

RESOLUTION NO. R-97- 2079

RESOLUTION APPROVING ZONING PETITION DOA87-07(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WEST DELARY ESTATES
BY ROBERT BENTZ, AGENT
(DELRAY TRAINING CENTER 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 DOA87-07(D) was presented to the Board of County Commissioners at a public hearing conducted on October 23, 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 DOA87-07(D), the petition of West Delary Estates, by Robert Bentz, agent, for a Development Order Amendment (DOA) to delete Condition E.17 of R-97-853 (Linton Blvd. Access), and transfer units within the pods with Pods A (+15 units), E (+44 units) and I (+21 units) increasing over 30% 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 October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

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

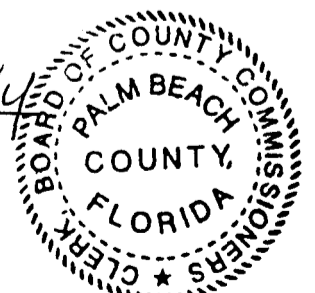


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 20 AND 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING A PART OF TRACTS 101 THRU 125, IN SAID SECTION 20, AND TRACTS 4 THRU 29 AND 35 THRU 62, IN SAID SECTION 29, PALM BEACH FARMS CO. PLAT NO.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THRU 28 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA; TOGETHER WITH ANY PORTION OF THE 30.00 FOOT PLATTED ROAD RIGHT-OF-WAYS SITUATE BETWEEN SAID TRACTS, AND LYING WITHIN THE SAID PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

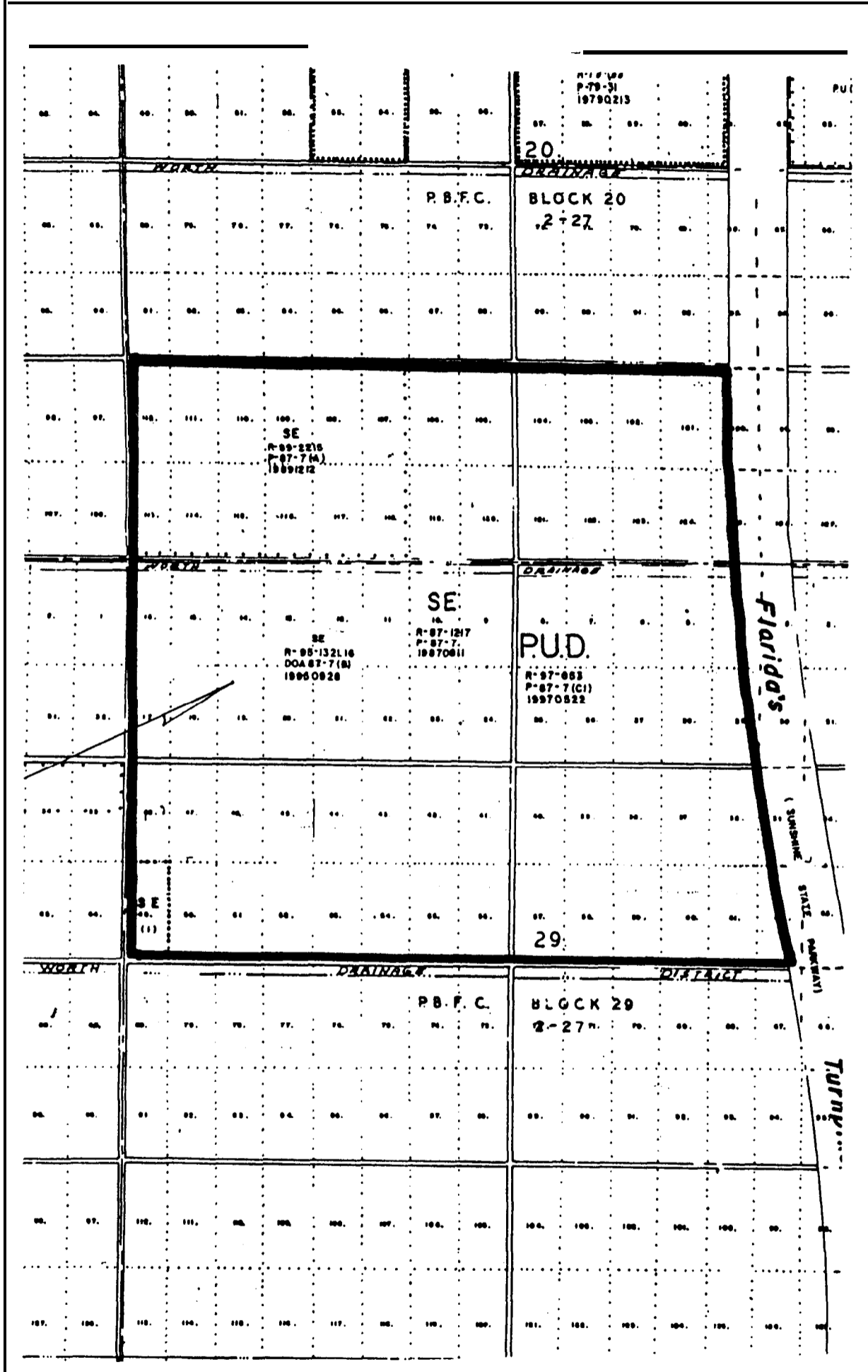
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 00 DEGREES 52 MINUTES 26 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 55.00 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 02 SECONDS EAST, ALONG A LINE BEING 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 24 MINUTES 02 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 52 MINUTES 26 SECONDS WEST, ALONG A LINE BEING 175.00 FEET EAST OF AND PARALLEL WITH THE SAID WEST LINE OF SECTION 29, A DISTANCE OF 57.00 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 29; THENCE CONTINUE NORTH 00 DEGREES 52 MINUTES 26 SECONDS WEST, ALONG SAID LINE BEING 175.00 FEET EAST OF AND PARALLEL WITH THE SAID WEST LINE OF SECTION 29, A DISTANCE OF 2.36 FEET; THENCE NORTH 01 DEGREES 52 MINUTES 21 SECONDS WEST, ALONG A LINE BEING 175.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 1093.52 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 19 SECONDS EAST, ALONG A LINE 240.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF TRACTS 101 THRU 112, SAID PALM BEACH FARMS CO. PLAT NO. 1, A DISTANCE OF 2251.80 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, AND HAVING A RADIUS OF 2111.83 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 26 DEGREES 11 MINUTES 16 SECONDS, A DISTANCE OF 965.24 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 64 DEGREES 25 MINUTES 25 SECONDS EAST, A DISTANCE OF 904.74 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA TURNPIKE; BEING A POINT ON A CURVE CONCAVE EASTERLY, AND HAVING A RADIUS OF 11709.16 FEET AND WHOSE MADIUS POINT BEARS NORTH 86 DEGREES 53 MINUTES 50 SECONDS EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 02 DEGREES 21 MINUTES 21 SECONDS, A DISTANCE OF 481.43 FEET TO AN INTERSECTION WITH THE SAID NORTH LINE OF SECTION 29; THENCE CONTINUE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 05 DEGREES 56 MINUTES 41 SECONDS, A DISTANCE OF 1214.91 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 11 DEGREES 24 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1507.24 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 29 SECONDS WEST, ALONG THE NORTH LINE OF THE 30.00 FOOT PLATTED ROAD RIGHT-OF-WAY LYING ALONG THE SOUTH LINE OF TRACTS 49 THRU 62, OF SAID PALM BEACH FARMS CO. PLAT NO. 1, A DISTANCE OF 4557.54 FEET; THENCE NORTH 00 DEGREES 52 MINUTES 26 SECONDS WEST, ALONG A LINE BEING 55.00 FEET EAST OF AND PARALLEL WITH THE SAID WEST LINE OF SECTION 29, A DISTANCE OF 2624.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 15,538,125 SQ. FT. OR 356.706 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH /ZONING



Petition Number: - 87 - 07 D

Zoning Quad Page -

JUL 16 1997

Date: _____



NORTH

194

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 Resolution R-97-853 (Petition **87-07C1**), 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. **The existing development rights shall not be removed from this property units a conservation easement for the preservation area has been recorded in the public records of Palm Beach County in a form acceptable to the County Attorney. The conservation easements on the preservation area shall be recorded prior to or concurrent with the first plat for Delray Training Center PUD. At such time the easement is recorded, Resolutions R-81 -1218, R-87-I 217, R-89-221 5, and R-95-1321.16, approving Petitions 81-153,87-7(A) and 87-7(B), and denying Petition 87-7, shall be revoked by the Board of County Commissioners. Should a conservation easement not be placed on this property in a form acceptable to the County Attorney prior to November 15, 1997, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (Previously Condition A.1 of Resolution R-97-853, Petition 87-07(C1)) (DRC: PLANNING / DATE).**
3. Condition A.2 of Resolution R-97-653, Petition 87-07(C1) which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated April 24, 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.

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated August 29, 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. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (Previously Condition B.1 of Resolution R-97- 653, Petition 87-07(C1)) (ONGOING: HEALTH / CODE ENF)

C. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (Previously Condition C.1 of Resolution R-97-653, Petition 87-07(C1)) (CO: LANDSCAPE - Zoning)
2. Buffers between incompatible land uses, pods, and adjacent to internal rights-of-way within the PUD shall be subject to review and approval by the Development Review Committee. (Previously Condition C.2 of Resolution R-97-653, Petition 87-07(C1)) (DRC: ZONING)
3. Lake setbacks shall be subject to approval by the Development Review Committee. (Previously Condition C.3 of Resolution R-97-653, Petition 87-07(C1)) (DRC: ZONING)

D. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, east and west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. 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; and
 - d. Twenty four (24) 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. (Previously Condition D.1 of Resolution R-97-653, Petition 87-07(C1)) (CO: LANDSCAPE)

E. ENGINEERING

1. The Property owner shall convey for the ultimate right-of-way of:
 - a. Linton Boulevard, a total of 120 feet on an alignment approved by the County Engineer;
 - b. Lyons Road, 55 feet from centerline; and,

- c. **the additional right-of-way required for the Turnpike Overpass and expanded intersection at Lyons Road and Linton Boulevard as approved 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. All right of way shall be dedicated prior to May 1, 1998 or prior to Technical Compliance, whichever shall first occur. (Previously Condition E.1 of Resolution R-97-653, Petition 87-07(C1)) (DATE/TC: MONITORING/ENG)

2. **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 Linton Boulevard and Lyons Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable Drainage District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition E.2 of Resolution R-97-653, Petition 87-07(C1)) (ENG)**
3. **Condition E.3 of Resolution R-97- 653, Petition 87-07(C1) which currently states:**

The petitioner shall convey to the Lake Worth Drainage District:

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

All of these conveyances shall be by Quit Claim Deed or an Easement Deed in the form provided by said District by June 1, 1998 or Technical Compliance, whichever occurs first.

Is hereby amended to read:

The petitioner shall convey to the Lake Worth Drainage District:

- a. **The north 50 feet of Tracts 4-16, Block 29 Palm Beach Farms Plat No. 1, P.B.2, pages 27 and 28 for Right-of-Way for Lateral Canal 36;**
- b. **The south 15 feet of Tracts 49-62, Block 29, Palm Beach Farms Plat No. 1, P.B.2, pages 27 and 28 for Right-of-Way for Lateral Canal No. 37; and,**

- c. A parcel of land 40 feet in width lying immediately west of and adjacent to the west Right-of-Way line of E-2W Canal bounded on the north by L-36 Canal and bounded on the south by L-37 Canal for Right-of-Way of Equalizing Canal No. 2-W.

All of these conveyances shall be by Quit Claim Deed or an Easement Deed in the form provided by said District by June 1, 1998 or Technical Compliance, whichever occurs first. The above Right-of-way dedication may be modified subject to approval by Lake Worth Drainage District. (DATE/TC: ENG - LWDD)

4. **The property owner shall provide construction plans for Lyons Road as an ultimate 110 foot section from West Atlantic Avenue south to the project's south property line plus the appropriate paved tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction plan Standards as they presently exist or as they may from time to time be amended. A Construction Plan Master Plan shall be submitted prior to June 1, 1998. 100% Construction Plans shall be submitted to the County Engineer prior to December 1, 1998. (Previously Condition E.4 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - Eng)**
5. **The property owner shall fund the construction, or at the option of the County Engineer construct, Lyons Road as a thoroughfare plan 2 lane section from West Atlantic Avenue to the south property line in accordance with the condition above.**
 - a) **If Palm Beach County elects to construct this roadway, funding shall be completed prior to May 1, 1999 or prior to the issuance of any certificates of occupancy whichever shall first occur. (Previously Condition E.5.a of Resolution R-97-653, Petition 87-07(C1)) (DATE/ CO: MONITORING-Eng)**
 - b) **If the property owner constructs Lyons Road, then this construction shall be completed prior to the issuance of any certificates of occupancy or prior to December 1, 1999 whichever shall first occur. (Previously Condition E.5.b of Resolution R-97-653, Petition 87-07(C1))(DATE/CO: MONITORING - Eng)**
6. **Palm Beach County shall acquire at the developers expense the additional right of way and appropriate construction easements required for the acquisition of Lyons Road right of way as a 55 foot section. The limits of this additional right of way shall be from Linton Boulevard to West Atlantic Avenue. Funding by this developer shall include the cost of the right-of-way and all associated costs as referenced in the Condition above and the developer shall provide surety acceptable to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before April 1, 1998 for the County to use its powers of eminent domain to acquire this Lyons Road right-of- way and construction easements. Notification by the developer shall be given to the Land Development Division. (Previously Condition E.6 of Resolution R-97653, Petition 87-07(C1)) (DATE: MONITORING / ENG)**

7. **The property owner shall prepare and provide to the County all necessary right-of-way and construction easement acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road right-of-way as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. These documents shall be submitted prior to December 1, 1998. (Previously Condition E.7 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - Eng)**

8. **Developer shall construct at the intersection of Lyons Road and West Atlantic Avenue:**

- a) **left turn lane, east approach;**
- b) **right turn lane, west approach;**
- c) **left turn lane, south approach.**

All concurrent with the construction of Lyons Road from the Project's South property line to West Atlantic Avenue as outlined above. (Previously Condition E.8 of Resolution R-97-653, Petition 87-07(C1)) (ENG)

9. **The developer shall install signalization if warranted as determined by the County Engineer at West Atlantic Avenue and Lyons Road. Should signalization not be warranted after 12 months of the final certificate of occupancy, then this property owner shall be relieved from this condition. (Previously Condition E.9 of Resolution R-97-653, Petition 87-07(C1)) (DATE: ENG)**

10. **Surety shall be posted for all work performed under Condition Nos. 4, 5, 6, and 8 prior to May 1, 1998 or Technical Compliance (TC), whichever shall first occur. Surety shall be based upon a certified cost estimate from the Developers Engineer and approved by the County Engineer. (Previously Condition E.10 of Resolution R-97-653, Petition 87-07(C1)) (DATE\TC: MONITORING\ENG)**

11. **Developer shall, within six (6) months of the date of the resolution approving this special exception, complete and submit to the County Engineer an alignment study for Lyons Road from Clint Moore Road to West Atlantic Avenue acceptable to the County Engineer. (Previously Condition E.11 of Resolution R-97-653, Petition 87-07(C1)) (ENG) Note: Complete**

12. **Developer shall participate in any public hearings scheduled by the Board of County Commissioners relating to the alignment of Linton Boulevard between the Sunshine State Parkway and U.S. 441. In the event that the Board of County Commissioners, in its sole discretion, determines that the alignment of Linton Boulevard should be in a location different than that shown on the approved Master Plan, developer shall resubmit a master plan showing the location of Linton Boulevard consistent with the location of Linton Boulevard established by the Board of County Commissioners. No site plan shall be approved until such time as the alignment of Linton Boulevard has been established between the Sunshine State Parkway and U.S. 441 by the Board of County Commissioners, or as otherwise provided by the Board of County Commissioners. (Previously Condition E.12 of Resolution R-97453, Petition 87-07(C1)) (ENG) Note: Complete**

13. **The property owner shall convey concurrent with the first plat a roadway construction easement to Palm Beach County for the Projects entrances onto Lyons Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (Previously Condition E.13 of Resolution R-97-653, Petition 87-07(C1)) (TC PLAT: ENG)**

14. **The property owner shall plat the 8 acre out parcel located in the northwest corner of the intersection the of Linton Boulevard and the Florida Turnpike prior to the last residential plat for Delray Training Center PUD. (Previously Condition E. 14 of Resolution R-97-653, Petition 87-07(C1)) (PLAT: ENG)**

15. **The Property owner shall construct a left turn lane north and a right turn lane south approach on Lyons Road at the projects entrance road. This construction shall be concurrent with the paving and drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.**
 - a) **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (Previously Condition E. 15.a of Resolution R-97-653, Petition 87-07(C1)) (BLDG PERMIT: MONITORING - Eng)**

 - b) **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.15.b of Resolution R-97653, Petition 87-07(C1)) (CO: MONITORING - Eng)**

16. **No building permits shall be issued after December 31, 2001 unless a new traffic study has been submitted and approved by the County Engineer which justifies an extension of the project buildout date. (Previously Condition E. 16 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - Eng)**

17. **Condition E.17 of Resolution R-97-653, Petition 87-07(C1), which currently states:**

Prior to certification of the Master Plan by the DRC, the Developer shall amend the Master Plan to reflect an access to the PUD onto Linton Boulevard, subject to approval of the County Engineer. (DRC: ENG)

Is hereby deleted.

18. **Prior to certification of any site plans for POD's D, F, or G the Developer shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for these POD's. Any noise mitigation required by the Florida Department of Transportation shall be funded by this Property Owner. (Previously Condition E.18 of Resolution R-97-653, Petition 87-07(C1)) (DRC APPROVAL: ENG)**

- 19.A. **The following conditions of approval are based upon a separate CRALLS approval from the Florida Department of Community Affairs as well as a separate approval from the Palm Beach County Board of County Commissioners for Clint Moore Road from Jog Road to Lyons Road which would accommodate the traffic impacts of this development. Should these approvals not be granted prior to November 15 , 1997, then Palm Beach County shall prepare a corrective resolution for /approval by the Board of County Commissioners which deletes the conditions of approval which required the separate CRALLS approval. (Previously Condition E.19.A of Resolution R-97453, Petition 87-07(C1)) (DATE: ENG)**
- 19.B. **The Property owner shall fund the construction plans for Lyons Road as a 2 lane (expandable to 6 lanes) from the projects south property line to Clint Moore Road plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed on or before June 1, 1998. Plan costs shall be approved by the County Engineer. 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. 19.8 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - Eng)**
20. **Palm Beach County shall acquire at the developers expense the additional right of way and construction easements if required for the acquisition of Lyons Road right of way as a 110 foot ultimate section or less if approved by the County Engineer based upon a 2 lane design which accommodates offsite drainage. The limits of this additional right of way shall be from the projects south property line to Clint Moore Road. Funding by this developer shall include the cost of the right-of-way, construction easements and all associated costs as referenced in the Condition above and shall provide surety acceptable to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before April 1, 1998 for the County to use its powers of eminent domain to acquire this Lyons Road right-of- way. Notification by the developer shall be given to the Land Development Division. (Previously Condition E.20 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING / ENG)**
21. **On or before May 1, 1998, the property owner shall prepare and provide to the County all necessary right-of-way acquisition and construction easement documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (Previously Condition E.21 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - Eng)**

22. **The property owner shall fund the construction, or at the option of the County Engineer construct, Lyons Road as a 2 lane section from Clint Moore Road to the south property line in accordance with the condition above.**
- a) **If Palm Beach County elects to construct this roadway funding shall be completed prior to May 1, 1999 or prior to the issuance of any building permits whichever shall first occur. (Previously Condition E.22.a of Resolution R-97-653, Petition 87-07(C1)) (DATE / BLDG PERMIT: MONITORING - Eng)**
 - b) **If the property owner constructs Lyons Road, then this construction shall be completed prior to December 1, 1999. (Previously Condition E.22.b of Resolution R-97-653, Petition 87-07(C1)) (DATE PERMIT: MONITORING - Eng)**
23. **Acceptable surety required for the offsite road improvements as outlined in Condition No. E-19B, No. E-21 and No. E-22 shall be posted with the Office of the Land Development Division on or before December 1, 1998. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS) (Previously Condition E.23 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - Eng)**
24. **Acceptable surety required for the signal modifications at the intersection of Clint Moore Road and Lyons Road shall be posted with the Office of the Traffic Division on or before December 1, 1998. (Previously Condition E.24 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - Eng)**
25. **Developer shall construct at the intersection of Lyons Road and Clint Moore Road:**
- a) **left turn lane, west approach;**
 - b) **right turn lane, east approach; and,**
 - c) **one left and one right turn lane, and one through lane north approach.**
- All concurrent with the construction of Lyons Road from the project's south property line to Clint Moore Road. The through lanes on Lyons Road shall align with the 4 lane divided section south of Clint Moore Road. (Previously Condition E.25 of Resolution R-97-653, Petition 87-07(C1)) (ONGOING: ENG)**
26. **Fair share road impact fee credit shall be granted for the cost of constructing Lyons Road from Linton Boulevard to West Atlantic Avenue and for Lyons Road from the project's south property line to Clint Moore Road as outlined in condition E4, E5, E7, E8, E19B, E22, and E25. No impact fee credit shall be given for Lyons Road adjacent to the site. Credit is granted in accordance with Section 10,8(G)(I) of the ULDC, which permits the Board of County Commissioners to grant exceptions to Criterion #3 of the criteria for road impact fee credit. No credit shall be granted for the costs of right-of-way acquisition for Lyons Road or for property acquired for drainage purposes. (Previously Condition E.26 of Resolution R-97-653, Petition 87-07(C1)) (BLDG PERMIT: IMPACT FEE COORD - Eng)**

F. MASS TRANSIT

1. **A.** Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (Previously Condition F. 1.A of Resolution R-97-653, Petition 87-07(C1)) (DRC: ZONING)
- B.** Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than 25% of the units, or the 100th unit, whichever is less. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Previously Condition F.I.B of Resolution R-97-653, Petition 87-07(C1)) (BLDG PERMIT: MONITORING - Eng)

G. PLANNING

1. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall include a 75 foot wide landscape buffer along the south property line. To maintain consistency with the Comprehensive Plan, Section 7.B.2.b. (Land Use Element, page 72.2), this buffer shall not be granted any credits or reductions in width and include the minimum following design standards:
 - a) A continuous five (5) foot high berm;
 - b) A double row of canopy trees planted twenty (20) feet on center within twenty (20) feet of the crown of the berm. 50% of the required trees shall be planted on the exterior side of the berm; and
 - c) Twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be installed on the crown of the berm and maintained at a minimum height of thirty-six (36) inches. (Previously Condition G.I of Resolution R-97853, Petition 87-07(C1)) (DRC: PLANNING - Zoning)
2. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as a buildable area, and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (Previously Condition G.2 of Resolution R-97-653, Petition 87-07(C1)) (DRC: PLANNING)

3. **Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall amend the location map on the master plan so as to include the locations of the preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Development Code (ULDC).** (Previously Condition G.3 of Resolution R-97-653, Petition 87-07(C1)) (DRC: PLANNING - Zoning)
4. **Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall amend the master plan to provide a notation on the Master Plan indicating vehicle ingress/egress to the north only along Lyons Road to West Atlantic Avenue, unless a CRALLS designation is approved prior to November 15, 1997.** (Previously Condition G.4 of Resolution R-97-653, Petition 87-07(C1)) (DRC: PLANNING)
5. **The PUD shall be limited to a maximum of 500 single family units. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Master Plan indicating that the balance of unused units (391) shall not be utilized outside the boundary of the Delray Training Center Site as identified in petition No. PDD 87-07(C1).** (Previously Condition G.5 of Resolution R-97-653, Petition 87-07(C1)) (DRC: PLANNING)
6. **In the event that the use of the property to the south of the Delray Training Center is approved as a residential use within a PUD prior to the development of Pods G and J, Condition G.1 may be reduced to comply with the buffer requirements as set forth in Section 6.8.A.23.b of the ULDC for compatibility buffers.** (Previously Condition G.6 of Resolution R-97653, Petition 87-07(C1)) (ONGOING: PLANNING)
7. Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall remove the "Type C" buffer reference from the 75 foot wide landscape buffer located on the south border of the buildable area property. (DRC: PLANNING)
8. Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall remove the "Preservation Area/Proposed Uses" notes depicted on the 60/40 PUD Location Map on page 2 of the Preliminary Development Plan and replace it with the following:

The preservation areas approved as part of Petition 87-07 (C1, C2 & C3) shall be restricted to preservation uses as follows:

PERMITTED USES

- a) crop production, pasture, or equestrian purposes or may be retained as fallow land;
- b) accessory structures such as barns and pump structures are permitted;
- c) wetland or bona fide agricultural uses per the ULDC;

- d) Other uses as permitted by the required conservation easements;
- e) Existing uses (equestrian training facility and one dwelling unit) on the Palm Beach Downs property; and,
- f) Other uses as may be permitted within the protected area of an Agr-PDD consistent with the Comprehensive Plan and the Unified Land Development Code.

NOT PERMITTED

- g) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected area of the Agr-PUD; nor shall new residential uses be accommodated thereon. (DRC: PLANNING)

H. 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 H.1 of Resolution R-97653, Petition 87-07(C1)) (CO: BLDG - Eng)
2. **Street trees shall be planted in 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 H.2 of Resolution R-97-653, Petition 87-07(C1)) (CO: LANDSCAPE - Eng)
3. **Bike lanes shall be provided in or adjacent to all 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.** (Previously Condition H.3 of Resolution R-97-653, Petition 87-07(C1)) (CO: BLDG - Eng)
4. **All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC.** (Previously Condition H.4 of Resolution R-97-653, Petition 87-07(C1)) (PLAT: ENG - Zoning)
5. **All property included in the legal description of 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 recordation of the first plat for any portion of the planned development.** (Previously Condition H.5 of Resolution R-97-653, Petition 87-07(C1)) (PLAT: ENG - Co Att)
6. The temporary real estate sales office use shall be limited to only the sales and resales of new and existing properties within the boundaries of the Delray Training Center PUD's CI parcel. (ONGOING: CODE ENF - Zoning)

7. Prior to final DRC certification of the Preliminary Development Plan, all applicable certified plans shall be amended to indicate the location of the temporary real estate sales office. (DRC:ZONING)
8. Prior to October 23, 2007, the following shall be done. No administrative time extension may be granted for this condition:
 - a. The use of the temporary real estate sales office within a sale model in Pod A shall cease and the use of the structure shall be converted to a residential use;
 - b. An Administrative Amendment to all affected certified plans is required to relocate the temporary real estate sales office access, and parking from Pod A; and,
 - c. All necessary building permits shall be obtained for any work done within the scope of this condition. (DATE: MONITORING - Zoning/Bldg)

I. PREM

1. **The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by March 27, 1998 for a 7.14 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), 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 I.1 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - PREM)**
2. **The property owner shall provide the County with a certified survey of the proposed civic site by January 27, 1998 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. The survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (Previously Condition 1.2 of Resolution R-97453, Petition 87-07(C1)) (DATE: MONITORING - PREM)**
3. **The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by January 27, 1998 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. he 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).**
 - c) **Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.**
 - d) **The results of an on-site survey to describe site conditions and to identify potential area of contamination.**
 - e) **Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (Previously Condition 1.3 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - PREM)**

4. **Prior to January 27, 1998, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. 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 land shall be equivalent to the contract purchase price (per acre basis) of the PUD. If this method is not available or the off-site land option is chosen, then the civic site 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.6a (2). (Previously Condition 1.4 of Resolution R-97-653, Petition 87-07(C1)) (DATE: MONITORING - PREM)**

J. 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. (Previously Condition J.1 of Resolution R-97-653, Petition 87-07(C1)) (ONGOING: SCHOOL BOARD)**

K. 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.**

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. (Previously Condition K.I of Resolution R-97-653, Petition 87-07(C1)) (MONITORING)