

RESOLUTION NO. R-94- 954

RESOLUTION APPROVING ZONING PETITION **DOA80-215(H)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF SMIGIEL PARTNERSHIP, LTD.

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 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA80-215(H)** was presented to the Board of County Commissioners at a public hearing conducted on July **28**, 1994; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

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9. This Development O
adopted,
not limited to v
wildlife,
functioning of the

10. This Development O
adopted,
development pattern

WHEREAS, Article 5 of the Palm Be
Code requires that the action of the Board of Count
be adopted by resolution.

NOW, THEREFORE,

COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that

DOA80-215 (H) , the pe
DEVELOPMENT ORDER AMENDMENT in the Residential Tran

Zoning District, to amend master plan to add 357
redesignate pods, previously approved on a parcel

described in EXHIBIT A. attached hereto and made a pa

EXHIBIT A

LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27 : THENCE ALONG THE WEST LINE OF SAID SECTION, SOUTH 00-40-33 EAST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING; THENCE DEPARTING FROM SAID WEST LINE AND ALONG A LINE 75.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 27; NORTH 89-19-27 EAST, A DISTANCE OF 1337.01 FEET TO THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 27; THENCE DEPARTING FROM SAID NORTH LINE AND ALONG SAID EAST LINE, SOUTH 00-33-20 EAST, A DISTANCE OF 68.95 FEET; THENCE DEPARTING FROM SAID EAST LINE, NORTH 80-50-35 WEST, A DISTANCE OF 123.41 FEET TO A LINE 140.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 27; THENCE ALONG SAID LINE, SOUTH 09-19-27 WEST, A DISTANCE OF 1209.66 FEET; THENCE SOUTH 03-30-16 WEST, A DISTANCE OF 461.79 FEET; THENCE NORTH 88-28-31 WEST, DISTANCE OF 461.53 FEET; THENCE NORTH 81-42-22 WEST, A DISTANCE OF 453.05 FEET TO INTERSECT THE WEST LINE OF THE EAST 5.00 FEET OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF SAID SECTION 20, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E 2 1/2 CANAL, 00.00 FEET IN WIDTH; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00-42-46 WEST, A DISTANCE OF 90.27 FEET TO INTERSECT A LINE 120.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH BOUNDARY LINE ON "GLENEAGLES PLAT EIGHT", RECORDED IN PLAT BOOK 54 AT PAGES 114 THROUGH 117 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, AT A POINT ALONG A CURVE HAVING A RADIUS OF 1163.31 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 01-09-08 EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 00-14-47, A DISTANCE OF 5.00 FEET TO INTERSECT THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF SAID SECTION 28; THENCE ALONG SAID EAST LINE, SOUTH 00-42-46 EAST, A DISTANCE OF 75.00 FEET TO INTERSECT A LINE 75.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 28, THENCE ALONG SAID LINE, NORTH 89-01-54 EAST, A DISTANCE OF 482.59 FEET; THENCE SOUTH 00-28-31 EAST, A DISTANCE OF 419.48 FEET; THENCE NORTH 83-38-16 EAST, A DISTANCE OF 194.09 FEET TO INTERSECT A LINE 75.00 FEET SOUTH OF AND PARALLEL WITH THE AFOREMENTIONED NORTH LINE OF SAID SECTION 20; THENCE ALONG SAID LINE, NORTH 89-01-54 EAST, A DISTANCE OF 264.46 FEET TO THE POINT OF BEGINNING.

ALSO LESS THE LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS (RIGHT-OF-WAY FOR LINTON BOULEVARD GRANTED TO PALM BEACH COUNTY RECORDED IN OFFICIAL RECORD BOOK 6304 AT PAGES 1196 THROUGH 1202):

A PARCEL OF LAND SITUATE IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 28, THENCE ALONG THE EAST LINE OF SAID SECTION SOUTH 00-40-33 EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 83-38-16 WEST, A DISTANCE OF 265.96 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 83-38-16 WEST, A DISTANCE OF 194.09 FEET; THENCE NORTH 88-28-31 WEST, A DISTANCE OF 450.00 FEET; THENCE NORTH 81-42-22 WEST, A DISTANCE OF 109.10 FEET TO INTERSECT A LINE 56.10 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SECTION 28; THENCE ALONG SAID LINE, NORTH 89-01-54 EAST, A DISTANCE OF 675.31 FEET; THENCE SOUTH 00-34-31 EAST, A DISTANCE OF 10.90 FEET TO INTERSECT A LINE 75.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE; THENCE ALONG SAID LINE, NORTH 89-01-54 EAST, A DISTANCE OF 75.30 FEET TO THE POINT OF BEGINNING.

ALSO LESS ALL THAT LAND DESCRIBED AS RIGHT-OF-WAY FOR LINTON BOULEVARD GRANTED TO PALM BEACH COUNTY, FLORIDA AND RECORDED IN OFFICIAL RECORD BOOK 7034 AT PAGES 433 THROUGH 436 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA.

THE ABOVE DESCRIBED PARCEL CONTAINS 652.976 ACRES OF LAND, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

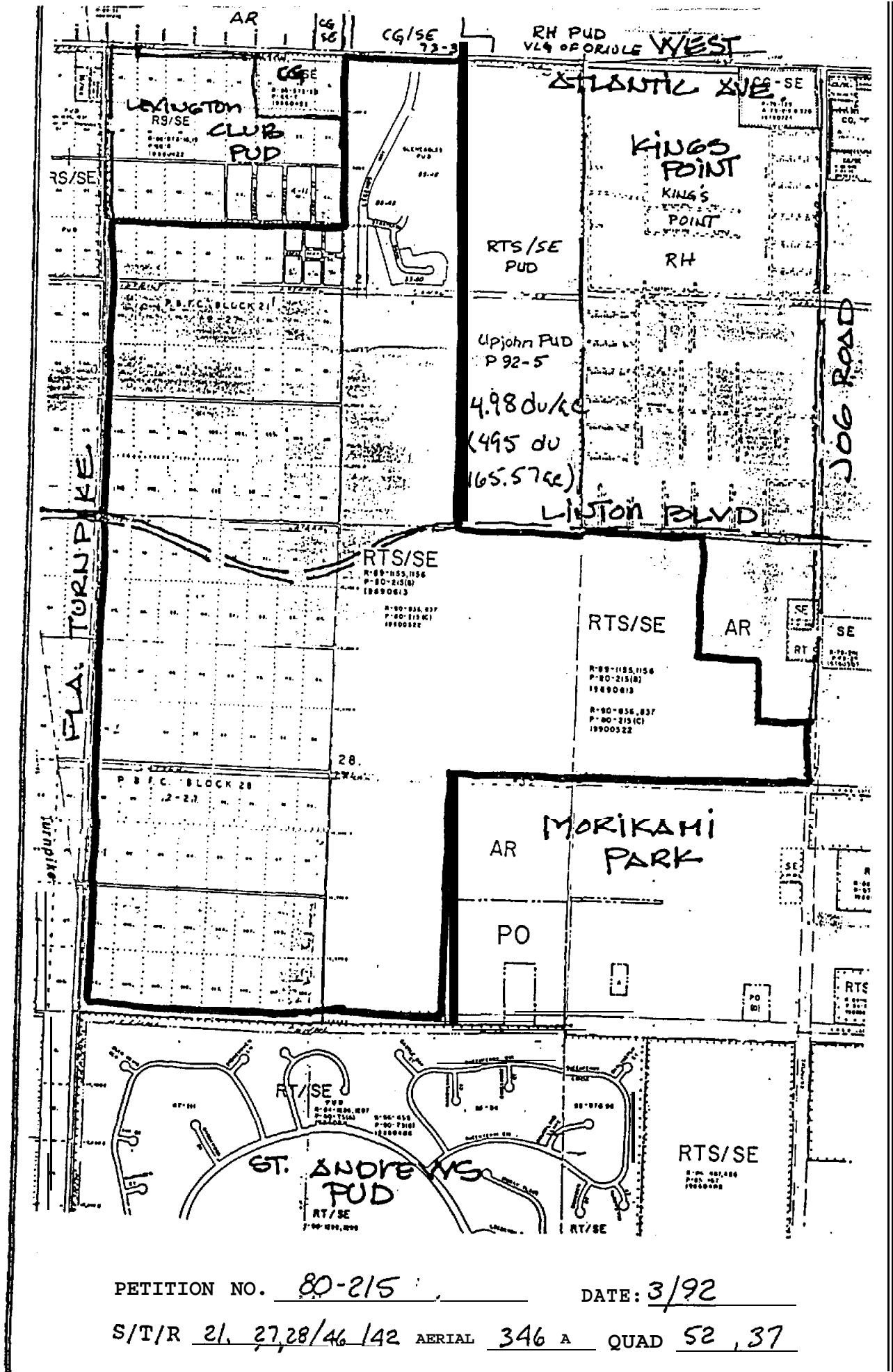


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. (Previously Condition No. A.1 of Resolution No. R-92-1833, Petition No. 80-215(F) (ZONING-Monitoring)
2. Development of the site is limited to the uses and site design shown on the certified master plan (Exhibit No. 115). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section **402.7(E) 2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein. Previously Condition No. **A.2.**, Resolution No. R-92-182, Zoning Petition No. **80-215(E)**. (Previously Condition No. A.2 of Resolution No. R-92-1833, Petition No. 80-215(F) (ZONING)
3. The petitioner shall receive certification of the **Master** Plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before July 27, 1992. (Previously Condition No. A.3 of Resolution No. R-92-1833, Petition No. **80-215(F)** (MONITORING)
4. Prior to site plan certification, the site plan **shall** be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Previously Condition No. A.4 of Resolution No. R-92-1833, Petition No. **80-215(F)** (ZONING)
5. Prior to certification of the Preliminary Development Plan (PDP) by the Development Review Committee, the petitioner shall amend the PDP to indicate a total of fifty-two (52) dwelling units in Parcel G. (ZONING)
6. Prior to issuance of any building permits for additional units in Parcel G, the property owner of Parcel G shall **apply** for and receive certification of a **final** subdivision plan from the Development Review Committee (DRC) and obtain a concurrency reservation or exemption for all additional units in Parcel G. (ZONING)
7. Prior to issuance of any building permits for additional units in Parcel G, the undeveloped portion of Parcel G shall be re-platted in accordance with the requirements of the ULDC. (ENGINEERING)
8. The configuration of development may change in accordance with Development Review Committee (**DRC**) standards, including redesign of the golf course and **residential** pods along the southern perimeter of the project (ZONING)

B. CIVIC SITE

1. Condition No. B.1 of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

The petitioner shall:

- a. Dedicate by fee simple title deed to Palm Beach county 2% of the **gross** area of the Planned Unit Development (24.72 acres). This land **shall** be located in the southeast corner of the intersection of **Linton** Boulevard and the B-2 **1/2 Canal**; or,

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Condition No.

No. 80-215(F),

site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. On or before January 1, 1995 the petitioner shall provide written notification of its election to satisfy the civic site requirement through conveyance of land or contribution of cash. (MONITORING-PREM)

6. In the event the petitioner elects to contribute cash in lieu of platting and on-site dedication or off-site dedication of the civic site, the petitioner shall pay the amount of this contribution in two **installments** as outlined below.
 - a. The value of the civic site shall be **determined** by a local appraiser approved by PREM but **whose** services shall be paid for by the petitioner. The appraisal shall be delivered to PREM by January 1, 1995. (MONITORING-PREM)
 - b. The first installment shall be equal to one-third (**1/3**) of the value of the civic site and shall be due and payable on June 1, 1995. (MONITORING-PREM)
 - c. The second installment shall be equal to two thirds (**2/3**) of the value of the civic site and **shall** be due and payable on June 1, 1996 (MONITORING-PREM)
 - d. No site plan shall be approved for civic site development until the County has received all installments of the cash contribution in lieu of land dedication. (ZONING-PREM)
 - e. NO ADMINISTRATIVE TIME EXTENSIONS shall be **granted** in which to meet any of the deadlines in **#6** and all penalties under the code shall be placed **upon** the entire development, including stop work **orders**. (MONITORING-PREM)
7. After payment of all installments of the cash contribution referenced in Condition **#6** above, the petitioner shall submit a revised Master Plan to the Development Review Committee to redesignate the area labeled as Civic Site to residential land use. (PREM)

C. HEALTH

1. Sewer service is available to the property. **Therefore, no** septic tank shall be permitted on the **site**. (Previously Condition No. 7, Resolution No. R-89-156, Zoning Petition No. 80-215(B). (Previously **Condition** No. C.3 of Resolution No. R-92-1833, Petition No. 80-215(F) (HEALTH)
2. Water service is available to the property. **Therefore, no** well shall be permitted on the site. (Previously Condition No. C.4 of Resolution No. R-92-1833, Petition No. 80-215(F) (HEALTH)

D. LANDSCAPING - GENERAL

1. The project and site plan shall **be amended, as necessary, to be** in compliance with the current "**Palm Beach County Landscape Code**" (Section 500.35 P.B.C. Zoning Code, as amended July 24, 1990). Previously Condition No. **D.7.**, Resolution No. R-91-182, Zoning Petition No. **80-215(E)**. (Previously Condition No. D.2 of Resolution No. R-92-1833, Petition No. 80-215(F) (ZONING)
2. Petitioner shall install landscape screens along the east boundary of the project to buffer the site from the **farm**. Petitioner shall provide a detailed planting plan as part

of the Master Plan approval, and the landscape **screen** must be installed prior to the building occupancy. (Previously Condition No. 18, Resolution No. R-81-202, Petition 80-215). (Previously Condition No. **D.4** of Resolution No. R-92-1833, Petition No. 80-215(F) (ZONING))

3. All trees required to be planted on site by this approval shall meet the following minimum standard: 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. (BUILDING-Zoning)

E. ENGINEERING

1. ENGINEERING: LAKE WORTH DRAINAGE DISTRICT

- a. The Lake Worth Drainage District will **require** the rights-of-way for Lateral Canals No. 34, 35, ~~36~~, 37 and 38 and Equalizing Canal No. 2E as shown in the petition. We will accept a Quit Claim Deed ~~or~~ an Easement (on our form), which ever the **owner** prefers. (Previously Condition No. **E.2.a** of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING))

- b. The petitioner shall convey to the Lake **Worth** Drainage District the:

North 75 feet of the west 1,338 feet of Section 27 Township 46 South Range 42 East and the **north** 75 feet of the east 1,360 feet of Section 28, Township 46 South, Range 42 East for the required **right-of-way** for Lateral Canal No. 36; and,

All by Quit Claim Deed or an Easement Deed **in** the form provided by said District within ninety (90) days **of** the approval of the Resolution **approving** this project. (Previously Condition No. **E.2.c** of Resolution No. R-92-1833, Petition No. **80-215(F)** (MONITORING-Engineering))

- C.** The petitioner shall convey to the Lake Worth Drainage District the:

- 1)** Ninety (90) feet of right-of-way across the Northeast **1/4 of** the **Wortheast 1/4 of Section 21**, Township 46 South, Range 42 East **for** the required right-of-way for Lateral Canal No. 34.

- 2)** Ninety (90) feet of right-of-way from the East **2 1/2** to Rings Point for the required **right-of-way for** Lateral Canal No. 35.

All by Quit Claim Deed or an Easement Deed in the form provided by said District **prior** to March 1, 1990. (Previously Condition No. E.2.d of Resolution No. R-92-1833, Petition No. 80-215(F) (MONITORING-Engineering))

2. ENGINEERING: PHASING

- a. Condition No. E.3.a of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

Petitioner shall be limited to two hundred (200) dwelling units **for** the first phase of developement.

Is hereby deleted. [REASON: THIS **CONDITION** WAS REQUIRED UNTIL **LINTON** BOULEVARD WAS **CONSTRUCTED**. CONSTRUCTION HAS BEEN COMPLETED]

3. ENGINEERING: RIGHTS-OF-WAY

- a. Petitioner shall abandon all existing road **rights-of-way** which will not be incorporated **into** the overall master plan of this PUD. (Previously Condition No. E.5.a of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING))

- b. Condition No. E.5.b of Resolution No. R-92-1833, Petition No. 80-215(F) which previously stated:

The developer shall construct a third lane on Delray West Road *from* the project's east **property** line west to **Hagen** Ranch Road.
[COMPLETED]

- c. Within 30 days, the developer shall post a **surety** with the County Engineer to guarantee completed construction to Military Trail. (Previously Condition No. **E.5.c** of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING-MONITORING) [MILITARY TRAIL CONSTRUCTION HAS BEEN **COMPLETED**])

(JOG ROAD)

- d. The petitioner shall fund the installation of traffic signalization at the intersection 01' Jog Road *and* the project's entrance road within 60 days after receiving notice that the County Engineer has determined signalization is warranted. **Previously** Condition No. **B.4.**, Resolution No. R-92-182, **Zoning** Petition No. 80-215(E). (Previously **Condition** No. E.5.d of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING))

- e. The property owner shall fund the **construction** of Jog Road *from* the north right-of-way of **Linton** Boulevard to a point south thereof where the northbound left turn storage **ends** plus **appropriate** tapers as defined in plans prepared by **Mock, Roos,** and Associates. **surety** (which may be in the form of a bond or letter of credit) **for** this construction shall be posted prior to August **1,** 1992 in the amount of **three hundred fifty thousand** dollars (**\$350,000**), and this amount shall **be** the maximum for which the property owner is **responsible** in relation to the construction which is the subject of this paragraph. It is the intent that intersection be constructed as an integral **part** of Palm Beach County's construction **of** Jog Road **from** **Linton** Boulevard to West Atlantic Avenue, **currently** scheduled as part of the Five-Year Road construction Program in FY **1992/1993**. These **funds** shall be made available upon request by the **County** Engineer as required to fund the construction. If this project is delayed by Palm Beach county then the timing of the posting of surety shall be delayed a like time. (MONITORING-Engineering [CONSTRUCTION **HAS** NOW BEEN COMPLETED])

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(LINTON BOULEVARD)

- h. Condition No. E.5.h of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for Linton Blvd. through the projects@ limits, as determined by the County Engineer. (MONITORING-Engineering)

Is hereby deleted. [REASON: DUPLICATE CONDITION]

1. Petitioner shall convey to Palm Beach County the North 60 feet of the South 80 feet of Section 21, Township 46 South, Range 42 East for the right of way for Linton Blvd. from the project's east property line east to the existing ultimate right of way for Linton Blvd. to satisfy condition No. 7. (Previously Condition No. E.5.i of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING))
- j. Condition No. E.5.j of Resolution No. R-92-1833, Petition No. 80-215(F), which currently state:::

Petitioner shall construct Linton Blvd. from Jog/Carter Road to the project's east entrance, per the County Engineer's approval, before the completion of 1,230 dwelling units (50% of the total 2460 dwelling units). Previously Condition No. 7, Resolution No. R-81-202, Zoning Petition No. 80-215. NOTE: Requirements of this condition have been satisfied per the Engineering Department

Is hereby deleted. [REASON: DUPLICATE CONDITION. CONSTRUCTION HAS BEEN COMPLETED]

- k. Condition No. E.5.k of Resolution No. R-92-1833, Petition No. 80-215(F), which currently state:::

Petitioner shall construct Linton Blvd. from the project's east entrance to the projects* west property line before the completion of 1,845 dwelling units (75% of the total 2460 dwelling units). Previously Condition No. 8, Resolution No. R-81-202, Zoning Petition No. 80-215. NOTE: Requirements of this condition have been satisfied per the Engineering Department.

Is hereby deleted. [REASON: DUPLICATE CONDITION. CONSTRUCTION HAS BEEN COMPLETED]

1. Petitioner shall complete the construction of Linton Boulevard from Jog/Carter Road to a point 150 feet west of Legends Way per the County Engineer's approval (2/3 Lane Section). This construction shall have been commenced within twenty one (21) days after Board approval on February 12, 1991 of the Amendment to the Agreement between Seagrass Properties, Inc. and Palm Beach County and completed prior to September 30, 1991. The initial segment of this construction shall be the 600' from Jog/Carter Road west to the gate entrance of Saxony; construction shall begin no later than February 22, 1991; and this initial segment shall be completed by April 8, 1991, and will be a paved surface consisting of the bottom layer of asphalt, adjacent curbs and necessary drainage. It is understood that this does not

include sidewalks, grassing, and other **ancillary** features which are to be provided with **completion** of this project. (Previously Condition No. **E.5.1** of Resolution No. R-92-1833, Petition No. 80-2:15(F) (MONITORING-Engineering) [CONSTRUCTION HAS NOW BEEN COMPLETED]

- m. All right of way and drainage easements **required** of this construction shall be provided by or **at** the expense of the petitioners. However, the **foregoing** requirement is not to suggest that said **right-of-way** and/or drainage easements are to be **provided** as per any specific or particular plan or **design**, so long as the plan or design ultimately **utilized** has been approved by the County Engineer. **Credit** for this construction shall be provided against the Palm Beach County roadway impact fee (Fair **Share** Contribution for Road Improvements Ordinance), for the construction cost only, for the **construction** east of section corner **21/27**. (Previously Condition No. E.5.m of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING-Impact Fee **Coordinator**)
- n. Prior to July 1, 1990 the property owner shall convey to Palm Beach County Land **Development** Division by road right-of-way warranty deed for **Linton** Boulevard, 120 feet of right-of-way plus sufficient right-of-way required for the **Linton** Boulevard Overpass (over the internal **roadway** as shown on the master plan) as required by the **County** Engineer free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include **"Safe Sight Corners"** where appropriate at intersections as **determined** by the County Engineer. (Previously Condition No. **E.5.n** of Resolution No. R-92-1833, Petition No. 80-215(F) (MONITORING-Engineering)
- o. Condition No. **E.5.o** of Resolution No. R-92-1833, Petition No. 80-215(F) which currently states::
- Petitioner shall complete the construction of **Linton** Boulevard from Jog/Carter Road to a **point** 150 feet west of Legends Way per the **County** Engineer's approval (**2/3** Lane Section). All construction shall be commenced within two (2) months **of** right-of-way acquisition or prior to July **1, 1990**, whichever shall first occur and shall be completed within one (1) year of commencement. This construction shall be concurrent with Jog Road construction.
- Is hereby deleted. [REASON: DUPLICATE CONDITION. CONSTRUCTION HAS BEEN COMPLETED]
- p. Concurrent with filing of the first contiguous plat or within ninety (90) days of notification by the County Engineer, Petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for **Linton** Boulevard through the project's limits, as determined by the County Engineer. (Previously Condition No. **E.5.p** of Resolution No. R-92-1833, Petition No. **80-215(F)** (ENGINEERING)
- q. Petitioner shall obtain a minimum of 60 feet right of-way for **Linton** Boulevard from the project's **east** property line east to the west property **line** of Kings Point on an alignment approved by the **County** Engineer necessary to satisfy Condition **No. 5**. (Previously Condition No. E.5.q of Resolution NO. R-92-1833, Petition No. 80-215(F) (ENGINEERING1

(MILITARY TRAIL)

- r. Within ninety (90) days of special **Exception** approval, petitioner shall contribute One **Hundred Fifty Thousand Dollars** (\$150,000) **for** the acquisition of right of way for Military **Trail** from Delray West to **Linton Blvd.** (Previously **Condition** No. E.5.r of Resolution No. R-92-1833, Petition No. 80-215(F) (MONITORING-Engineering)
[MILITARY CONSTRUCTION HAS BEEN COMPLETED]
- s. Within two hundred seventy (270) days of Special Exception approval, petitioner shall **provide** to Palm Beach County construction plans for Military Trail from Delray **West Road** to **Linton Blvd.**, including intersections. Said plans shall be approved by the county Engineer's office **and** be coordinated with all other developers **having** a construction obligation in this area. Upon approval of the construction plans for Military Trail by the County Engineer's office **and** the acquisition of the required right-of-way, an additional 100 units may be platted. (Previously Condition No. **E.5.s** of Resolution No. R-92-1833, Petition No. 80-215(F) (MONITORING-Engineering)
[MILITARY CONSTRUCTION HAS BEEN COMPLETED]
- t. Upon the acquisition of the necessary right **of** way for Military Trail, from Delray West Road to **Linton Blvd.**, or in no event greater than one (1) year from Special Exception approval, the **developer** shall let a contract for the **four-laning** of Military Trail with the necessary **inspections** by Palm Beach county. (Previously Condition No. 3.5.t of Resolution No. R-92-1833, Petition No. 80-215(F) (MONITORING-Engineering)
[MILITARY CONSTRUCTION HAS BEEN COMPLETED]
- u. Condition No. F.3 of Resolution No. R-92-1833, Petition No. 80-215(F), which currently state:::

Petitioner shall include in all **written** solicitations, advertisements, inducements, and other methods or attempts to encourage any **person** to purchase a legal or equitable interest in property which is the subject of this **petition** (or amendment hereto) a disclosure **statement** identifying **Linton** Boulevard through the **petition** property as a County Thoroughfare Plan **roadway** which will have continuity for through **traffic** crossing the Turnpike to the west.

Is hereby amended to state:

Prior to the recordation of the next **plat**, the petitioner shall include in the **homeowners** documents and all sales contracts, as well as all written sales brochures, **Master** Plans and **related** Site Plans a disclosure statement **identifying** **Linton** Boulevard as a planned thoroughfare **roadway** **adjacent** to or through this property. **Information** which appears in written form shall appear in **bold type**. The Developer/Property Owner shall **submit** documentation of compliance with this **condition** on an annual basis to the Monitoring **Section** of Planning, Zoning and the Building Department. The next report shall be submitted on or before June **15,** 1995 and shall continue on an annual **basis** until all units within the development units have been sold. This property shall also be appropriately signed by the developer prior **to** the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site **Plans**.
(MONITORING/ENGINEERING - Engineering).

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NOTE: Requirements of this condition **pertain**ing to **Linton** Boulevard have been satisfied per the Engineering Department. Reference to West **Atlantic** may be deleted as this portion of the PUD **has** now been completed.

5. ENGINEERING: TURNLANES

- a. Petitioner shall construct at the intersection of Jog Road (Carter Road) and **Linton** Boulevard, per the County Engineer's approval concurrent **with** the construction of **Linton** Boulevard, as outlined in Condition No. 4:

1. left turn lane, east approach
2. left turn lane, west approach
3. signalization when warranted as **determined** by the County Engineer. (Previously **Condition** No. E.7.a of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING)
[CONDITIONS 5.a.1 AND 5.a.2 HAVE BEEN SATISFIED])

- b. Condition No. E.7.b of Resolution No. R-92-1833, Petition No. 80-215(F), which currently **states**:

Petitioner shall construct at the intersection of **Linton** Boulevard and projects' east entrance road onto **Linton** Boulevard:

1. left turn lane, south approach
2. left turn lane, east approach
3. right turn lane, west approach
4. signalization when warranted as determined by the County Engineer.

Is hereby deleted. [REASON: DUPLICATE CONDITION]

- c. Condition No. **E.7.c** of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

Petitioner shall construct at the intersection of Delray West Road and project's entrance concurrent with the construction the project's entrance:

1. left turn lane, south approach
2. right turn lane, south approach
3. left turn lane, east approach
- 4.** right turn lane, west approach
5. signalization when warranted, as determined by the County Engineer with the appropriate interconnection to **Hagen** Ranch Road.

Is hereby deleted. [REASON: SATISFIED PER ENGINEERING DEPARTMENT]

- d. The petitioner shall construct at the **project's** entrance road and Jog Road:

1. left turn lane, south approach
2. left turn lane, west approach

3. right turn lane, West approach
4. right turn lane, north approach
5. signalization when warranted, as **determined** by the County Engineer.

Concurrent with **onsite** paving and drainage improvements. Construction shall be completed concurrent with the construction of the project's entrance road onto Jog Road. (Previously Condition No. E.7.d of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING))

- e. Condition No. E.7.e of Resolution No. R-92-1833, which currently states:

Petitioner shall construct at the intersection of Jog Road (Carter Road) and **Linton** Blvd., per the County Engineer's approval:

1. left turn lane, east approach
2. left turn lane, west approach
3. signalization when warranted as **determined** by the County Engineer. (ENGINEERING)

Is hereby deleted. [REASON: DUPLICATE CONDITION]

- f. Condition No. E.7.f of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

Petitioner shall construct at the **intersection** of **Linton** Blvd. and the project's east entrance:

1. left turn lane, south approach
2. left turn lane, east approach
3. right turn lane, west approach
4. right turn lane, east approach
5. signalization when warranted as **determined** by the county Engineer

Is hereby deleted. [REASON: THIS ENTRANCE IS NO LONGER SHOWN ON THE MASTER PLAN]

- g. Condition No. E.7.g of Resolution No. R-92-1833, which currently states:

Petitioner shall construct at the intersection of **Linton** Blvd., and the **project's** west entrance:

1. left turn lane, north approach
2. right turn lane, south approach
3. left turn lane, east approach
4. right turn lane, east approach
5. signalization when warranted as **determined** by the County Engineer.

Is hereby amended to state:

Petitioner shall construct at the **intersection** of **Linton** Blvd., and the project's entrance:

1. left turn lane, north approach;
2. right turn lane, south approach;

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 Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, **shall** be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

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8. The property owner shall update and make the **required** revisions to the existing construction plans for Jog Road from south of **Linton Bl.** to 150 feet south of the Projects Entrance Road 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. Surety in the amount of 100% of a certified cost estimate **by** the developers engineer shall be posted with the Office of the County Engineer prior to November 1, 1995 for these plan revision costs. 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. Plan revisions shall be completed prior to March 1, 1994 and shall be coordinated through the Engineering Department, Roadway Production Division. No administrative time extensions for surety required by this condition may be **granted** as this condition is required to meet traffic performance standards. (MONITORING - Engineering)

9. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of 180 feet. Right of Way conveyance shall be prior to January 15, 1995 or prior to the issuance of the first Building Permit, **whichever** shall first occur. Right of way conveyance shall be free of all encumbrances and encroachments. 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. Right-of-way **conveyances** shall also include "Safe Sight Corners" where **appropriate** at intersections as determined by the County **Engineer** (MONITORING/BUILDING - Engineering).

F. SITE SPECIFIC REQUIREMENTS

1. Condition No. F.1 of Resolution No. R-92-1833, **Petition** No. 80-215(F), which currently states:

 Petitioner must advise prospective purchasers **within** the development of the existence of the adjacent farm.

 Is hereby deleted. [REASON: NO LONGER APPLICABLE:]

2. An agreement for utilities shall be presented at the Site Plan Review Committee level. (Previously **Condition** No. F.2 of Resolution No. R-92-1833, **Petition** No. 80-21.5(F) (UTILITIES))

G. USE LIMITATIONS

1. Condition No. G.1 of Resolution R-92-1833, **Petition** NO. 80-215(F), which currently states:

 The total dwelling units **of** the Planned Unit Development shall not exceed 2,210 dwelling units.

 Is hereby **amended to** state:

 The total dwelling units of the Planned Unit Development shall not exceed 2,583 dwelling units.

2. The total number of dwelling units on the portion of this property south of the south line of **Section 21 shall not exceed a density** of 3.0 dwelling units per acre. This Master Plan shall be amended accordingly **prior to certification.** (Previously Condition No. G.2 of Resolution No. R-92-1833, **Petition No. 80-215(F) (ZONING)**)
3. The use of the structure, within the open space tract, located **near** the eastern entrance to Jog Road shall be limited to a recreational clubhouse facility. The facility may be temporarily **used** for real estate **sales** subject to the following:
 - a. All real estate sales shall be limited to properties located within the boundaries of **Gleneagles/Polo Club West, Planned Unit Development; and**
 - b. Concurrent with the submittal of the final principal building structure permits, the sales office use shall either be converted to a recreational clubhouse, be removed or demolished. (Previously Condition No. G.3 of Resolution No. R-92-1833, **Petition No. 80-215(F) (ZONING)**)

H. VEGETATION PRESERVATION

1. The mature slash pine overstory and cypress shall be preserved and incorporate into the final site design to the maximum extent possible. Prior to issuance of a Vegetation Removal Permit, the petitioner shall schedule a **preclearing** inspection with representatives from the Zoning division and Environmental Resource Management to **finalize the preservation plan.** (Previously Condition No. H.1 of Resolution No. R-92-1833, **Petition No. 80-215(F) (ZONING-ERM)**)

I. PROPERTY OWNER'S ASSOCIATION

1. All property included in the legal description or this zoning petition shall be subject to a **declaration** of restrictions and covenants, acceptable to the County Attorney's office, which shall provide, among other things, for the **following:** Formation of a single "**master**" property owners' association, and automatic membership in the "**master**" property owners' association by **any party** holding title to any portion of the property **included** in the planned unit development. (Previously Condition No. F.5 of Resolution No. R-92-1833, **Petition No. 80-215(F) (COUNTY ATTORNEY)**)

J. COMPLIANCE

1. Condition No. I.1 of Resolution No. R-92-1833, **Petition No. 80-215(F)**, which currently states:

As provided in zoning Code Sections 400.2 and 400.6, failure to comply with **any** of these conditions of approval. at any time may result in:

- a. **The denial** or revocation of a building permit; the issuance of a stop work order; the **denial** of a Certificate of **Occupancy** on any building or structure; or the denial or revocation of any permit or approval for **any developer-owner, commercial-owner, lessee, or user of the subject property; and/or**

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously **granted** certifications **of** concurrency or **exemptions** therefrom; and/or
- c. A requirement of the development to conform with updated standards **of** development, applicable **a**t 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. Previously Condition No. **C.1.**, Resolution No. 92-182, **Zoning** Petition No. **80-215(E)**. (MONITORING)

Is hereby deleted. [REASON: ADDRESSED BY NEW CONDITIONS]

- 2. Condition No. I.2 of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

Appeals **Of any** departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach county Zoning Code. Appeals **of** any revocation of Special Exception, Rezoning, or other actions based on a Board of county Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. Previously Condition No. **C.2.**, Resolution No. R-92-182, Zoning Petition No. 80-215(E). (MONITORING)

Is hereby deleted. [REASON: ADDRESSED BY NEW **CONDITIONS**]

- 3. Condition No. I.3 of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

The approval of this petition shall not affect any Boning Code Section 402.9 (Mandatory Review **of Development** Approval) review date established as the result **of** a previous approval for this property. **Previously** Condition No. **C.3.**, Resolution No. 92-182, **Zoning Petition No. 80-215 (E)**.

Is hereby deleted. [REASON: ADDRESSED BY NEW CONDITIONS]

- 4. Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and **desist** order; the denial of a Certificate of **Occupancy** on **any** building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or **user** of the subject property; and/or
- b. The revocation of the Conditional Use and **any/or** zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform **with** updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions **reasonably** related to the failure to comply with existing conditions;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.