

RESOLUTION NO. R-93- 346

RESOLUTION APPROVING ZONING PETITION NO. 84-95(C)
SPECIAL EXCEPTION PETITION OF MISSION BAY MANAGEMENT, INC.

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. 84-95(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on August 27, 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. 84-95(C), the petition of MISSION BAY MANAGEMENT, INC., by John Abney and Allan Achnier, Agents, for a SPECIAL EXCEPTION to allow a PUBLIC/PRIVATE RECREATION FACILITY AND CLUB (TENNIS ACADEMY) within the Mission Bay PUD, on a parcel of land lying in ALL OF THAT PLAT OF MISSION BAY as recorded in Plat Book 53, Pages 112 through 117, Public Records of Palm Beach County, Florida, and being located on the W. side of U.S. 441 (SR 7), approximately 1.3 miles south of Yamato Road, in the RTS Zoning District, was approved on August 27, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. Condition 1 of R-88-677, Petition 84-95(A), which currently states:

"The developer shall comply with all previous conditions of approval unless expressly modified herein."

Is hereby deleted.

2. Condition 1 of R-89-1055, Petition 84-95(B), which currently states:

"The developer shall comply with all previous conditions of approval, unless expressly modified herein."

Is hereby amended to state:

"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)

3. 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. (ZONING)
4. Development of the site shall be limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit 124). All modifications to the site plan, except as required by the conditions of approval, must be approved by the Board of County Commissioners at a public hearing conducted in accordance with the requirements of the Unified Land Development Code. No use or design changes to the site plan shall be permitted by any administrative review process.

B. BUILDING AND SITE DESIGN

1. Condition 2 of R-89-1055, Petition 84-95(B), which currently states:

"The petitioner shall submit, simultaneously with the submittal of the application for Site Plan Review Committee, a mylar copy of Exhibit No. 52 (Mission Bay/Loggers Run Buffer)."

Is hereby deleted.

2. The minimum setback for all buildings on the Recreation Facility and Club parcel shall be one-hundred (100) feet. (BUILDING)
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. (BUILDING)
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. (BUILDING)

C. CONCURRENCY

1. 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.

D. HEALTH

1. Utilities (sewer and water) shall be brought to the site property line. (Previously Condition 27 of R-85-1045, Petition 84-95.) (HEALTH)
2. Water 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. (HEALTH-Building)

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 1 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 2 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 3 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 4 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 Condition 5 of R-85-1045, Petition 84-95.)
(ENGINEERING)

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 7 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 13 of R-85-1045, Petition 84-95.) (ENGINEERING)

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 14 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 15 of R-85-1045, Petition 84-95.) (ENGINEERING)

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 17 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 18 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 19 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 Fair Share Impact Fee in the amount and manner required by the Fair 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 20 of R-85-1045, Petition 84-95.) (ENGINEERING)
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 26 of R-85-1045, Petition 84-95.) (ENGINEERING)
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

<u>Number of Months After the Resolution Date by the Board of County Commissioners:</u>	<u>Maximum Trip Generation * (per day)</u>	<u>Cumulative Trip Generation * (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 2 of R-88-677, Petition 84-95(A)). (ENGINEERING)

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 3 of R-88-677, Petition 84-95(A)). (ENGINEERING)
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 4 of R-88-677, Petition 84-95(A)). (ENGINEERING)
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 5 of R-88-677, Petition 84-95(A)). (ENGINEERING)
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 6 of R-88-677, Petition 84-95(A)). (ENGINEERING)

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 7 of R-88-677, Petition 84-95(A)). (ENGINEERING)
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 8 of R-88-677, Petition 84-95(A)). (ENGINEERING)
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 8 of R-89-1055, Petition 84-95(B)). (ENGINEERING)
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. (ENGINEERING)

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. (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. (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. (ZONING)

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. One (1) native canopy tree planted every twenty (20) feet on center.
 - b. Five (5) thirty (30) inch high shrub or hedge material for each required canopy tree. (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. (ZONING)

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF THE 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. (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. (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. (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 accessway between the residential areas to the east and the tennis academy. (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. (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. (ZONING)

L. LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE 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. (ZONING)

M. LANDSCAPING ALONG THE WESTERN PROPERTY LINE OF THE PLANNED UNIT DEVELOPMENT

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 5 of R-89-1055, Petition 84-95(B)). (ZONING/ENGINEERING)
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 6 of R-89-1055, Petition 84-95(B)). (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 7 of R-89-1055, Petition 84-95(B)). (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 3 of R-89-1055, Petition 84-95(B)). (BUILDING/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 39 of R-85-1045, Petition 84-95). (ZONING/COUNTY ATTORNEY)

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. (CODE ENFORCEMENT)
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 measured at the property line of the recreation and facility club parcel. (BUILDING)
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. (CODE ENFORCEMENT)
4. No outdoor lighting shall be permitted on any of the perimeter courts of the recreational facility and club parcel. (BUILDING/CODE ENFORCEMENT)

P. PLANNED UNIT DEVELOPMENT

1. Each proposed primary structure within the PUD shall clearly display a street address number on the facade of the building which is legible from the street. (CODE ENFORCEMENT)

Q. RESIDENTIAL USE OF RECREATION FACILITY AND CLUB

1. Prior to February 1, 1993, the petitioner shall record in the public records of Palm Beach County, in a form and manner acceptable to the County Attorney, a declaration of restrictions which provides that the use of all

structures and facilities within the Recreation Facility and Club, i.e., the tennis club, is available to the residents of the Mission Bay PUD without membership requirements. This restriction shall not be removed, altered, changed or amended without written approval from the County. (COUNTY 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. (SWA)

S. SCHOOL BOARD

1. Petitioner shall show a 20 acre elementary school site on the Mission Bay PUD Master Plan. (Previously Condition 22 of R-85-1045, Petition 84-95). (ZONING/SCHOOL BOARD)
2. Petitioner shall dedicate the 20 acre school site to the School Board of Palm Beach County. (Previously Condition 23 of R-85-1045, Petition 84-95). (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 24 of R-85-1045, Petition 84-95). (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 25 of R-85-1045, Petition 84-95). (SCHOOL BOARD/ENGINEERING)
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 28 of R-85-1045, Petition 84-95). (SCHOOL BOARD/ENGINEERING)
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 29 of R-85-1045, Petition 84-95). (SCHOOL BOARD/ENGINEERING)

T. SIGNS

1. No freestanding point of purchase signs shall be allowed on the Recreation Facility and Club parcel. (CODE ENFORCEMENT)

U. USE LIMITATION

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition 31 of R-85-1045, Petition 84-95). (CODE ENFORCEMENT)
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 32 of R-85-1045, Petition 84-95). (CODE ENFORCEMENT)
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 35 of R-85-1045, Petition 84-95). (CODE ENFORCEMENT)
4. Mission Bay Development Company, Inc. agrees not to commence land development activities involving heavy equipment prior to 7:00 a.m. (Previously Condition 36 of R-85-1045, Petition 84-95). (CODE ENFORCEMENT)
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 37 of R-85-1045, Petition 84-95). (CODE ENFORCEMENT)
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 40 of R-85-1045, Petition 84-95). (BUILDING)
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 southwest 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 4 of R-89-1055, Petition 84-95(B)). (ZONING/BUILDING)
8. **No** outdoor loudspeaker systems shall be permitted on the Recreation Facility **and** Club parcel. (CODE ENFORCEMENT)
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. (CODE ENFORCEMENT/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). (BUILDING)
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. (CODE ENFORCEMENT)
12. No outdoor activities shall be permitted on the Recreation Facility and Club parcel after 10:00 p.m. (CODE ENFORCEMENT)

V. 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 30 of R-85-1045, Petition 84-95). (ZONING)

W. COMPLIANCE

1. Condition 9 of R-89-1055, Petition 84-95(B), which currently states:

"Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code."

Is hereby amended to state:

"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 one or more of the following:

- a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a

stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;

- b. The revocation of any 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;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time **of** the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code. (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 Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)
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 Marcus moved for approval **of** the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 16th day of March, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS **BOARD OF COUNTY**
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK