

RESOLUTION NO. R-96-1178

RESOLUTION APPROVING ZONING PETITION DOA87-112(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF JOSHUA MUSS, TRUSTEE
BY CAROLE A. TURK, AGENT
(WINSTON TRAILS PUD)

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 DOA87-112(F) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; 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 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 DOA87-112(F), the petition of Joshua Muss, Trustee, by Carole A. Turk, agent, for a Development Order Amendment (DOA) to convert private civic/commercial parcel to residential; reconfigure undeveloped parcels; transfer units; add access; and relocate access 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 July 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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


Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	Aye
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 on August 22, 1996.

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

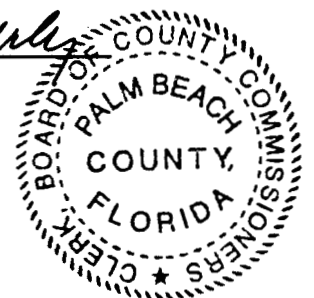


EXHIBIT A

LEGAL DESCRIPTION

Description- Parcel 1

A portion of the west one-half (W-1/2) of Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida lying west of the Lake worth Drainage District E-3 Canal, Less the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 2, AND LESS the Southeast one-quarter (SE 1/4) of the Southeast one-quarter of the Southwest one-quarter (SW 1/4) of said section 2, AND LESS the South 100 feet of the Southwest one-quarter (SW 1/4) of said Section 2, AND LESS the North 35 feet of the Northwest one-quarter (NW 1/4) of said Section 2, AND LESS the South 85 feet of the North 115 feet of the Southwest one-quarter (SW 1/4) of said Section 2 TOGETHER WITH the East one-half (E 1/2) of Section 3, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the West 40 feet, AND LESS the South 100 feet, AND LESS the North 35 feet thereof, AND LESS the South 85 Feet of the North 115 feet of the Southeast one-quarter (SE 1/4) of said Section 3 being more particularly described as follows:

Commencing at the southwest corner of the Southeast one-quarter (SE 1/4) of said Section 3; thence North 00 47' 13" West along the West line of the East one-half (E 1/2) of the said Section 3, a distance of 142.96 feet; thence South 89 48' 13" East, a distance of 40.01 feet to a POINT OF INTERSECTION of the Northerly Right-of-way line of Hypoluxo Road (as now laid out and in use) as recorded in Road Book 4, Page 1 of the Public Records of said Palm Beach County, Florida with the Easterly Right-of-way line of Jog Road (as now laid out and in use) as recorded in Road Book 4, Page 136 of the said Public Records, said point also being the POINT OF BEGINNING of this description; thence North 00 47' 13" West, along the said Easterly Right-of-way line of Jog Road, same line also being 40 feet East of (as measured at right angles) and parallel with the said West line of the East one-half (E 1/2) of Section 3, a distance of 2358.47 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official Record Book 241 1, Page 1113 of the said Public Records, said point to be hereinafter referred to as Point "A"; thence continuing North 00 47' 13" West, along said Easterly Right-of Way of Jog Road, a distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-way Canal; thence continuing North 00 47' 13" West, along said Easterly Right-of-way line of Jog Road, a distance of 2728.19 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 16 Canal, as described in Official Record Book 2393, Page 1134 of the said Public Records; thence North 89 11' 55" East along the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35 feet South of (as measured at right angles) and parallel with the North Line of the said East one-half (E-1/2) of Section 3, a distance of 2686.02 feet to the west line of said Section 2; thence North 89 24' 10" East continuing along the said Southerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35.00 feet South of (as measured at right angles) and parallel with the North line of the West one-half (W-1/2) of said Section 2, a distance of 2002.52 feet; thence South 00 26' 12" East, a distance of 655.79 feet; thence North 89 37' 00" East, a distance of 213.35 feet to a POINT OF INTERSECTION with the Westerly Right-of-Way line of Lake Worth Drainage District E-3 Canal as described in Official Record Book 2393, Page 1133; thence Southeasterly, the following three courses, along the said Westerly Right-of Way Line of the Lake Worth Drainage District E-3 Canal, same line also being 35.00 feet Southwesterly of (as measured at right angles) and parallel with the following described line (beginning at the Southeast corner of the Southwest one-quarter (SW 1/4) of said Section 2; thence North 15 28' 31" West to a point on the North line of said Section 2 being 480.00 feet Westerly from (as measured along the said North line

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of Section 2) the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 2] thence South 15 28' 31" East, a distance of 2115.58 feet to a POINT OF INTERSECTION with the said Northerly Right-of-way Line of the said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 15 28' 31" East, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 05 degrees 28' 31" East, a distance of 1883.71 feet; thence North 89 degrees 10 50" West, a distance of 571.95 feet; thence South 00 degrees 24' 33" East, a distance of 561.02 feet to a POINT OF INTERSECTION with the said Northerly Right-of-way Line of Hypoluxo Road; thence North 89 degrees 00' 34" West along the said Northerly Right-of-way of Hypoluxo Road, same line also being 100.00 feet North of (as measured at right angles) and parallel with the South line of the Southwest one-quarter (SW 1/4) of said Section 2, a distance of 11996.38 feet; thence North 80 48' 13" West along the said Northerly Right-of-way Line of Hypoluxo Road, a distance of 1.86 feet to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing North 89 48' 13" West along the said Northerly Right-of-way Line of Hypoluxo Road, a distance of 2659.41 feet to the POINT OF BEGINNING. Less the following described 85 foot Right-of-way for the Lake Worth Drainage District Lateral Number 17 Canal, BEGINNING at before mentioned Point "A"; thence North 11 47' 14" West, a distance of 85.00 feet; thence North 89 14' 14" East along the said Northerly Right-of-way Line for the Lake Worth Drainage District Lateral Number 17 Canal, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West one-quarter section line of said Section line of said Section 3, a distance of 2671.89 feet to the West Line of said Section 2; thence continuing along said Northerly Right-of-way Line, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West one quarter section line of said Section 2, South 80 46' 25" East, a distance of 2399.26 feet to a POINT OF INTERSECTION with the said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal; thence South 15 28' 31", along said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence North 89 46' 25" West along the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 2406.69 feet to the East line of said Section 3; thence continuing North 89 46 25" West along said Southerly Right-of-way Line, a distance of 0.24 feet; thence South 89 14' 14" West along said Southerly Right-of-way Line, a distance of 2671.21 feet before mentioned Point "A" and the POINT OF BEGINNING.

DESCRIPTION - PARCEL 2

That portion of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) and that portion of the Southeast one-quarter (SE %) of the Northwest one-quarter (NW 1/4) lying East of the Lake Worth Drainage District E-3 Canal, TOGETHER WITH the Northeast one-quarter (NE 1/4) LESS the North 20 feet of the Northeast one-quarter all being in Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows; Commencing at the Northeast corner of said Section 2; thence South 00 19' 58" East along the East line of said Section 2, a distance of 20.00 feet to the POINT OF BEGINNING of this description; thence continuing South 00 19' 58" East line of Section 2, same line also being the Northerly projection of and the West line Plat of Concept Homes of Lantana Plat No.2 and Plat No. 3 as recorded in Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 thru 125, respectively, of the said Public Records, a distance of 2790.80 feet to the Southeast corner of the Northeast onequarter (NE 1/4) of said Section 2; thence North 89 46' 27" West, along the South line of the said Northeast one-quarter (NE 1/4) of Section 2, a distance of 2665.22 feet to the center of said Section 2; thence North 89 46' 25" West, along the South line of the Northwest one-quarter (NW 1/4) of said Section 2, a Distance of 169.69 feet to the Easterly Right-

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of-Way Line of the Lake Worth Drainage District E-3 Canal as described in Official Record Book 2393, Page 1133 of the said Public Records; thence North 05 28' 31" West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, same line also being 65.00 feet Northeasterly of (as measured at right angles) and parallel with the following described Line (beginning at the Southeast corner of the Southwest one-quarter (SW 1/4) of said Section 2; thence North 05 28' 31" West to a point on the North line of said Section 2 being 480.00 feet westerly from (as measured along the said North line of Section 2) the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 2], a distance of 2086.51 feet; thence North 89 37' 00" East, a distance of 353.56 feet to the west line of the Northeast one-quarter (NE 1/4) of said Section 2; thence North 11 25' 10" West along the said West line of the Northeast (NE 1/4) of Section 2, a distance of 673.28 feet; thence North 89 25' 14" East along a line 20.00 feet south of (as measured at right angles) and parallel with the said Northeast onequarter (NE 1/4) of Section 2, same line also being the Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 1133 of the said Public Records, a distance of 2669.27 feet to the POINT OF BEGINNING.

DESCRIPTION- PARCEL 3

Lot One and that portion of Lot Two lying East of the Lake Worth Drainage District E-3 Canal in Tract 38 of the "Hiatus" between Townships 44 and 45 South, Range 42 East also known as Township 44-1/2 South, Range 42 East, Palm Beach County, Florida, LESS the North 54 feet thereof, AND LESS the South 50 feet thereof, being more particularly described as follows:

Commencing at the Northeast Corner of said Lot One, Hiatus Tract 38, same point also being the Southeast corner of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South 38 28' 00" East along the Easterly Line of Said Lot One, a distance of 70.48 feet to the POINT OF BEGINNING of this description; thence continuing South 38 28' 00" East along the Easterly Line of said Lot One, a distance of 675.16 feet to a POINT OF INTERSECTION with the Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 1133 said point being North 38 28' 00" West, a distance of 63.34 feet from the Northeast corner of Section 2 of said Township 45 South, Range 42 East; thence South 89 25' 14" West along the said Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot one, Hiatus Tract 38, a distance of 2670.86 feet crossing into said Lot Two, Hiatus Tract 38; thence continuing along said Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South line of said Lot Two, Hiatus Tract 38, South 89 degrees 24' 10" West, a distance of 376.88 feet to a POINT OF INTERSECTION with the Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal as described in Official Record Book 2411, Page 1114 of the said Public Records; thence North 03 degrees 20' 59" West along the E-3 Canal same line also being 65.00 feet Easterly of (as measured at right angles) and parallel with the following described line (beginning at a point 480.00 feet westerly from (as measured along the North line of the Northwest one-quarter (NW 1/4) of said Section 2); thence North 03 degree 20' 59" West to the Northeast corner of said Lot Two, Hiatus Tract 38), a distance of 633.69 feet to a POINT OF INTERSECTION with the proposed with the proposed Southerly Right-of Way line of Lantana Road, also know as State Road 812; thence South 88 degrees 25' 44" East along the proposed said Southerly Right-of-way line of Lantana Road. Also known as State Road 812: thence South 88 degrees 25' 44" East along the proposed said Southerly Right-of-way line of Lantana Road, same line also being 54.00 feet South of (as measured at right angles) and parallel with the North line of said Lot

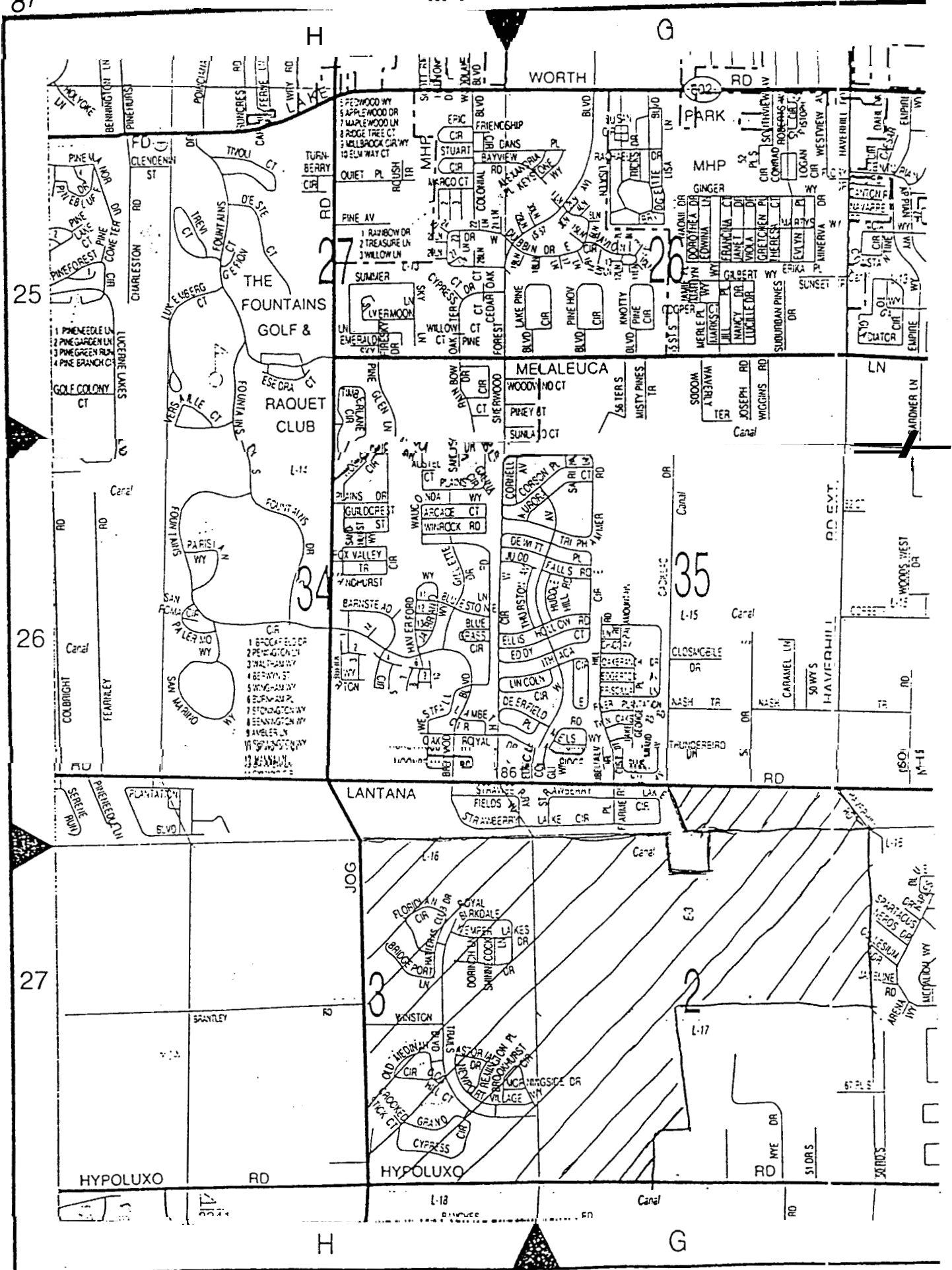
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One, Hiatus, Tract 38, a distance of 2620.32 feet; thence South 88 degrees 28' 57" East along the proposed said southerly Right-of-way Line of Lantana Road, a distance of 45.31 feet to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

8/

SEE PG 11



87

SEE PG 95

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: The following conditions apply to all portions of the Winston Trails PUD which have not received final plat approval as of the adoption date of the resolution affirming approval of Zoning Petition 87-112(F), unless otherwise specified.

A. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all public 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. Street bike lanes shall be provided in or adjacent to all public rights-of-way over fifty (50) 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)
5. All property included in the PUD shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

B. LANDSCAPING - STANDARD

1. All trees required to be planted on site within the undeveloped portions of the PUD, except on individual residential lots, as of the date of adoption of this resolution 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. (CO: LANDSCAPE - Zoning)

C. **LANDSCAPING ABUTTING R-O-W**

1. Landscaping and buffering within the required right-of-way buffer along Haverhill Road, and Lantana Road adjacent to Parcel 19, shall be upgraded to include:
 - a. One (1) canopy tree planted every thirty (30) feet on center.
 - b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

D. **MASS TRANSIT**

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board / Eng / Planning)

E. **ENGINEERING**

New Condition Number One - Previously Condition Number E.35 of Petition 87-112(E)

1. Prior to technical compliance for the first plat adjacent to the Haverhill Road Entrance, the property owner shall convey to the Land Development Division by road right of way warranty deed, additional right of way for the construction of a right turn lane on Haverhill Road at the projects entrance road onto Haverhill Road. This right of way shall be a minimum of 280 feet in length with a taper length of 50 feet or as approved by the County Engineer. The Property Owner shall provide sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (Previously Condition E.35 of Petition 87-112(E) (TC: ENG)
2. In order to comply with the mandatory traffic performance standards, the property owners shall be restricted to the following phasing schedule:
 - a. No building permits will be issued until construction has commenced on the following roads:
 - 1) Hypoluxo Road from Congress Avenue to I-95 is widened to at least four lanes (scheduled for FY 87/88 by County).

Note: construction has been completed.

- 2) Lantana Road from Congress Avenue to I-95 is widened to six lanes (scheduled for PY 81/88 by County).

Note: construction has been completed.

- 3) Tenth Avenue North from Military Trail to Jog Road is widened to four lanes (scheduled for FY 87/88 by County).

Note: construction has been completed.

- 4) Jog Road from Lake Worth to Purdy Lane is widened to four lanes (scheduled to PY 87/88 by County).

Note: construction has been completed.

- 5) Congress Avenue from the L-28 Canal to Boynton Beach Boulevard is widened to a minimum of four lanes (scheduled for PY 87/88 by County).

Note: construction has been completed.

- b. PHASE I: Building permits for no more than 88 dwelling units shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 88/89 by County).

Note: construction has been completed.

- c. PHASE II: Building permits for no more than 104 dwelling units shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 88/89 by County).

Note: construction has been completed.

- d. PHASE III: Building permits for no more than 132 dwelling units shall not be issued until construction for the widening of Jog Road as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for PY 90/91 by County).

Note: construction has been completed.

- e. PHASE IV: Building permits for no more than 163 dwelling units shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Boynton Beach Boulevard to Hypoluxo Road has commenced (scheduled for FY 87/88 by County).

Note: construction has been completed.

- f. PHASE V: Building permits for no more than 181 dwelling units shall not be issued until construction for the widening of Jog Road as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 89/90 by the Developer).

Note: construction has been completed.

- g. PHASE VI: Building permits for no more than 187 single family dwelling units shall not be issued until construction for the widening of Jog Road from Boynton Beach Boulevard to Hypoluxo Road as a minimum of four lanes has commenced (scheduled for PY 95/96 by County).

Note: Construction has commenced

- h. PHASE VII: Building permits for no more than 217 dwelling units shall not be issued until construction for the widening of Lantana Road from Military Trail to Jog Road as a minimum of four lanes has commenced by other developer (scheduled for FY 89/90 by other Developer).

Note: construction has been completed.

- i. PHASE VIII: Building permits for no more than 286 dwelling units shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Hypoluxo Road to Lantana Road has commenced (scheduled for FY 88/89 by County) and until construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for FY 88/89 by PDOT).

Note: construction has been completed.

- j. PHASE IX: Building permits for no more than 656 dwelling units shall not be issued until construction for the widening of Lake Worth Road as a minimum of six lanes from Congress Avenue to Military Trail has commenced (scheduled for FY 90/91 by County).

Note: construction has been completed.

- k. PHASE X: Building permits for no more than 893 single family units shall not be issued until the construction for the widening of Gateway Boulevard from Lawrence Road to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY 96/97 by County).

- l. PHASE XI: Building permits for no more than 986 dwelling units shall not be issued until construction for the widening of Lake Worth Road as a minimum of six lanes from Military Trail to Jog Road has commenced (scheduled for PY 90/91 by County).

Note: construction has been completed.

- m. PHASE XII: Building permits for no more than 1096 dwelling units shall not be issued until construction for the widening of Jog Road from Hypoluxo Road to Lantana Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).

Note: construction has been completed.

- n. PHASE XIII: Building permits for no more than 1340 single family dwelling units shall not be issued until the construction for the widening of Gateway Boulevard from Military Trail to Lawrence Road as a minimum of four lanes has commenced (scheduled for FY 96/97 by County).
- o. PHASE XIV: Building permits for no more than 1416 single family dwelling units shall not be issued until construction has commenced for the widening of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a minimum of four lane median divided section.
- p. PHASE XV: Building permits for no more than 1442 single family dwelling units shall not be issued until the construction for the widening of Helaleuca Lane from Haverhill Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY 97/98 by County).
- q. PHASE XVI: Building permits for no more than 1449 dwelling units shall not be issued until construction for the widening of Military Trail from Boynton Beach Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for FY 87/88 by other Developer and County).

Note: construction has been completed.

- r. PHASE XVII: Building permits for no more than 1456 single family dwelling units shall not be issued until construction for the widening of Lantana Road from Military Trail to Congress Avenue as a minimum of six lanes, including carrying the six lanes through the intersections of both ends of the road segment, has commenced (scheduled for FY 96/97).
- s. PHASE XVIII: Building permits for no more than 1456 dwelling units shall not be issued until construction for the widening of Hypoluxo Road from Jog Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY 89/90 by another Developer).

Note: construction has been completed.

- t. PHASE XIX: Building permits for no more than 1456 single family dwelling units shall not be issued until construction has commenced for the following intersection improvements at the intersection of Lantana Road and Congress Avenue:

- (1) three thru lanes east and west approaches
- (2) separate right turn lane east approach

- u. PHASE XX: Building permits for no more than 1456 single family dwelling units shall not be issued until the construction for the construction of Haverhill Road from Lantana Road to the Lake Worth Drainage District L-17 Canal as a minimum of two lanes has commenced. (scheduled by the developer).

- v. **PHASE XXI:** Building permits for no more than 1594 single family dwelling units shall not be issued until the construction has commenced for the widening of Jog Road from Lake Worth Road to Forest Hill Boulevard as a minimum of six lanes. (scheduled for FY 94/95 by County).
- w. **PHASE XXII:** Building permits for no more than 1700 single family dwelling units shall not be issued until the construction for widening of Lawrence Road from Hypoluxo Road to Gateway Boulevard as a minimum of four lanes has commenced (scheduled for FY 97/98 by County).
- x. **PHASE XXIII:** Building permits for no more than 1700 dwelling units shall not be issued until construction for the widening of Helaleuca Lane from Military Trail to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY 90/91 by County).

Note: Construction has been completed

- y. **PHASE XXIV:** Building permits for no more than 1,703 single family dwelling units shall not be issued until the construction for the widening of Congress Avenue from Gateway Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for FY 97/98 by County).
- x. **PHASE XXV:** Building permits for no more than 11,703 single family dwelling units shall not be issued until the construction has commenced for the following intersection improvements at the intersection of Congress Avenue and Lake Worth Road:
 - (1) dual left turn lanes west approach
 - (2) separate right turn lanes south approach
- aa. **PHASE XXVI:** Building permits for no more than 1,856 single family dwelling units shall not be issued until construction for the widening of Lantana Road from Jog Road to Hagen Ranch Road as a minimum of four lanes has commenced (scheduled for FY 95/96 construction by County).
- bb. **PHASE XXVI:** Building permits for no more than 3,856 single family dwelling units shall not be issued until the construction has commenced for the following intersection improvements at the intersection of Hypoluxo Road and Jog Road:
 - (1) Dual left turn lanes on north, south, east and west approaches.

Note: Construction has been completed (BLDG PERMIT; MONITORING - Eng)

The construction listed in subparagraphs k, n, p, r, v, w, y, and aa above are scheduled as a part of Palm Beach County's Five-Year Road Program and are considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed in accordance with Article XV of the ULDC. (ENG)

The number of dwelling units referred to as the maximum for each phase is based on external trip impact of the project. If dwelling units other than single family units are constructed in the project, an **equivalency analysis** can be undertaken by the property owner to show that the external traffic impacts of the project associated with each phase shall not be exceeded. (ENG).

3. The property owners shall provide permitted construction plans or update the existing construction plans for the six-laning of Hypoluxo Road from Congress Avenue to 1-95. 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 and approved by October 1, 1990. Plan costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits.

Note: Construction has been completed by others.

4. A. The property owner shall prepare the construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road plus the appropriate paved tapers. These plans shall include a design alternative for the four-laning from Hagen Ranch Road to Grand Laguna Boulevard. Funding for the preparation of these design plans shall come from the surety posted for this project. These construction plans shall be completed prior to January 1, 1997. (DATE: MONITORING - Eng)

B. The property owner shall provide funding in the amount of \$427,000.00 towards the design of the Turnpike bridge over Lantana Road. This funding shall be provided to Palm Beach County prior to February 1, 1994 and shall come from the Impoundment Agreement.

Note: Condition 3B has been complied with.

5. The property owners shall fund the preparation of the construction plans for the six laning of Lantana Road from Military Trail to Congress Avenue. The cost for the preparation of these construction plans has been established to be \$104,460. Funding for these construction plans shall come from the surety posted for this project. (NOTE REFER TO SURETY CONDITION ENGINEERING E15)

6. The property owners shall let the contract for the construction of Hypoluxo Road as a six-lane divided road from Congress Avenue to 1-95 prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs.

Note: This condition has been completed by others.

7. A. The property owner shall fund the construction of Lantana Road from Hagen Ranch Road to Grand Laguna Boulevard as a four-lane divided roadway including all appropriate paved tapers. A cost estimate from the Developer's Engineer, approved by the Roadway Production Division, shall be submitted to the Land Development Division prior to January 1, 1997. (DATE: MONITORING - Eng)

- B. Funding for this construction shall be made available on or before October 1, 1998. It is the intent of Palm Beach County to accomplish this construction and to coordinate this construction with the construction of improvements to other sections of Lantana Road. Funding for this construction shall come from the surety posted by this project. Upon receipt of these funds, Palm Beach County shall proceed directly to bid this construction, it is the intent that Palm Beach County will commence construction on or before October 1, 1998. (DATE: MONITORING - Eng)
- C. If Palm Beach County has not commenced construction of the subject section when the project reaches 1416 single family building permits, the limitation of the number of building permits identified in condition number E2 may be adjusted by the County Engineer upon submittal of a traffic report by the property owner showing that there is available capacity on this link of Lantana Road (ONGOING: ENG)
- a. The property owners shall fund the construction of Lantana Road as a six-lane divided road from Military Trail to Congress Avenue, including carrying the six lanes through the intersections on both ends of the road segment, prior to the issuance of building permits for 1456 single family dwelling units or prior to January 1, 1998, whichever first occurs. Funding for this construction shall come from the surety posted by this project. The construction of this roadway segment shall be accomplished by Palm Beach County. (DATE/BLDG PERMIT: MONITORING-Eng).
9. Prior to site plan approval for Pod 8F, Pod 2F, Pod 5F, the Day Care Center, the Church, and the Clinic, the alignment for Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road. (ZONING)
Note: Condition complete.
10. The property owners shall:
- I) fund the construction plans, and
 - ii) fund the preparation of all right-of-way acquisition documents and acquisition of any necessary right-of-way, and
 - iii) fund the construction for the following intersection improvements:
- a) At the intersection of Lantana Road and Military Trail:
- (1) on the east and west approaches:
 - three thru lanes
 - dual left turn lanes
 - separate right turn lane

b) At the intersection of Lantana Road and Congress Avenue:

(1) on the east and west approaches:

- three thru lanes
- dual left turn lanes

(2) on the east approach:

- separate right turn lane

c) If the intersection improvements at Lantana Road and Congress Avenue are constructed by Palm Beach County, through its Five Year Road Program as amended from time to time, or a third party developer accelerates the completion of these intersection improvements to a time prior to that time required to satisfy the phasing requirements set forth herein, then this project shall be relieved of the 80 conditions, provided the intersection improvements are completed. Nothing herein shall abrogate the phasing control relative to these turn lane improvements. (ENG)

11. The property owner shall fund the preparation of all necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's maps, legal descriptions for acquisition of parcel right-of-way maps required for the construction of the road segments in Conditions #7, and 8 as well as the intersection improvements in condition #10. (ENG)
12. Palm Beach County will acquire any additional right-of-way needed for the road segments to be constructed in Condition Nos. 7 and 8 as well as the intersection laneage to be constructed in all conditions. Palm Beach County will complete the acquisition at property owner's expense prior to the commencement of construction of each of the above mentioned roadway improvements. This property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department prior to December 1, 1996. (DATE: MONITORING - Eng)
13. Palm Beach County shall design and construct or cause to be designed and constructed six lanes on Military Trail from Boynton Beach Boulevard to Lake Worth Road. This section of Military Trail is currently programmed for a four-lane or six-lane improvement in fiscal year 88-89. (ENG)

Note: This condition has been complied with.

14. The property owner shall receive a credit for the cost of plan preparation, the right-of-way acquisition, and construction listed in Condition Nos. 4a, 4b, 5, 7a, 7b, 8, 10a, 10b and 16 against the existing traffic impact fee and also against my increase in the Fair Share fee, should the "Fair Share Contribution for Road Improvements Ordinance" be amended. Upon receipt of surety required for Condition Nos. 4a, 4b, 5, 7a, 7b, 8, 10a, 10b and 16, the project shall be considered bonded and no impact fees shall be due while the surety is in effect. (IMPACT FEE COORDINATOR).

15. A. The property owner shall provide surety in the amount of 110% of the approved estimated cost for the offsite improvements listed in Condition #4, 5, 7, 8, 10, 11, 12, 16 and 33. An estimated cost for the construction of these improvements shall be prepared by the property owner's Engineer and submitted to the County Engineer prior to September 1, 1996. This estimated cost estimate shall be reviewed and approved by the County Engineer.
(DATE: MONITORING - Eng)
- B. The property owner shall provide to the County Engineer an annual updated approved Engineer's cost estimate for all conditions referenced in 15.A. on an annual basis beginning September 1, 1996.
(DATE: MONITORING - Eng)
- C. The amount of surety provided to Palm Beach County, referenced in 15A. above, shall be updated based upon final construction drawings and appraisal on an annual basis, beginning December 1, 1996.
(DATE: MONITORING - Eng)
16. Property owner shall construct Baverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) prior to the issuance of 1456 building permits but no sooner than commencement of construction of six lanes on Lantana Road from Military Trail to Congress Avenue but not later than October 1, 1998 unless it is determined by the County Engineer that extending the timeframe would not cause the project to violate traffic performance standards. Construction shall be 2-lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including bridge over the L-17 canal) construction plans shall include a 5-lane bridge and a separate 2-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer. (BLDG PERMIT/DATE: MONITORING-Eng)
17. If 90% of the 2,360 building permits have not been issued by December 31, 1999, no further building permits shall be issued and the property owner must readdress traffic from unbuilt remainder of project to bring the project in compliance with Traffic Performance Standard and then existing conditions. (DATE: MONITORING-Bldg/Eng)
18. The project shall have an access with a minimum of an 80 foot right-of-way onto Haverhill Road. (DRC: ENG)
19. The property owner shall convey from the subject property for the ultimate right-of-way of:
- a) Jog Road, a total of 120 feet on an alignment approved by the County Engineer
 - b) Lantana Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer
 - c) Hypoluxo Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer.
 - d) Sufficient right-of-way at the project entrance road and Lantana Road to provide for the construction of dual left turn lanes, east and a right turn lane, west approach subject to approval by the County Engineer

- e) Sufficient right-of-way 8t the project entrance road and Jog Road to provide for the construction of a right turn lane, south approach subject to approval by the County Engineer.
- f) Sufficient right-of-way to provide for an expanded intersection 8t the intersection of all thoroughfare plan roads and 8t major roadways and the project's entrance.

All within 90 day8 of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur. ((DATE: [now past due): MONITORING - Eng)

Note: Data Base Indicates compliance with 19a, 19b, 19c, 19d, and 19e.

- 20. In the event that the property owners of Falls Country Club and Smith Dairy DRI fail to provide appropriate drainage for Jog Road as required by the conditions of their approvals, then this petitioner shall be required to provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from that segment of Jog Road along the property frontage and for a maximum 400 foot distance each side of the property's boundary line along Jog Road. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Lantana Road, Hypoluxo Road 8nd Eaverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines. 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. (ONGOING: ENG)
- 21. 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 Pair Share Pee for this project, zoning Petition Number 87-112(E), to be paid at the time of issuance of the Building Pexmit presently is:
 - a) \$3,707,550 for the residential portion
(22,470 trips x \$165 per trip)
 - b) \$40,205 x the non-residential portion
(731 trips x \$55 per trip) (BLDG PERMIT: IMPACT FEE COORDINATOR).
- 22. The property owner shall report to Palm Beach County on the number of building permit8 issued for the six (6) months and the cumulative total issued for the subject property. (DATE: MONITORING - Eng)
- 23. The property owner shall provide all right-of-way for Eaverhill Road as an 80 foot section on the approved alignment map adopted by the Palm Beach County Commissioners from the L-17 Canal to Lantana Road. If required, this property owner shall enter into a standard

right-of-way acquisition agreement with the Land Acquisition Department 15 months prior to construction for any right-of-way for Haverhill Road not included in this subject property. (ONGOING: ENG)

24. No dwelling units shall access directly onto the internal roadways shown on the raster plan. (DRC: ENG)
25. For purposes of the resolution "commenced" road work shall be interpreted to mean the commencement of actual construction of the particular road improvements. (ONGOING: ENG)
26. Petitioner's sales brochures and other information soliciting sales shall clearly and prominently indicate that the proposed park/civic site may at some time be lighted at night and also clearly and prominently indicate that Haverhill Road Extension is planned by Palm Beach County to extend through the project to the south as provided in the Palm Beach County Thoroughfare Plan. (ONGOING: ENG)
26. The property owner shall dedicate a private road right-of-way 60 feet in width south of the L-16 Canal to the property owner to the east prior to master plan certification. (DRC: ENG)
27. Property owner shall construct at the project's entrance on Hypoluxo Road:
 1. left turn lane, north approach;
 2. right turn lane, north approach;
 3. right turn lane, east approach;
 4. right turn lane, west approach.

The project's Hypoluxo Road entrance shall be constructed by March 31, 1997. (Previously Condition E.28 of Petition 87-112(E)). (DATE: MONITORING - Eng)

28. Property owner shall construct at the project' entrance on Jog Road:
 1. dual left turn lanes on the north approach concurrent with the construction of dual left turn lanes on the south approach by the Smith Dairy development or when the project reaches 2088 single family dwelling units, whichever shall first occur;
 2. right turn lane, south approach;
 3. left turn lane, east approach;
 4. right turn lane, east approach. (Previously Condition E.29 of Petition 87-112(E)). (BLDG PERMIT: MONITORING - Eng)
29. Property owner shall construct at the Lantana Road and Baverhill Road intersection:
 - a) dual left turn lanes east approach
 - b) right turn lane west approach
 - c) left turn lane south approach
 - d) right turn lane south approach (Previously Condition E.30 of Petition 87-112(E)) (ENG)

30. **LANDSCAPE WITHIN MEDIAN**

A. Prior to May 15, 1996, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of:

- Hypoluxo Road
- Lantana Road

Funds expended by the Developer for this landscaping installation shall, at a minimum, be equal to the cost of the construction of the grade separated golf cart crossing originally required by the developer. Final costs shall be based upon a certified cost estimate from the Developer's Engineer and approved by the County Engineer.

Any remaining funds not expended on the Hypoluxo Road and Lantana Road landscape program shall be used for the purchase of trees and their installation on Jog Road from Hypoluxo Road to the project's entrance road in accordance with Palm Beach County's Streetscape Standards. All landscaping installation requirements shall be subject to the standards as set forth by the Streetscape Standards. All landscaping maintenance, except for the tree plantings along Jog Road (project entrance to Hypoluxo Road) shall be the requirement of Winston Trails PUD and shall be subject to the standards as set forth by the Streetscape Standards.

If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng)

Note: This portion of the condition complied with.

B. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to December 1, 1996. (DATE: MONITORING - Eng)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG) (Previously Condition 1.31 of Petition 87-112(E))

31. **Signalization**

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- a) Project entrance road and Hypoluxo Road
- b) Project entrance road and Jog Road
- c) Project entrance road and Haverhill Road
- d) Baverhill Road and Lantana Road

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition E.32 of Petition 87-112(E), (ONGOING: ENG - Bldg)

32. Property owner shall construct at the intersection of Haverhill Road 8nd the project entrance:

- s) left turn lane west approach
- b) right turn lane west approach
- c) right turn lane north approach
- d) left turn lane south approach

The project entrance shall intersect Haverhill Road approximately one-half mile south of Lantana Road. (Previously Condition E.33 of Petition 87-112(E), (IMG)

33. The property owner shall not be required to fund the design, right-of-way, or construction costs associated with improvements which Palm Beach County may deem appropriate to include in road construction projects which are required of the property owner in the above conditions. (Previously Condition E.34 of Petition 87-112(E) (ONGOING: ENG)

34. Prior to Master Plan approval of Zoning Petition 87-112(F), the property owner shall:

- a. revise the existing concurrency on file with the Zoning Division to reflect the deletion of the proposed land uses and the new mix of single family /multi family dwelling units as requested by the property owner. (DRC: CONCURRENCY - Eng)
- b. relocate the project entrance onto Haverhill Road to the location which was shown on the Master Plan for Zoning Petition Number 87-112(E). (DRC: ENG)

F. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

G. PARKS

1. The recreation requirement for Parcel 19 shall be provided within Parcel 19. The total amount of recreation will be based on the number of dwelling units proposed at time of DRC submittal and shall be calculated at 0.012 acres per dwelling unit. (DRC: PARKS)

H. COMPLIANCE

1. Failure to comply with any of the conditions of approval

for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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