

18/3/2

RESOLUTION NO. R-98- 570

RESOLUTION APPROVING ZONING PETITION DOA82-40(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF TRENT BASS, CENTEX HOMES INC.  
BY ROBERT BENTZ, AGENT  
(MELROSE 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 DOA82-40(A) was presented to the Board of County Commissioners at a public hearing conducted on April 23, 1998; 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 DOA82-40(A), the petition of Trent Bass, Centex Homes Inc., by Robert Bentz, agent, for a Development Order Amendment (DOA) to Modify Condition 11 (PUD buffering) of Resolution R-82-635, transfer units, redesignate land uses, and redesign the preliminary development plan 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 8, attached hereto and made a part hereof, was approved on April 23, 1998, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair ~~thereupon~~ declared that the resolution was duly passed and adopted on April 23, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burt Aaronson*  
COUNTY ATTORNEY

BY: *Jean Hursey*  
DEPUTY CLERK

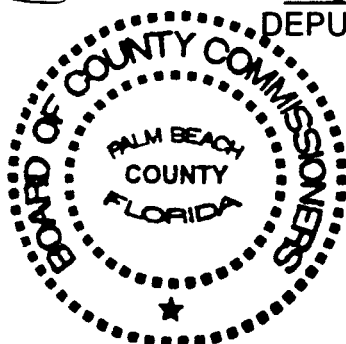


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL 1:

Parcels of land lying in Sections **17** and **18**, Township **45** South, Range **42** East, Palm Beach County, Florida, said parcels being described as follows:

Tract **B** of MELROSE PARK SECTION I, according to the plat thereof, recorded in Plat **Book 41**, Pages **22** through **26**, of the Public Records of Palm Beach County, Florida.

**LESS** a parcel of land being more particularly described as follows:

MELROSE PARK SECTION **2**, as recorded in Plat Book **54**, Page **3**, of the Public Records of Palm Beach County, Florida.

ALSO LESS a parcel of land being more particularly described as follows:

MELROSE PARK SECTION **3**, as recorded in Plat **Book 58**, page **152**, of the Public Records of Palm Beach County, Florida.

ALSO LESS Right-of-way for Lyons Road per official Records **Book 3775**, Page **1104**, of the Public Records of Palm Beach County, Florida.

PARCEL 2:

Together with that portion of the following described Parcel lying West of the West Right-of-way line of Florida's Turnpike as in that Deed recorded in Deed Book **1138**, Page **442**, of the Public Records of Palm Beach County, Florida.

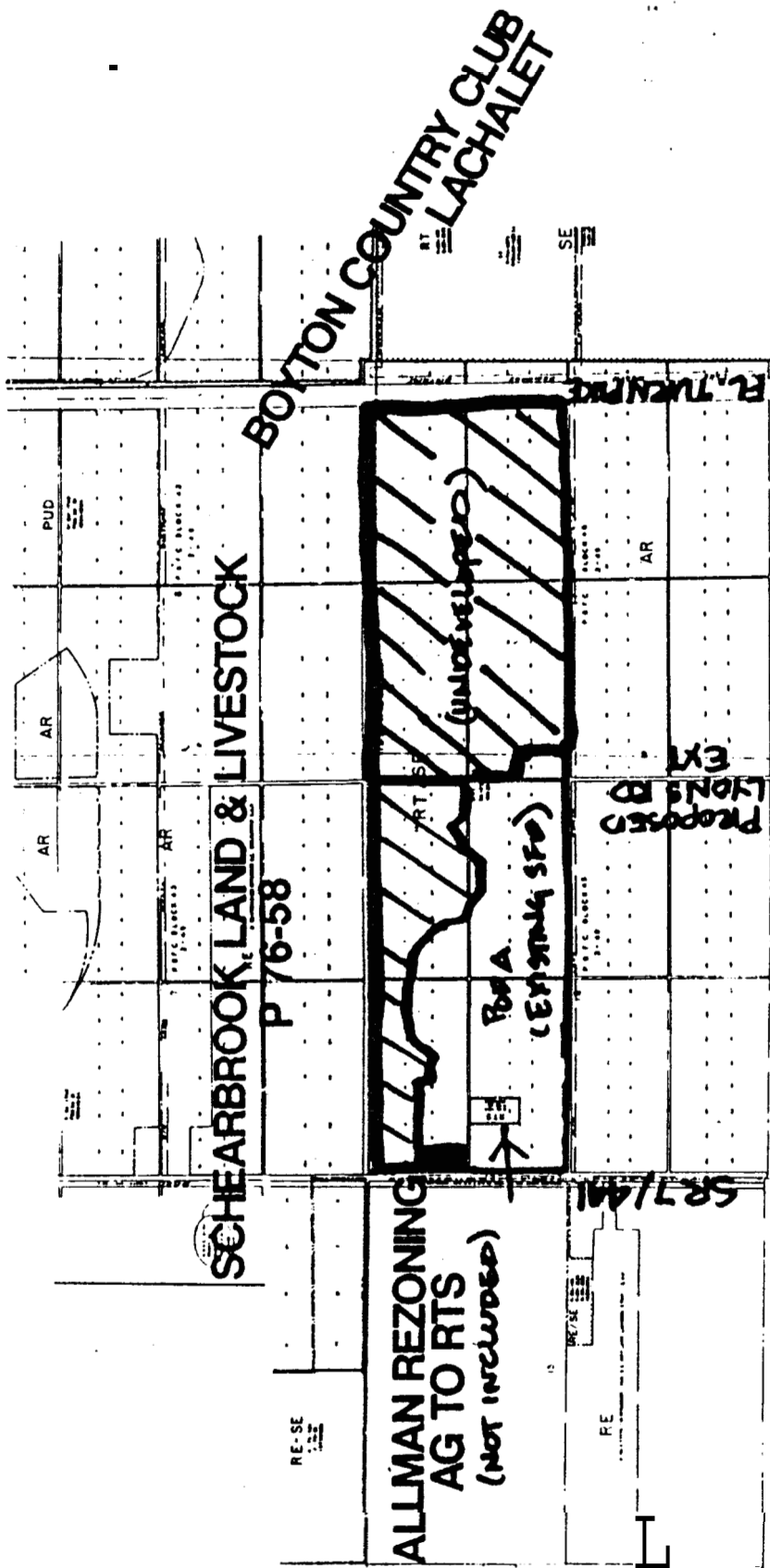
Tracts One (1) to Ten (10), both inclusive, Tracts Eleven (11) and Twelve (12) LESS the West 29.00 feet thereof, both inclusive, Tracts Thirteen (13) to Thirty-seven (37) both inclusive, Tract Thirty-eight (38) LESS the South 64.00 feet and the West 29.00 feet thereof, and Tracts Forty (40) to Fifty-four (54), both inclusive, and the thirty (30) foot strip running North-South and lying between Tracts 5, 18, 30 and 47 and Tracts 6, 17, 31 and 46, and the thirty (30) foot strip running East-West between Tracts 12 through 22, inclusive, and Tracts 23 through 38, inclusive, LESS the West 29 feet thereof, and the lands within the intersection of the hereinabove described thirty (30) foot strips adjoining Tracts 17, 18, 30 and 31, all lying within Block Forty-six (46); THE PALM BEACH FARMS CO., PLAT NO. 3, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45 to 54, inclusive.

LESS AND EXCEPT from the above described parcel the following:

That portion conveyed to the State of Florida, Department of Transportation in Order of Taking tiled in official Records Book **8223**, page **1084**, and Quit Claim Deed filed in official Records Book **8313**, page **540**, of the Public Records of Palm Beach County, Florida.

All containing **403.34** Acres, more or less.

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 82-40 A

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Date: 8-20-97



## 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. **The developer shall properly notify prospective buyers of abutting active agricultural activities.** (Previously Condition **12** of R-82-635, Petition 82-40) (ONGOING: CODE ENF - Zoning)
2. All previous conditions of approval applicable to the subject property, as **contained** in Resolutions R-79-1258 (Petition 79-160), R-82-635 (Petition 80-40) and R-92-600 (**SR82-40**), 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)
3. 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 **March 4, 1998**. 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. ARCHITECTURAL CONTROL FOR 4.9 ACRE COMMERCIAL PODS

1. All buildings and **structures** shall **be** designed and **constructed to be** compatible with **the** general architectural character of surrounding residential areas. **Compatibility may be** accomplished by using a minimum of **three (3)** of the following:
  - a. Similar materials **for** the building facades;
  - b. Similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia, etc.);
  - c. Similar colors; or,
  - d. Similar roof materials and treatment (i.e. pitched roof, dormers, etc.) (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
3. **All** air conditioning and mechanical equipment shall be roof mounted and screened from view on **all** sides by a parapet or a full pitched roof. (BLDG PERMIT: BLDG - Zoning)
4. Exterior storage areas shall **be** screened from view and integrated into the building design to make it compatible with **the** buildings' architecture. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN FOR 4.9 ACRE COMMERCIAL POD

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, **shall not be** located within fifty (50) feet of any residentially zoned property lines. (DRC/ONGOING: ZONING/CODE ENF)
2. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
3. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding lighting for security lighting only. (ONGOING: CODE ENF)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)
6. Total gross floor area for the 4.9 acre commercial pod shall be limited to a maximum of 53,361 square feet and individual tenants in the building(s) shall be limited to a maximum of fifteen thousand (15,000) square feet. (BLDG PERMIT/ DRC: ZONING)
7. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)
8. Prior to DRC certification of the preliminary Development Plan, the 4.9 acre commercial pod within the east portion of the PUD shall be deleted. The land area shall be converted to open space or additional land area for the lots within the adjacent residential pods. No additional units shall be permitted as a result of this conversion. (DRC: ZONING)

D. ERM

1. The property owner shall provide a 2.0 acre upland preservation area west of the 0.49 acre wetland area within pod B, prior to final certification of the preliminary development plan by the Development Review Committee. (DRC: ERM)

E. ENGINEERING

1. Condition 1 of R-79-1258, Petition 79-160 which currently states:  
**Petitioner shall convey to Palm Beach County one hundred eight (108) feet for the ultimate right-of-way for Lyons Road.**  
~~It~~ hereby deleted. [REASON: incorporated into Condition E.2]
2. Condition 2 of R-79-1258, Petition 79-160 which currently states:  
**Petitioner shall construct Lyons Road to a two-lane section thru the project's limits, as approved by the County Engineer, when warranted, as determined by the County Engineer. (ENG)**

Is hereby amended to read:

For Lyons Road Construction the Petitioner shall:

A) **fund** all associated **costs** for the acquisition of any remaining right of way not acquired by this property **owner** for Lyons Road. Width of this **road** right of way **shall be 108** foot, with the limits from the project's north property line to Boynton Beach Boulevard. Surety shall **be** provided 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 September 1, 1998. Notification by the developer shall be given to the **Land Development Division**. (DATE: MONITORING-Eng).

B) Prior to September 1, 1998 the petitioner shall provide to Palm Beach County the required right-of-way maps for the Lyons Road right of way acquisition as outlined above and approved by the County Engineer. (DATE: MONITORING-Eng)

C. Prior to January 1, 1999, the property owner shall provide **completed** construction plans for Lyons Road as a 2 lane section, **expandable to 4 lanes, from the project's north property line** to Boynton Beach Boulevard plus the appropriate paved tapers. **All canal** crossings within *the* project limits **shall be constructed** to their ultimate configuration. (DATE: MONITORING-Eng)

D. Property **owner** shall **construct Lyons Road** , as a **two** lane section, from the project's north property line to Boynton Beach Boulevard. This **construction shall be completed on** or before January 1, 2001 **or** prior to the issuance of the first certificate of occupancy for the POD's east of Lyons Road, whichever **shall first occur**. (~~DATE: MONITORING - Eng~~ DRC / DATE: ENG / MONITORING - Eng)

E. Property **owner** shall post acceptable surety for ~~the~~ construction of Lyons Road, as a **two lane section**, from ~~the~~ project's north property line to Boynton Beach Boulevard. Surety for this construction **shall be** posted within **60** days notice to the property owner that all necessary right of way has been acquired for ~~the~~ Lyons Road Construction. Surety shall be in ~~the~~ amount of 110% of a **certified** cost estimate provided by the Developers Engineer and approved by the County Engineer. (ONGOING: ENG)

3. **Petitioner shall abandon all existing Palm Beach Farms platted roads within the project's limits.** (Previously Condition 3 of R-79-1258, Petition 79-160) (ENG) [NOTE: completed]

4. **Petitioner shall construct on S.R. 7 at the project's entrance:**

a. **Right turn lane, south approach.**

b. **Left turn lane, north approach.** (Previously Condition 4 of R-79-1258, Petition **79-160**) (ENG) [NOTE: completed. Also ~~the~~ widening of SR 7 by the Florida DOT reincorporates these turn lanes into the new construction]

5. Condition 5 of R-79-1258, Petition 79-160 which currently states:

**Petitioner shall construct on Lyons Road at the intersection of the main road and Lyons Road:**

- a. Left turn lane, north approach.
- b. Left turn lane, south approach.(ENG)

Is hereby deleted. [REASON: duplicate condition]

- 6. Condition 6 of R-79-1258, Petition 79-160 which currently states:

Petitioners shall signalize the intersection of the main access road and S.R 7, when warranted, as determined by the County Engineer. (ENG)

Is hereby deleted. [REASON: incorporated into Condition E. 13]

- 7. Condition 7 of R-79-1258, Petition 79-160 which currently states:

Petitioner shall contribute Two Hundred Fifteen Thousand One Hundred Sixty-two Dollars and Fifty Cents (\$215,162.50) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The fee schedule for this project has been calculated accordance with Ordinance No. 79-7 as follows:

Residential	\$245.63/Unit
Commercial - 1st Phase	\$1,006.00/1,000 Sq. Ft.
Commercial - 2nd Phase	\$1,250.00/1,000 Sq. Ft.

This condition shall fulfill the developer's requirement according to Ordinance No. 79-7 "Fair Share Contribution Commissioners on June 19,1979. (ENG)

Is hereby deleted. [REASON: code requirement]

- 8. Petitioners shall convey to the Lake Worth Drainage District the North 45 feet of Tracts 1 to 15, inclusive, Block 45 and the North 45 feet of Tracts 2 to 11, Block 46 for Lateral Canal No. 20. No additional Right-of-way for Lateral Canal No. 21 is required. We will require a parcel of land in Tracts 2, 21, 24 and 53, Block 46. Said parcel is to be 35 feet in width lying immediately west of and adjacent to the existing West Right-of-Way line of Equalizing Canal No. 2-W (E-2W). The said existing West Right-of-wayline is also known as the original West Right-of-Way line of the Florida Turnpike. They will accept a Quit Claim Deed or an Easement, on our form, whichever the owner prefers. (Previously Condition 8 of R-79-1258, Petition 79-160) (ENG) [Completed]

- 9. Condition 1 of R-82-635, Petition 82-40 which currently states:

The developer shall convey to Palm Beach County within 90 days of special exception approval 108 feet for the ultimate right of way for Lyons Road within the project's limits excluding the single out parcel. (ENG)

Is hereby amended to read:



**RIGHT OF WAY/EASEMENT CONVEYANCES:**

- 9A. Prior to July 1, 1998, the developer shall convey to Palm Beach County by road right-of-way warranty deed, 108 feet for the ultimate right of way for Lyons Road within the project's limits excluding the single out parcel. This right of way shall be free of all encumbrances and encroachments. 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. (DATE/BLDG PERMIT: MONITORING/Eng)
90. The property owner shall convey to Palm Beach County by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Lyons Road on both the north and south approach 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. Deeds shall be submitted to the Land Development Division for processing prior to recordation.
1. Conveyance of this additional right-of-way on the west side of Lyons Road shall be completed and a deed recorded prior to the recordation of a plat located west of Lyons Road; and, (PLAT: ENG)
  2. Conveyance of this additional right-of-way on the east side of Lyons Road shall be completed and a deed recorded prior to the recordation of a plat located east of Lyons Road. (PLAT: ENG)
- 9C. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (PLAT: ENG)
- 9D. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County along the property frontage adjacent to Lyons Road. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (PLAT: ENG)
10. Condition 2 of R-82-635, Petition 82-40 which currently states:
- The developer shall:**
- a) **Acquire and design the 108 foot ultimate right of way for Lyons Road from Boynton West Road north to the project's north**

property line prior to the time of application for a certificate of occupancy for the 425th residential dwelling unit or in no event later than four (4) years from the time of special exception approval.

In the event that the developer, after due diligent effort demonstrated to the County Engineer is unable to obtain the required 108 feet of right of way for Lyons Road from third party owners other than the Petitioner, the County will acquire such unobtainable right of way at the developer's sole cost and expense by condemnation proceedings.

The developer's funds for such condemnation acquisition costs are to be provided to County within thirty (30) days of receipt by the Petitioner of written notice from County that such funds are due and payable.

Prior to the County's condemnation proceedings, the preparation of all required right of way maps shall be at the sole cost and expense of the developer and shall be prepared by the developer's engineer and approved by the County.

- b) The property owner shall provide Palm Beach County with approved surety in the amount of one hundred ten (110) percent, based upon a certified cost estimate, for construction of a two lane section of Lyons Road commencing at the project's north property line to Boynton Beach Boulevard prior to April 1, 1992. Said surety shall not expire before January 31, 1994.

Is hereby deleted. [REASON: incorporated into another condition]

- 11. Condition 3 of R-92400, SR 82-40 which currently states:

The property owner shall design as an ultimate 108 foot section and construct as a two lane section for Lyons Road from the project's north property line to Boynton Beach Boulevard prior to October 31, 1993.

Is hereby deleted. [REASON: incorporated into Condition E.2]

- 12. The developer shall construct at the intersection of Lyons Road and the project's entrance road, at the time of construction of Lyons Road:

- a. Left turn lane, north approach
- b. Right turn lane, north approach
- c. Left turn lane, south approach
- d. Right turn lane, south approach
- e. Left turn lane, east approach
- f. Right turn lane, east approach
- g. Left turn lane, west approach (Previously Condition 4 of R-82-435, Petition 8240) (ENG)

- 13. Condition 5 of R-82-635, Petition 82-40 which currently states:

The developer shall provide signalization when warranted, as determined by the County Engineer, but in no event later than five (5) years after the issuance of the final Certificate of Occupancy for the project, at the intersection of the project's entrance and SR 7.

Is hereby amended to read:

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

- a) the projects entrance and Lyons Road.
- b) Lyons Road and Boynton Beach Boulevard
- c) **the** projects entrance and SR 7

Should signalization not **be** warranted **after** 12 months of the final Certificate of Occupancy this property owner shall **be** relieved from this condition. (ONGOING: MONITORING - Eng).

14. Condition **6** of R-82-635, Petition 82-40 **which** currently states:

The developer **shall** contribute Two **Hundred** and **Eight-nine** Thousand, Nine **Hundred** and Twenty-five Dollars (**\$289,925.00**) toward the **cost** of meeting this project's direct and identifiable traffic impact, to **be** paid **on a pro-rata** basis at the **time of** the filing **of** each plat. This impact **fee** shall be credited toward the acquisition and construction of Lyons Road **but** shall not be payable as long as **the petitioner** is in compliance with **the** Lyons Road project requirements provided for in **Condition** No. 3 above.

Is hereby deleted. [REASON: code requirement]

15. Condition **E.15** of Petition DOA82-40(A), which currently states:

**All** traffic impact payments made by the developer pursuant to Zoning Petition No. **79-160** shall **be** credited towards funds required to **acquire** the Lyons Road right of way required by Condition **No. 2** above.

Is hereby amended to state:

The developer **shall** receive impact fee credits towards the funds **expended** for the design, acquisition **of** right-of-way **and** **the** construction of Lyons Road from Boynton Beach Boulevard to the project's north property line. (ONGOING: ENG)

16. Condition 10 of R-82-635, Petition 8240 **with** currently states:

The developer shall provide for a phasing plan of the development to bring the proposal into conformity with Traffic Performance **Standards**, Ordinance **81-6** prior to Master Plan Certification.

Is hereby amended to read:

No building permits for **the portion** of the project located east of Lyons Road **shall be** issued until construction has commenced for Lyons Road as a **two-lane** section from Boynton Beach Boulevard to the project entrance. **This** condition **shall** not apply to **the** POD's located west of Lyons Road. (LYONS ROAD CONSTRUCTION/ BLDG PERMIT: BLDG - Eng)

17. Prior to the recordation of the next plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in **bold** print. (PLAT: **ENG**)

- a. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 1999 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING - Eng)
  - b. Prior to June 1, 1999 or prior to the issuance of 232 building permits whichever shall first occur, the subject property shall be appropriately signed by the developer. These signs shall be approved by the County Engineer. (DATE/ PLAT RECORDATION: ENG)
  - c. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (DRC: ENG)
18. A. The developer shall construct at the intersection of Boynton Beach Boulevard and Lyons Road:
- a) left turn lane north approach
  - b) right turn lane east approach
  - c) left turn lane north approach
- B. Construction plans for the turn lanes on Boynton Beach Boulevard shall be permitted prior to September 1, 1999. (DATE: MONITORING - Eng)
- C. In the event FDOT will not issue the permit because the available right of way is inadequate to satisfy FDOT requirements, then the developer shall remit funds equal to the cost of the construction of these turn lanes to Palm Beach County. This funding shall be completed within 30 days after FDOT has denied the required permits and condition shall then be deemed satisfied. In no event shall the developer be required to acquire right of way to construct these turn lanes. (ONGOING: ENG)
19. Prior to master approval the developer shall record a restrictive covenant of the property to limit POD's D,E,F,G,H, and I to an adult only community. (DRC: ENG)
20. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE  
Prior to site plan approval for PODs G and H, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (DRC: ENG)
21. Prior to the issuance of the first land development permit for any POD west of Lyons Road, the developer shall construct a temporary barricade acceptable to the County Engineer. The location of this temporary barricade shall be between lots 156 and 60A and shall be installed along the right of way for Talaway Circle. This barricade shall then be removed concurrent with the extension of Talaway Circle. (ONGOING: ENG)
22. A. No later than the filing of the last plat for any of the PODs west of Lyons Road, the property owner shall plat the unplatted section of Talaway Circle and dedicate the right of way to the Melrose Park Property Owners Association. (LAST PLAT: ENG)

- B. The developer shall construct the unpaved section of Talaway Circle and install a swing vehicular access gate operated by magnetic cards in order to limit vehicular traffic from Talaway Circle to Lyons Road. This construction shall be completed prior to the issuance of the last certificate of occupancy within the PODs west of Lyons Road. (ONGOING: ENG)
23. A. All construction traffic shall access the property from State Road 7 through the existing shell pit road located on the north side of Arnone Place until Lyons Road is open for traffic. (ONGOING: ENG)

F. HEALTH

- 1. The developer shall take reasonable precaution during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition 8 of R-82-635, Petition 82-40) (HEALTH)
- 2. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (Previously Condition 9 of R-82-635, Petition 82-40) (HEALTH)
- 3. The developer shall obtain water and sewer service from County Utilities prior to the issuance of residential building permits. (Previously Condition 13 of R-82-635, Petition 8240) (HEALTH)

G. LANDSCAPE - STANDARD

- 1. Condition 11 of Resolution R-82-635, Petition 8240, which currently states:  
  
**The Master Plan shall provide a 50 foot landscaped buffer completely around the boundary of the site.**  
  
 Is hereby amended to read:  
  
**A fifty (50) foot buffer shall be provided on the preliminary development plan along perimeter PUD property lines unless expressly modified herein. (DRC: ZONING)**
- 2. 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.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
- 3. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and

- c. Credit may **be** given for existing **or** relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
4. A group of three **or** more palm or pine trees may not supersede the requirement for a perimeter canopy ~~tree~~ in that location. (CO: LANDSCAPE - Zoning)

**H. LANDSCAPING- INTERIOR OF 4.9 ACRE COMMERCIAL PODS**

- 1. Foundation plantings **or** grade level planters shall **be** provided along the **front and** side facades of all structures to consist of the following:
  - a. The minimum width of the required landscape areas shall **be** five (5) feet;
  - b. The length of the required landscaped areas shall **be** no less than ~~40% of the~~ total ~~length of~~ the applicable exterior side of the structure; **and,**
  - c. Landscape areas shall **be** planted with a minimum of one (1) ~~tree or~~ palm ~~every twenty~~ (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE)

**I. LANDSCAPING ALONG EAST AND WEST PROPERTY LINES (ALONG RIGHT-OF-WAY)**

- 1. Landscaping **and** buffering along the frontages of SR7/441 (north of ~~An~~ none Place), Lyons Road (**both** sides), and Florida Turnpike shall **be** upgraded to include:
  - a. **One** (1) canopy tree planted every thirty (30) feet on center;
  - b. One (1) palm **or** pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of ~~sixty~~ (60) feet ~~on~~ center between clusters;
  - c. **A two** (2) to four (4) foot undulating **berm**, with an average height of ~~three~~ (3) feet, measured from the top of the ~~curb~~; and,
  - d. ~~Thirty~~ (30) ~~inch~~ high shrub **or** hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

**J. LANDSCAPING ALONG SOUTH PROPERTY LINE**

- 1. Landscaping **and** buffering along the south property line of the east portion of the **PUD** shall be upgraded to include:
  - a. **A** minimum twenty-five (25) foot wide buffer strip;
  - b. One (1) canopy tree planted every twenty (20) feet on center;
  - c. **One** (1) palm **or** pine ~~tree~~ for each twenty (20) linear feet of frontage, with a maximum spacing of ~~sixty~~ (60) feet ~~on~~ center between clusters;
  - d. **A one** (1) to three (3) foot undulating **berm**, with an average height of ~~two~~ (2) feet, measured from the top of the curb; and,
  - e. Thirty (30) ~~inch~~ high shrub **or** hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE)

**K. LANDSCAPING ALONG NORTH PROPERTY LINE**

- 1. Landscaping **and** buffering along the LWDD L-20 canal shall be upgraded to include:
  - a. A minimum twenty-five (25) foot wide 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, with a maximum spacing of **sixty (60)** feet on center between clusters;
- d. **A one (1)** to three (3) foot undulating berm, with an average height of **two (2)** feet, measured from the top of the curb; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (**24**) inches on center at installation, to **be** maintained at a minimum height of sixty (**60**) inches. (CO: LANDSCAPE)

#### L. 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 the County Engineer. (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 the 100th unit within the affected **area** of **this petition, 82-40(A)**. 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**. (BLDG PERMIT: MONITORING- Eng)

#### M. PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions:
  - a. Minimum parcel size **shall** be seven thousand five hundred (7 500) square feet exclusive of easements;
  - b. Minimum parcel width shall average seventy five (**75**) feet with no dimension less than fifty (**50**) feet;
  - c. Minimum parcel depth shall average **one** hundred (**100**) feet with no dimension less than seventy five (**75**) feet; and,
  - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, **accessability**, **recreation** facilities to **be** offered and the recreation **parcels'** function in the overall **recreation and open space network of** the development. (DRC: PARKS)

#### N. PLANNED UNIT DEVELOPMENT

1. All property included in 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 **subject** property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit within the affected area of this petition, **80-42(A)**, or recordation of the first plat for any portion of the planned development within the affected area of this petition, **82-40(A)**, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (BLDG PERMIT/FLAT: MONITORING/ENG - CoAtt)

**O. SCHOOL**

1. The petitioner shall **post in a clear and visible location** in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)
2. The subject development shall post a notice of **annual boundary school assignments** for students from this development. The District will provide an **11" X 17" sign to be posted in a clear and visible location** in all sales offices and models. (ONGOING: SCHOOL BOARD)

**P. SIGNS FOR COMMERCIAL PODS**

1. All freestanding signs (i.e. point of purchase, entrance wall, directory) for the **4.9 acre commercial pod** (west portion) shall be limited as follows:
  - a. Maximum sign height measured from finished grade to highest point - **Ten (10) feet** along **SR7/441** and eight (**8**) feet along **Armone Place**;
  - b. Maximum sign face area per side - 100 square feet along the **SR7/441** frontage and sixty (**60**) square feet along **Armone Place**;
  - c. Maximum number of signs - **one (1)** along **SR7/441** and one (1) along **Armone Place**;
  - d. Location - Within twenty-five (25) feet of the commercial **pod's** driveway along **the internal road**; and,
  - e. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

**Q. USE LIMITATIONS FOR 4.9 ACRE COMMERCIAL PODS**

1. Hours of operation for all uses, including deliveries, shall be limited to 3:00 a.m. - 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

**R. COMPLIANCE**

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)



2. 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; revocation of any concurrency; ~~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. **(MONITORING)**