

RESOLUTION NO. R-99975

RESOLUTION APPROVING ZONING PETITION EAC86-096(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF L&G DEVELOPMENT CO.
BY ED SULLIVAN, AGENT
(LAKE CHARLESTON KARATE)

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 EAC86-096(F) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1999; 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 EAC86-096(F), the petition of L&G Development Co., by Ed Sullivan, agent, for a Development Order Amendment/Expedited Application Consideration (DOA/EAC) to add a fitness center 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 May 27, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chairthereupon declared that the resolution was duly passed and adopted on May 27, 1999.

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

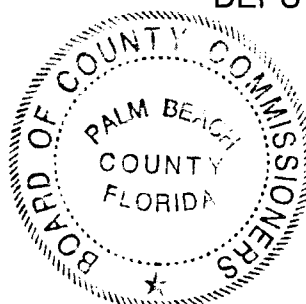


EXHIBIT A
LEGAL DESCRIPTION

**COMMERCIALTRACT, LAKE CHARLESTON PLAT NO. 1, ACCORDING TO
THE PLAT THEREOF RECORDED IN PLAT BOOK 60, PAGE 147, PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA.**

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EXHIBIT B
VICINITY SKETCH

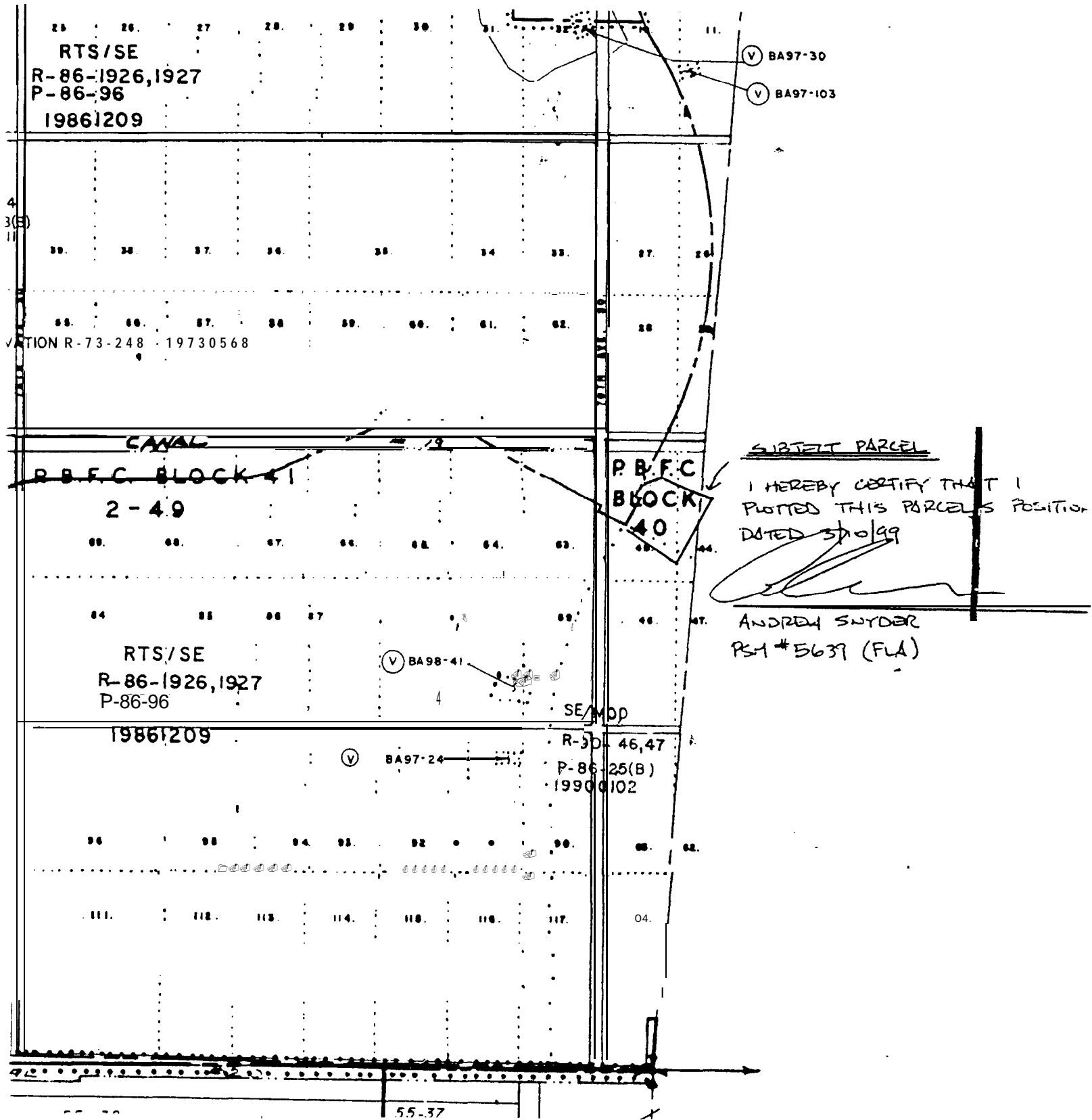


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified. Petitions 86-69B and C were withdrawn.

A. ALL PETITIONS

1. Condition No. A.1 of Resolution No. R-94-I 14, Petition No. 86-96(D) which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified. (Zoning/Monitoring)

AND

Condition A. 1 of Resolution R-98-I 24, Petition EAC86-096(E) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-1926 and R-86-1927 (Petition 86-96), and R-87-482 and R-87-487(Petition 86-96), R-92-I 104 (Petition 86-96A), and R-94-I 14 (Petition 86-96D) shall remain in full force and effect. 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)

Are hereby amended to read:

All previous conditions of approval applicable to the subject property as contained in Resolutions R-98-124, (Petition EAC89-096(E)) and R-94-I 14 (Petition 86-096(D)) have been consolidated 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. Condition A.2 of Resolution R-98-I 24, Petition EAC86-096(E) which currently states:

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 December 22, 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)

Is hereby amended to read:

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 17, 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)

3. **To ensure consistency with the petitioners proposal, prior to April 30, 1994, the petitioner shall receive certification of a Preliminary Development Plan (PDP) for Scenario A or B as indicated on Exhibit D. Failure to comply with this requirement shall limit the PDP to the number of units and unit types/classification indicated in Scenario A. (Previously Condition A.4 of Resolution R-94-I 14, Petition No. 86-96(D))(ZONING)**
4. **To ensure that the concurrency reservation is accurate the petitioner shall, prior to certification of the Preliminary Development Plan of Scenario A by the DRC, revise the concurrency reservation to reflect the unit numbers and unit types/classification for Scenario A. (Previously Condition A.5 of Resolution R-94-I 14, Petition No. 86-96(D))(PLANNING)**

B. BUILDING AND SITE DESIGN

1. **REQUIRED MASTER PLAN MODIFICATIONS: Prior to master plan certification, the master plan shall be amended to reflect the following:**
 - a. **identification of individual parks**
 - b. **acreage of lakes**
 - c. **required number of trees**
 - d. **a cul-de-sac type street with a length of less than 1,320 feet**
 - e. **identify location of any overall sales center**
 - f. **right-of-way status**
 - g. **creation of a fifteen (15) foot landscaped buffer between the site and Hagen Ranch Road. No access shall be permitted to the commercial site through this landscape buffer from Hagen Ranch Road.**
 - h. **The acreage and type of recreation facilities proposed for each recreation area.**
 - i. **Open space areas (i.e. lakes, buffers, easements, and right-of-ways) shall be subtotaled separately from recreation areas.**
 - j. **Allocation of trees required to be planted pursuant to Zoning Code Section 500.35.E.1c, attributable to the lake areas, shall be distributed along the western property line adjacent to the Florida**

Turnpike in order to provide a visually opaque and noise buffer. Previously Condition No. B.1 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ZONING)

2. PUD COMMERCIAL SITE CONDITIONS:

- a. **Petitioner shall construct a 6 foot berm in the PUD buffer abutting the property to the south. This berm shall be planted to 75% opaqueness. (Zoning)**
- b. **All exterior lighting shall be directed towards the interior of the site and away from contiguous residential areas. Previously Condition No. B.2 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (CODE ENF-Zoning)**

C. CIVIC SITE

1. CIVIC SITE CONTRIBUTIONS:

- a. **Petitioner shall convey 30 acres for civic uses. Fifteen acres shall be used for a school site. Fifteen acres shall be used for park and recreation purposes. The two (2) sites shall be contiguous. In lieu of this project's 15 acre site to be used for park and recreation purposes, the petitioner may convey for park purposes nine (9) acres with improvements equal to the value of 6 acres of land for a developed, "turn-key" (excluding field lighting) community-type park built to County Engineer and Park Planning and Design standards the cost of which shall not exceed a total of \$120,000.00 of which 95% must be allocated for actual improvements. This \$120,000.00 shall not include the cost for site drainage, road access, utilities and fill to grade. Said park development shall be completed on or before May 1, 1993. Said park development shall be secured by an irrevocable letter of credit in the amount of one hundred ten percent (110%) of the estimated cost of design, plan preparation, and construction.**
- b. **The County Engineer and Director of Parks and Recreation shall be presented with the design and construction plans on or before June 30, 1992, for their approval. Construction shall commence within 30 days of County's approval. No administrative time extension(s) shall be granted for this requirement, excluding delays caused by a government agency or staff. (MONITORING:ENG -Parks)**
- c. **Credit for the above park/recreation and school dedication and improvements shall be given against any future Palm Beach County park and recreation or school impact fee ordinances that may be applicable to this project as provided for in said ordinances. Previously Condition No. C.1 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (PARKS and RECREATION:School Board)**

D. EXCAVATION

1. **ABANDONMENT OF PRIOR EXCAVATION ACTIVITIES:**

- a. **Prior to master plan certification, reclamation plans for the excavation permitted under Petition No. 73-21 shall receive Site Plan Review Committee certification.**
- b. **Prior to master plan certification, the Special Exception for Excavation (Petition No. 73-21) shall be abandoned administratively by the Site Plan Review Committee. This request for abandonment can be placed upon the same agenda as application for certification of the Planned Unit Development master plan. Previously Condition No. D.I of Resolution No. R-94-114, Petition No. 86-96(D)). (ZONING:Eng)**

E. ENGINEERING

1. **DESIGN OF LAKES:**

- a. **Cross section of all proposed lakes shall be in accordance with Palm Beach County Subdivision and Platting Regulation, Ordinance 73-4, as amended.**
- b. **All lakes shall be planted with a littoral zone which meets the standards outlined in Ordinance 86-21 (Lake Maintenance Easements). Lake depths shall not exceed that which is permitted by the South Florida Water Management District (SFWMD). Previously Condition No. E. 1 of Resolution No. R-94-1 14, Petition No. 86-96(D)). (ENG)**

2. **STORMWATER RETENTION: This development shall retain on site the first one inch of the stormwater runoff in accordance with Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. The drainage system shall be maintained in an acceptable condition as determined by the County Engineer. Previously Condition No. E.2 of Resolution R-94-1 14, Petition No. 86-96(D)). (ENG)**

3. **RIGHT-OF-WAY DEDICATIONS: Right-of-way shall be dedicated by the developer as indicated. Additional right-of-way shall be dedicated where any right turn lanes, special intersection or dual left turn lanes are required, including appropriate tapers. Exact dimensions of right-of-way to be determined by the County Engineer.**

- a. **Within 180 days of adoption of the resolution approving this project, petitioner shall convey sufficient land from the subject property for the ultimate right-of-way of:**

(1) **Jog Road, 60 feet from centerline.**

(2) **Hagen Ranch Road, a total of 80 feet ultimate right-of-way on an alignment approved by the County Engineer.**

(3) Additional right-of-way required for an “expanded intersection” at the intersection of Hagen Ranch Road and Hypoluxo Road as defined by the County Engineer.

(4) Hypoluxo Road, a total of 108 feet right-of-way on an alignment approved by the County Engineer. Note: Only that portion of Hypoluxo Road which is contained within this subject property and the adjacent out parcels (i.e., southwest corner of Jog and Hypoluxo Road and southwest corner of Jog Road and Hagen Ranch Road) will be required to be conveyed. The alignment map is to be completed by the developer’s engineer within ninety (90) days of the adoption of the resolution approving this project. Previously Condition No. E.3, Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG:MONITORING)

4. Within thirty (30) months of the effective date approving this project or when required by either the Florida Department of Transportation or Palm Beach County Engineering Department, petitioner shall convey sufficient land from the subject property for the ultimate right of way of:

a. Florida Turnpike, 30 feet in width and 900 feet in length with 1,300 feet taper length north and south within the subject property as approved by the County Engineer and the Florida Department of Transportation. This property is required for a proposed Turnpike Toll Plaza.

b. Additional right-of-way not to exceed 7.5 acres for the Turnpike overpass/diamond interchange required by the County Engineer.

If, by the end of the thirty (30) month period referenced above, the Florida Department of Transportation or the Palm Beach County Engineering Department has not required the above conveyances, this condition shall only expire after Ryan has first notified said agencies that the thirty (30) month period has expired and said agencies failed to require the conveyances within six months after Ryan’s notice.” Previously Condition No. E.4, Resolution No. R-94-I 14, Petition No. 86-96(D)).

5. CONSTRUCTION OF TURN LANES: The propettyownershall construct the following turn lanes with appropriate number of through lanes as determined by the County Engineer:

a. At the intersection of Hypoluxo Road at Hagen Ranch Road:

(1) Left turn lane, east approach.

(2) Left turn lane, south approach.

(3) Right turn lane, south approach.

b. At the intersection of Jog Road and the project’s entrance road:

(1) Left turn lane, south approach.

(2) Right turn lane, north approach.

(3) Dual left turn lanes, west approach.

(4) Right turn lane, west approach.

c. At the intersection of Hagen Ranch Road and the project's north entrance road:

(1) Left turn lane, north approach.

(2) Right turn lane, south approach.

(3) Left turn lane, east approach.

d. At the intersection of Hagen Ranch Road and the project's south entrance road:

(1) Left turn lane, north approach.

(2) Left turn lane, south approach.

(3) Left turn lane, east approach.

(4) Left turn lane, west approach.

(5) Right turn lane, north approach.

(6) Right turn lane, south approach.

e. At the intersection of Hypoluxo Road and Jog Road:

(1) Dual left turn lanes, north approach.

(2) Dual left turn lanes, south approach.

(3) Dual left turn lanes, east approach.

(4) Dual left turn lanes, west approach.

(5) Right turn lane, north approach.

(6) Right turn lane, south approach.

(7) Right turn lane, east approach.

(8) Right turn lane, west approach.

(9) Two (2) through lanes north, south, east and west approaches.

All construction of turn lanes serving this project shall be at the time of the construction of the access roads onto Hypoluxo Road, Hagen Ranch Road and Jog Road or at the time of construction of Hypoluxo Road, Hagen Ranch Road as determined by the County Engineer. Previously Condition No. E.5 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG)

6. **ROAD DRAINAGE SYSTEM:** Petitioner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Hypoluxo Road, Jog Road and Hagen Ranch Road which touch the property. This drainage easement shall also be capable of accommodating the runoff from a maximum 400 feet distance each side of the property boundaries along Hypoluxo Road, Jog Road and Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable Water Control District and South Florida Water Management District. In designing the system, petitioner shall assume the total runoff from the ultimate Thoroughfare Plan Section road. Previously Condition No. E.6 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG)

7. **HAGEN RANCH ROAD IMPROVEMENTS:**

- a. The petitioner shall provide construction plans for Hagen Ranch Road as a 2-lane section (expandable to 5-lane section) from Hypoluxo Road south to the north property line of Le Chalet, P.U.D. aka Parkwalk, P.U.D. 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 they exist at the time of submittal. Construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the resolution approving this project. Plan costs shall be approved by the County Engineer.
- b. After approval of construction plans by the County Engineer, petitioner shall construct Hagen Ranch Road as a 2-lane section with the drainage compatible with the ultimate section from Hypoluxo Road south to the north property line of Le Chalet, P.U.D. according to the approved plans. Sidewalks shall be constructed on one side. Construction shall be initiated upon the first to occur of either of the following:
- (1) Concurrent with the construction of required improvements for of each sequential platfiled along Hagen Ranch Road; or
 - (2) When required either by the County engineer or by the Palm Beach County School Board in order to provide paved roadway continuity for Hagen Ranch Road. Previously Condition No. E.7 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG:MONITORING - School Board)

8. **HYPOLUXO ROAD IMPROVEMENTS:**

- a. **The County shall acquire right-of-way for Hypoluxo Road as a 108 foot section from Military Trail west to Jog Road including right-of-way required for the expanded intersection at the intersection of Jog Road and Hypoluxo Road. Purchase of right-of-way by Palm Beach County is expected to be completed within 18 months of adoption of the resolution approving this petition. This property owner shall then be responsible for acquiring any remaining right-of-way for Hypoluxo Road from the Florida Turnpike to Jog Road.**
- b. **The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Hypoluxo Road as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 30 years. These documents shall be completed within 6 months of the adoption of the resolution approving this project.**
- c. **The petitioner shall provide construction plans for Hypoluxo Road (including all right-of-way documents):**
 - (1) **as a 4-lane section (expandable to 6-lane median section) from Military Trail West to a point 250 feet west of Hagen Ranch Road; and**
 - (2) **tapered to a 2-lane section expandable to 6 lane median divided section tapering from the 4 lane section 250 feet west of Hagen Ranch Road to the westernmost entrance of this project. The drainage shall be compatible with the ultimate section and a sidewalk shall be constructed on one side.**

These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they exist at the time of submittal. These construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the resolution approving this petition. Plan costs shall be approved by the County Engineer.

- d. **The petitioner shall thereupon construct Hypoluxo Road as:**
 - (1) **A 4-lane section including canal relocation/reconstruction as required by the County Engineer from Military Trail west to a point 250 feet west of Hagen Ranch Road, plus all appropriate tapers according to approved plans. Construction shall be completed within 36 months of adoption of the resolution approving this petition. The**

intersection of Jog Road and Hypoluxo Road shall be constructed as an expanded intersection according to plans approved by the County Engineer.

- (2) AZ-lane section from a point 250 feet west of Hagen Ranch Road west to a point fifty (50) feet west of the westernmost entrance of this project according to approved plans. Construction shall be completed when required by the County Engineer for paved continuity for Hypoluxo Road, and within 12 months from the date of notification by the Palm Beach County Engineering Department to the developer; or when required for access to the project from Hypoluxo Road, whichever shall first occur. Previously Condition No. E.8 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG:MONITORING)

9. **JOG ROAD IMPROVEMENTS:**

- a. **Petitioner shall provide final construction plans and permit applications for Jog Road (including all right-of-way documents) as a 4-lane median divided section (expandable to 6-lane section) from a point 250 feet south of Lantana Road south to a point 250 feet south of Hypoluxo 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 exist at the time of submittal. Final construction plans and permit applications shall be submitted to the County Engineer within twelve (12) months of adoption of the resolution approving this petition. Plan costs shall be approved by the County Engineer.**
- b. **Palm Beach County shall acquire at its sole cost and expense right of way for Jog Road as a 120 feet section as necessary to provide for the construction above. Acquisition shall be done by the County. It is the intent that this right of way acquisition shall be completed within 18 months of adoption of the Resolution approving this project.**
- c. **The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Jog Road as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 30 years. These documents shall be completed within 6 months of the adoption of the resolution approving this project.**
- d. **The petitioner shall thereupon construct Jog Road as a 4-lane section from a point 250 feet south of Lantana Road south to a point 250 feet south of Hypoluxo Road, plus the appropriate tapers according to the approved plans. Construction shall be completed within 36 months of adoption of the resolution approving this project. Previously Condition No. E.9 of Resolution R-94-I 14, Petition No. 86-96(D)). (ENG:MONITORING)**

10. **CONSTRUCTION OF MAJOR THOROUGHFARES:** All plans and construction of collector/arterial roadways shall be such that all drainage structures shall be sized and placed in such a manner as to be compatible with any future expansion of the roadway. Previously Condition No. E.10 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG)
11. **CONDITIONS COMMON TO BOTH PETITION 86-106 AND PETITION 86-96:** The Engineering Department recognizes that several of the conditions are contained in both Petitions Nos. 86-106 and 86-96. They are basically two reasons for listing conditions in both petitions:
 - a. One petition may be approved and the other petition denied.
 - b. If both petitions are approved, one may develop financial difficulties which may prevent the development from moving ahead.

It is the intent of Palm Beach County Engineering Department that the three parties involved in roadway improvements (i.e. Palm Beach County, Ryan Homes P.U.D. and Smith Dairy PUD) enter into a tri-party agreement within thirty (30) days after the adoption of the resolution approving this project. This agreement would contain specific requirements for each party. Previously Condition No. E.II of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG:MONITORING)

12. **CONSTRUCTION OF EXPANDED INTERSECTIONS:** All intersecting thoroughfare plan roadways which are being constructed by the property owner shall be constructed as “expanded intersections” as defined by the County Engineer, but not to exceed the Standards for “special intersections” as defined in the Comprehensive Plan.

Right of way being funded and acquired by Palm Beach County shall be sufficient for the construction of these “expanded intersections.” Final determination of right of way and roadway geometrics shall be determined by the County Engineer. Previously Condition No. E.12 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG)

13. **SURETY FOR OFF-SITE ROAD IMPROVEMENTS:** Surety shall be required for the off-site road improvements outlined in Conditions numbers 6, 7 and 8 above. Surety based upon a certified cost estimate by the developer’s engineer (110%) shall be posted with the Office of the County Engineer within 6 months of the effective date of the resolution approving this project or prior to the issuance of the first building permit, whichever shall first occur. The petitioner agrees, as a condition of this approval, that the amount of surety to be provided for all work herein described shall be updated with a certified cost estimate on an annual basis and implemented if necessary so as to guarantee that the remaining amount shall always be sufficient to complete the work as approved by the County Engineer. This surety may be called upon by Palm Beach County for noncompliance with any work as referenced in condition nos. 6, 7 and 8. Previously Condition No. E. 13 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG:MONITORING-Bldg)

14. **PROJECT PHASING/TRAFFIC PERFORMANCE STANDARD COMPLIANCE:** This developer is limited to the following phasing schedule:

- a. No more than 350 building permits shall be issued until surety has been posted for the construction of Hypoluxo Road as a 4 laned section from Military Trail to Hagen Ranch Road.
- b. No more than 350 building permits shall be issued until surety has been posted for the construction of Jog Road as a 4 laned section from Hypoluxo Road to Lantana Road.
- c. No more than 350 building permits shall be issued until surety has been posted for the construction of Lantana Road from Hagen Ranch Road to Military Trail.
- d. No more than 1500 building permits shall be issued until the contracts for the construction of the following roadways have been let:
 - (1) Four lane Jog Road from a point 250 feet south of Lantana Road to 10th Avenue North, including intersection improvements at Lake Worth Road.
 - (2) Four lane Lantana Road from Congress Avenue to 250 feet west of Military Trail, including intersection improvements at Military Trail.
 - (3) Four lane Military Trail from Lake Worth Road to Boynton Beach Boulevard.
 - (4) Four lane (at a minimum) Boynton Beach Boulevard from Military Trail to Congress Avenue.
 - (5) Four lane Hypoluxo Road from Congress Avenue to 195, including intersection improvements at Congress Avenue.
- e. If after the fifth anniversary date of the resolution approving this project the contracts for all five of the roadways outlined in paragraph 13.d., above, have not been let, then petitioner shall be entitled to no more than 275 building permits per year until buildout or until the construction of the impacted road links listed in paragraph 13.d. is completed. Previously Condition No. E. 14 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (MONITORING:Bldg Permit)

15. **INSTALLATION OF TRAFFIC SIGNALS:**

- a. Petitioner shall install signalization if warranted by the County Engineer at the following locations:
 - (1) Hypoluxo Road and Hagen Ranch Road;
 - (2) Hypoluxo Road and the project's entrance road(s);
 - (3) Jog Road and the project's entrance road; and

(4) Jog Road and Hypoluxo Road.

- b. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the petitioners shall be relieved from this condition. Performance security shall be posted to ensure performance of this condition. It may be combined with other performance security. Previously Condition No. E. 15 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG:Bldg)**

- 16. DESIGN OF INTERIOR ROADWAYS: All interior collector roadways shall meet a design speed for an 80 foot collector roadway at 45 miles per hour if these roadways are public and 35 miles per hour if these roadways are private. Roadway radii shall be approved by the County Engineer. Previously Condition No. E.16 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG)**

- 17. JOG ROAD PEDESTRIAN FACILITIES: Petitioner shall construct a continuous 8 foot wide pedestrian facility within the public right-of-way on the west side of Jog Road from the terminus of the existing sidewalk within the adjacent Northtree PUD to Hypoluxo Road. The sidewalk shall be built to standards approved by the County Engineer. Previously Condition No. E.17 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG)**

- 18. CREDIT FOR IMPACT FEES: Credit for Palm Beach County's Fair Share Fee for Road Improvements Ordinance shall be given for work performed under condition Nos. 4a, 4e, 5, 6, 7b, 7c, 7d, 8, 11, 14a(1), 14a(4), and 16. The credit for Condition Number 9 shall be calculated by multiplying the total cost of the drainage improvements by the County's percentage of total usage related to Conditions 6, 7 and 8, herein. Previously Condition No. E.18 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (IMPACT FEES)**

- 19. SUSPENSION OF DEVELOPMENT APPROVAL/APPEALS:**
 - a. It is the intent that a tri-party agreement be entered into among Palm Beach County and the property owners for Petition 86-96 and Petition 86-106 to delineate responsibility among them as to the construction of the major roadways, including but not limited to purchase of right of way, preparation of plans, and the phasing schedule for these items.**

 - b. In the event that this tri-party agreement is not executed within 30 days of adoption of the resolution by the Board of County Commissioners approving this project, this development approval shall be suspended and be reconsidered either by the petitioner upon its own motion or the Board of County Commissioners pursuant to a staff-initiated petition for revocation or modification of commission requirements.**

 - c. No master plan approval, site plan approval, technical compliance approval, or County permit shall be issued until the staff-initiated petition is reconsidered by the Board of County Commissioners. Previously Condition No. 24 of Resolution No. R-94-114, Petition No. 86-96(D)). (MONITORING:ZONING - Eng)**

20. **Palm Beach County School Board shall align the proposed Elementary School Entrance onto Hypoluxo Road with the existing left turn lane east approach on Hypoluxo Road. (Previously Condition E.20 of Resolution R-94-I 14, Petition No. 86-96(D))(ENGINEERING).**
21. **Within 90 days of the Board of County Commissioner approval of Petition No. 86-96(D), the Developer shall return the Preliminary Development Plan to the Development Review Committee for certification. In the event the Preliminary Development Plan is not returned to the Development Review Committee for certification within this 90-day period, Scenario B (106 Multi-Family Housing Units, 2269 Single-Family Housing Units) shall control.**

At the option of the Developer and within 90 days from the approval of Petition No. 86-96(D), the unit mix may be varied within the parameters of Scenario A and Scenario B, and within the limitations of Section 6.8.A.15, ULDC. In the event Developer so elects, the phasing schedule set forth below shall be amended by the County Engineer within the parameters of the phasing set forth below based upon Section 7.9, ULDC and the approved traffic study. This revised phasing shall not require that the matter be returned to the Board of County Commissioners for amendment to these conditions, or other action.

Prior to Preliminary Development Plan certification by the Development Review Committee, Developer shall amend the Concurrency Reservation dated December 15, 1993 to reflect the ultimate unit-type mix.

Depending upon whether the unit-type mix ultimately approved for this PUD is that shown on the latest Master Plan (Scenario A) or on the present concurrency Reservation (Scenario B), the Developer shall be restricted as follows:

Scenario A (360 MF/2015 SF): No building permits for the final 10200 s.f. of commercial retail use, or land use(s) generating 733 external trips per day as approved by the County Engineer, shall be issued until contracts are let for the construction of Jog Road as a 4-lane divided section from south of the Lake Charleston Entrance to Boynton Beach Blvd.

Scenario B (106 MF/2269 SF): No building permits for the final 17550 s.f. of commercial retail (or land uses generating an equivalent 1342 external trips per day as approved by the County Engineer) shall be issued until contracts have been let for construction of Jog Road as a 4-lane divided section from south of the Lake Charleston Entrance to Boynton Beach Blvd. (Previously Condition E.21 of Resolution R-94-I 14, Petition No. 86-96(D)) (ENG)

22. **East of Charleston Shores Blvd. the property owner shall construct a pedestrian pathway between Parcel BB and the proposed school site subject to the approval of the County Engineer. Construction of this pathway shall be concurrent with the paving and drainage improvements for Parcel BB. (Previously Condition E.22 of Resolution R-94-114, Petition No. 86-96(D)) (ENG).**

23. **If a Master Plan for Lake Charleston PUD is approved by the Board of County Commissioners at a future date deleting the school site from the PUD, then the phasing restrictions specified in Condition No. 21 shall be amended to read as follows:**

Scenario A (360 MF/2015 SF): No phasing restrictions required.

Scenario B (106 MF/2269 SF): No building permits for the final 8650 s.f. of commercial retail (or land uses generating an equivalent 614 eternal trips per day as approved by the County Engineer) shall be issued until contracts have been let for construction of Jog Road as a 4-lane divided

section from south of the Lake Charleston Entrance to Boynton Beach Blvd. (Previously Condition E.23 of Resolution R-94-I 14, Petition No. 86-96(W) (ENG)

F. HEALTH

1. **Since sewer and water service are available to the property, septic tank and well shall not be approved for use on the property. This shall not preclude temporary use of a septic tank for the project's temporary real estate sales office. Previously Condition No. F.I a of Resolution No. R-94-114, Petition No. 86-96(D)). (HEALTH)**
2. **The property owner shall provide Water and Sewer to the proposed Turnpike Toll Plaza site within twenty-four (24) months of written notice by the Florida Department of Transportation, subject to the provisions of Condition 7.b.(1), below. Previously Condition No. F. 1 Resolution No. R-94-I 14, Petition No. 86-96(D)). (FDOT:Health)**

G. IRRIGATION QUALITY WATER

1. **When irrigation quality water is available within 500 feet of the subject property, the owner of each commonly owned open space, buffer and recreation area shall connect these areas to the system. The cost for connection shall be borne by the property owner. Previously Condition No. G.I Resolution No. R-94-I 14, Petition No. 86-96(D)). (UTILITIES)**

H. LAKE WORTH DRAINAGE DISTRICT

1. **DRAINAGE DISTRICT CONTRIBUTIONS: The petitioner shall provide the Lake Worth Drainage District with a revised survey and other appropriate documents indicating that the right-of-way for Lateral Canal No. 20 has been adjusted to fit the physical ditch, within 90 days of adoption of the resolution approving this petition. Previously Condition No. H.I of Resolution No. R-94-I 14, Petition No. 86-96(D)). (MONITORING)**

I. LANDSCAPE WITHIN MEDIAN

1. **Prior to site plan certification, the petitioner shall apply for a permit from the Palm Beach County Engineering and Public Works Department to landscape the adjacent median of Hypoluxo Road, west of Hagen Ranch Road. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be**

planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list.

Trees

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. All plant material shall be selected and installed according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown or field collected and transplanted from the project site.
- b. All planting shall be done in accordance with detail planting plans and specifications to be submitted and approved by the Zoning Division concurrent with Site Plan certification.

The median of Jog Road, adjacent to the subject property, shall be landscaped in accordance with permit LA170-1291, issued by Land Development Division of the Engineering Department, prior to December 23, 1993.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filling the first plat, whichever occurs first. This condition shall apply to all building permits issued subsequent to the date of approval by the Board of County Commissioners. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. Previously Condition No. 1.1 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (ENG:BLDG:ZONING).

J. PROPERTY OWNERS ASSOCIATION

1. **MASTER PROPERTY OWNERS ASSOCIATION:** The planned unit development shall be controlled by a master property owners association subject to approval by the County Attorney. Previously Condition No. J.I of Resolution No. R-94-I 14, Petition No. 86-96(D)). (CTY ATTORNEY)

K. RECYCLE SOLID WASTE

1. **All property owners shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.** Previously Condition No. K.I of Resolution No. R-94-I 14, Petition No. 86-96(D)). (SOLID WASTE AUTHORITY)

L. SCHOOL BOARD

1. **All sales and notice literature and purchase agreements for the within development shall include a statement/notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children.** Previously Condition No. L.I of Resolution No. R-94-I 14, Petition No. 86-96(D)). (SCHOOL BOARD)
2. **Prior to master plan certification, petitioner(s) shall demonstrate that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools.** Previously Condition No. L.2 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (SCHOOL BOARD)

M. 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. Condition No. M.I of Resolution No. R-94-I 14, Petition No. 86-96(D) which currently states:

As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. **The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or**
- b. **The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or**
- c. **A requirement of the development to conform with updated standards of development, applicable 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.** (ZONING - Monitoring)

AND

Condition No. M.2 of Resolution No. R-94-I 14, Petition No. 86-96(D) which currently states:

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Zoning/ Monitoring)

Are hereby deleted. [REASON: superceded by new condition M.4]

3. **The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property. Previously Condition No. M.3 of Resolution No. R-94-I 14, Petition No. 86-96(D)). (Zoning/ Monitoring)**
4. **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.
(Previously Condition F.I of Resolution R-98-124, Petition EAC86-096(E))
(MONITORING)