

RESOLUTION R-96- 546

RESOLUTION AMENDING RESOLUTION R-96-256
RESOLUTION APPROVING ZONING PETITION OF
KENCO COMMUNITIES I, INC.
PETITION DOA/CA86-104 (C)
WYCLIFFE PUD

WHEREAS, Kenco Communities I, Inc., petitioned the Palm Beach County Board of County Commissioners on January 25, 1996 for a Development Order Amendment and Class A Conditional Use; and

WHEREAS, Resolution R-96-256 adopted February 22, 1996 confirming the action of the Board of County Commissioners, inadvertently contained errors and omissions in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-96-256 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-96-256 is hereby amended.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Lee, 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	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted on April 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Robert Altman*
CO Y ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

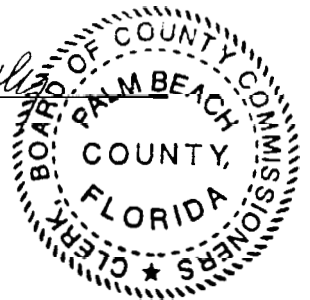


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are hereby consolidated into this resolution adopted by the Board of county Commissioners.

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Prior to master plan certification, the master plan shall be amended to reflect the following:
 - a. required number of trees to be preserved or plated
 - b. a minimum of 15.6 acres of land for recreational purposes
 - c. separate the cypress data from the "government services@parcel
 - d. indicate the access to the @@government services@parcel. (Previously Condition No. 2 of Resolution R-94-488) (DRC: ZONING)
3. 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 P.U.D. (Previously Condition No. 3 of Resolution R-94-488) (1st PLAT: CTY ATTY)

B. ACCESS - POD N ONLY

1. Access to and from Pod N for excavation purposes shall be directly from SR7/US441 or as permitted by the County Engineer. (DRC: ENG)
2. Prior to certification of the master plan for Petition 86-104(C) by the Development Review Committee, the petitioner shall establish a legal means of access for excavation purposes to and from Pod N in a form, manner and location acceptable to the County Engineer and the County Attorney. (DRC: ENG)

C. DUST CONTROL

1. Prior to certification of the master plan for Petition 86-104(C), a particulate management plan for Pod N shall be approved by the Health Department. (DRC: HEALTH)

D. NOISE CONTROL

1. All stationary machinery or equipment utilized for excavation purposes within Pod N, including but not limited to a dewatering pump, shall be completely enclosed on all four sides and roofed OR lowered below grade and roofed, except for required ventilation or as may be required by a regulatory agency. (ONGOING: CODE ENF)

E. ENGINEERING

1. Prior to the issuance of a building permit in Pod N the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of the extension of the east approach right turn lane on Lake Worth Road at the project's entrance road. This right-of-way shall be a minimum of 320 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PERMIT: MONITORING - ENG)
2. The Property owner shall extend the existing right turn lane on Lake Worth Road east approach to the project's entrance road to a total of 320 feet plus appropriate tapers. This construction shall be concurrent with the paving and drainage improvements in Pod N for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Pod N. (BLDG. PERMIT: MONITORING - Eng)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng).
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 49 single-family units (in Pod "M") and 120 single-family (in Pod "N") shall not be issued until construction has begun for Lake Worth Road as a 2/3 lane section from existing terminus at West property line of Wycliffe, PUD to South Shore Boulevard plus the appropriate paved tapers. This phasing condition shall be subject to the extension of Lake Worth Road to South Shore Boulevard or an acceptable alternative adopted by the Board of County Commissioners. (BLDG. PERMIT: MONITORING - Eng).
 - b) Building Permits for more than 49 single-family units (in Pod "M") and 140 single-family (in Pod "N") shall not be issued until construction has begun for State Road 7 as a 6 lane section from Southern Boulevard to Lake Worth Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng).
 - c) Building Permits for more than 49 single-family units (in Pod "M") and 140 single-family (in Pod "N") shall not be issued until construction has

begun for State Road 7 as a 4 lane facility from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG. PERMIT: MONITORING - Eng)

The mix of dwelling units listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: ENG)

4. Prior to certification of the master plan for Petition 86-104(C) by the Development Review Committee, the petitioner shall submit an approved hauling route(s) to the office of the County Engineer, Land Development Division. Acceptable surety in the amount of \$500.00 per mile shall be posted to ensure any clean up, maintenance or repair necessary caused by hauling of fill off site within the road rights-of-way. (DRC: ENG)
5. Prior to ~~certification of the preliminary development plan for Petition 86-104(C) by the Development Review Committee~~ issuance of Technical Compliance for Pod N, the 75 foot ACME Improvement District right-of-way adjacent to the south boundary of pod N shall be **abandoned acquired**. (DRC: ENG)
6. Prior to certification of the preliminary development plan for Petition 86-104(C) by the Development Review Committee, the 35 foot canal reservation within Tract 30 shall be abandoned. (DRC: ENG)
7. **The property owner shall convey from the subject property and the adjacent outparcel for the ultimate right-of-way of:**
 - a. Lake Worth Road, one hundred twenty (120) total feet of right-of-way on an alignment approved by the County Engineer.
 - b. State Road 7, 200 feet west of the existing east right-of-way line of State Road 7
 - c. The additional right-of-way required for the "Special intersection" as shown in Palm Beach Thoroughfare Right-of-way Protection Map
 - d. Homeland Road, eighty (80) feet along the project's south property line (to be dedicated to the public).
 - e. Lake Worth Road for the construction of a right turn lane, east approach and a right turn lane, west approach on Lake Worth Road at the project's entrance road. This shall be a minimum of twelve (12) feet in width, one hundred fifty (150) feet in length, with a taper length of one hundred eighty (180) feet.

All within ninety (90) days of approval of the Resolution approving this project. (Previously Condition No. 2 of Resolution R-94-488). (DATE: MONITORING / ENG)

8. The property owner shall construct the following turn lanes:

At the intersection of Lake Worth Road and the project's entrance road.

- a. Left turn lane, north approach

- b. Left turn lane, south approach
 - c. Left turn lane, east approach
 - d. Left turn lane, west approach
 - e. Right turn lane, west approach
 - f. Right turn lane, east approach. (Previously Condition No. 3 of Resolution R-94-488). (ONGOING: ENG)
9. The property shall provide to Palm Beach County a road drainage easement within the project's internal lake system to accommodate the runoff of Lake Worth Road and State Road 7 along the project's frontage and for a maximum 400 foot distance each side of the property boundary lines along State Road 7 and Lake Worth Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition No. 4 of Resolution R-94-488). (ONGOING: ENG)
10. 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 \$881,827.00 (10,968 trips X \$80.40 per trip). (Previously Condition No. 5 of Resolution R-94-488). (ONGOING: IMPACT FEE COORDINATOR)
11. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$594,605.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$1,476,432.00 shall be paid prior to the issuance of the first building permit or prior to January 1, 1988, whichever shall first occur, and this amount shall be credited toward any traffic impact fees. (Previously Condition No. 6 of Resolution R-94-488). (BLDG. PERMIT / DATE: MONITORING - Eng)
12. Surety in the amount of \$1,476,432.00 shall be furnished to Palm Beach County prior to the issuance of a Building Permit or prior to June 1, 1987, whichever shall first occur. (Previously Condition No. 7 of Resolution R-94-488). (BLDG, PERMIT / DATE: MONITORING - Eng)
13. In order to comply with the mandatory traffic performance standards, the developer shall be limited:
- a) to no more than 150 building permits per year (up to a total of 600 building permits) until State Road 7, Lake Worth Road intersection has been constructed as a special intersection. This work is scheduled to be built by the Orange Point PUD and Petition 84-98. Once this work is completed, this condition will no longer apply. [Intersection is now complete]
 - b) no more than nine hundred (900) building permits shall be issued until the contract has been let for the four (4) laning of Lake Worth Road underneath the Florida Turnpike. (Previously Condition No. 8 of Resolution R-94-488). [Complete] (BLDG. PERMIT: MONITORING - Eng)
14. The property owner shall install signalization if warranted as determined by the County Engineer at the intersection of:

- a) State Road 7 and Lake Worth Road (Pro rata share with any other 3rd parties).
 - b) The project's entrance road and Lake Worth Road. Should signalisation not be warranted after 12 months of the final certificate of Occupancy, the property **owner** shall be relieved from this condition. Surety acceptable to the County Engineer shall **be posted** within twelve (12) months of **Special Exception approval**. (Previously Condition No. 9 of Resolution R-94-488). (ONGOING: ENG)
15. At the time of issuance of the first building permit, Lake worth Road shall be constructed as a minimum two (2)-lane section from State Road 7 west to the **project's entrance**. (Previously Condition No. 10 of Resolution R-94-488). (BLDG. PERMIT: MONITORING - Eng)
 16. Should any of the developers of Petition Nos. 86-98, 86-100, or 86-104 fail to post adequate surety for all **required** improvements to Lake Worth Road within six (6) months of the **date** of final adoption of the Resolution approving this project, the three (3) petitions shall be reconsidered by the Board of County Commissioners pursuant to a staff initiated Zoning Petition. Prior to final Board action on the staff initiated petition, no further master plan approvals, site plan approvals, plat approvals, letter of technical compliance approvals, or building permits shall be issued **provided**, however, that this petitioner may avoid this action by posting the full amount of surety required by all three (3) projects upon the posting of which the Board of County Commissioners shall not reconsider the **Zoning** status of this project with respect to this petitioner pursuant to this condition. (Previously Condition No. 11 of Resolution R-94-488). (ONGOING: ENG)
 17. The Petitioner shall convey a twenty (20) acre governmental services site for educational and recreational uses. Conveyance shall be by joint deed to the Board of County Commissioners and the Palm Beach County School Board within ninety (90) days of the final adoption of the Resolution approving this project. The land conveyed shall be improved as a twenty (20) acre site with utilities, drainage, and Lake Worth Road Access. Such improvements are to be completed in concurrence with the extension of Lake Worth Road to the site. Drainage for the governmental services site shall be accommodated outside the twenty (20) acre site, but within the **project's master drainage system**. (Previously Condition No. 12 of Resolution R-94-488). (ONGOING: ENG)

F. EXCAVATION - D N ONLY

1. Development activity within Pod N, including but not limited to, excavation and land clearing, shall not commence until site, reclamation, buffer planting and phasing plans have been certified by the Development Review Committee. (DRC: ZONING)
2. A reclamation, buffer planting and excavation phasing plans for Pod N shall be submitted, reviewed and approved by the Development Review Committee concurrent with site plan approval for Pod N. The site plan for Pod N may be used to satisfy the requirement for a reclamation plan. (DRC: ZONING)
3. Excavation activity in Pod N shall occur in a maximum of one (1) phase. (DRC: ENG / ZONING)

4. All excavation activity shall be completed on or before June 30, 1998. (DATE: MONITORING - Zoning)
5. All required surety shall be posted prior to certification of the Reclamation Plan by the Development Review Committee or in accordance with the provisions of the ULDC. (DRC: ZONING)
6. All material stored on site, including but not limited to excavated material, top soil and vegetation, shall not exceed a maximum height of twenty-five (25) feet, measured from existing grade to highest point. (ONGOING: CODE ENF - Zoning)
7. A maximum of 20,000 cubic yards of excavated material shall be stockpiled on site at any time. (ONGOING: ZODE ENF - Zoning)
8. Existing topsoil shall be stored and redistributed on site. (ONGOING: ERM - Zoning)
9. All areas designated for refueling of equipment and storage of fuels, oils, and other regulated substances shall have impervious surfaces and a drainage system separated from the stormwater system. These areas shall be shown in detail on the site plan prior to certification. (DRC: ERM)
10. The depth of all lakes shall not exceed 20 feet. (DRC: ERM)
11. Hours of operation for excavation activities shall be limited to 7:30 a.m. - 6:00 p.m. Monday through Saturday. (ONGOING: CODE ENF)

G. EXCAVATION SETBACKS - POD N ONLY

1. All excavated areas shall be setback a minimum of 50 feet from all perimeter property lines or three hundred feet (300) from the nearest existing residential dwelling unit, whichever is greater. (DRC: ZONING)
2. All accessory structures shall be setback a minimum of one hundred (100) feet from all perimeter property lines or three hundred feet (300) from the nearest existing residential dwelling unit, whichever is greater. (BLDG PERMIT: BLDG - Zoning)
3. All material stored on site shall be stored on the interior side of the excavated areas and be setback a minimum of three hundred (300) feet from all perimeter property lines. Prior to certification of the Reclamation Plan, the plan shall be amended to indicate all storage areas. (DRC: ZONING)

H. LANDSCAPING - D N ONLY

1. All trees required to be planted by Section 6.8 of the ULDC within Pod N, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.51 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. (CO: LANDSCAPE - Zoning)

2. The perimeter of Pod N shall be landscaped in accordance with the Buffer Planting Plan dated November 22, 1995. The plan may be amended by the Development Review Committee as required by the conditions of approval only. (CO: LANDSCAPE - Zoning)
3. Prior to certification of the Buffer Planting Plan by the DRC, the Plan shall be amended to indicate Typical Buffer Section "B" around the south boundary of Pod N, adjacent to the school site, and east property line of Pod N. (DRC: ZONING)
4. The remaining portion of the south boundary of Pod N shall be landscaped to include one tree every 50 feet on center. Tree credit shall be given for all existing trees preserved meeting this requirement. (CO: LANDSCAPE - Zoning)
5. The petitioner shall install a six (6) foot high green vinyl covered chain link fence around the portion of the north and east perimeters of Pod N as indicated on the conceptual site plan dated January 25, 1996. The fence shall be installed concurrent with the completion of the landscape buffer. (CO: LANDSCAPE - Zoning)

I. PLANNED UNIT DEVELOPMENT - UNDEVELOPED PODS

1. Street lights shall be provided pursuant to the Regulating Plan adopted by the Board of County Commissioners, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Bike lanes shall be provided within or adjacent to all rights-of-way over 60 feet in width pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)

J. SIGNS - EXCAVATION ACTIVITY ONLY

1. No freestanding, point of purchase or identification signs advertising excavation activity or fill for sale shall be permitted within the boundaries of the PCD or along SR7/US 441. (BLDG PERMIT / CODE ENF: ZONING)

K. USE LIMITATIONS - POD N ONLY

1. A maximum of 278,000 cubic yards of material shall be excavated in Pod N. (ONGOING: CODE ENF / ZONING)
2. A maximum of 106,000 cubic yards, or 38% of the material excavated, whichever is less, shall be removed from Pod N. (ONGOING: CODE ENF / ZONING)
3. Blasting shall not be permitted on site (ONGOING: CODE ENF - Zoning)

L. HEALTH

1. Since sewer and/or water service is/are available to the property, septic tank and/or well shall not be approved for use on said property. (Previously Condition B.1 of Resolution R-94-488.) (ONGOING: HEALTH)

M. COMPLIANCE

1. Failure to comply with any condition of approval or ULDC requirement at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
 - d. Referral to code enforcement;
 - e. Imposition of entitlement density or intensity; and/or
 - f. Review and modification or revocation of the development order by the Board of County Commissioners at an advertised public hearing in accordance with Section 5.8 of the ULDC.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)