

RESOLUTION NO. R- 95-1012

RESOLUTION AMENDING RESOLUTION NO. R-94-954
RESOLUTION APPROVING ZONING PETITION OF
SMIGEL PARTNERSHIP, LTD.
PETITION NO. DOA80-215 (H)

WHEREAS, Smigel Partnership, LTD., petitioned the Palm Beach County Board of County Commissioners on July 28, 1994, for a Development Order Amendment (DOA) to amend the master plan to add 357 dwelling units and redesignate pods; and,

WHEREAS, Resolution No. R-94-954 adopted July 28, 1994, confirming the action of the Board of County Commissioners, inadvertently failed to include the approved amendments to the conditions; and

WHEREAS, Exhibit C contained in Resolution No. R-94-954 should have read as shown on Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. The Exhibit C as contained in Resolution No. R-94-954 is hereby amended to read as indicated in Exhibit A attached hereto.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of July, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Richard Alt*
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: *Jana M. Blair*
DEPUTY CLERK

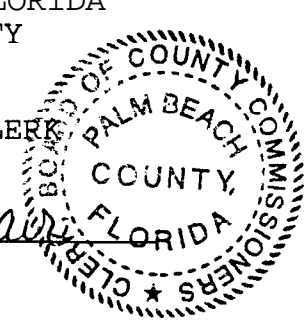


EXHIBIT A

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified. (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 E-2 ½ Canal; or,
- b. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-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. If an off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21. H. (Land Development) Previously Condition No. 2, Resolution No. R-90-837, Petition No. 80-215(C).

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

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

Prior to master plan certification, the petitioner shall submit:

- a. A master plan showing the location of a 24.72 acre civic site within the Planned Unit Development; or
- b. Documentation, subject to approval by the County Attorney, indicating compliance with and acceptance of this contribution, as described in Condition B.1.b., by the Board of County Commissioners.

If the civic site contribution is approved and accepted, the petitioner shall submit a revised master plan to the Site Plan Review Committee to redesignate the are labeled as Civic Site to a Residential land Use for Category A or B units."

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

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

Petitioner must dedicate the civic site to Palm Beach County, without cost, within ninety (90) days of the filing of the first plat. Previously Condition No. 17, Resolution No. R-81-202, Zoning Petition No. 80-215.

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

4. Not later than January 2, 1996 the petitioner shall plat and dedicate the civic site to Palm Beach County while simultaneously conveying same by Statutory Warranty Deed. Said conveyance shall be in accordance with the procedures for real property acquisition established by the Property and Real Estate Management Division. The 21.43 acre site shall abut Morikami Park and otherwise be in a form and location acceptable to PREM and the Parks and Recreation Department. Prior to Master Plan Certification by the Development Review Committee the petitioner shall show the exact location of the Civic Site. (MONITORING-PREM)
5. In lieu of the required platting and on-site dedication of land for civic uses, the petitioner may convey a parcel of land off-site equal in acreage or contribute cash of equal value. In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-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-89-1156, 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. B.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 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. (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 Northeast 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 Kings 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 development.

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 of 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]

1) If said surety has already been provided then it shall be immediately released and deferred for a period of time corresponding to the County's delay of the project. This surety deferral shall apply to single or repeated delays in relation to the County going forward with funding for the aforesaid project. Developer shall not be responsible for any increases in construction costs as a result of such delays in the County funding and going forward with the project. (ENGINEERING)

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

Prior to the issuance of the 151st residential dwelling unit building permit, the developer shall fund the construction of Jog Road as a six lane section from the southern terminus of the construction completed under the County's project as discussed in 16a. above, to a point 150 feet south of the project's entrance on Jog Road (plus appropriate tapers). It is the intent that Palm Beach County will let and administer this project funded by the developer. Palm Beach County shall participate in this construction to the extent of \$50,000. Credit for this construction

shall be provided against the "Fair Share Contribution for Road Improvements Ordinance". In no case shall funding be provided later than January 1, 1995. Surety for this construction shall be posted prior to August 1, 1992.

Is hereby deleted. [REASON: THIS CONDITION WILL BE SUPERSEDED WITH NEW CONDITIONS OF APPROVAL]

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

The petitioner shall provide construction plans for Jog Road as a 4/6 lane median divided section as determined by the County Engineer, from a point 250 feet north of Atlantic Avenue, to a point 150 feet south of the project's 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. These construction plans shall be completed prior to December 1, 1989. Plan costs shall be approved by the County Engineer.

Is hereby deleted. [REASON: THIS CONDITION WILL BE SUPERSEDED WITH NEW CONDITIONS OF APPROVAL]

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

The petitioner 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 Jog Road and for the Linton Boulevard and Jog Road Intersection as referenced above and subject to the approval of the County Engineer including expanded intersections. These documents shall include a title search for a minimum of 25 years.

Is hereby deleted. [REASON: RIGHT OF WAY FOR THE ROAD CONSTRUCTION IS NOT REQUIRED]

(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]

- i. 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-92-1033, Petition No. 80-215(F), which currently states

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 states:

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]

- l. 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.l of Resolution No. R-92-1833, Petition No. 80-215(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~~ 1995 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). 2.11 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. Condition No. E.5.p of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

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.

Is hereby deleted. [REASON: DUPLICATE CONDITION.]

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) (ENGINEERING))
[NOTE: COMPLETED]

(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-Engineerins.) [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. E.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 states:
- 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. (Previously Condition No. F.3 of Resolution No. R-92-1833, Petition No. 80-215(F) (ENGINEERING) Is hereby deleted. [REASON: ADDRESSED BY NEW CONDITION])
- v. Condition No. F.4 of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:
- The Developer agrees to acknowledge the future construction of Linton Boulevard west of Legends Way on Homeowners Documents for this project. (ENGINEERING)
- Is hereby deleted. [REASON: ADDRESSED BY NEW CONDITION]
- w. 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 January 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. (BUILDING - Engineering).

4. ENGINEERING: STORMWATER RUNOFF

- a. Condition No. 6.a of Resolution No. R-92-18.33, Petition No. 80-215(F), which currently states:

The petitioner shall convey to Palm Beach County within ninety (90) days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road and West Atlantic Avenue along the property frontage and for a maximum four hundred feet (400') distance each side of the property boundary lines along Jog Road and West Atlantic Avenue. Said easements shall be no less than twenty feet (20') in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

Is hereby deleted. [REASON: DUPLICATE CONDITICN]

- b. Condition No. E.6.b of Resolution No. R-92-1833, which currently states:

The petitioner shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Cole Enforcement Board for enforcement.

Is hereby deleted. [REASON: CODE REQUIREMENT]

- c. The petitioner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jog Road.

Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. (Previously Condition No. E 6.c of Resolution No. R-92-1833, Petition No. 80-215(F) (MONITORING-Engineering))

NOTE: Requirements of this condition pertaining 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: TURN LANES

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) [NOTE: 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;
3. left turn lane, east approach;
4. right turn lane, east approach; and,
5. signalization when warranted as determined by the County Engineer.

- h. Condition No. E.7.h 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 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.

Is hereby deleted. [REASON: CONSTRUCTION COMPLETE]

6. ENGINEERING: PHASING

In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule or equivalent mix of dwelling units as approved by the County Engineer based upon an approved Traffic Study:

- a) No Building Permits for the site may be issued after December 31, 2001 unless an approved Traffic Impact Analysis is submitted and approved by the County Engineer, which complies with the Mandatory Traffic Performance Standards in place at the time of the administrative extension request.
- b) Building Permits for more than 151 residential dwelling units intended to be constructed south of Linton Boulevard shall not be issued until Jog Road is under construction as a 6 lane median divided section from Linton Boulevard to a point 150 feet south of the project entrance road plus the appropriate paved tapers.

- c) Building Permits for more than 996 single family dwelling units intended to be constructed south of Linton Boulevard shall not be issued until Jog Road is under construction as a 6-lane median divided section from south of the project's entrance road to Clint Moore Road.
 - d) Building Permits for more than 679 single family dwelling units intended to be constructed south of Linton Boulevard shall not be issued until West Atlantic Avenue is under construction from Jog Road to Military Trail as a 6 lane median divided section. (BUILDING - Engineering)
7. Property owner shall participate in the funding of the construction of Jog Road as a 6 lane median divided section from south of the project's entrance road to Clint Moore Road by reducing the existing impact fee credits by this property owner in the amount of \$1,000,000.00 as referenced in the approved public facilities agreement between Smigiel Partners, LTD., and Palm Beach County. (ENGINEERING)
8. a. The property owner shall update and make the required revisions to the existing construction plans for Jog Road from south of Linton Blvd. to 150 south of the project's entrance road plus the appropriate paved tappers. 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.
- b. 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.
- c. Plans revisions shall be completed and approved by the County Engineer prior to March 1, 1995. Plan review shall be coordinated through the Engineering Department, Roadway Production. **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. 80-215(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. 1.1 of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions. Previously Condition No. C.1., Resolution No. 92-182, Zoning Petition No. 80-215 (E). (MONITORING)

Is hereby deleted. [REASON: ADDRESSED BY NEW CONDITION,;]

2. Condition No. 1.2 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. 1.3 of Resolution No. R-92-1833, Petition No. 80-215(F), which currently states:

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. 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 my 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.

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)