. 7, 12, 13, 14, 15, 16, 17 and 18 from the total \$352,051.00 to be paid prior to June 1, 1990. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$70,410.00 shall be credited toward the increased Fair Share Fee.

Is hereby amended to state:

The Developer 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:

- a) \$496,320 for the proposed 301 dwelling units (including the caretakers quarters) (3,008 trips x \$165.00 per trip);

- b) \$1100 for the proposed covered riding rink (20 trips x \$55. per trip); and
- c) \$990 for the proposed Clubhouse (18 trips x \$55. per trip).

Impact fee credit for the Lyons Road construction shall be given by the County Engineer based Certified costs estimates from the Developer's Engineer in accordance with the Palm Beach County's Fair Share Impact Fees Ordinance. (IMPACT FEE COORDINATOR)

- 5. **The petitioner shall convey to the Lake Worth Drainage District:**
 - a. The north 50 feet of Tracts 4-16, Block 29 Palm Beach Farms Plat No. 1, P.B.2, pages 27 and 28 for Right-of-way for Lateral Canal No. 36;
 - b. The south 15 feet of Tracts 49-62, Block 29, Palm Beach Farms Plat No. 1, P.B.2, pages 27 and 28 for Right-of-way for Lateral Canal No. 37; and,
 - c. A parcel of land 40 feet in width lying immediately west of and adjacent to the west Right-of-way line of E-2W Canal bounded on the north by L-36 Canal and bounded on the south by L-37 Canal for Right-of-way of Equalizing Canal No. 2-W.

All of these conveyances shall be by Quit Claim Deed or ~~an Easement Deed in the form provided by said District~~ ~~within ninety (90) days of the approval of the Resolution approving this project by December 1, 1996 or Technical Compliance, whichever occurs first.~~ (Previously Condition 11 of Resolution No. R-89-2215, Petition 87-7(A)). (ENGINEERING)

- 6. Condition 12 of Resolution No. R-89-2215, Petition 87-7(A), which currently states:

The Property owner shall provide construction plans for Lyons Road as an ultimate 110 foot section from West Atlantic Avenue to the project's south property line plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be provided by December 1, 1990. Plan costs shall be approved by the County Engineer.

Is hereby amended to state:

The property owner shall provide construction plan; for Lyons Road as an ultimate 110 foot section from West Atlantic Avenue to the project's south property line plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction plan Standards as they presently exist or as they may from time to time be amended. A Construction Plan Master Plan shall be submitted prior to December 1, 1995. 100% Construction Plans shall be submitted to the County Engineer prior to December 1, 1996. (MONITORING-Engineering)

7. Condition 15 of Resolution No. R-89-2215, Petition 87-7(A), which currently states:

The property owner shall fund the construction or at the option of the County Engineer, construct Lyons Road as a 2 lane section from West Atlantic Avenue to Linton Boulevard in accordance with the Condition above.

Is hereby amended to state:

The property owner shall fund the construction of, or at the option of the County Engineer construct, Lyons Road as a 2 lane section from West Atlantic Avenue to the south property line in accordance with the condition above. (ENGINEERING)

8. The petitioner shall provide for the acquisition by funding the right-of-way for Lyons Road a total of 55 feet from the existing centerline on an alignment approved by the County Engineer from the project's south property line to West Atlantic Avenue. This developer shall enter into a written agreement with the Right of Way Acquisition-Section ~~within 20 days of the approval of the Resolution approving this project by December 1, 1996 or Technical Compliance.~~ (Previously Condition 13 of Resolution No. R-89-2215, Petition 87-7(A)). (MONITORING/ENGINEERING-Engineering)
9. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Lyons Road right-of-way as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. (Previously Condition 14 of Resolution No. R-89-2215, Petition 87-7(A)). (ENGINEERING)
10. Developer shall construct at the intersection of Lyons Road and West Atlantic Avenue:
- a. left turn lane, east approach;
 - b. right turn lane, west approach; and,
 - c. left turn lane, south approach.

All concurrent with the construction of Lyons Road as referenced in the Condition above. (Previously Condition 16 of Resolution No. R-89-2215, Petition 87-7(A)). (ENGINEERING)

11. Condition No. 17 of Resolution R-89-2215, Petition 87-7(A), which currently states:

The Property owner shall provide construction plans for Linton Boulevard as a 4 lane median divided section (expandable to 6) from the project's entrance road west to State Road 7, plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within 12 months of the alignment of Linton Boulevard. Plan costs shall be approved by the County Engineer.

Is hereby deleted. Reason: The property owner has relocated the access from Linton Boulevard to Lyons Road.

12. Condition No. 18 of Resolution R-89-2215, Petition 87-7(A), which currently states:

The property owner shall construct Linton Boulevard as a 2 lane undivided section from the project's entrance road to Lyons Road in accordance with the condition above. This construction shall be completed concurrent with the improvements with the first plat.

Is hereby deleted. Reason: The property owner has relocated the access from Linton Boulevard to Lyons Road.

13. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule: No more than ~~113~~ **157** building permits shall be issued until West Atlantic has been constructed as a 4 lane section from State Road 7 to the Florida Turnpike Entrance/Exit plus the appropriate paved tapers. At the option of the County Engineer, this limitation may be waived if Lyons Road is completed to Clint Moore Road. (Previously Condition 19 of Resolution No. R-89-2215, Petition 87-7(A)). (BUILDING-Engineering)

14. Condition No. 20 of Resolution No. R-89-2215, Petition 87-7(A), which currently states:

The Developer shall install signalization if warranted as determined by the County Engineer at:

- a. Lyons Road and Linton Boulevard; and,
- b. West Atlantic Avenue and Lyons Road.

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

Is hereby amended to state:

The developer shall install signalization if warranted as determined by the County Engineer at West Atlantic Avenue and Lyons Road. Should signalization not be warranted after 12 months of the final certificate of occupancy, then this property owner shall be relieved from this condition. (ENGINEERING)

15. Condition No. 21 of Resolution R-89-2215, Petition 87-7(A), which currently states:

Surety shall be posted for all work performed under Condition Nos. 12 and 17 prior to June 1, 1990 and for Condition Nos. 15, 16 and 18 prior to December 1, 1990.

Is hereby amended to state:

Surety shall be posted for all work performed under Condition Nos. 6, 7 and 10 prior to December 1, 1986 or Technical Compliance (TC), whichever occurs first. (ENGINEERING/MONITORING-Engineering)

16. Developer shall, within six (6) months of the date of the resolution approving this special exception, complete and submit to the County Engineer an alignment study acceptable to the County Engineer. (Previously Condition 22, Resolution R-89-2215, Petition 87-7A). (ENGINEERING)

NOTE: Condition satisfied.

17. Developer shall participate in any public hearings scheduled by the Board of County Commissioners relating to the alignment of Linton Boulevard between the Sunshine State Parkway and U.S. 441. In the event that the Board of County Commissioners, in its sole discretion, determines that the alignment of Linton Boulevard should be in a location different than that shown on the approved Master Plan, developer shall resubmit a master plan showing the location of Linton Boulevard consistent with the location of Linton Boulevard established by the Board of County Commissioners. No site plan shall be approved until such time as the alignment of Linton Boulevard has been established between the Sunshine State Parkway and U.S. 441 by the Board of County Commissioners, or as otherwise provided by the Board of County Commissioners. (Previously Condition 23 of Resolution R-89-2215, Petition 87-7(A)). (ENGINEERING)
NOTE: Condition satisfied.
18. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County for the Projects entrances onto Lyons Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (ENGINEERING)
19. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
- a) Linton Boulevard, 64 feet from centerline; and
 - b) Lyons Road 71.5 feet from centerline.

All right of way conveyances shall be prior to the technical compliance for the first plat. Conveyance shall be in accordance with Palm Beach County's Typical Intersection Details. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (ENGINEERING)

20. Prior to DRC approval of the master plan, the developer shall revise the location of the civic site to reflect access from Lyons Road. (ENGINEERING)
21. The Property owner shall construct a left turn lane north approach on Lyons Road at the projects entrance road. This construction shall be concurrent with the paving and drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.
 - b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering)

F. USE LIMITATION

1. Condition 6 of Resolution No. R-89-2215, Petition 87-7(A), which states:

The PUD shall be limited to 300 dwelling units, a club house with recreation facilities, 12 guest rooms, pasture/grazing land, an equestrian center (101.5 ac) and civic site. The guest rooms in the clubhouse shall be limited to guests of residents that live in the Planned Unit Development.

Is hereby amended to state:!!'

The PUD shall be limited to 300 single family dwelling units, recreation facilities, pasture/grazing land, an equestrian center (134 a&) with covered riding rink, caretakers quarters and clubhouse, and civic site. (CODE ENFORCEMENT-Zoning)

2. The covered riding rink within the equestrian center shall be limited to a maximum of 40,000 square feet. (BUILDING-Zoning)
3. The clubhouse facility within the equestrian center shall be limited to a maximum of 5,000 square feet. (BUILDING-Zoning)
4. A caretakers quarters, if allowed by the ULDC, shall be limited to a maximum of 4,000 square feet. (BUILDING/ZONING)
5. Prior to the issuance of the next building permit for new structures in the equestrian center, the property owner shall receive certification of a site plan by the Development Review Committee which indicates all existing and proposed improvements on site. (BUILDING-Zoning)
6. In the event the LWDD does not permit the relocation of the L-36 canal as indicated on the preliminary development plan dated June 30, 1995, or the canal is relocated to an alternate location, the petitioner shall submit a development order amendment application and revised plan to the County for approval by the Board of County Commissioners if the residential area encroaches into the open space tract. (LWDD/ZONING)

G. COMPLIANCE

1. 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. (Previously Condition 24 of Resolution R-89-2215, Petition 87-7(A)). (MONITORING)
2. The development order for this project shall be extended two (2) years from September 28, 1995. (MONITORIN;)