

ORIGINAL

RESOLUTION NO. R-92- 1104

RESOLUTION APPROVING ZONING PETITION NO. 86-96(A)
SPECIAL EXCEPTION PETITION OF WILLIAM LYON COMPANY

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 86-96(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 23, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 86-96(A), the petition of the WILLIAM LYON COMPANY, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE LAKE CHARLESTON PUD TO INCREASE SINGLE FAMILY DWELLINGS, DECREASE MULTI-FAMILY DWELLINGS AND TRANSFER UNITS on a parcel of land lying in all of Tracts 1 through 71, inclusive, in Block 40, Palm Beach Farms Company Plat No. 3, and Tracts 1 through 117, inclusive in Block 41, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54, Palm Beach County, Florida, Public Records, together with a hiatus described as: The hiatus lying between the 1/4 section line of Sections 3 and 10, Township 45 South, Range 42 East, and the North 1/2 of Block 40, of the Palm Beach Farms as recorded in Plat No. 3, in Plat Book 2, Pages 48 and 49, and a revised Plat recorded in Plat Book 6, Page 99, of the Public Records of Palm Beach County, Florida, and being more fully described as follows: BEGINNING at the 1/4 section corner on the North line of Section 10, said Township and Range, and run with the 1/4 section line thereof South 04°20'30" West 2,487.00 feet; thence, South 89°44'00" West 65.00 feet to the Southeast corner of Tract 36 of said Block 40; thence with the East line of Block 40, North 02°20'45" East 2,482.00 feet to the North line of said Section 10; thence, North 02°10'30" West 192.00 feet

to the Northeast corner of Tract 1 of said Block 40, thence, North 89°44' East 156.00 feet to the 1/4 section line of said Section 3; thence with the said 1/4 section line South 00°15'30" East 192.00 feet to the POINT OF BEGINNING, lying and being in Palm Beach County, Florida, and containing 7.20 acres more or less, excepting therefrom a 40 foot road right-of-way along the East line; LESS a parcel of land consisting of 135.922 acres as recorded in Official Record Book 2998, Pages 1778 and 1779, Palm Beach County, Florida, Public Records, and LESS lands described in Official Record Book 3289, Page 49 and Official Record Book 3289, Page 55, Palm Beach County, Florida; TOGETHER WITH all Palm Beach Farms Company road rights-of-way as abandoned in Official Records Book 2891, Pages 323 to 325 inclusive and quit claimed by the Lake Worth Drainage District in Official Records Book 3287, Pages 710 and 711 inclusive, and sold by West Peninsular Title Company in Official Records Book 2715, Pages 279 and 280 inclusive, Palm Beach County, Florida, Public Records, excepting therefrom all Palm Beach Farms Company road rights-of-way contained within the lands described in Official Records Book 2998, Page 1778 and 1779; Official Record Book 3289, Pages 49 through 54; and Official Record Book 3289, Pages 55 through 59, Public Records of Palm Beach County, Florida, and being located ON THE W SIDE OF JOG RD., N SIDE OF HYPOLUXO RD., S OF LAKE WORTH DRAINAGE DISTRICT CANAL # 16, AND E OF FLORIDA SUNSHINE STATE PARKWAY, IN THE RTS DISTRICT, was approved on April 23, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. 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)
2. Development of the site is limited to the uses and site design shown on the master plan approved by the Board of County Commissioners (Exhibit No. 54). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein. (Zoning)
3. The petitioner shall receive certification of the master plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or prior to July 29, 1992. (Monitoring)

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. 3 of Resolution No. R-86-1926, Petition No. 86-96. (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. 25 of Resolution No. R-86-1926, Petition No. 86-96. (Code Enforcement)

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/Engineering/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. 22 of Resolution No. F:-86-1926, Petition No. 86-96, as amended. (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. (Zoning)
- 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. 1 of Resolution No. R-86-1926, Petition No. 86-96. (Zoning/Engineering)

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. 4 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)

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. 6 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)

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. 7.a., Resolution No. R-86-1326, Zoning Petition No. 86-96. (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. 7.b of Zoning Petition No. 86-96.

5. CONSTRUCTION OF TURN LANES: The property owner shall 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. 8 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)

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. 9 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)

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 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 plat filed 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. 10 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering/Monitoring/School Board)

8. HYPOLUXO ROAD IMPROVEMENTS:

- a. The County shall acquire right-of-way for Hypcluxo 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 Hypcluxo 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) A 2-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. 11 of Resolution No. R-86-1926, Petition No. 86-96.
(Engineering/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 Standard; 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 foot 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 parcelled 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. 12 of Resolution R-86-1926, Petition No. 86-96. (Engineering/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. 33 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)
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. 14 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering/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. 15 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)

13. SURETY FOR OFF-SITE ROAD IMPROVEMENTS: Surety shall be required for the off-site road improvements outlined in Conditions numbers ~~10, 11, and 12~~, 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. ~~10, 11 and 12~~ 6, 7 and 8. Previously Condition No. 16 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering/Monitoring/Building)

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 ~~17~~ 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 ~~17~~ 13.d. is completed. Previously Condition No. 17 of Resolution No. R-86-1926, Petition No. 86-96. (Monitoring/Building)
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 petitioner 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. 18 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering/Building)
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. 19 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)
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. 20 of Resolution No. R-86-1926, Petition No. 86-96. (Engineering)
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. ~~8a, 8e, 9, 10, 11, 11c, 11d, 12, 15, 18a(1), 18a(4), and 20~~ 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 ~~10, 11 and 12~~ 6, 7 and 8, herein. Previously Condition No. 23 of Resolution No. R-86-1926, Petition No. 86-96. (Impact Fee Coordinator)
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-86-1926, Petition **No. 86-96. (Monitoring/Zoning/Engineering)**

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. 5.a** of Resolution **No. R-86-1926**, Petition No. 86-96. (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. 5.k** of Resolution **No. R-86-1926**, Petition No. 86-96. (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. (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. 21** of Resolution No. R-86-1326, Petition No. 86-96. (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 Hagan 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 filing 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. (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. 2 of Resolution No. R-86-1926, Petition No. 86-96. (County 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. (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. (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. (Zoning/School Board)

M. COMPLIANCE

1. 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)
2. 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.
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. (Monitoring)

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Absent
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 18th day of August, 1992.

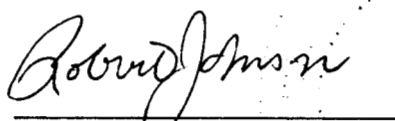
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

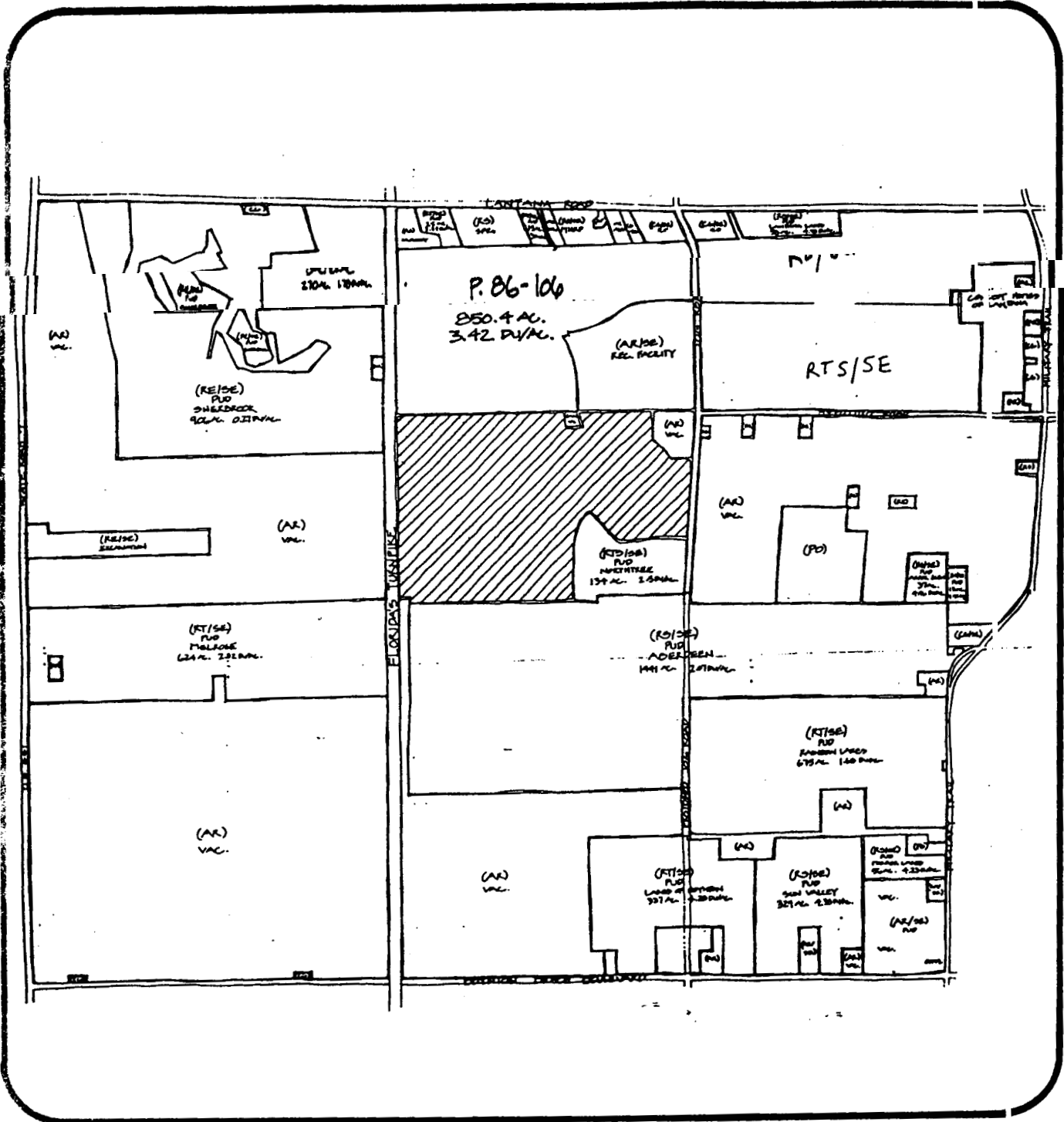

COUNTY ATTORNEY

BY:


DEPUTY CLERK

Sec. 3, 10 Twp. 45 Rng. 42
 Quadrant Sheet: 34, 49
 Aerial Page: 276, 285

Vicinity
 Sketch



Request:

A SPECIAL EXCEPTION to amend the Master Plan for the Lake Charleston Planned Unit Development (PUD) to increase the number of single family dwellings, decrease the number of multi-family dwellings and transfer units.