

RESOLUTION NO. R-98-2045

RESOLUTION APPROVING ZONING PETITION PDD98-55
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF LEVITT HOMES, INC.
BY ROBERT BENTZ, AGENT
(LESTER PUD)

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

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

WHEREAS, Zoning Petition PDD98-55 was presented to the Board of County Commissioners at a public hearing conducted on December 3, 1998; and,

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

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

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



WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD98-55, the petition of Levitt Homes, Inc. by Robert Bentz, agent, for an Official Zoning Map Amendment (PDD) Rezoning from Agricultural Residential (AR) to a Planned Unit Development (PUD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 3, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 3, 1998.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Alt*
COUNTY ATTORNEY

BY: *Willa Powell*
DEPUTY CLERK

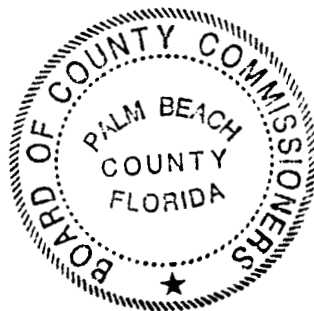


EXHIBIT A
LEGAL DESCRIPTION

THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 35, TOWNSHIP 45 SOUTH,
RANGE 42 EAST.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

1. THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST.
2. THE RIGHT-OF-WAY FOR MILITARY TRAIL INCLUDING THAT PROPERTY DESCRIBED IN THE STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 3728, PAGE 654, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
3. THE NORTH 65 FEET OF THE EAST ONE HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST.
4. THE RIGHT-OF-WAYS FOR LAKE WORTH DRAINAGE DISTRICT L-27, L-28 AND E-3 CANALS.

ALSO DESCRIBED AS:

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35; THENCE SOUTH 00°34'42" EAST ALONG THE EAST LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 66.00 FEET; THENCE SOUTH 89°02'45" WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°34'42" EAST ALONG A LINE 60.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 1261.96 FEET; THENCE SOUTH 89°02'29" WEST ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 599.17 FEET; THENCE SOUTH 00°45'19" EAST ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 663.99 FEET; THENCE NORTH 89°02'22" EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 597.12 FEET; THENCE SOUTH 00°34'42" EAST ALONG A LINE 60.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 663.98 FEET; THENCE SOUTH 89°02'14" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 2520.03 FEET; THENCE NORTH 01°17'10" WEST ALONG A LINE 40.25 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF THE EAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 2590.28 FEET; THENCE NORTH 89°02'45" EAST ALONG A LINE 66.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 2552.02 FEET TO THE POINT OF BEGINNING. CONTAINING 141.673 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

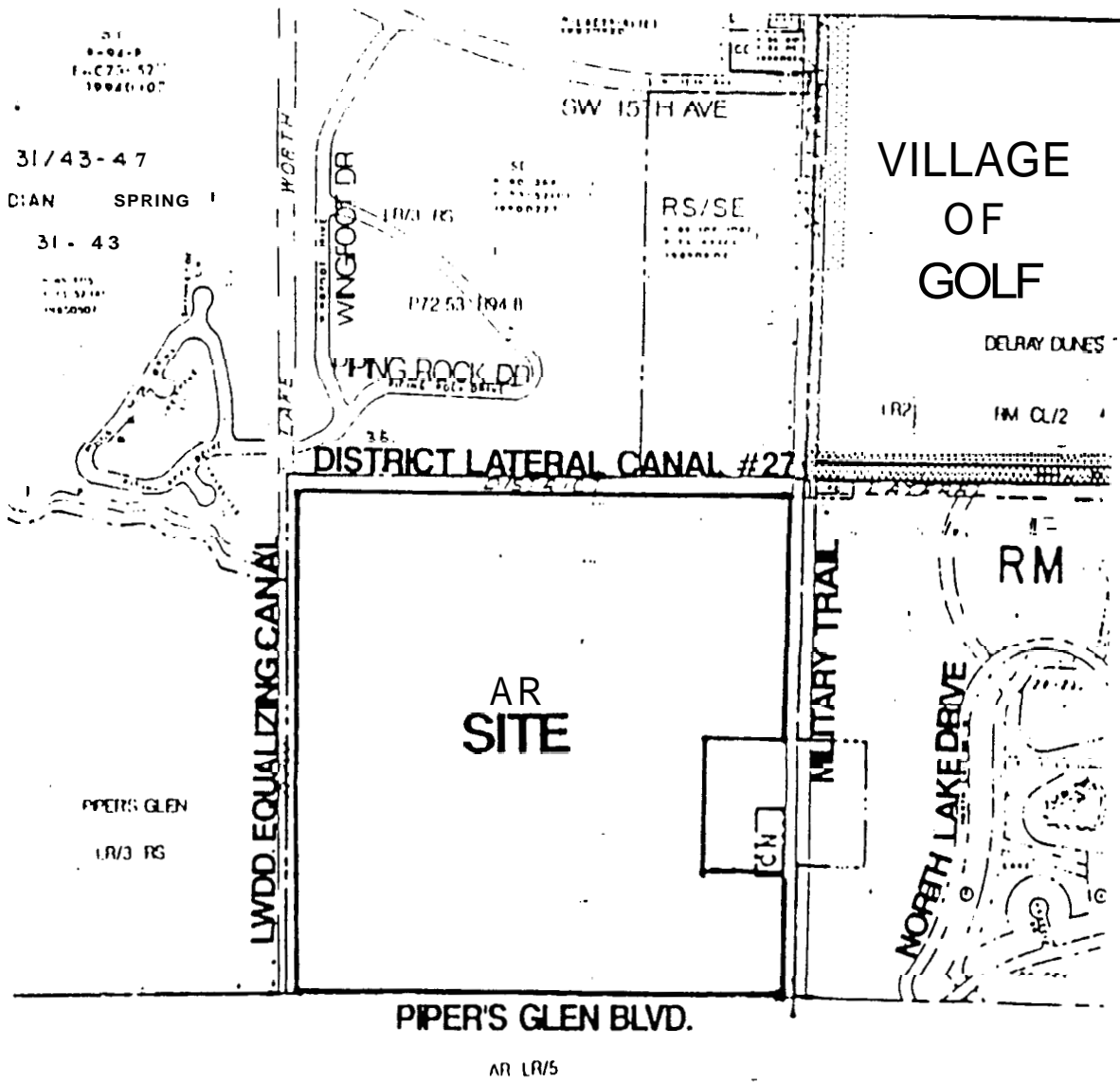


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated August 27, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING MILITARY TRAIL)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum six (6) foot masonry wall;
 - c. One (1) canopy tree for each fifteen (15) linear feet of frontage with a maximum spacing of sixty (60) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of ninety (90) feet on center between clusters. A group of three (3) palms may be substituted for 25% of the perimeter canopy trees; and,
 - e. Twenty four (24) inch high shrub or hedge material installed on the exterior of the wall. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches.
 - f. Decorative foundation plantings shall also be installed in front of the required hedge. (CO: LANDSCAPE)

C. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO PIPERS GLEN BLVD)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - c. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for the perimeter canopy trees; and,
 - d. Twenty four (24) inch high shrub or hedge material installed no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
2. Landscaping and buffering along the north and west property line shall include (as referenced on the Land Design South "Buffer Details Ten (10') Foot Buffer North and West" Exhibit):
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center;

- c. One (1) palm for each twenty-five (25) linear feet of property line with no maximum spacing between clusters. A group of three (3) palms shall not be substituted for the perimeter canopy trees;
- d. One flowering tree for each forty-five (45) feet of property line with no maximum spacing between clusters; and
- e. Twenty-four (24) inch high flowering and non-flowering shrub or hedge material installed no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

D. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINE ADJACENT TO THE 9.12 ACRE OUTPARCEL

- 1. Landscaping and buffering along the north, south, and east property line adjacent to the 9.12 acre outparcel shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - c. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may be substituted for 25% of the perimeter canopy trees; and
 - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

- 1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
- 2. The Property owner shall:
 - a. Lengthen the existing left turn lane south approach on Military Trail at the project's entrance road. Length of this left turn lane shall be a minimum of 295 feet plus the appropriate paved taper.
 - b. Construct a right turn lane north approach on Military Trail at the project's entrance road.
 - c. Construct a left turn lane west approach on Pipers Glen Boulevard at this project's entrance road. This developer shall also be responsible for the replacement of any existing trees along Pipers Glen Boulevard to accommodate the construction of these turn lanes. Replacement of these replacement trees shall be concurrent with the construction of the turn lanes onto Pipers Glen Boulevard. Tree size and type shall be approved by the County Engineer.

- 1) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - 2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
3. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segment; of Military Trail along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall.

The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG. PERMIT - Eng.)

4. Prior to October 1, 1999 the Property owner shall provide permissible construction plans for the construction of Lake Ida Road as a 4 lane median divided section (expandable to 6 lanes) from Military Trail to Congress Avenue plus the appropriate paved tapers. 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 from time to time be amended. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE / MONITORING - Eng)

5. The property owner shall fund the acquisition the Lake Ida Road right of way and all associated costs as referenced in the Condition above and shall provide surety acceptable to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before October 1, 1999. Notification by the developer shall be given to the **Land Development Division**. (DATE / MONITORING-Eng)

6. On or before October 1, 1999, 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 Lake Ida Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years, Notification shall be given to **Land Development Division**. (DATE: MONITORING-Eng)

7. The property owner shall fund the construction of Lake Ida Road as a 4 lane median divided from Military Trail to Congress Avenue in accordance the proposed Adequate Public Facility Agreement to be approved by the Board of County Commissioners. Funding of the construction shall be completed or before September 30, 2000. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING-Eng)

8. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 Developer Road Projects:
 - a. Prior to Master Plan approval by the DRC, the applicant shall record a restrictive covenant in the public records which restricts occupancy of housing units within this project to a "senior citizen community". (DRC: ENG/CO ATTY)

 - b. Building Permits for no more than 255 adult single-family housing units (2043 daily project trips) shall be issued until contract is let for the construction of Lake Ida Road from Military Trail to Congress Avenue to a 4-lane median divided cross-section. Applicant shall assure construction of this road improvement by entering into an Adequate Public Facilities Agreement with Palm Beach County before or at the Board of County Commission meeting at which the Development Order is approved for this project. (BLDG. PERMIT: MONITORING - Eng.)

 - c. Building Permits for no more than 267 adult single-family housing units (2143 daily project trips) shall be issued until the contract is let for the construction of Jog Road as a 6 lane median divided section from Boynton Beach Boulevard to Woolbright Road. (BLDG. PERMIT: MONITORING - Eng.)

 - d. No Building Permits for the site may be issued after December 31, 2002. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE : MONITORING / - Eng.)

9. Acceptable surety required for the offsite road improvements as outlined in item "b" above, shall be posted with the Office of the **Land Development Division** on or before June 3, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)

10. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADS

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Military Trail road right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "**High Cost Planting Concept**" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.

The property owner shall be responsible for maintenance of the existing landscape material along Pipers Glen Blvd along the project frontage. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. Any existing landscape material may be incorporated into the **High Cost Planting Plan**. (BLDG PERMIT: MONITORING - Eng.)

b. All required median landscaping, including an irrigation system shall be installed at the property owner's expense. **All** existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng.)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Phase II Environmental Audit shall be submitted to and approved by Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

G. MASS TRANSIT

1. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING- Eng)

H. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Condition 12, subject to approval by the County Engineer. (CO: LANDSCAPE- Eng)
3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

6. Twenty-four hour security shall be provided at the guardhouse located at the main PUD entrance adjacent to Military Trail following the issuance of a Certificate of Occupancy for the 100th unit. All ingress and egress for the entrance onto Pipers Glen Blvd shall be gated and posted as restricted to residents of the PUD only. (CO: BLDG Permit - ONGOING: CODE ENF)
7. The 141.67 acre PUD shall be limited to 566 single family unit and zero lotline units or a maximum of four (4) units per acre whichever is less. (DRC-Zoning/ BLDG Permit)
8. All off premise signs and billboards shall be removed from the site prior to December 1, 1999. (DATE: MONITORING - Bldg/Code Enf)

I. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated August 27, 1998. In addition, the indication of cross access shall remain on the site plan (DRC: PLANNING)
2. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, 40, 47, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of fifty (50) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer. For the eighty foot (80') collector road that runs through the project, the shade trees shall be spaced an average distance of thirty (30) feet or less along both sides of the street. (DRC: PLANNING / ENG.)

J. PREM - CIVIC SITE

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **October 1, 1999** for a **2.83** acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
 - b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.

- 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by **August 1, 1999**. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.

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

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by **August 1, 1999**. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

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

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
4. Prior to **August 1, 1999**, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PJD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)
5. Prior to final site plan approval by the DRC the underlying land use for the 2.83 acre civic site shall be labeled as recreation area in addition to the 5.12 acre total recreation areas shown on the subdivision plan. (DRC: PREM: PARKS)

K. SENIOR/ADULT ONLY COMMUNITY

- 1. The development shall be limited to an adult only community. Copies of the recorded restrictive covenant shall be provided to the Development Review Committee (DRC) for review and approval by the County Attorney's office, Zoning Division, Engineering Department, and the School Board prior to recording which shall occur prior to final site plan certification. (DRC: ZONING / CO ATT / ENG / SCHOOL BOARD)
- 2. Starting on January 1, 2000, the petitioner shall submit an annual report to the Monitoring Section demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng/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. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Planning, Zoning and
Building Department
100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000
www.co.palm-beach.fl.us



Palm Beach County
Board of County
Commissioners

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Carol A. Roberts

Mary McCarty

Burt Aaronson


Tony Masilotti

County Administrator

Robert Weisman

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractor's Certification 233-5525

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: Willa Oswalt, Minutes Clerk
FROM: Bill Whiteford, Acting Zoning Director 
DATE: December 7, 1998
RE: Amended Conditions from the December 3, 1998
BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on December 3, 1998.

The following petitions were amended:

DOA82-174(D)	West Boca Estates PUD
DOA76-007(B)	Okeechobee Blvd MUPD
PDD98-55	Lester PUD
PDD97-112	Saddlebrook Village PUD

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