

RESOLUTION NO. R-99- 105

RESOLUTION APPROVING ZONING PETITION PDD98-073
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF HERBERT AND KARL KAHLERT
BY KILDAY & ASSOCIATES, AGENT
(NEW ALBANY 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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD98-073 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1999; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD98-073, the petition of Herbert and Karl Kahlert by Kilday & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) Rezoning from Agricultural Residential (AR) to Planned Unit Development (PUD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Collier*
COUNTY ATTORNEY

BY: *Joan Hawes*
DEPUTY CLERK

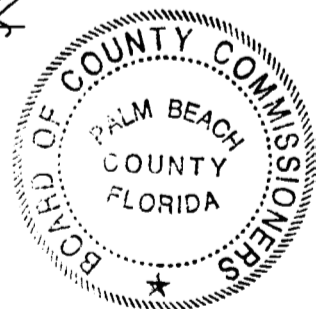


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING **WITHIN** PARCEL A-2, BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, AS RECORDED **IN** PLAT BOOK 79, PAGES 152 THROUGH 155 **OF** THE PUBLIC RECORDS OF PALM BEACH COUNTY, **FLORIDA**, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, AS RECORDED **IN** PLAT BOOK 79, PAGES 152 THROUGH 155 **OF** THE PUBLIC RECORDS OF PALM BEACH COUNTY, **FLORIDA**, THENCE **SOUTH 89 DEGREES, 59 MINUTES, 57 SECONDS WEST**, ALONG THE SOUTH LINE OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF **2615.10 FEET**; THENCE **NORTH 00 DEGREES, 01 MINUTES, 32 SECONDS WEST**, ALONG THE WEST LINE OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF **718.68 FEET** TO THE **POINT OF BEGINNING**; THENCE CONTINUE **NORTH 00 DEGREES, 01 MINUTES, 32 SECONDS WEST**, ALONG SAID WEST LINE, A DISTANCE **OF 50.00 FEET**; THENCE **NORTH 89 DEGREES, 58 MINUTES, 28 SECONDS EAST**, ALONG SAID WEST LINE, A DISTANCE **OF 15.00 FEET**; THENCE **NORTH 39 DEGREES, 26 MINUTES, 52 SECONDS EAST**, ALONG SAID WEST LINE, SAID WEST LINE ALSO BEING THE EAST LINE OF A LIMITED ACCESS RIGHT-OF-WAY AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF **937.06 FEET** TO **THE POINT OF CURVATURE** OF A CURVE CONCAVE NORTHWESTERLY HAVING A **RADIUS OF 527.50 FEET**; THENCE **NORTHERLY** CONTINUING ALONG SAID WEST LINE **AND** LIMITED ACCESS RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE **OF 34 DEGREES, 29 MINUTES, 43 SECONDS**, A DISTANCE OF **317.58 FEET** TO A NON-TANGENT INTERSECTION **WITH A LINE 340.00 FEET SOUTH OF AND PARALLEL** WITH THE NORTH LINE OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2; THENCE **NORTH 89 DEGREES, 25 MINUTES, 54 SECONDS EAST**, ALONG SAID PARALLEL LINE, A DISTANCE **OF 485.39 FEET**; THENCE **SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST**, ALONG A LINE **412.00 FEET WEST OF AND PARALLEL** WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF ENTERPRISE CENTER BOULEVARD AS **SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2**, A DISTANCE **OF 143.00 FEET**; THENCE **NORTH 89 DEGREES, 25 MINUTES, 54 SECONDS EAST**, ALONG A LINE **483.00 FEET SOUTH OF AND PARALLEL** WITH SAID NORTH LINE OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE **OF 133.29 FEET** TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE NORTHWESTERLY **WITH A RADIUS OF 680.00 FEET AND A RADIAL BEARING OF NORTH 86 DEGREES, 30 MINUTES, 13 SECONDS WEST** AT SAID INTERSECTION; THENCE **SOUTHERLY** ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF **07 DEGREES, 27 MINUTES, 17 SECONDS**, A DISTANCE **OF 88.48 FEET** TO **THE POINT OF TANGENCY**; THENCE **SOUTH 10 DEGREES, 57 MINUTES, 04 SECONDS WEST**, A DISTANCE **OF 166.00 FEET** TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY WITH A **RADIUS OF 1320.00 FEET**; THENCE **SOUTHERLY** ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF **10 DEGREES, 57 MINUTES, 07 SECONDS**, A DISTANCE **OF 252.32 FEET** TO **THE POINT OF TANGENCY**; THENCE **SOUTH 00 DEGREES, 00 MINUTES, 03 SECONDS EAST**, A DISTANCE **OF 128.74**

EXHIBIT A
LEGAL DESCRIPTION

FEET TO A NON-TANGENT INTERSECTION **WITH** A CURVE CONCAVE SOUTHEASTERLY **WITH** A RADIUS OF **1040.00** FEET **AND** A RADIAL BEARING **OF SOUTH 09 DEGREES, 47 MINUTES, 59 SECONDS EAST** AT SAID INTERSECTION; THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF VENTURE CENTER WAY AS SHOWN ON BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 3, AS RECORDED IN PLAT **BOOK 80**, PAGES **160** AND **161** OF SAID PUBLIC RECORDS, **AND** THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE **OF 25 DEGREES, 52 MINUTES, 17 SECONDS**, A DISTANCE OF **469.60** FEET **TO THE POINT OF TANGENCY**; THENCE **SOUTH 54 DEGREES, 19 MINUTES, 44 SECONDS WEST** ALONG SAID NORTH LINE OF VENTURE CENTER WAY, A DISTANCE OF **68.64** FEET **TO THE POINT OF CURVATURE** OF A CURVE CONCAVE NORTHWESTERLY **WITH A RADIUS OF 960.00** FEET; THENCE SOUTHWESTERLY ALONG SAID NORTH LINE OF VENTURE CENTER WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE **OF 24 DEGREES, 54 MINUTES, 01 SECONDS**, A DISTANCE **OF 417.21** FEET **TO THE POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 25.00** FEET; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF VENTURE CENTER WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE **OF 49 DEGREES, 56 MINUTES, 50 SECONDS**, A DISTANCE **OF 21.79** FEET **TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 53.00** FEET; THENCE NORTHWESTERLY, WESTERLY **AND** SOUTHWESTERLY ALONG SAID NORTH LINE OF VENTURE CENTER WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE **OF 87 DEGREES, 30 MINUTES, 30 SECONDS**, A DISTANCE **OF 80.95 FEET** **TO A NON-TANGENT INTERSECTION**; THENCE NORTH **74 DEGREES, 48 MINUTES, 06 SECONDS WEST**, A DISTANCE **OF 334.49** FEET **TO THE POINT OF BEGINNING.**

CONTAINING: **20.00** ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

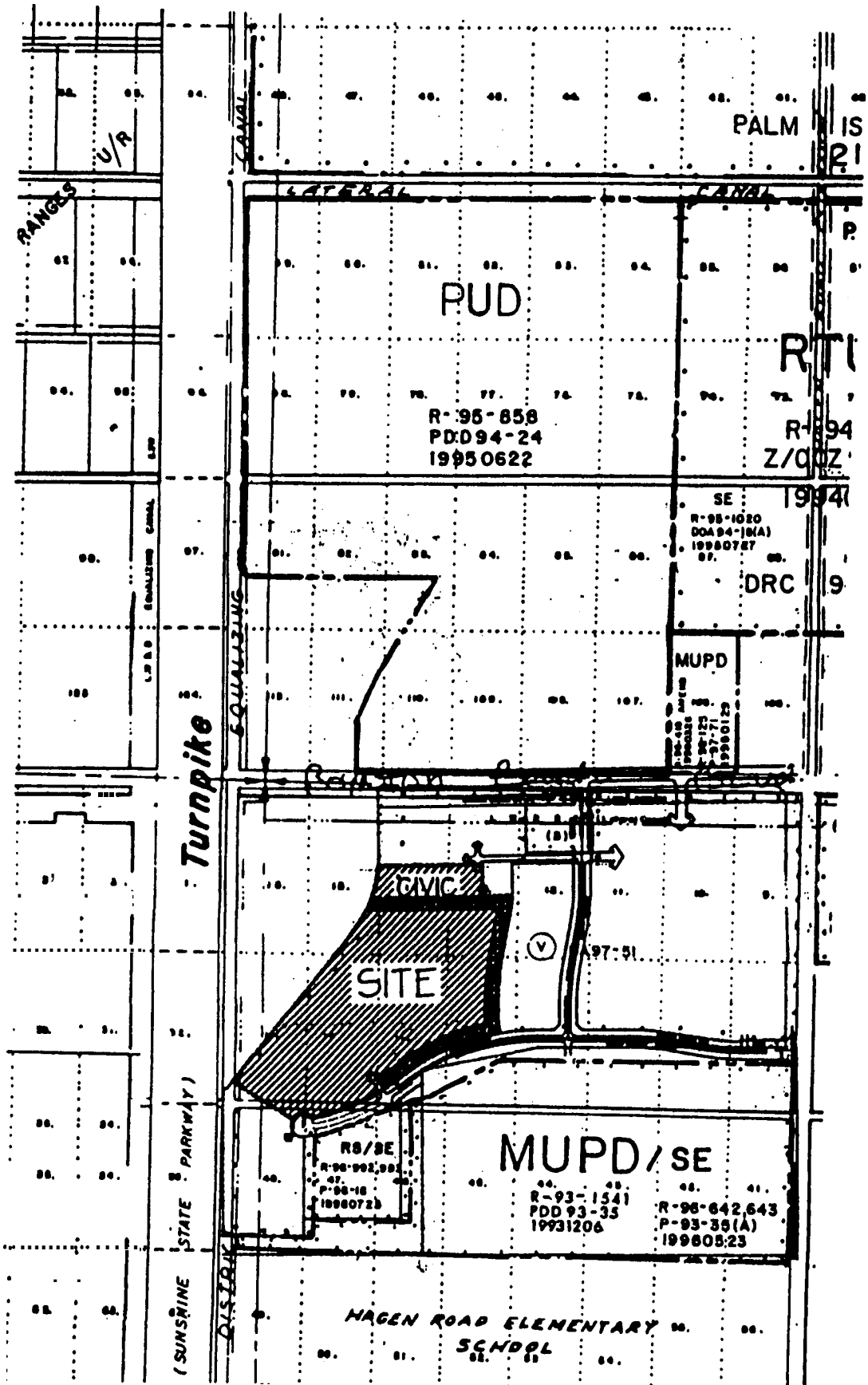


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 January 19, 1999. 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. BUILDING AND SITE DESIGN

1. The maximum height including all air conditioning and mechanical equipment, measured from finished grade to highest point, for all structures on site shall not exceed forty-one (41) feet. (BLDG PERMIT: BLDG - Zoning)
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
3. The exterior elevations of all residential buildings shall provide variety and visual interest by incorporating all of the following items:
 - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
 - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
 - c. Contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
 - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
 - e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING - Bldg)
4. A maximum of (two) 2 multi-family residential buildings with a maximum of forty-one (41) feet in height shall be located within one hundred (100) feet of the west property line adjacent to the Florida Turnpike. (DRC: ZONING - Bldg)

C. LANDSCAPING INTERIOR

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 50% of the total length of each side of the structure, and 40% for units with garages; and,

- c. Landscape areas shall be planted with a minimum one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

D. LANDSCAPING ALONG NORTH PROPERTY LINE ADJACENT TO THE CIVIC PARCEL

1. Landscaping and buffering along the north property line (within the Civic Parcel),
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A minimum two foot high berm measured from top of curb;
 - c. One (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of thirty (30) feet on center;
 - d. One (1) palm or pine tree for each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet between clusters. An additional group of three or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location; and,
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to Site Plan approval by the Development Review Committee the property owner shall receive approval from the Florida Department of Transportation relative to minimum noise standards. Any noise mitigation required by the Florida DOT shall be funded by this property owner. (DRC APPROVAL: ENGINEERING)
2. On or before October 1, 1999, the property owners shall convey to Palm Beach County sufficient road drainage easement(s) to and through the project's internal drainage system, to provide legal positive outfall for runoff from Hagen Ranch Road in the amount of .53 acre feet. Said easements shall be no less than 20 feet in width. This shall satisfy the property owners obligation for drainage of Hagen Ranch Road for the entire LS/MU parcel.

The drainage system for Hagen Ranch Road either within the project or within the property owners' lands shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road in the amount of .53 acre feet. Any improvements required to convey drainage to the project shall be at Palm Beach County's expense with all improvements and easements as agreed to by the property owner. (Date: Monitoring-Eng)
3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule for this PUD:

- a. Building Permits for more than 192 dwelling units (plus the other land uses identified in Concurrency Case 98-5000854-EQDT which are not part of this PUD) shall not be issued until construction has commenced for:
 - an additional left turn lane,
 - the construction of a separate right turn lane east approach, at the intersection of Boynton Beach Boulevard and Hagen Ranch Road. (BLDG PERMIT: MONITORING-Eng)
 - b. No further Building Permits shall be issued after September 30, 1999 unless an approved Traffic Study is submitted which identifies a longer buildout and complies with the Mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: MONITORING-Eng)
5. Prior to Master Plan approval the Developer shall amend the Master Plan to provide for a Minimum Code required access to the Civic Site. Construction of the Minimum Code required access shall be concurrent with the paving and drainage improvements for Petition 98-073(A). Any and all costs associated with the construction shall be paid by the property owner of Petition 98-073(A). These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be subject to County Engineering approval and shall be to collector street standards. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Petition 98-073(A) on December 31, 1999 whichever shall first occur. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Petition 98-073(A). (DRC: ENG).

F. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO THE TURNPIKE)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. One (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of thirty (30) feet on center;
 - d. One (1) palm or pine tree for each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet between clusters. An additional group of three or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location; and,
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm when feasible. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG EAST AND SOUTHEAST PROPERTY LINE (ON THE EXTERIOR SIDE OF THE 50 FOOT WIDE CONSERVATION AREA AND ADJACENT TO VENTURE CENTER WAY)

1. Landscaping and buffering along the east property line and southeast property line adjacent to Venture Center Way shall include:

- a. A minimum ten (10) foot wide landscape buffer strip to the east and fifteen (15) feet on the southeast property line adjacent to Venture Center Way;
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb adjacent to open space corridor only;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and;
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
2. The landscape buffer strip shall be located on the exterior side of the 50 foot conservation easement located along the east and south property line. Required landscaping and the undulating berm may encroach into the conservation open space area. (CO: LANDSCAPE)

H MASS TRANSIT

1. 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)
2. 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 the first Certificate of Occupancy. 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. (CO: MONITORING - Eng)
3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. (ONGOING: PALM TRAN)

I. PEDESTRIAN SYSTEM

1. A shaded pedestrian path shall be incorporated within the conservation open space area located on the east and south portion of the site. The continuous path shall connect with a pedestrian path located on the west portion of the site located between the lake and the west property line. The pedestrian path shall also connect with any mass transit facility, if provided. (DRC: ZONING - Planning)

J. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Bike lanes shall be provided 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. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
5. All property included in the 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 recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

K. PLANNING

1. The underlying residential land use for the LS/MU designation for the subject property shall be as follows:

Land Use	Minimum Acreage	Maximum sq ft/ units	Maximum Acreage
Residential (MR-5/CLF)	10 acres	300 units	20 acres

No additional residential development can be permitted. In addition, all future pods of development must comply with the mix of other uses as specified in Ordinance 96-66. (DRC: PLANNING)

2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated November 23, 1998 (Rec.# 35, 37, 39, 40, 47, and 53). In particular, the notations of pedestrian access and pedestrian connections shall remain as shown on the site plan dated November 23, 1998. (DRC: PLANNING)
3. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, 40, 47, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle

circulation through the residential development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of thirty (30) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer. For the internal sidewalks around the lake of the property, the shade trees shall be spaced an average distance of fifty (50) feet or less along both sides of the lake. (DRC: PLANNING-Eng)

4. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning - Eng)
5. Per the requirements of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, the architectural style of the homes shall be of the Spanish Mission or Mediterranean type. (ONGOING: PLANNING)
6. Although this project is not of a commercial nature, signage proposed at the entrance to the project from Boynton Beach Boulevard shall be designed and constructed in accordance with Section 5 - "signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning)
9. Trees within the perimeter landscape buffers shall be provided at a maximum of twenty-five (25) feet on center. (CO: LANDSCAPE - Planning)

L. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **March 1, 2000** for a .40 acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). In addition, the property owner voluntarily agrees to provide an additional dedication, in the form of a donation to Palm Beach County in a location and form acceptable to Facilities, Development & Operations Department (FD&O), of 1.68 acres pursuant to the property owners commitment letters dated November 6, 1998 and November 17, 1998. In addition 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 or the Contract purchase price on a per acre basis. The appraisal to be obtained 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 PUD, 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. The petitioner shall provide a route of legal positive outfall for the cumulative 2.08 acre Civic Parcel through the PUDs internal water management system.
 - 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.
(DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by November 1, 1999. 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 FAC. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by **February 1, 2000**. 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.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response

Compensation and Liability Act System List (CERCLA)
3) Hazardous Waste Data Management System List (HWDMS).

- 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. (DATE: MONITORING - PREM)
4. Prior to **February 1, 2000**, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land of equal 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 and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PJD may be used to determine the civic site value. 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 6.8B.6a (2). (DATE: MONITORING - PREM)
5. The maximum height for all structures in the Civic parcel, measured from finished grade to highest point, shall not exceed thirty (30) feet. The maximum height limitation shall not apply to on-site emergency communication equipment or antenna. (BLDG. PERMIT: BLDG-Prem/Zoning)

M. SCHOOL BOARD

1. A notice of annual boundary school assignments for students from this development, provided by the School District on an 11" x 17" sign, shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residents. School Board policies regarding overcrowding, racial balance or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s)." (ONGOING: CODE ENFORCEMENT/ SCHOOL BOARD)

N. 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)