

RESOLUTION NO. R-95-1729

RESOLUTION APPROVING ZONING PETITION DOA77-13(O)
DEVELOPMENT ORDER AMENDMENT
PETITION OF BOCA GREENS, INC.
BY JILL JARKESY, AGENT

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 S of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA77-13(O) was presented to the Board of County Commissioners at a public hearing conducted on December 4, 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 DOA77-13(O) the petition of Boca Greens, Inc. by Jill Jarkesy, agent, for a Development Order Amendment (DOA) to increase acreage in a Planned Unit Development (PUD) (Boca Greens PUD), previously approved 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 December 4, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted December 4, 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

DEC 6 1995

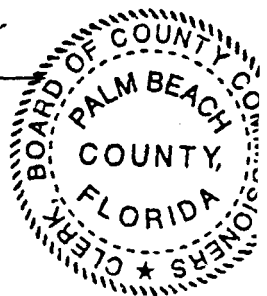


EXHIBIT A

LEGAL DESCRIPTION

BOCA ISLE SOUTH OVERALL
NORTHWEST PARCEL 1

LEGAL DESCRIPTION

A PORTION OF TRACTS 50 AND 61 IN SECTION 11 TOWNSHIP 47 SOUTH RANGE 41 EAST OF 'FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2', ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGES 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE ADJACENT 15.00 FOOT ROAD RIGHT OF WAY AS SHOWN ON SAID PLAT, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 00°66'14" EAST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 3290.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'14" EAST, ALONG SAID EAST LINE, A DISTANCE OF 87.41 FEET; THENCE SOUTH 89°58'48" WEST, A DISTANCE OF 116.02 FEET; THENCE SOUTH 00°56'14" EAST, ALONG A LINE 116.00 FEET WEST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 35.64 FEET; THENCE SOUTH 89°46'24" WEST, ALONG THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT EASEMENT DEED AS RECORDED IN OFFICIAL RECORDS BOOK 7005 AT PAGE 1031 OF SAID PUBLIC RECORDS, A DISTANCE OF 82.73 FEET; THENCE NORTH 00°02'01" WEST, A DISTANCE OF 101.76 FEET; THENCE SOUTH 89°47'27" EAST, ALONG THE SOUTH RIGHT OF WAY LINE AND WESTERLY EXTENSION THEREOF OF 'KIMBERLY BOULEVARD', AN 80.00 FOOT ROAD RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 3159 AT PAGE 816 OF SAID PUBLIC RECORDS, A DISTANCE OF 126.17 FEET; THENCE NORTH 00°38'08" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 18.58 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT AT WHICH THE RADIUS POINT BEARS SOUTH 03°60'44" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING SAID RIGHT OF WAY LINE, HAVING A RADIUS OF 1960.00 FEET AND A CENTRAL ANGLE OF 02°01'65". A DISTANCE OF 69.61 FEET TO THE POINT OF BEGINNING.

(BEARINGS BASED ON THE EAST LINE OF SAID SECTION 11 HAVING A BEARING OF SOUTH 00°66'14" EAST, ACCORDING TO STATE PLANE COORDINATES AS ESTABLISHED BY PALM BEACH COUNTY.)

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 0.396 ACRES, MORE OR LESS.

BOCA ISLE WEST
OVERALL

LEGAL DESCRIPTION

ALL OF 'BOCA ISLES WEST PHASE 1A' AS RECORDED IN PLAT BOOK 69 AT PAGES 182 THROUGH 185 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,
'BOCA ISLES WEST PHASE 1B REPLAT' AS RECORDED IN PLAT BOOK 73 AT PAGES 72 AND 73 OF SAID PUBLIC RECORDS,
'BOCA ISLES WEST PHASE 2A-1' AS RECORDED IN PLAT BOOK 70 AT PAGES 110 THROUGH 113 OF SAID PUBLIC RECORDS,
'BOCA ISLES WEST PHASE 2A-2' AS RECORDED IN PLAT BOOK 70 AT PAGES 196 THROUGH 197 OF SAID PUBLIC RECORDS,
'BOCA ISLES WEST PHASE 2B' AS RECORDED IN PLAT BOOK 70 AT PAGES 182 AND 183 OF SAID PUBLIC RECORDS,
'BOCA ISLES WEST PHASE 3A' AS RECORDED IN PLAT BOOK 71 AT PAGES 20 THROUGH 22 OF SAID PUBLIC RECORDS,
'BOCA ISLES WEST PHASE 3B' AS RECORDED IN PLAT BOOK 70 AT PAGES 200 THROUGH 202 OF SAID PUBLIC RECORDS,
'BOCA ISLES SOUTH PHASE 5A' AS RECORDED IN PLAT BOOK 73 AT PAGES 21 THROUGH 23 OF SAID PUBLIC RECORDS,
'BOCA ISLES SOUTH PHASE 5B' AS RECORDED IN PLAT BOOK 73 AT PAGES 10 THROUGH 12 OF SAID PUBLIC RECORDS,
'BOCA ISLES SOUTH PHASE 5C' AS RECORDED IN PLAT BOOK 73 AT PAGES 24 THROUGH 26 OF SAID PUBLIC RECORDS,
'BOCA ISLES SOUTH PHASE 5E' AS RECORDED IN PLAT BOOK 75 AT PAGES 18 THROUGH 21 OF SAID PUBLIC RECORDS,
'BOCA ISLES SOUTH PHASE 5F' AS RECORDED IN PLAT BOOK 73 AT PAGES 179 THROUGH 181 OF SAID PUBLIC RECORDS.

TOGETHER WITH:

A PORTION OF TRACTS 7, 8, 49, AND 60 AND THE ADJACENT 15.00 AND 30.00 FOOT RIGHTS OF WAY THEREOF, IN SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST OF THE PLAT ENTITLED 'FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2' AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 00°56'14" EAST, ALONG THE EASTERLY BOUNDARY OF SAID SECTION 11, A DISTANCE OF 1978.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE, SOUTH 00°56'14" EAST, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 1231.69 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE LEFT AT WHICH THE RADIUS BEARS SOUTH 01°46'46" EAST, SAID POINT ALSO LYING ON THE NORTHERLY BOUNDARY OF AN 80.00 FOOT ROAD RIGHT OF WAY, KNOWN AS KIMBERLY BOULEVARD, AS RECORDED IN OFFICIAL RECORDS BOOK 3169 AT PAGE 816 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2040.00 FEET AND A CENTRAL ANGLE OF 01°57'08", A DISTANCE OF 69.61 FEET TO A POINT LYING ON A NON-RADIAL LINE; THENCE SOUTH 00°66'14" EAST, ALONG SAID NON-RADIAL LINE, A DISTANCE OF 18.66 FEET; THENCE NORTH 89°47'27" WEST, A DISTANCE OF 90.55 FEET (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH SAID NORTHERLY LINE); THENCE NORTH 00°56'14" WEST, ALONG A LINE 160.00 FEET WEST OF AND PARALLEL WITH THE EASTERLY BOUNDARY OF SAID SECTION 11, A DISTANCE OF 922.90 FEET; THENCE NORTH 89°68'43" WEST, ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT 7, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°56'14" WEST, ALONG A LINE 170.00 FEET WEST OF AND PARALLEL WITH THE EASTERLY BOUNDARY OF SAID SECTION 11, A DISTANCE OF 330.33 FEET TO A POINT LYING ON THE NORTHERLY BOUNDARY OF SAID TRACT 7; THENCE NORTH 89°57'32" EAST, ALONG SAID NORTHERLY BOUNDARY, A DISTANCE OF 170.02 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH:

A PORTION OF TRACTS 50, 51, 52, 53, 54 AND 55, AND THE ADJACENT 16.00 FOOT RIGHT OF WAY IN SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AS SHOWN ON FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE 15.00 FOOT RIGHT OF WAY ABANDONED PER OFFICIAL RECORDS BOOK 7927 AT PAGES 501 THROUGH 509 AND OFFICIAL RECORDS BOOK 8328 AT PAGES 1295 THROUGH 1324 OF SAID PUBLIC RECORDS, TOGETHER WITH A PORTION OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SECTION 12, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXHIBIT A
LEGAL DESCRIPTION

BOCA ISLE SOUTH OVERALL
68 FOOT TRACT IN SECTION 11-47-41

LEGAL DESCRIPTION

A PORION OF TRACTS **61, 52, 53, 54,** AND **65** IN SECTION **11**, TOWNSHIP **47** SOUTH, RANGE **41** EAST, OF 'FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. **2***, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK **1** AT PAGE **102** OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION **11**; THENCE SOUTH **00°66'14"** EAST, ALONG THE EAST LINE OF SAID SECTION **11**, A DISTANCE OF **3412.90** FEET; THENCE SOUTH **89°46'24"** WEST, ALONG THE SOUTH LINE OF THE LAKE WITH DRAINAGE DISTRICT EASEMENT DEED, AS RECORDED IN OFFICIAL RECORDS BOOK **7006** AT PAGE **1031** OF SAID PUBLIC RECORDS, A DISTANCE OF **115.01** FEET TO THE POINT OF BEGINNING; THENCE SOUTH **00°66'14"** EAST, ALONG A LINE **116.00** FEET WEST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO SAID EAST LINE OF SAID SECTION **11**, A DISTANCE OF **1209.01** FEET; THENCE SOUTH **89°03'46"** WEST, A DISTANCE OF **68.00** FEET; THENCE NORTH **00°66'14"** WEST, ALONG A LINE **183.00** FEET WEST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO SAID EAST LINE OF SAID SECTION **11**, A DISTANCE OF **1209.85** FEET; THENCE NORTH **89°46'24"** EAST, ALONG SAID SOUTH LINE, A DISTANCE OF **68.01** FEET TO THE POINT OF BEGINNING.

(BEARINGS BASED ON THE EAST LINE OF SAID SECTION **11** HAVING A BEARING OF SOUTH **00°66'14"** EAST, ACCORDING TO STATE PLANE COORDINATES AS ESTABLISHED BY PALM BEACH COUNTY.)

SAID LANDS SITUATE IN PALM BEACH COUNTY AND CONTAIN **1.888** ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

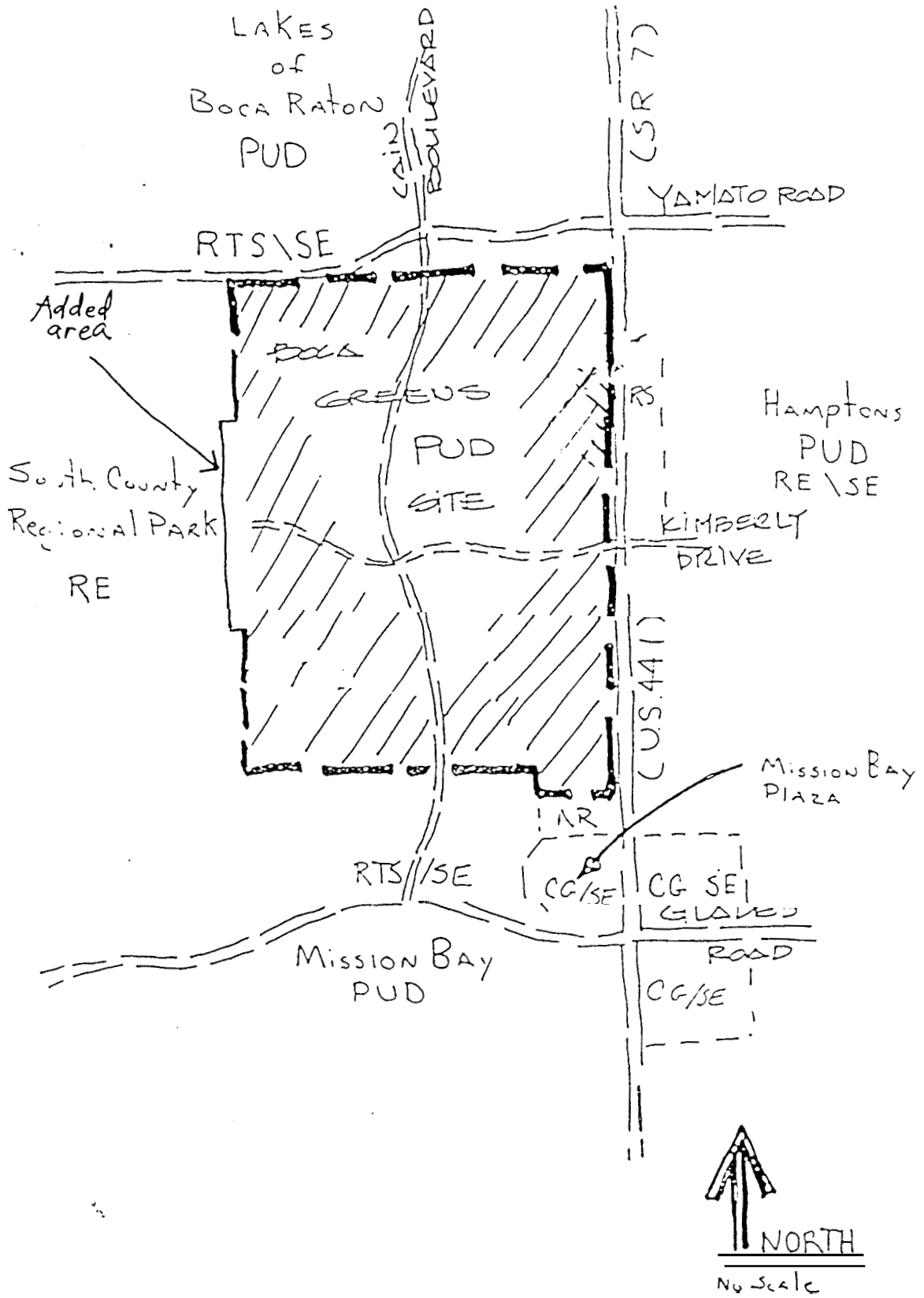


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-77-145, R-77-1250, R-85-703, R-86-847, R-87-1201, R-88-1211, R-90-1427, R-94-357, R-94-1069, and R-95-854 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for ULDC Section 5.8 compliance, as amended, unless expressly modified. (Previously Condition No. A.1 of Resolution R-95-854, Petition DOA77-13(N). (MONITORING)
2. Prior to site plan certification the master plan shall be revised to reflect the following:
 - a) Description of the features of the recreation packages.
 - b) A twenty five (25) foot landscape buffer along the outside perimeter of the proposed (150) foot wide lake system, landscaped buffer abutting the west right-of-way line of Cain Boulevard and the north and south right-of-way lines of Kimberly Boulevard shall not be disturbed during site development, except in enhancing the buffering qualities of said twenty five (25) foot landscaped buffer.
 - c) Phase lines if the project is to be developed with more than one plat. (Previously Condition No. A.2 of Resolution R-95-854, Petition DOA77-13(N). (ZONING/ENGINEERING)
3. Master planned areas designated for patio home development shall be developed pursuant to the provisions of zoning code Section 500.21.K.4.C., and the individual patio home lots shall be site planned to incorporate both the existing and created views, and the required private outdoor space. (Previously Condition No. A.3 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
4. Lots shall be site planned to ameliorate negative visual impact of the Florida Power and Light Company easement along the west perimeter of the site. (Previously Condition No. A.4 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
5. Pedestrian and or bike trails shall be constructed along New Cain Boulevard in a manner traversing the areas north and south of Kimberly Boulevard, ensuring safe and convenient pedestrian and or bikeway circulation connections between residential and recreation area features within Boca Greens P.U.D., and between residential and recreation areas features and similar pedestrian and bikeway features of surrounding recreational and residential areas. (Previously Condition No. A.5 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)

B. COMMERCIAL POD

1. The Veterinary Clinic shall be limited to a maximum of 5,000 square feet of floor area. Additional Square footage may be allowed pursuant to Section 6.8.A.15.b(9) (Square Footage Increases) (Previously Condition No. B.1 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
2. The Veterinary Clinic shall be limited to indoor functions, no outdoor runs, walks, kennels, pens, cages, or exercise areas shall be permitted. (Previously Condition No. B.2 of Resolution R-95-854, Petition DOA77-13(N). (CODE ENFORCEMENT-Zoning)
3. The veterinary clinic shall be limited to the care of small domestic animals no livestock or equestrian care is permitted. (Previously Condition No. B.3 of Resolution R-95-854, Petition DOA77-13(N). (CODE ENFORCEMENT-Zoning)
4. The shopping center shall be limited to one hundred thirty seven thousand one hundred twenty-two (137,122) square feet and provide a one hundred (100) foot setback from the ultimate right-of-way line of State Road No. 7. (Previously Condition No. B.4 of Resolution R-95-854, Petition DOA77-13(N). (ZONING/BUILDING)
5. Landscaping along the northern and western property lines (adjacent to the out parcels) of the commercial center shall be upgraded to include:
 - a. Twelve (12) foot tall native canopy trees twenty (20) feet on center and a thirty-six (36) inch ficus hedge placed on the exterior of the required wall.
 - b. A six foot masonry wall.
 - c. A 10 foot wide landscape strip.
 - d. Fifty percent (50%) of the existing landscape terminal islands and landscape medians shall be upgraded to meet current Landscape Code requirements within nine (9) months of Board of County Commissioners approval (January 30, 1991). (Previously Condition No. B.5 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
6. Waste paper and other debris shall not be permitted to accumulate on site. (Previously Condition No. 3.6 of Resolution R-95-854, Petition DOA77-13(N). (CODE ENFORCEMENT)
7. Building height shall be limited to a maximum of 25 feet. (Previously Condition No. B.7 of Resolution R-95-854, Petition DOA77-13(N). (ZONING/BUILDING)
8. Lighting on the northwestern out parcels of the shopping center shall be low intensity, directed away from surrounding residential properties with reflective shields and a maximum of twelve (12) feet in height. Existing mast lighting shall be shielded to direct lighting away from residential properties to the west. (Previously Condition No. B.8 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING/CODE ENFORCEMENT)

9. Prior to certification of a site plan for out parcel 2 or 4, the petitioner shall provide a master sign program consistent with the height and sign face area dimensions indicated on Exhibit 269. (Previously Condition No. B.15 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
10. All mechanical and air conditioning equipment shall be roof mounted and completely screened from view on all sides in a manner and color consistent with the architectural character of the principal structure. This condition shall apply to out parcels 2 and 4 only. (Previously Condition No. B.16 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING/ZONING)
11. No outdoor storage or display of any type of material or product shall be permitted on site. This condition shall apply to out parcels 2 and 4 only. (Previously Condition No. B.17 of Resolution R-95-854, Petition DOA77-13(N). (CODE ENFORCEMENT/ZONING)
12. All canopy trees required to be planted on out parcels 2 and 4 shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (Previously Condition No. B.18 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
13. Twenty four (24) inch high shrub or hedge material planted twenty four (24) inches on center shall be provided along the perimeter of each building where the building abuts landscape areas to the maximum extent possible. This condition shall apply to out parcels 2 and 4 only. (Previously Condition No. B.19 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)

C. DAY CARE

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. To clearly outline which stalls are allocated for this use per lease agreement.
 - b. Required drop-off area with adequate stacking and bypass lane. (Previously Condition No. C.1 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
2. Prior to Site Plan certification the Site Plan shall be amended to reflect the required 100 foot stacking for vehicles. (Previously Condition No. C.2 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)
3. The developer shall retain 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 85% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. (Previously Condition No. C.3 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)

4. 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 the proposed day care center presently is \$9,055.00 (338 trips X \$26.791 per trip). (Previously Condition No. C.4 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
5. Prior to issuance of building permits for the Day Care Center, the existing nonconforming sign shall be removed from the site. (Previously Condition No. C.5 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING))
6. The day care center shall be limited to a maximum of 120 children. (Previously Condition No. C.6 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING/HEALTH-Zoning))
7. One (1) minimum 36 inch high bollard shall be installed every five (5) feet on center around the perimeter of the outdoor play area. (Previously Condition No. C.7 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING-Zoning))

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances as described in Section 9.3 ULDC is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (Previously Condition No. D.1 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING-ERM))
2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (Previously Condition No. D.2 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING-ERM))

E. ENGINEERING

1. Prior to site plan approval of the first plat the Developer shall convey to Palm Beach County two hundred (200) feet for the ultimate right-of-way for State Road No. 7. (Previously Condition No. E.1 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
2. Prior to approval of the first plat the Developer shall convey to Palm Beach County one hundred six (106) feet for the ultimate right-of-way for Cain Boulevard. (Previously Condition No. E.2 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
3. Developer shall align the centerline of the main entrance road with the centerline of Kimberly Boulevard as shown on the Plat of Kimberly Homes, Section One, Plat Book 29, Page 229. (Previously Condition No. E.3 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
4. Developer shall align North Shopping Center entrance with the north entrance to American homes, east of State Road No. 7. (Previously Condition No. E.4 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
5. Developer shall provide the following roadway improvements at the Development's south entrance and State Road No. 7:
 - a. left turn lane, south approach.
 - b. right turn lane, north approach.

- c. right turn and left turn lanes, west approach.
 - d. traffic control signal when warranted, as determined by the County Engineer. (Previously Condition No. E.5 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
6. Developer shall provide the following roadway improvements at the development's north entrance and State Road No. 7:
 - a. left turn lane, south approach.
 - b. right turn lane, north approach.
 - c. traffic control signal when warranted as determined by the County Engineer. (Previously Condition No. E.6 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
 7. The buffer zone shall be platted with the first plat. (Previously Condition No. E.7 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
 8. The property owner shall provide paved access (24 feet of pavement) and six (6) inch water main and four (4) inch sewer force main to the proposed Palm Beach county Park located in the southwest corner of this PUD from Cain Boulevard west to the Park's east property line per the Palm Beach County Park and Engineering Department's approval and shall dedicate to Palm Beach County 80 foot right-of-way for this roadway. (Previously Condition No. E.8 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
 9. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. (Previously Condition No. E.9 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
 10. The property owner shall convey for the ultimate right-of-way required for a 120' ultimate section of Yamato Road on an alignment approved by the county Engineer within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach county prior to issuance of first Building Permit. (Previously Condition No. E.10 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
 11. The Developer shall design and construct Yamato Road (2-12 foot travel lanes) including six (6) inch water main and four (4) inch sewer force main from Cain Boulevard to the proposed Palm Beach county Park's east property line when required by the Parks Department and the County Engineer. (Previously Condition No. E.11 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))
 12. The property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Cain Boulevard and Yamato Road. This drainage easement shall be subject to all governmental agency requirements. (Previously Condition E.12 of R-95-854, Petition DOA77-13(N). (ENGINEERING))
 13. 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 to be amended. The Fair Share Fee for this project presently is \$706,716.00. (Previously Condition No. E.13 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))

14. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$353,358.00 toward Palm Beach County's existing Roadway improvement Program, these total funds of (\$1,060,074.00) to be paid prior to January 1, 1988. (Previously Condition No. E.14 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)
15. The property owner shall construct at the intersection of Yamato Road and SR7:
 - a) Left Turn Lane South Approach
 - b) Right Turn Lane North Approach
 - c) Left Turn Lane West Approach
 - d) Signalization when warranted as determined by the County Engineer. (Previously Condition No. E.15 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)
16. The property owner shall construct at the intersection of Cain Boulevard and Yamato Road:
 - a) Left turn Lane East Approach
 - b) Right Turn Lane South Approach
 - c) Signalization when warranted as determined by the County Engineer. (Previously Condition No. E.16 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)
17. The final alignment of the proposed Cain Boulevard shall be approved by the County Engineer. (Previously Condition No. E.17 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)
18. The property owner shall construct Cain Boulevard from Yamato Road to the project's south property line at the time of the filing of the adjacent plats or when required by the County Engineer for paved continuity for Cain Boulevard. (Previously Condition No. E.18 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)
19. In order to comply with the mandatory traffic performance standards the property owner shall be subject to the following phasing plan:
 - a) No more than 471 building permits shall be obtained until SR7 has been constructed as a four (4) lane section from Kimberly Boulevard to Glades Road.
 - b) No more than 471 building permits shall be obtained until Glades Road has been constructed as a four (4) lane section from SR7 to Lyons Road.
 - c) No more than 471 building permits shall be obtained until Palmetto Park Road has been constructed from Powerline Road to SR7.
 - d) No more than 625 building permits shall be obtained until Yamato Road has been constructed as a two (2) lane section from SR7 to Powerline Road. (Previously Condition No. E.19 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING)

20. The property owner shall provide the construction plans for Yamato Road as a six (6) lane, median divided section from Jog Road/Powerline Road east to SR 441 (excluding the bridge over the Florida Turnpike). These construction plans shall be per Palm Beach County; minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed prior to the issuance of 200 building permits or April 1, 1987 whichever shall first occur. Construction plan costs shall be approved by the County Engineer. (Previously Condition No. E.20 of Resolution R-95-854, Petition DOA77-13 (N). (ENGINEERING/BUILDING))

21. The property owner shall construct or fund the construction of Yamato Road as a two (2) lane section from the east right-of-way line of the Florida Turnpike to Jog/Powerline Roads prior to January 1, 1988 or when required for paved continuity for Yamato Road as determined by the County Engineer.

NOTE: This property owner has requested that Palm Beach county assume the obligation to fund the Yamato Road overpass over the Florida Turnpike. The estimated cost of a three lane structure is 3 million dollars (\$3,000,000). The property owner is requesting the Board of County Commissioners assume this obligation by the Fiscal Year 1992-1993. (Previously Condition No. E.21 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))

22. Surety required for the aforementioned plans and construction shall be posted with the County Engineer's office prior to December 1, 1986. (Previously Condition No. E.22 of Resolution R-95-854, Petition DOA77-13 (N). (ENGINEERING))

23. Credit for the impact fee shall be given for the work performed in Condition Nos. 11, 20, and 21 as permitted in the Fair Share Ordinance. (Previously Condition No. E.23 of Resolution R-95-854, Petition DOA77-13 (N). (IMPACT FEE COORDINATOR))

24. 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, zoning Petition Number 77-13(N), to be paid at the time of issuance of the Building Permit presently is \$2,160.00 (52 additional trips resulting from the increase in the capacity of the day care center X \$55.00 per trip) (Previously Condition No. E.24 of Resolution R-95-854, Petition DOA77-13(N). (IMPACT FEE COORDINATOR))

25. The petitioner shall complete construction of the pedestrian/bicycle path from the paved portions of the shopping center to Kimberly Boulevard by January 30, 1991 or prior to any further Certificates of Occupancy for any out parcels. (Previously Condition No. B.9 of Resolution R-95-854, Petition DOA77-13(N). (MONITORING-Engineering))

26. A fifty (50) foot landscaped buffer zone, shall be provided within the one hundred (100) foot setback. Vehicular access to the commercial tract shall be limited to three access points onto State Road 7 as follows, at the property owners expense:

a. New England Boulevard access point

b. Central median opening access point with the construction of the following:

- 1) a left turn lane, south approach,
- 2) a right turn lane, north approach,
- 3) a left turn lane, and a right turn lane, west approach; and
- 4) signalization, when warranted by the County Engineer.

c. Southern access point with the construction of the following:

- 1) a right turn lane, north approach.

This construction shall be included in Palm Beach County's Road Program for State Road 7 adjacent to this site. Funding shall be made available when requested by Palm Beach County. This petitioner may construct any of the above turn lanes in accordance with permits from the Florida Department of Transportation. Should these turn lanes be constructed, it shall not be funded by Palm Beach County and not exempt this property owner from funding required above. (Previously Condition No. B.10 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))

27. The property owner shall replat the subject property to reflect all associated out parcels prior to March 1, 1994. (Previously Condition No. B.11 of Resolution R-95-854, Petition DOA77-13(N). (MONITORING/ENGINEERING))
28. 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 additional square footage presently is \$24,090.00 (438 trips X \$55.00 per trip). (Previously Condition No. B.12 of Resolution R-95-854, Petition DOA77-13(N). (IMPACT FEE COORDINATOR-Engineering))
29. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney. (Previously Condition No. B.13 of Resolution R-95-854, Petition DOA77-13(N). (COUNTY ATTORNEY))
30. If the State permits landscaping within the median, the petitioner shall obtain appropriate permits for all landscaping and irrigation within the 441 median in front of the site. Landscaping shall consist of one (1) 10 foot (10') tall native canopy tree for each thirty (30) linear feet and appropriate ground cover. All planting shall comply with Xeriscape Principles. All landscaping and irrigation shall be the maintenance obligation of the property owners. (Previously Condition No. B.14 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING))

F. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previously Condition No. F.1 of Resolution R-55-854, Petition DOA77-13(N). (HEALTH))

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I. (Previously Condition No. F.2 of Resolution R-95-854, Petition DOA77-13(N). (HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (Previously Condition No. F.3 of Resolution R-95-854, Petition DOA77-13(N). (HEALTH)
4. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (just particles) from this property do not become a nuisance to neighboring properties. (Previously Condition No. F.4 of Resolution R-95-854, Petition DOA77-13(N). (HEALTH)
5. 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. F.5 of Resolution R-95-854, Petition DOA77-13(N). (HEALTH)
6. Architectural plans for the expanded day care center must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24 prior to issuance of a building permit. (Previously Condition No. F.6 of R-95-854, Petition DOA77-13(N). (HEALTH)

G. LAKE WORTH DRAINAGE DISTRICT

1. The petitioner shall convey right-of-way for the L43W Canal to the LWDD prior to the certification of a site plan for out parcel 2 or 4, in accordance with Zoning Petition 77-13(J). (Previously Condition No. G.1 of Resolution R-95-854, Petition DOA77-13(N). (ENGINEERING/LWDD)

H. MAXIMUM DWELLING UNITS

1. Maximum allowable number of units shall not exceed one thousand seven hundred and fifty nine (1759) total units. (Previously Condition No. H.1 of Resolution R-95-854, Petition DOA77-13(N). (BUILDING-Zoning)
2. The Land Area donated for the County Park shall continue to be counted towards the gross land area of the development for the purposes of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (Planned Unit Developments). (Previously Condition No. H.2 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)

I. PARKS

1. Developer shall provide access to the 94.5 acres for future County Park located in the northwest corner of the project. (Previously Condition No. I.1 of Resolution R-95-854, Petition DOA77-13(N). (PARKS/ENGINEERING)
2. Within sixty (60) days of the Special Exception approval the Developer shall dedicate the "County Park" shown on the Master Plan which contains two hundred eight (280) acres more or less. (Previously Condition No. I.2 of Resolution R-95-854, Petition DOA77-13(N). (MONITORING/PREM-Parks)

3. The land area donated for the County Park shall continue to be counted gross land area of the development for the purpose of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (Planned Unit Developments). (Previously Condition No. 1.3 of Resolution R-95-854, Petition DOA77-13(N). (ZONING)

J. RECYCLE;

1. All property owners shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (Previously Condition No. J.1 of Resolution R-95-854, Petition DOA77-13(N). (SWA)

K. WATER UTILITIES

1. The developer shall coordinate any playground additions and water/sewer service relocation and/or abandonment with Palm Beach County Water Utilities Department prior to final site plan approval. (Previously Condition No. K.1 of Resolution R-95-854, Petition DOA77-13(N). (WATER UTILITIES)
2. A comprehensive utility easement granted to Palm Beach County Water Utilities Department for water and sewer located within the shopping center is required prior to final site plan approval. (Previously Condition No. K.2 of Resolution R-95-854, Petition DOA77-13(N). (WATER UTILITIES)

L. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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.

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 No. K.1 of Resolution R-95-854, Petition DOA77-13(N). (MONITORING)