

RESOLUTION NO. R-96- 999

RESOLUTION APPROVING ZONING PETITION DOA84-95 (I)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF INTERNATIONAL SPORTS ASSOC., INC.  
BY JOHN ABNEY, AGENT  
(MISSION BAY PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA84-95(I) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; 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 DOA84-95(I), the petition of International Sports Assoc., Inc., by John Abney, agent, for a Development Order Amendment (DOA) to convert a portion of a recreation pod to residential, and add multifamily units (+32), to 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 July 25, 1996, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

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**

Tracts 6 through 12 inclusive, Tracts 21 through 28 inclusive, Tracts 33 through 64 inclusive, all in Section 13, Township 47 South, Range 41 East, according to the Plat of Florida Fruit Lands Company's Subdivision No. 2, in Plat Book 1, Page 102, together with the South 3/4 of the East 1/4 of Section 14, Township 47 South, Range 41 East, less and except the following;

Beginning at the Northwest corner of Section 24, Township 47 South, Range 41 East, said corner having a 2-inch O.D. Pipe with a State of Florida brass disk fastened to the top; thence North 89 degrees 47' 06" East along the North line of Section 24, a distance of 5,281.77 feet to the Northeast corner of Section 24 which has now been replaced by a Palm Beach County Survey brass disk; thence North 04 degrees 27' 48" West, 367.70 feet to the Northwest corner of Section 19, Township 47 South, Range 42 East as marked by a brass marker; thence South 85 degrees 47' 35" West, 5,267.31 feet to the said Northwest corner of Section 24 and the Point of Beginning.

Less the 75 foot right-of-way for State Road No. 7 as recorded in the Road Book 1, Page 35, less the rights-of-way as recorded in the Florida Fruit Lands Company Subdivision No. 2, less that portion of the Palm Beach County Road right-of-way as described in Deed Book 1054, Page 204, and is redescribed as follows:

A 33 foot strip in Tracts 56 and 57, Florida Fruit Lands Company's Subdivision No. 2, Sheet 2 of 4, as recorded in Plat Book 1, Page 102, lying South of and coincident with a line connecting the Northwest corner of Section 24, Township 47 South, Range 41 East to the Northwest corner of Section 19, Township 47 South, Range 42 East, bounded on the West by the West line of said Tract 57, and bounded on the East by the West line of the .75 foot right-of-way of State Road 7. Less the following described parcel:

A parcel of land being a portion of Tracts 7, 8, 9, 49, 50, and 51 of Florida Fruit Lands Company's Subdivision No. 2 as recorded in Plat Book 1, Page 102 and located in Section 13, Township 47 South, Range 41 East, being more particularly described as follows:

Commencing at the Southeast corner of said Section 13; thence North 00 degrees 54' 39" West, along the East line of said Section 13, a distance of 1,644.81 feet; thence South 89 degrees 08' 17" West, a distance of 86.69 feet to the existing West right-of-way line of State Road No. 7 and the Point of Beginning; thence continue South 89 degrees 08' 17" West, a distance of 259.50 feet; thence North 00 degrees 51' 43" West, a distance of 560.64 feet; thence South 89 degrees 08' 17" West, a distance of 100.00 feet; thence South 37 degrees 08' 17" West a distance of 100.00; thence South 00 degrees 51' 43" East, a distance of 180.00 feet; thence South 89 degrees 08' 17" West, a distance of 140.00 feet; thence South 37 degrees 08' 17" West, a distance of 188.00 feet; thence South 89 degrees 08' 17" West, a distance of 375.00 feet; thence North 12 degrees 51' 43" West, a distance of 1,100.00 feet; thence North 39 degrees 14' 42" East, a distance of 489.88 feet; thence North 89 degrees 08' 17" East, a distance of 960.00 feet to the said right-of-way of State Road No. 7; thence South 00 degrees 51' 43" East, along said right-of-way, a distance of 1,610.64 feet to the Point of Beginning.

JB/legals/mission.ova

EXHIBIT B  
VICINITY SKETCH

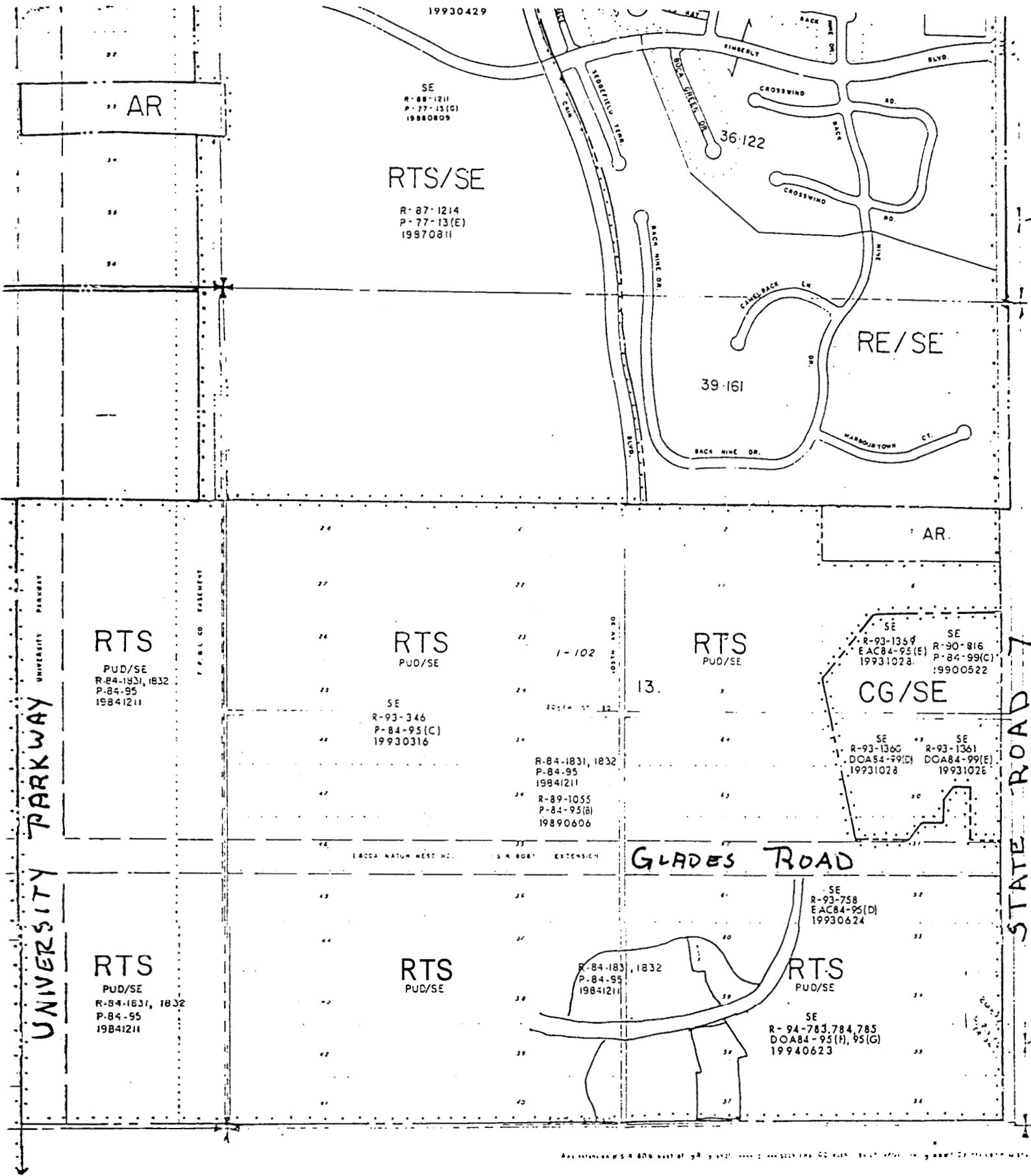


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

**A. ALL PETITIONS**

1. **All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-1369 (Petition 84-95E), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. Previously Condition A.1 of R-93-1369, Petition 84-95(E). (MONITORING)**
2. **The funeral home (Requested Use parcel O) shall be limited to chapel services and viewing only. No cremation or embalming shall be done on site. Previously Condition A.2 of R-93-1369, Petition 84-95(E). (ONGOING: ZONING/CODE ENF)**

**B. BUILDING AND SITE DESIGN**

1. **Total gross floor area shall be limited to a maximum of 5,688 square feet. Additional square footage may be allowed pursuant to Article 5.4.E.13 (Minor Deviations) of PALM BEACH COUNTY ULDC. [Note: For Funeral Home Parcel O Only] Previously Condition B.1 of R-93-1369, Petition 84-95(E). (DRC: ZONING)**
2. **The minimum setback for all buildings on the Recreation Facility and Club parcel shall be one-hundred (100) feet. [NOTE: Tennis Academy Only] Previously Condition B.2 of R-93-1369, Petition 84-95(E). (DRC: ZONING)**
3. **Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the proposed buildings in the Recreation Facility and Club parcel. [NOTE: Tennis Academy Only] Previously Condition B.3 of R-93-1369, Petition 84-95(E). (BLDG PERMIT: BLDG)**
4. **All new air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure. Previously Condition B.4 of R-93-1369, Petition 84-95(E). (BLDG PERMIT: BLDG)**
5. **Prior to master plan and site plan certification, the master plan and site plan for the Recreation Facility and Club shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. Previously Condition B.6 of R-93-1369, Petition 84-95(E). (DRC: ZONING)**
6. **The Certificate for Concurrency Exemption Extension, Case Number 0301001X1, shall be revised prior to application to the Development Review Committee for master plan and/or site plan certification in order to reflect the square footage and total number of dwelling units within the PUD. Previously Condition B.7 of R-93-1369, Petition 84-95(E). (DRC: ZONING)**

C. HEALTH

1. Utilities (sewer and water) shall be brought to the site property line. Previously Condition D.1 of R-93-1369, Petition 84-95(E). (HEALTH)
2. later service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. Previously Condition D.2 of R-93-1369, Petition 84-95(E). (HEALTH-Bldg)
3. The use of the facility shall be limited to a funeral viewing parlor only. No crematory, embalming or body preparation will be allowed on-site. Previously Condition D.3 of R-93-1369, Petition 84-95(E). (HEALTH)

E. ENGINEERING

1. This development shall retain on site the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. In addition, the developer shall provide legal positive outfall or receive a variance from this requirement. Previously Condition E.1 of R-93-1369, Petition 84-95(E). (ENG) [Completed]
2. The property owner shall convey the ultimate right-of-way for Cain Boulevard necessary to provide for an eighty (80) foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval, within 90 days of adoption of the resolution by the Board of County Commissioners. Conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Previously Condition E.2 of R-93-1369, Petition 84-95(E). (ENG) [Completed]
3. The property owner shall convey for the ultimate right-of-way of the S.R. 7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Previously Condition E.3 of R-93-1369, Petition 84-95(E). (ENG) [Complete]
4. The property owner shall convey the ultimate right-of-way for Glades Road necessary to provide for a 120 feet ultimate section. This right-of-way alignment shall be per the County Engineer's approval within ninety (90) days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Previously Condition E.4 of R-93-1369, Petition 84-95(E). (ENG) [Complete]
5. The property owner shall convey from the subject property the ultimate right-of-way for the "Special Exception" at Glades Road and S.R. 7 per the County Engineer's approval. This right-of-way shall be conveyed within ninety (90) days of adoption of the resolution by the Board of County commissioners and accepted by Palm Beach County or prior to the issuance of a building permit. Previously Cond. E.5 of R-93-1369, Petition 84-95(E). (ENG) [Complete]

6. The petitioner shall provide the construction plans for S.R. 7 as a four-lane, median-divided section (expandable to 6 lanes), compatible with the Department of Transportation typical section from Palmetto Park Road south to the Hillsboro Canal plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within six (6) months of approval date by the Board of county Commissioners or prior to the issuance of a Certificate of Occupancy, whichever first occurs. The cost of these plans shall not exceed \$100,000.00. Previously Condition E.6 of R-93-1369, Petition 84-95(E). (ENG) [Complete]
7. The developer shall construct Glades Road from S.R. 7 west to the project's west property line as a four-lane, median-divided section, per the County Engineer's approval. This construction shall be per the following phasing plan:

Phase 1 of this construction for Glades Road shall be a 4-lane median divided section from S.R. 7 to a point 200 feet west of Mission Bay Plaza entrance, plus the appropriate tapers, per the County Engineer's approval. The remainder of this section of roadway shall be constructed as a 2-lane section to the property's west property line. This construction shall be concurrent with the filing of each plat adjacent to Glades Road or when required by the County Engineer for paved continuity for Glades Road.

Phase 2 of this construction for Glades Road shall be an additional 2-lane section from the project's west property line east to a point 200 feet west of Mission Bay Plaza entrance, per the County Engineer's approval. This construction shall be completed within thirty-six (36) months after completion of Phase 1 construction for Glades Road. This construction shall be funded from impact fee monies collected within the impact fee zone, subject to approval by the Board of County Commissioners. The maximum amount of participation by Palm Beach County shall be \$250,000.00. Previously Condition E.7 of R-93-1369, Petition 84-95(E). (ENG)
8. Construction at the intersection of Glades Road and Cain Boulevard at the time of construction of Glades Road:
  - a. Left turn lane, west approach.
  - b. Left turn lane, north approach.
  - c. Signalization when warranted as determined by the County Engineer. Previously Condition E.8 of R-93-1369, Petition 84-95(E). (ENG)
9. Construct at all of the project's entrances and Glades Road at the time of construction of Glades Road, left and right turn lanes, per the County Engineer's approval. Previously Condition E.9 of R-93-1369, Petition 84-95(E). (ENG)
10. The Master Plan shall be revised to include a minimum of 80 foot right-of-way collector for the southern interior spine road. Previously Condition 10 of R-93-1369, Petition 84-95(E). (ENG)

11. Construct at both of the project's entrances onto Cain Boulevard at the time of construction of Cain Boulevard:
  - a. Left turn lane, north approach.
  - b. Right turn lane, south approach. Previously Condition E.11 of R-93-1369, Petition 84-95(E). (ENG)
12. The petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system for the road drainage of Cain Boulevard, Glades Road and S.R. 7. This drainage easement shall be subject to all governmental agency requirements. Previously Condition E.12 of R-93-1369, Petition 84-95(E). (ENG)
13. The construction of S.R. 7 and Glades Road as outlined in Conditions 7,8,9,10 and 16 shall be credited toward the Pair Share Impact Fee in the amount and manner required by the Pair Share Contribution for Road Improvements Ordinance as it presently exists or as it may from time to time be amended. This credit shall be based upon a Certified Cost Estimate by the Developer's Engineer, subject to review by the County Engineer in an amount equivalent to the road construction for S.R. 7 and Glades Road as outlined in condition numbers 7,8,9,10 and 16 within ninety (90) days of adoption of the resolution by the Board of County Commissioners. Previously Condition E.13 of R-93-1369, Petition 84-95(E). (ENG)
14. Petitioner shall provide primary and secondary access to the site from adjacent roadways, (curb cuts and proper left and right turning lanes) in accordance with County Engineer guidelines. Previously Condition E.14 of R-93-1369, Petition 84-95(E). (ENG)
15. Based on traffic impacts and total traffic projected in the impact area, the project development shall be limited to the following phases:

**RESIDENTIAL**

Number of Months After the Resolution Date by the Board of county Commissioners:	Maximum Number of Building Permits:	Cumulative Total of Building Permits:
0 - 12	0	0
12 - 24	250	250
24 - 36	350	600
36 - 48	300	900
48 - 60	300	1200
60 - 72	336	1536

**OFFICE**

Number of Months After the Resolution Date by the Board of <u>County Commissioners:</u>	Maximum Trip Generation <u>(per day)</u>	Cumulative Trip Generation <u>(per day)</u>
0 - 12	0	0
12 - 24	0	0
24 - 36	1000	1000
36 - 48	1000	2000
48 - 60	900	2900

**\*NOTE:** Traffic generation characteristics shall be determined by the standard methods used in Palm Beach County for buildings, or portions of buildings, certified for occupancy. Previously Condition E.15 of R-93-1369, Petition 84-95(E). (ENG)

16. The petitioner shall provide the construction plans for Glades Road as a six-lane, median-divided facility from Powerline/Jog Road to just East of the Florida Turnpike entrance, plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within 18 months of the resolution date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00. Previously Condition E.16 of R-93-1369, Petition 84-95(E). (ENG)
17. The additional right-of-way for S.R. 7, as determined by the Florida Department of Transportation, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers which will be required for the road construction for S.R. 7, shall be acquired by Palm Beach County at the developer's expense. Previously Condition E.17 of R-93-1369, Petition 84-95(E). (ENG)
18. The developer shall construct S.R. 7 as a four-lane divided section from Palmetto Park Road South to the Hillsboro Canal, plus the appropriate tapers, per County Engineer's approval. The construction shall include an asphalt overlay of the two existing lanes on S.R. 7, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation within nine (9) months of Palm Beach County's acquisition of the right-of-way described in Condition No. 9." Previously Condition E.18 of R-93-1369, Petition 84-95(E). (ENG)
19. The developer shall construct at the intersection of Glades Road and S.R. 7 concurrent with the four-laning of S.R. 7 fronting this parcel:
  - a. Right turn lane, south and west approach.
  - b. Dual left turn lanes all approaches.
  - c. Right turn lane, north approach.
  - d. Right turn lane, east approach. Previously Condition E.19 of R-93-1369, Petition 84-95(E). (ENG)
20. The developer shall construct Glades Road as a six-lane median divided section from Powerline/Jog Road to just East of the Florida Turnpike entrance in conjunction with the construction of the Florida Turnpike interchange. In addition, the developer shall provide a cash contribution to the Florida Department of Transportation for this construction of the Florida Turnpike overpass expansion. The total commitment by the Developer for plan preparation (as noted in Condition No. 8) construction, and Florida Department of Transportation contribution shall not exceed \$1,000,000.00." Previously Condition E.20 of R-93-1369, Petition 84-95(E). (ENG)
21. If any of the improvements listed above are completed by others prior to the date required by this petition, then the developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing developer commitments which are earmarked for the construction of Glades Road from Jog/Powerline Road to Boca Rio Road to this developer prior to the same being constructed. In the event that another entity constructs S.R. 7 from Hillsboro Canal to Palmetto Park Road (or) Glades Road from Jog/Powerline

Road to Boca Rio Road, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$1,111,130.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a 6-lane median divided section from west of the Florida Turnpike to 1-95 at the time of construction for its presently budgeted 4-lane median-divided section. This could be accomplished provided that the Board of County Commissioners approves, with the use of the Impact Fees, Monies or other developer commitments which may be granted zoning approvals. Previously Condition E.21 of R-93-1369, Petition 84-95(E). (ENG)

22. The developer shall construct Cain Boulevard from the project's north property line south to Glades Road within the planned unit development at the time of the filing of the adjacent plats or when required by the County Engineer for the continuity for Cain Boulevard and shall be completed prior to February 1, 1989 or in conjunction with the park's access road. Previously Condition E.22 of R-93-1369, Petition 84-95(E). (ENG)
23. The Developer shall plat the subject property in accordance with provisions of Article 8, Subdivision, Platting and Required Improvements of the ULDC. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. Previously Condition E.23 of R-93-1369, Petition 84-95(E). (ENG)
24. The Mission Bay PUD Master Plan as well as Site Plans for the overall Mission Bay Sports Complex/Recreation Facilities Tract and Corporate Park Tract shall be revised prior to December 1, 1996 to correspond with the existing Concurrency reservation. (DATE: MONITORING - Eng)
25. No further building permits for the 32 multi-family housing units (8 in POD F-2 (Project No. 0454-021) and 24 in Pod F-3 (Project No. 0454-003)) or the 112,000 square feet of general retail uses in Tract O shall be issued after December 31, 1997 unless a new traffic study is approved by the County Engineer which addresses the Palm Beach County Traffic Performance Standards in effect at that time. (BLDG PERMIT: MONITORING - Eng)
26. Phase II of the commercial pod (Tract O) shall be limited to 112,000 gross square feet of permitted general retail uses only. (DRC: ENG - Zoning)
27. The additional 32 multi-family housing units allowed in the Las Flores subdivision (8 in POD F-2 (Project No. 0454-021) and 24 in Pod F-3 (Project No. 0454-003)) shall be limited to fee simple townhomes. (ONGOING: ZONING)

#### **F. IRRIGATION QUALITY WATER**

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. Previously Condition F.1 of R-93-1369, Petition 84-95(D). (UTILITIES)

G. LANDSCAPING - GENERAL

1. Prior to **site** plan certification, the petitioner shall **revise** the landscape tabular data on the **site plan** for the Recreation Facility and Club parcel to reflect **conformance** to minimum Landscape Code requirements and **all** landscape conditions of approval. Previously Condition G.1 of R-93-1369, Petition 84-95(D), (ZONING)
2. All required trees in the landscape buffer strips for the Recreation Facility and Club parcel shall **meet** the following minimum standards at installation:
  - a. **Tree** height: fourteen (14) feet.
  - b. **Trunk** diameter: 3.5 inches measured 4.5 feet above grade.
  - c. **Canopy** diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the **outermost** branch tip. Each radius shall measure at least 3.5 feet in length. Previously Condition G.2 of R-93-1369 Petition 84-95(E), (CO - LANDSCAPE)

H. LANDSCAPING - INTERIOR (TENNIS ACADEMY)

1. **No more** than four (4) tennis courts shall be contiguous. A minimum fifteen (15) foot landscape strip shall separate all tennis court groups. The required landscape strips shall at a minimum include:
  - a. Three (3) palm trees, with a minimum of eight (8) feet of clear trunk, planted in groupings every thirty (30) feet on center; and,
  - b. **Five** (5) thirty (30) inch high shrub or hedge material for each required tree. Previously Condition H.1 of R-93-1369 Petition 84-95(E), (DRC; ZONING)

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)

1. Landscaping and buffering along the north property line of the Recreation Facility and Club parcel shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip.
  - b. **One** (1) native canopy tree planted every twenty (20) feet on center.
  - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Previously Condition 1.1 of R-93-1369, Petition 84-95(E). (ZONING)

J. LANDSCAPING ALONG SOUTH PROPERTY LINE OF RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)

1. **Landscaping** within the required twenty-five (25) foot **landscape** buffer along the south property line of the Recreation Facility and Club parcel shall be upgraded to include:
  - a. An eight (8) foot high opaque concrete wall setback ten (10) foot from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. Previously Condition J.1 of R-93-1369, Petition 84-95(E). (ZONING)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. **One** (1) native canopy tree planted every twenty (20) feet on center.
  - b. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. Previously Condition J.2 of R-93-1369, Petition 84-95 (E). (ZONING)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. Previously Condition 5.3 of R-93-1369, Petition 84-95(E). (ZONING)

K. LANDSCAPING ALONG THE EAST PROPERTY LINE OF THE RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)

1. Landscaping along the east property line of the Recreation Facility and Club parcel (tennis academy) shall be upgraded to include:
  - a. A minimum twenty-five (25) foot wide landscape buffer strip.
  - b. A six (6) foot high opaque concrete wall setback ten (10) foot from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. The wall shall include a minimum of one (1) pedestrian access way between the residential areas to the east and the tennis academy. Previously Condition K.1 of R-93-1369, Petition 84-95(E). (ZONING)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. **one** (1) native canopy tree planted every twenty (20) feet on center.

- b. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. Previously Condition K.2 of R-93-1369, Petition 184-95(E). (ZONING)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. Previously Condition K.3 of R-93-1369, Petition 84-95(E). (ZONING)

**L. LANDSCAPING ALONG WEST PROPERTY LINE OF RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)**

1. Landscaping and buffering along the west property line of the Recreation Facility and Club parcel shall be upgraded to include:
  - a. A minimum five (5) foot wide landscape buffer strip.
  - b. One (1) native canopy tree planted every twenty (20) feet on center.
  - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Previously Condition L.1 of R-93-1369, Petition 184-95(E). (ZONING)

**M. LANDSCAPING ALONG WEST PROPERTY LINE OF PUD**

1. Mission Bay Development Company, Inc. agrees to maintain the row of pine trees located in the right-of-way of the north/south canal running contiguous to the western property line of the Mission Bay Planned Unit Development and forming the eastern property line of the Loggers Run Planned Unit Development until such time that it may be removed by the Home Owner's Association. Mission Bay Development Company, Inc. agrees to plant additional natural vegetation in any gaps in said row of pine trees for the purpose of providing a continuous pine tree visual buffer between the improvements constructed within the Loggers Run Planned Unit Development and to be constructed within the Mission Bay Planned Unit Development. Previously Condition M.1 of R-93-1369, Petition 84-95(E). (ZONING/ENG)
2. Mission Bay Development Company, Inc. agrees to construct a landscape berm system within twenty-five (25) feet of the Planned Unit Development buffer along the west property line of the Mission Bay Planned Unit Development for the purpose of providing a continuous landscape berm system between the residences to be constructed within the Mission Bay Planned Unit Development. In addition to the foregoing, the developer of parcel "I" shall install within the portion of the twenty-five (25) buffer on the western property line of parcel "I" the following:
  - a. A six (6) foot high opaque fence; and,
  - b. A typical lot buffer planting as represented by Exhibit 52.

The six (6) foot high opaque fence shall be installed prior to the construction of homes. The typical lot buffer planting shall be installed prior to the issuance of Certificate of Occupancy for each home. Previously Condition H.2 of R-93-1369, Petition 84-95(E), (ZONING)

3. All prohibited plant species within the twenty-five (25) foot buffer along the western portion of Mission Bay Planned Unit Development shall be eradicated. This eradication program shall not commence until the construction of the required landscape berm has begun. Previously Condition M.3 of R-93-1369, Petition 84-95(E), (ZONING)
4. All building plans for parcel "I", submitted to the Building Department for permitting, shall contain landscape plans for that portion of the twenty-five (25) foot buffer abutting or within the lot. The landscape plan shall reflect the intent of Exhibit No. 52, as found in the Zoning Petition file. Previously Condition M.4 of R-93-1369, Petition 84-95(E), (BLDG/ZONING)

#### **N. LEGAL**

1. Exact copies of the master plan and related graphics as presented at the Board of County Commissioner's public hearing shall be submitted to the Zoning Division and made part of the official file. Previously Condition N.1 of R-93-1369, Petition 84-95(E), (ZONING/CO ATTORNEY)
2. Prior to site plan approval for the 32 units, added to the Mission Bay PUD by Petition 84-95(I), the petitioner shall amend and record the HOA/POA documents to reflect the following:

The additional 32 multi-family townhouse units which are hereby added to the approved Master Plan for the Mission Bay PUD shall be subject to the existing Declaration of Restrictions and Covenants in accordance with the requirements of the Unified Land Development Code, 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. (DRC: ZONING - Co Attny)

#### **O. LIGHTING**

1. All outdoor lighting used to illuminate the premises and identification signs of the Recreation Facility and Club parcel shall be of low intensity, shielded and directed down and away from adjacent properties and streets. Previously Condition 0.1 of R-93-1369, Petition 84-95(E), (CODE ENF)
2. All lighting fixtures within the Recreation Facility and Club Parcel (tennis academy) shall not exceed thirty-five (35) feet in height measured from finished grade. All lighting fixtures shall be constructed to reduce by a minimum of 95% the amount of off-field spill and glare emitted onto abutting residential parcels and/or developments. Previously Condition 0.2 of R-93-1369, Petition 84-95(E), (BLDG)

3. All outdoor lighting within the Recreation Facility and Club parcel shall be extinguished no later than 10:00 p.m. Security lighting only is excluded from this requirement. Such security lighting shall not exceed 20 feet in height, measured from finished grade. Previously Condition 0.3 of R-93-1369, Petition 84-95(E). (CODE:ENF)
4. No outdoor lighting shall be permitted on any of the perimeter courts of the recreational facility and club parcel. Previously Condition 0.4 of R-93-1369, Petition 84-95(E). (BLDG/CODE ENF)

P. **PLANNED UNIT DEVELOPMENT**

1. Each proposed primary structure within the PUB shall clearly display a street address number on the facade of the building which is legible from the street. Previously Condition P.1 of R-93-1369, Petition 84-95(E). (CODE:ENF)

Q. **RESIDENTIAL USE OF RECREATION FACILITY AND CLUB**

1. Prior to February 1, 1993, the petitioner, in a form and manner acceptable to the County Attorney, shall record in the public records of Palm Beach County, an agreement between the petitioner and the residents of the Mission Bay Planned Unit Development that provides for the use of all structures and facilities within the Recreation Facility and Club by the residents without membership requirements. This agreement shall not be removed, altered, changed or amended without written approval from the County Attorney. Previously Condition Q.1 of R-93-1369, Petition 84-95(E). (CO ATTORNEY)

R. **RECYCLE SOLID WASTE**

1. The property owner and/or lessee(s) 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 R.1 of R-93-1369, Petition 84-95(E). (SWA)

S. **MASS TRANSIT**

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or USE!, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)

T. **SCHOOL BOARD**

1. Petitioner shall show a 20 acre elementary school site on the Mission Bay PUD Master Plan. Previously Condition S.1 of R-93-1369, Petition 84-95(E). (ZONING/SCHOOL BOARD)

2. Petitioner shall dedicate the 20 acre school site to the School Board of Palm Beach County. Previously Condition S.2 of R-93-1369, Petition 84-95(E). (SCHOOL BOARD)
3. Transfer of Title and Warranty Deed to the school site, and a survey showing and describing the metes and bounds of the school site shall be delivered to the School Board within six (6) months of the effective date of the resolution of approval by the Board of County Commissioner on the subject PUD. Previously Condition S.3 of R-93-1369, Petition 84-95(E). (SCHOOL BOARD)
4. Petitioner shall be responsible for the school site to be at final developable grade elevation prior to the School Board construction. Previously Condition S.4 of R-93-1369, Petition 84-95(E). (SCHOOL BOARD/ENG)
5. Pedestrian signalization to and from the school site shall be installed by the petitioner when warranted by both the School Board and County Engineer. Previously Condition S.5 of R-93-1369, Petition 84-95(E). (SCHOOL BOARD/ENG)
6. Petitioner shall place with the School Board of Palm Beach County, a letter of credit in the amount verifying the designing, engineering, and construction cost for the provision of water and sewer, paved road access and site elevation requirements to permit the construction of a school on the property in accordance with a time schedule, put forth by the Palm Beach County School Board. Previously Condition S.6 of R-93-1369, Petition 84-95(E). (SCHOOL BOARD/ENG)
7. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

**U. SIGNS**

1. No freestanding point of purchase signs shall be allowed on the Recreation Facility and Club parcel. Previously Condition T.1 of R-93-1369, Petition 84-95(E). (CODE ENF)

**V. USE LIMITATION**

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulate (dust particles) from this property do not become a nuisance to neighboring properties. Previously Condition U.1 of R-93-1369, Petition 84-95(E). (CODE ENF)
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. Previously Condition U.2 of R-93-1369, Petition 84-95(E). (CODE ENF)
3. Mission Bay Development Company, Inc. agrees to provide and maintain heavy duty silencers for all drainage pumps to be operated within the Mission Bay Planned Unit Development. Previously Condition U.3 of R-93-1369, Petition 84-95(E). (CODE ENF)

4. Mission Bay Development Company, Inc. agrees not to commence land development activities involving heavy equipment prior to 7:00 a.m. Previously Condition U.4 of R-93-1369, Petition 84-95(E). (CODE ENF)
5. Mission Bay Development Company, Inc. agrees to conduct no land development activities or tree removal activities in the canal right-of-way located contiguous to the western property line of the Mission Bay Planned Unit Development bordering the Loggers Run Planned Unit Development. Previously Condition U.5 of R-93-1369, Petition 84-95(E). (CODE ENF)
6. Structures in the commercial pod of this Planned Unit Development shall be limited to two stories in height above grade, and in no event shall the height of the finished roof exceed 30 feet. Previously Condition U.6 of R-93-1369, Petition 84-95(E). (BLDG)
7. Mission Bay Development Company, Inc. agrees to provide single family, detached homes, satisfy minimum property development regulations of Section 500.21.k.4.a. (Single Family Detached - Separate) or Section 500.21.k.4.c. (Single Family Detached - Patio Home) in addition to the twenty-five (25) foot Planned Unit Development buffer in the mouthweat development parcel as provided in the Master Land Use Plan of the Mission Bay Planned Unit Development. All single family units in this parcel shall be limited to a maximum thirty (30) foot roof height as defined in the Zoning Code." Previously Condition U.7 of R-93-1369, Petition 84-95(E). (ZONING/BLDG)
8. No outdoor loudspeaker systems shall be permitted on the Recreation Facility and Club parcel. Previously Condition U.8 of R-93-1369, Petition 84-95(E). (CODE ENF)
9. No more than two major tennis events per year shall be allowed on the Recreation Facility and Club (tennis academy) or Aquatic Center parcels. For the purpose of this petition, a major event shall mean an event, such as a tournament, exhibition, or meet, which lasts more than three (3) days, with a maximum duration of ten (10) days. No major events shall be allowed without first obtaining a Special Permit for a Temporary Event from the Zoning Division and a special permit from the County Engineer. Previously Condition U.9 of R-93-1369, Petition 84-95(E). (CODE ENF/ZONING)
10. Total gross floor area for the Recreation Facility and Club parcel shall be limited to a maximum of 12,750 square feet of clubhouse, accessory offices and accessory uses, as permitted within a residential parcel of a Planned Unit Development in accordance with the Unified Land Development Code (ULDC). Previously Condition U.10 of R-93-1369, Petition 84-95(E). (BLDG)
11. No temporary tennis events shall be allowed on the Recreation Facility and Club (tennis academy) or Aquatic Center parcels without first obtaining a Special Permit for a Temporary Event from the Zoning Division and a special permit from the County Engineer. For the purpose of this petition, a temporary event shall mean an event, such as a tournament, exhibitions, or meets which requires more parking than can be provided on the Recreation Facility and Club or Aquatic Center parcels and has a maximum duration of three (3) days. Previously Condition U.11 of R-93-1369, Petition 84-95(E). (CODE ENF)

12. **No outdoor activities shall be permitted on the Recreation Facility and Club parcel after 10:00 p.m. Previously Condition U.12 of R-93-1369, Petition 84-95(E). (CODE ENF)**

**W. VEGETATION PRESERVATION**

1. **The developer shall relocate and/or preserve existing significant native vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction. Landscape materials used shall be compatible and noncompetitive with native vegetation. Previously Condition V.1 of R-93-1369, Petition 84-95(E). (ZONING)**

**X. COMPLIANCE**

1. **Condition w.2 of R-93-1369, Petition 84-95(E), which 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 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.**

Is hereby amended to state:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or**
- b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
- c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
- d. **Referral to code enforcement; and/or**
- e. **Imposition of entitlement density or intensity.**

**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)**