

RESOLUTION NO. R-97-65₁

RESOLUTION APPROVING ZONING PETITION DOA95-19(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF AMHERST PARTNERSHIP
BY ROBERT BENTZ, AGENT
(JONES 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 DOA95-19(A) was presented to the Board of County Commissioners at a public hearing conducted on April 24, 1997; 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 DOA95-19(A), the petition of Amherst Partnership, by Robert Bentz, agent, for a Development Order Amendment (DOA) to revise Master Plan to redesignate recreation area to **Commercial Pod**, allow temporary access, transfer units, modify unit types 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 April 24, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

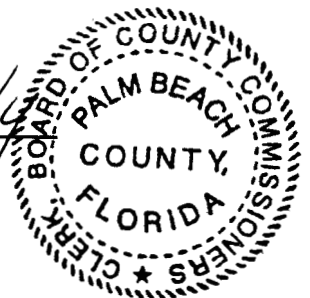


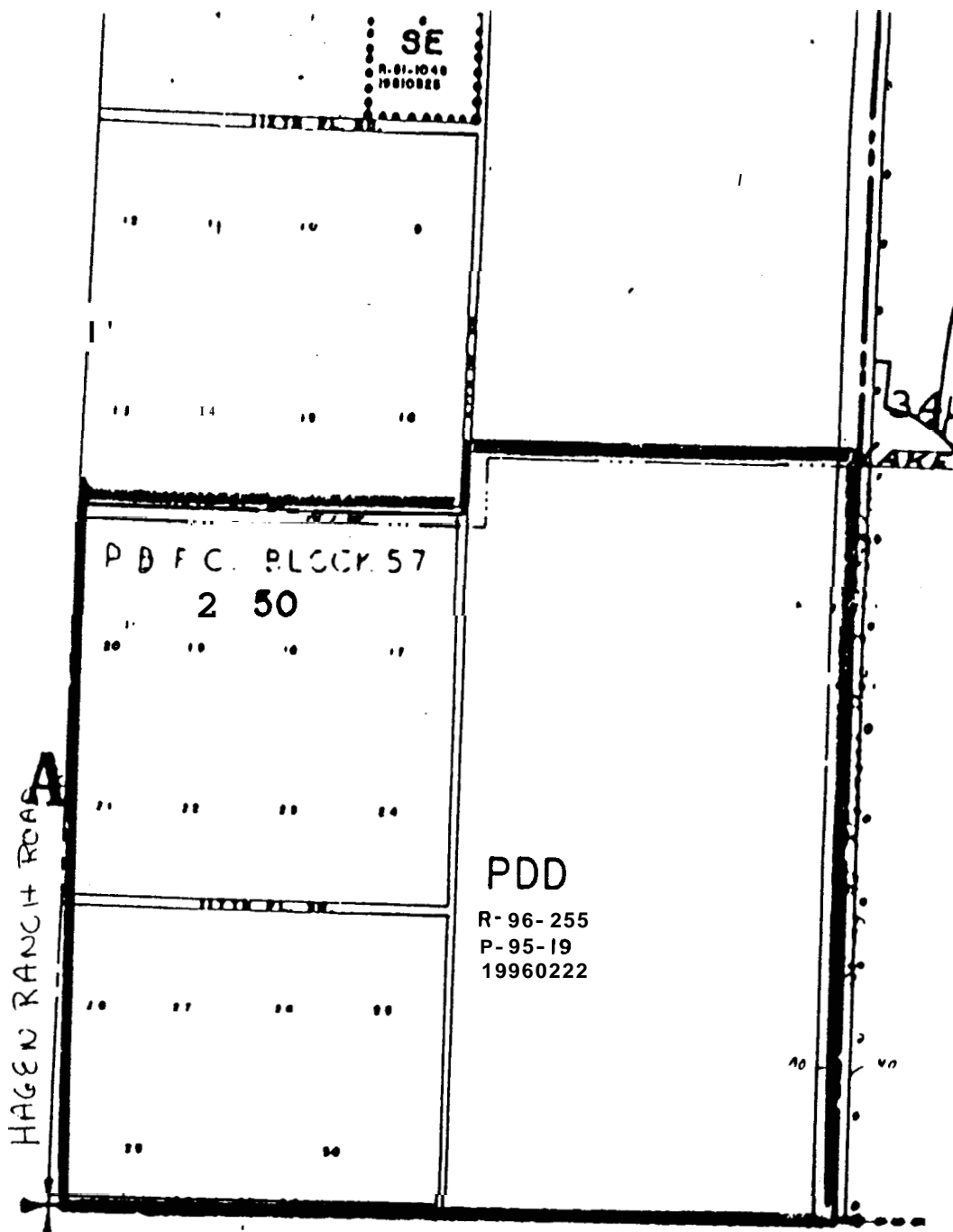
EXHIBIT A
LEGAL DESCRIPTION

Legal Description

Jones P.U.D., according to the Plat thereof as recorded in Plat Book 78, pages 71 through 78 of the public records of Palm Beach County, Florida.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 95-19A

Zoning Quad Page _____

Date: Nov. 14, 1996



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions **R-96-255** (Petition **95-19**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions **of** approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development **of** the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 28, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. LANDSCAPING

1. All trees required within the fifteen (**15**) foot Type **D** Buffer along Hagen Ranch Road and the twenty (**20**) foot Type **C** Buffer along Jog Road shall meet the following minimum standards at time of 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 **A.1** of Resolution **R-96-255** Petition **PDD95-19**) (CO: LANDSCAPE - Zoning)
2. Installation ~~of~~ the trees required under Condition **A.1**. shall ~~be~~ completed prior to the issuance **of** the first Certificate of Occupancy within the adjacent residential pod. (Previously Condition **A.2** of Resolution **R-96-255** Petition **PDD95-19**) (CO: LANDSCAPE - Zoning)

C. LWDD

1. Prior to the recordation of the first plat, petitioner shall record an Easement ~~or~~ Quit Claim Deed, whichever the owner prefers, for the right-of-way for Lateral Canal **No. 27** (L-27) **as** follows;

The north 70' of Tracts **65** to **70** inclusive, Block **58**, Palm Beach Farms Company Plat **No. 3** recorded in P.B. **2** Pages **45** to **54** inclusive; That portion **of** the **50'** platted road and/or canal right-of-way lying between Blocks **57** and **58** bounded on the north by the **easterly** extension **of** the **north** line of Tract **65**, Block **58** and on the south by a line **70'** south of the extension **of** said north line; The north 70' of Tracts **17**, **18** and **20**, Block **57** of said Palm Beach Farms Company Plat **No. 3**; The south **32'**

of the north 70' of Tract 19, said Block 57; That portion of the 25' platted road and/or canal right-of-way lying east of Block 57 bounded on the north by the easterly extension of the north line of Tract 17, Block 57 and on the south by a line 70' south of the extension of said north line; A triangular portion of the northwest corner of the E ½ of the SW 1/4 of Section 34, Township 45S, Range 42E to be determined by survey; and, The south 7' of the north 60' of the E ½ of the SW 1/4 of Section 34, Township 45S, Range 42E, lying east of the above triangular parcel. (Previously Condition B.1 of Resolution R-96-255 Petition PDD95-19) (PLAT: ENG - LWDD)

2. Prior to the recordation of the first plat, petitioner shall record an Easement or Quit Claim Deed, whichever the owner prefers, for the right-of-way for Lateral Canal No. 28 (L-28) as follows;

A triangular parcel in the southeast corner of Tract 128, Block 58, Palm Beach Farms Company Plat No. 3, record in P.B. 2, Pages 45-54 inclusive; The south 20' of Tracts 29 and 30, Block 57, Palm Beach Farms Company Plat No. 3 lying east of the above triangular parcel; and, The south 45' of the E X of the SW 1/4 of Section 34, Township 45S, Range 42E. (Previously Condition B.2 of Resolution R-96-255 Petition PDD95-19) (PLAT: ENG - LWDD)

D. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by January 5, 1997, for a 6.19 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FDO), and the County Attorney's office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
 - b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:

- 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
- e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (Previously Condition C.1 of Resolution R-95-255 Petition PDD95-19)(DATE: MONITORING- PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by October 5, 1996 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. **21HH.6**.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.
- Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (Previously Condition C.2 of Resolution R-96-255 Petition PDD95-19) (DATE: MONITORING - PREM)
3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by October 5, 1996. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. The assessment will include but not be limited to the following:
- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
 - b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.
 - c. The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
- d. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - e. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - f. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (Previously Condition C.3 of Resolution R-96-255 Petition PDD95-19) (DATE: MONITORING - PREM)
4. Prior to October 5, 1996, the petitioner shall exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8.B.6.a(2). (Previously Condition C.4 of Resolution R-96-255 Petition PDD95-19) (DATE: MONITORING - PREM)

E. ENGINEERING

1. Prior to issuance of a building permit 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 a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 280 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. (Previously Condition E.1 of Resolution R-96-255 Petition PDD95-19) (BLDG PERMIT: MONITORING - Eng)

Note: Data Base Indicates compliance with this condition

2. Condition **E.2** of Resolution R-96-255 Petition PDD95-19 which currently states:

The Property owner shall construct a left turn lane, north approach on Hagen Ranch Road at the project's entrance onto Hagen Ranch Road.

This construction shall be concurrent with the construction of the projects entrance roads 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit (excluding dry models). Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

Is hereby amended to read:

2. The Property Owner shall construct a left turn lane, north approach on Hagen Ranch Road at the project's entrance. This shall be required if the PUD's access onto Hagen Ranch Road is required prior to the five laning of Hagen Ranch Road as referenced in the conditions below.

This construction shall be concurrent with the construction of the projects access onto Hagen Ranch Road. 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. Construction shall be completed within six months of notification to the property owner that the access onto Hagen Ranch Road is required. (ONGOING: ENG)

3. The property owner shall fund the construction of a right turn lane, north approach and left turn lane, south approach on Jog Road at the project's entrance road onto Jog Road. The construction for these turn lanes shall be completed by the Palm Beach County concurrent with widening of Jog Road. These cost shall include, but are not limited to, utility relocations. Funding for the construction of these turn lanes shall be completed within 60 days of request for payment by the County. (Previously Condition E.3 of Resolution R-96-255 Petition PDD95-19) (ONGOING: ENG)

4. On or before June 1, 1997, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Jog Road and Hagen Ranch Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be No less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the

combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road **Section(s)** of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate **wingwall** or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess **fill** material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this **fill** material. (Previously Condition E.4 of Resolution R-96-255 Petition PDD95-19) (DATE: MONITORING - Eng)

Note: Complete

5. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 95-19, to be paid at the time of issuance of the Building Permit presently is:
 - a. \$990.00 per approved multi-family retirement unit (6 trips per dwelling unit X \$165.00 per trip)
 - b. \$1,320.00 per approved single-family retirement unit (**8** trips per dwelling unit X \$165.00 per trip)
 - c. **\$18,590.00** for the proposed 9 hole public golf course (**338** trips X **\$55.00** per trip). (Previously Condition E.5 of Resolution R-96-255 Petition PDD95-19) (BLDG PERMIT: IMPACT FEE COORD)

Credit for the Fair Share Impact Fee shall be given for the design and the right-of-way acquisition of Jog Road.

6. Developer shall provide within sixty (60) days of Developer's Project Development Order (March **25**, 1996) an irrevocable surety in a form acceptable to the County Attorney in the amount of Five Hundred Thousand Dollars (**\$500,000**) to be used by County to fund the preparation of construction plans for the Jog Road Section. County shall be authorized to draw against this surety in any amount necessary to fund the actual cost of the construction plan preparation for the Jog Road Section by giving thirty (**30**) days prior written notice to Developer of the County's intention to draw funds against the surety. **All** residual funds not used by County for construction plan preparation shall be available to County for right-of-way acquisition or road construction associated with the Jog Road Section. (Previously Condition E.6 of Resolution R-96-255 Petition PDD95-19) (DATE: MONITORING - Eng)
Note: Data Base Indicates compliance with this condition
7. For right-of-way acquisition purposes, Developer shall further provide within six (6) months of the effective date of Developer's Project Development Order (July 25, 1996) an additional irrevocable surety in a form acceptable to County Attorney in an amount of One Million Dollars (**\$1,000,000**) to County for County's use in purchasing Jog Road Section right-of-way or roadway drainage area acquisition phase. County shall be authorized to draw against this surety in any amount necessary to fund the actual cost of the right-of-way or roadway drainage area by giving thirty (**30**) days prior written notice to

Developer of the County's intention to draw funds against the surety. County agrees to only draw against such surety in accordance with a schedule directly related to County's actual need for such funds, but in no event shall the County be liable for failure to use such funds within the thirty (30) days. Any residual funds not required for right-of-way and drainage area acquisition shall be available to County for road construction associated with the Jog Road Section. (Previously Condition E.7 of Resolution R-96-255 Petition PDD95-19) (DATE: MONITORING - Eng)

Note: Data Base Indicates compliance with this condition

8. **For** actual road construction purposes, Developer shall provide to County within six (6) months of the effective date of Developer's Project Development Order (July 25, 1996) and an additional irrevocable surety in a form acceptable to County Attorney in the sum of One Million Dollars (**\$1,000,000**) for use by County in construction of the Jog Road Section. County shall be authorized to draw against this surety in any amount necessary to fund the actual cost of the construction of the Jog Road Section by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the surety. County agrees to only draw against such surety in accordance with a schedule directly related to the County's actual need for such funds, but in no event shall the County be liable for failure to use the funds within the thirty (30) days. This funding commitment by Developer shall be in the form of an interest-free loan which shall be repaid by County Developer. In the event that there are any unused funds or uncalled surety amounts in the Jog Road Section account from the One Million Five Hundred Thousand Dollars (\$1,500,000) provided by Developer in Conditions E-6 and E-7 above, all such funds shall be utilized by County for the Jog Road Section concurrent with the payment by Developer to County of the interest-free loan payment in this condition. (Previously Condition E.8 of Resolution R-96-255 Petition PDD95-19) (**DATE: MONITORING - Eng**)

Note: Data Base Indicates compliance with this condition

9. Developer shall provide prior to recordation of the first plat a Declaration of Restrictive Covenants in recordable form acceptable to the County Attorney, limiting the Project to a retirement community development as described in the Developer's traffic impact study and relied upon by the County Engineering Department in evaluating the **traffic** impacts from the Project. (Previously Condition E.9 of Resolution R-96-255 Petition PDD95-19) (PLAT: ENG)

Note: County Attorney's Office has verified compliance with this condition.

10. The Property owner shall fund the construction of the entire pedestrian pathway along Hagen Ranch Road from the south right of way line of the LWDD L-30 north to the north right of way line of the LWDD L-28 Canal. In addition, the property owner shall fund one half of the cost of the construction of the pedestrian pathway along Hagen Ranch Road from the north right of way line of the LWDD L-28 north to the south property line of the Lake Worth Drainage District L-27 Canal. The combined funding for this pedestrian pathway shall be completed on or before July 15, 1996. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (Previously Condition E.10 of Resolution R-96-255 Petition PDD95-19) (DATE: MONITORING - Eng)

11. Prior to DRC approval of the Master Plan, the property owner shall submit and receive approval for a conceptual drainage plan from the Director of the Land Development Division. This conceptual drainage plan shall include the requirement for this project to convey drainage **easement(s)** to Palm Beach County for Hagen Ranch Road and **Jog** Road. (Previously Condition E.12 of Resolution R-96-255 Petition PDD95-19) (DRC: ENG)

12. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (Previously Condition E.13 of Resolution R-96-255 Petition PDD95-19) (PLAT: ENG)
Note: Data Base Indicates compliance with this condition

13. LANDSCAPE WITHIN MEDIAN
 - a. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public **Works** Department for a permit to landscape all adjacent **median(s)** of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public **Works**, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public **Works** Department March **1994** Streetscape Standards. All landscaping installation and maintenance requirements 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. (Previously Condition **E.14.a** of Resolution R-96-255 Petition PDD95-19) (TC: ENG)

 - 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 health plant material. **All** landscape material shall be installed concurrent with the improvements with the first plat. (Previously Condition **E.14.b** of Resolution R-96-255 Petition PDD95-19) (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. (Previously Condition **E.14.c** of Resolution R-96-255 Petition PDD95-19) (PLAT: ENG)

14. **Prior to recordation of the first plat the property owner shall cash out for the proposed civic site subject to the approval of PREM.** (Previously Condition E.15 of Resolution R-96-255 Petition PDD95-19) (PLAT: ENG - Prem)
15. ~~The entrance to the project from Hagen Ranch Road shall be closed to vehicular traffic from 6-~~ (Previously Condition E.16 of Resolution R-96-255 Petition PDD95-19) (ONGOING: ENG - Prem)
16. **Property owner shall negotiate in good faith a contract for a proportionate share of the cost of operation and maintenance of Mass Transit generated by this projects identifiable impacts. This condition shall remain in effect until January 25, 1997.** (Previously Condition E.17 of Resolution R-96-255 Petition PDD95-19) (DATE: ENG)
17. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) No Building Permits after July 1, 1997 shall be issued until the property Owner records a restrictive covenant on the subject property subject to the approval of the County Engineer. This restrictive covenant shall limit this project to a "retirement community" for purposes of traffic generation rates. (BLDG PERMIT / DATE: MONITORING - Eng)
Note: Condition 17a) complete.
 - b) Building Permits for more than 477 single-family dwelling units plus building permits for the non residential uses, shall not be issued until construction has commenced for the following :
 - 1) dual left turn lanes east approach (including appropriate paved departure lanes and drainage modifications) south approach
 - 2) separate right turn lane east approach
 at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. (BLDG PERMIT: MONITORING - Eng)
 - c) Building Permits for more than 576 single-family dwelling units plus building permits for the non residential uses, shall not be issued until the contract has been let for the construction of dual left turn lanes east approach and a separate right turn lane east approach at the intersection of Jog Road and Boynton Beach Boulevard. (BLDG PERMIT: MONITORING - Eng).
 - d) Building Permits for more than 727 single-family dwelling unit;; plus building permits for the non residential uses, shall not be issued until the contract has been let for the widening of Jog Road as a 6i lane median divided facility from Boynton Beach Boulevard to Woolbright Road. (BLDG PERMIT: MONITORING - Eng)
 - e) Building Permits for more than **742** single-family dwelling unit;; plus building permits for the non residential uses, shall not be issued until the contract has been let for the widening of Jog Road as a 6i lane median divided facility has commenced from the project entrance road to Lake Ida/Sims Road. (BLDG PERMIT: MONITORING - Eng)

- f) Building Permits for more than 752 single-family dwelling units or after May 1, 2002 whichever of the two shall first occur, shall not be issued until the external public access to the commercial POD is discontinued and the pavement is removed within the right of way of Cascades Isles Boulevard. Access to this Commercial POC shall then be limited to internal PUD access through the Recreation POD. (BLDG PERMIT/DATE: MONITORING - Eng)
- g) Building Permits for more than 890 single-family dwelling unit;; plus building permits the non residential uses, shall not be issued until the contract has been let for the construction of a right turn lane south approach at the intersection of Jog Road and Woolbright Road or until the contract has been let for the widening of Jog Road as a 6 lane median divided facility from Lake Ida/Sims Road to Bonnton Beach Boulevard. (BLDG PERMIT: MONITORING - Eng)

The mix of allowable uses 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. (REVISED TRAFFIC STUDY: MONITORING - Eng)

- 18. Acceptable surety required for the intersection and road improvements as outlined in the Condition above shall be posted with the Office of the **Land Development Division** on or before October **24**, 1997 for those items to be constructed by this property owner as referenced in condition number E 17 b and c above. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer for the engineering, and construction of these improvements. The Public Facilities agreement dated January **25**, 1997 shall be amended as necessary to reflect these requirements prior to Master Plan Approval. (TPS) (DATE: MONITORING -Eng)
- 19. The property owner shall provide for the acquisition by funding the cost of any required right-of-way and all the associated costs for the construction as referenced in condition number E 17 b and c above. Acceptable surety to the ~~Office~~ of the County Engineer and County Attorney shall be posted prior to October **24**, 1997. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before October **24**, 1937. Notification by the developer shall be given to the **Land Development Division**. (TPS) (DATE: MONITORING -Eng)
- 20. On or before October **25**, 1997, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction as referenced in condition number E 17 b) and c) above. These documents shall include a title search for a minimum of **25** years. Notification shall be given to **Land Development Division**. (TPS) (DATE: MONITORING - Eng)
- 21. **A** The property owner shall revise the Master Plan to show Cascades Isle Boulevard to be paved from Jog Road to Hagen Ranch Road. (DRC APPROVAL: ENG)
 - B.** The property owner shall be allowed to phase the construction of Cascades Isle Boulevard. However, Cascades **Isle** Boulevard construction shall be completed concurrent with the POD "B". (ONGOING: ENG)

C. The property owner shall be allowed to temporarily barricade the projects access onto Hagen Ranch Road. This road shall be opened for traffic ~~after Hagen Ranch Boulevard has been constructed as a 5 lane section or~~ when it has been determined by the County Engineer that access is required for sufficient traffic circulation ~~but no later than when Hagen Ranch Road has been constructed as a five (5) lane section.~~ After a determination to open Hagen Ranch Road has been established by the County Engineer, the property owner shall remove the barricade and open the road connection to Hagen Ranch Road. (ONGOING: ENG)

F. 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. (Previously Condition D.1 of Resolution R-96-255 Petition PDD95-19) (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. (Previously Condition D.2 of Resolution R-96.255 Petition PDD95-19) (CO: ZONING - Eng)
3. The petitioner shall construct an eight (**8**) foot bike/ pedestrian path along the internal collector road in lieu of constructing a street bike lane. (Previously Condition D.3 of Resolution R-96-255 Petition PDD95-19) (CO: ENG)
4. **All** utilities shall be underground pursuant to Section **6.8.A.23.d(5)** of the ULDC. (Previously Condition D.4 of Resolution R-96-255 Petition PDD95-19) (CO: ENG)
5. All property included within the legal description of the petition 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 property included in the Planned Unit Development (**PUD**), and assessment of all members of the master association for **the** cost of maintaining the **PUD's** common areas.

The property shall not be subjected **to** the Declaration of Restrictions in phases, and approval of the Declaration must be obtained from the County Attorney's Office prior to the issuance of the first building permit, or the recordation of the first plat for any portion of the planned development, whichever occurs first. (Previously Condition D.5 of Resolution R-96-255 Petition PDD95-19) (BLDG. PERMIT/ PLAT: BLDG / ENG - Cty Atty)

6. 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 on or adjacent to the subject property in a location and manner acceptable to the Palm Beach County School Board, Palm Tran and County Engineer. A bus stop, **if** required, shall include, at a minimum, a covered shelter, pedestrian access, bicycle access, and bicycle rack. (Previously Condition **D.6** of Resolution R-96-255 Petition PDD95-19) (**DRC**: ZONING / School Board / Eng / Planning)

7. If the petitioner decides to "cash-out" the **6.19** acre civic parcel in accordance with Condition C. **4**, the pod shall be **designated** as a residential **or** recreational pod. **No** access for a private civic parcel shall be permitted from **Jog** Road. (Previously Condition D.7 of Resolution R-96-255 Petition PDD95-19) (DRC: ZONING)
8. If the joint operation of the **two** golf courses (proposed Jones **PUD 9** hole golf course and existing Pipers ~~Glen~~/**Westchester PUD 18** hole golf course) is dissolved, the Jones PUD will be required to **provide 36** parking spaces for the **9** hole golf course within the Jones PUD. (Previously Condition D.8 of Resolution R-96-255 Petition PDD95-19) (DRC: ZONING)

G. SIGNS

1. All signage associated with the sales office shall be limited to one **directional** type sign by the temporary entrance on Cascades Isles Boulevard. (ONGOING: ZONING / CODE ENF)
2. All real estate signs be removed by **May 1, 2002** with no further extensions. (DATE: MONITORING / ZONING)
3. No advertisements or perimeter signage shall be permitted for the **Specialty Restaurant**. (ONGOING: ZONING / CODE ENF)

H. USE LIMITATIONS

1. Use of the Commercial pod shall be limited to a **Community Service Center** consisting of meeting rooms, a **specialty restaurant** and a maximum of **1,500 sq. ft.** retail for residents and guests only. (ONGOING: ZONING / CODE ENF)
2. The use of the structure may be temporarily **used** for real estate sales until **May 1, 2002**, but shall be limited to properties located within the boundaries of the Jones Planned Unit Development. (DATE: MONITORING / ZONING)
3. All sales activities shall cease operation **May 1, 2002** with no further extensions. (DATE: MONITORING / CODE ENF)
4. Temporary access to Cascades Isles Boulevard shall be removed **May 1, 2002** with no further extensions. (DATE: MONITORING / CODE ENF - Zoning)

I. WATER UTILITIES

1. The Developer will be required to extend along **Hagen Ranch Road**, a **20" W.M.** to **Canal L-27**. (Previously Condition **F.1** of Resolution R-96-255 Petition PDD95-19) (BLDG PERMIT: WATER UTILITIES)
2. The Developer will be required to extend a min. **12" W.M.** from **Hagen Ranch Road to Jog** Road. (Previously Condition F.2 of Resolution R-96-255 Petition PDD95-19) (BLDG PERMIT: WATER UTILITIES)

3. Prior to final site plan certification, the Developer **will** be required to dedicate **two (2) 40' X 60'** raw water well sites located near Jog Road with all necessary utility and access easements as **required** by Turnpike Aquifer Protection Overlay District Ordinance (**TAP-0**) The Site Selection shall comply with the Wellfield Protection Ordinance and must be approved by P.B.C. Water Utilities Department. (Previously Condition **F.3** of Resolution R-96-255 Petition PDD95-19) (DRC: WATER UTILITIES)
4. The water and sewer design within Pod "**D**" will include a gravity sewer extension to serve Petition **95-21**. The necessary utility easements **will** be shown on the site plan and submitted to **P.B.C.** Water Utilities Department for review and approval prior to Development Review Committee approval. (Previously Condition **F.4** of Resolution R-96-255 Petition PDD95-19) (DRC: WATER UTILITIES)

J. COMPLIANCE

1. Condition G.1 of Resolution R-96-255 Petition PDD95-19 which currently states:

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.

Is hereby amended to read:

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 noncompliance, 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)