

RESOLUTION R- 95-1321.7

RESOLUTION AMENDING RESOLUTION R-94-1476  
RESOLUTION APPROVING ZONING PETITION OF  
WINSTON TRAILS, LTD.  
PETITION 87-112(D)

WHEREAS, Winston Trails, Ltd., petitioned the Palm Beach County Board of County Commissioners on December 2, 1994, for a Development Order Amendment; and

WHEREAS, Resolution R-94-1476, adopted October 27, 1994, confirming the action of the Board of County Commissioners, inadvertently contained a scrivener's error in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-94-1476 should have read as shown on attached Exhibit C.

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. Exhibit C of Resolution R-94-1476 is hereby amended.

commissioner Roberts moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Absent
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
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 28th day of ,September, 1995.

APPROVED AS **TO** FORM  
AND **LEGAL** SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Bentley Roberts*  
COUNTY ATTORNEY

BY: *Jina M. Blair*  
DEPUTY CLERK

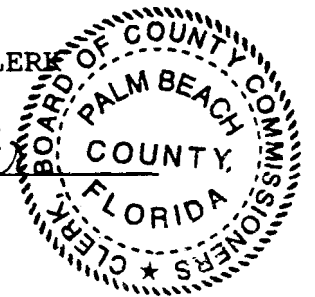


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Condition A.1 of Resolution R-93-170, Petition EAC87-112(C), which currently states:

All previous condition of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous condition of approval, including original deadline for Zoning Code Article 5 Compliance, as amended, unless expressly modified.

Is hereby amended to state:

All previous condition of approval applicable to the subject property, as contained in Resolutions R-93-170 and R-93-1545 have been consolidated as contained herein. The petitioner shall comply with all previous condition of approval, unless expressly modified. (MONITORING)

2. Access to the golf course maintenance facility shall be gated and shall not provide through traffic for any residential units within the PUD except for the purposes of maintenance to the Golf Course. (Previously Condition A.2 of Resolution R-93-170, Petition EAC87-112(C). (CODE ENFORCEMENT)
3. All property included in the legal description of this 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 : Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the P.U.D. (Previously Condition A.3 of Resolution R-93-170, Petition EAC87-112(C). (COUNTY ATTORNEY)
4. Prior to master plan certification, the petitioner's survey shall be amended to delete the approximate 1.2 acre clinic site from the petition. (Previously Condition A.7 of Resolution R-93-170, Petition EAC87-112(C). (ZONING)
5. The master plan shall be amended to include the gross acreage included in the two (2) Comprehensive Plan Categories. Previously condition No. 37 Resolution R-89-344 of Petition 87-112 (PLANNING)
6. Prior to Site Plan Review submittal, the master plan shall be amended to indicate:
  - a. Compliance with all minimum property development regulations and land development requirements. (Previously Condition 9.A of Resolution R-93-170, Petition EAC87-112(C). (ZONING)
7. Condition 1 of Resolution R-93-1545, which currently states:

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

Is hereby deleted. [REASON: Duplicate Condition]

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All lakes considered under the authority of the ULDC must comply to ULDC Sec. 7.6 prior to platting. (Previously Condition B.1 of Resolution R-93-170, Petition EAC87-112(C). (ERM)

C. HEALTH

1. Since sewer service is available to the property, septic tank shall not be approved for use on the property. (Previously Condition C.1 of Resolution R-93-170, Petition EAC87-112(C). (HEALTH)
2. Since water service is available to the property, a water well shall not be approved for potable water use. (Previously Condition C.1 of Resolution R-93-170, Petition EAC87-112(C). (HEALTH)

D. 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 the 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)

E. ENGINEERING

1. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) ~~year-one~~ (1) hour storm as required by the Permit Section, Land Development Division. 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 Code Enforcement Board for enforcement. (Previously Condition E.1 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING)
2. In order to comply with the mandatory traffic performance standards, the property owners shall be restricted to the following phasing schedule:
  - a. No building permits will be issued until construction is commenced on the following roads:
    - 1) Bypoluxo Road from Congress Avenue to I-95 is widened to at least four lanes (scheduled for FY 87/88 by county).
    - 2) Lantana Road from Congress Avenue to I-95 is widened to six lanes (scheduled for FY 87/88 by County).
    - 3) Tenth Avenue North from Military Trail to Jog Road is widened to four lanes (scheduled for FY 87/88 by County).
    - 4) Jog Road from Lake Worth to Purdy Lane is widened to four lanes (scheduled to FY 87/88 by County).

- 5) Congress Avenue from the L-28 Canal to Boynton Beach Boulevard is widened to a minimum of four lanes (scheduled for FY 87/88 by County).
- b. PHASE I: Maximum of 88 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 88/89 by County).
- c. PHASE II: Maximum of 101 dwelling units until construction for the widening of Jog Road as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 89/90 by the Developer).
- d. PHASE III: Maximum of 104 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 88/89 by County).
- e. PHASE IV: Maximum of 132 dwelling units until construction for the widening of Jog Road as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 90/91 by County).
- f. PHASE V: Maximum of 163 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Boynton Beach Boulevard to Hypoluxo Road has commenced (scheduled for FY 87/88 by County).
- g. PHASE VI: Maximum of 217 dwelling units until construction for the widening of Lantana Road from Military Trail to Jog Road as a minimum of four lanes has commenced by other developer (scheduled for FY 89/90 by other Developer).
- h. PHASE VII: Maximum of 286 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Hypoluxo Road to Lantana Road has commenced (scheduled for FY 88/89 by County) and until construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for FY 88/89 by FDOT).
- i. PHASE VIII: Maximum of 656 dwelling units until construction for the widening of Lake Worth Road as a minimum of six lanes from Congress Avenue to Military Trail has commenced (scheduled for FY 90/91 by County).
- j. PHASE IX: Maximum of 731 dwelling units until construction for the widening of Hypoluxo Road from Jog Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- k. PHASE X: Maximum of 855 dwelling units until construction for the widening of Lantana Road from Jog Road to Hagen Ranch Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).

1. PHASE XI: Maximum of 986 dwelling units until construction for the widening of Lake Worth Road as a minimum of six lanes from Military Trail to Jog Road has commenced (scheduled for FY 90/91 by County).
- m. PHASE XII: Maximum of 1,096 dwelling units until construction for the widening of Jog Road from Hypoluxo Road to Lantana Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- n. PHASE XIII: Maximum of 1,449 dwelling units until construction for the widening of Military Trail from Boynton Beach Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for FY 87/88 by other Developer and county).
- o. PHASE XIV: Maximum of 1,724 dwelling units until construction for the widening of Melaleuca Lane from Military Trail to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY 90/91 by County).

The construction listed in subparagraphs b, d, e, f, i, l and o and the Military Trail section of subparagraph h above, which is scheduled as a part of Palm Beach County's Five-Year Road Program is considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed.

The number of dwelling units referred to as the maximum for each phase is based on the same proportionate mix of unit types as in the overall development. A different proportionate mix of dwelling unit types may be used provided the same or lower trip generation results affecting the road segment in question. Verification of this shall be submitted to the Site Plan Review Committee. (Previously Condition E.3 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING)

3. The property owners shall provide permitted construction plans or update the existing construction plans for the six-laning of Hypoluxo Road from Congress Avenue to 1-95. 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 and approved by October 1, 1990. Plan costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits. (Previously Condition E.4 of Resolution R-93-170, Petition EAC87-112(C). (MONITORING-ENGINEERING)

4.
  - A. The property owners shall fund the construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road. The plans shall include a design alternative for the four-laning from Hagen Ranch Road to Grand Lacuna Boulevard. The property owners shall present a cost analysis, acceptable to the County Engineer, to complete these construction plans to the County Engineer prior to February 1, 1994. Funding for the preparation of these design plans shall come from the Impoundment Agreement between the Winston Trails, Limited, and Joshua A. Muss, as Trustee and the Yasuda Trust & Banking Co., Ltd., New York Branch, dated February 1, 1990. It is the intent that Palm Beach County administer the completion of the plans using the consultant currently under contract to the property owners with the property owners providing funding.
  - B. The property owners shall provide funding in the amount of \$427,000.00 towards the design of the Turnpike bridge over Lantana Road. This funding shall be provided to Palm Beach County prior to February 1, 1994 and shall come from the Impoundment Agreement. (Previously Condition 2 of Resolution R-93-1545) (MONITORING - Engineering)  
Note: This condition has been completed.
5. The property owners shall fund the preparation of the construction plans for the six laning of Lantana Road from Military Trail to Congress Avenue. The property owners shall present a cost analysis, acceptable to the County Engineer, to complete these construction plans to the County Engineer prior to February 1, 1994. Funding for the preparation of these design plans shall come from the Impoundment Agreement dated February 1, 1990. Upon receipt of these funds, Palm Beach County shall proceed, without undue delay, to have this design completed and plans permitted. (Previously Condition 3 of Resolution R-93-1545) (MONITORING - Engineering)  
Note: This condition has been completed.
6. The property owners shall let the contract for the construction of Hypoluxo Road as a six-lane divided road from Congress Avenue to I-95 prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs. (Previously Condition E.7 of Resolution R-93-170, Petition EAC87-112(C)).  
Note: This condition has been completed.
7. The property owners shall fund the construction of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a four lane divided roadway. Funding shall include all construction costs (C.E.I.) and provide for appropriate paved tapers. Funding for this construction shall come from the Impoundment Agreement and shall be made available on or before March 1, 1995 or prior to issuance of building permits for 674 units whichever first occurs. An extension to either this time certain date or the limitation of the number of building permits may be granted by the County Engineer upon submittal of a traffic report by the property owner showing that there is available capacity on this link of Lantana Road. Upon receipt of these funds, Palm Beach County shall proceed directly to bid this construction. Should Palm Beach County exercise its option of extending the construction of Lantana Road west of Grand Lacuna Boulevard to Lyons Road, the section of roadway west of Grand Lacuna Boulevard will be funded entirely by Palm Beach County. (Previously Condition 4 of Resolution R-93-1545) (MONITORING/BUILDING - Engineering)

8. The property owners shall fund the construction of Lantana Road as a six-lane divided road from Military Trail to Congress Avenue, including carrying the six lanes through the intersections on both ends of the road segment, prior to the issuance of building permits for 1685 units or prior to November 1, 1995, whichever first occurs. Funding for this construction shall come from the Impoundment Agreement, dated February 1, 1990. Construction costs shall include C.E.I. and permitting. Upon receipt of the funds, Palm Beach County shall proceed directly to bid this construction. (Previously Condition 5 of Resolution R-93-1545) (MONITORING/BUILDING - Engineering)
  
9. Prior to site plan approval for Pod 8F, Pod 2F, Pod SF, the Day Care Center, the Church, and the Clinic, the alignment for Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road. (Previously Condition A.4 of Resolution R-93-170, Petition EAC87-112 (C). (ZONING))
  
10. The property owners shall fund the preparation of construction plans, preparation of right-of-way acquisition documents, right-of-way acquisition and all construction costs (including permitting, C.E.I. and necessary tapers) of the following intersection improvements as determined by the County Engineer:
  - a) At the intersection of Jog Road and Melaleuca Lane:
    - (1) dual left turn lanes, east approach, in addition to a through lane and a separate right turn lane.
  
  - b) At the intersection of Lantana Road and Military Trail:
    - (1) third through lane, east approach, dual left turn lanes east approach, and a separate right turn lane.
    - (2) third through lane, west approach, a separate right turn lane, and dual left turn lanes, west approach.
  
  - c) At the intersection of Lantana Road and Congress Avenue:
    - (1) third through lane, north approach
    - (2) third through lane, south approach

Both of the above shall include dual left turn lanes and a separate right turn lane. These additional through lanes shall be constructed with receiving lanes on the departure side of the intersection and appropriate tapers back to a 4-lane divided cross-section, as determined by the County Engineer.
  
  - d) At the intersection of Hypoluxo Road and Lawrence Road:
    - (1) dual left turn lane, north approach, separate through lane, and a separate right turn lane.
    - (2) right turn lane, south approach, separate through lane, and a separate right turn lane.

- e) At the intersection of Hypoluxo Road and Military Trail:
  - (1) dual left turn lane, east approach, and shall include two through lanes and a separate right turn lane.
- f) At the intersection of Lantana Road and Access 1:
  - (1) left turn lane, south approach
  - (2) right turn lane, south approach
  - (3) two left turn lanes, east approach, and two through lanes.
- g) At the intersection of Lantana Road and Access 2:
  - (1) left turn lane, south approach
  - (2) right turn lane, south approach
  - (3) left turn lane, east approach, and two through lanes.
- h) Signalization of the project access road intersections listed in (f) thru (i) shall be done by the property owner when warranted, as determined by the County Engineer. If signalization is not warranted after twelve (12) months of the final Certificate of Occupancy, the property owner shall be relieved of this requirement.
- i) All construction of turn lanes serving the project entrances with exterior roadways (f,g,h,i, and j) shall be at the time of construction of the access roads to Lantana Road, Hypoluxo Road and Jog Road. Construction of the through lanes for the Lantana Road and Military Trail intersection shall be in conjunction with the widening to six-lanes of Lantana Road. Construction of the turn lanes for the Hypoluxo Road and Military Trail intersection shall be in conjunction with the widening to six lanes of Military Trail. No more than 1,608 building permits shall be issued until the turn lanes for the Hypoluxo Road and Lawrence Road intersection are under construction. No more than 2,102 building permits shall be issued until the turn lanes for the Jog Road and Melaleuca Lane intersection are under construction. No more than 2,026 building permits shall be issued until the through lanes for the Congress Avenue and Lantana Road intersection are under construction.



- j) As to subparagraphs 10(a), 10(c) and 10(d) above, in the event Palm Beach County, through its five year road program as amended from time to time, or a third party developer accelerates the completion of these three intersection improvements to a time prior to that time required to satisfy the phasing requirements set forth herein, then this project shall be relieved of these conditions, provided the intersection improvements are completed. Nothing herein shall abrogate the phasing controls relative to these turn lane improvements.

Funding for this design, right-of-way acquisition, permitting and construction shall come from the Impoundment Agreement, dated February 1, 1990.  
(Previously Condition 6 of Resolution R-93-1545)  
(ENGINEERING)

11. The property owner shall fund the preparation of all necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's maps, legal descriptions for acquisition of parcel right-of-way maps required for the construction of the road segments in Conditions #7, and 8 as well as the intersection improvements in Condition #10. (Previously Condition 7 of Resolution R-93-1545) (ENGINEERING)
12. Palm Beach County will acquire any additional right-of-way needed for the road segments to be constructed in Condition Nos. 7 and 8 as well as the intersection laneage to be constructed in all conditions. Palm Beach County will complete the acquisition at property owner's expense prior to the commencement of construction of each of the above mentioned roadway improvements. This property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department 15 months prior to the required construction. (Previously Condition 8 of Resolution R-93-1545)  
(ENGINEERING)
13. Palm Beach County shall design and construct or cause to be designed and constructed six lanes on Military Trail from Boynton Beach Boulevard to Lake Worth Road. This section of Military Trail is currently programmed for a four-lane or six-lane improvement in fiscal year 88-89. (Previously Condition E.14 of Resolution R-93-170, Petition EAC87-112(C)). (ENGINEERING)  
Note: This condition has been complied with.
14. The property owner shall receive a credit for the cost of plan preparation, the right-of-way acquisition, and construction listed in Condition Nos. 3, 4a, 4b, 5, 6, 7, 8, 10a, 10b, 10c, 10d, 10e, and 16 against the existing traffic impact fee and also against any increases in the Fair Share Fee, should the "Fair Share Contribution for Road Improvements Ordinance" be amended. Upon receipt of surety required for Condition Nos. 3, 4, 5, 6, 7, 8, 10a, 10b, 10c, 10d, 10e, 16, the project shall be considered bonded and no impact fees shall be due while the surety is in effect. (Previously Condition 9 of Resolution R-93-1545) (IMPACT FEE COORDINATOR - Engineering)

15. A. The property owner shall provide surety in the amount of 110% of the estimated cost for the offsite improvements listed in condition #8, the six-laning of Lantana Road from Military Trail to Congress Avenue; Condition #7, the four-laning of Lantana Road from Hagen Ranch Road to Grand Laguna Boulevard; and Condition #10, the intersection improvements. An estimated cost for the construction of these improvements including the cost of plan preparation and right-of-way acquisition as outlined in Conditions #5, 10, 11, and 12 shall be prepared by the property owner's Engineer and submitted to the County Engineer prior to April 1, 1994. (MONITORING - Engineering)
- B. The property owner prior to April 1, 1994 shall provide to the County a revised surety which shall provide for Palm Beach County to draw funds in order to implement Conditions #4a, 4b, 5, 6, 7, 8, 10 and 11. (MONITORING - Engineering)
- C. The property owner shall provide to the County Engineer an annual updated Engineer's cost estimate to complete Conditions #4a, 4b, 5, 6, 7, 8, 10 and 11 prior to April 1 each year starting in 1995. (MONITORING - Engineering)
- D. The property owner shall annually update the amount of surety provided to Palm Beach County, if necessary, for Conditions #4a, 4b, 5, 6, 7, 8, 10 and 11 prior to July 1 each year beginning July 1, 1995. (MONITORING - Engineering)
- E. The property owner shall prepare a schedule for the funding of the design, right-of-way acquisition and construction for all of the intersection improvements listed in Condition #10. This schedule shall be submitted to the County Engineer prior to June 1, 1994. This schedule may be modified by the County Engineer at the request of the property owner. (Previously Condition 9 of Resolution R-93-1545) (MONITORING - Engineering)
16. Property owner shall construct Haverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) when needed for internal access or when required by County Engineer for continuity. Construction shall be 2-lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including bridge over the L-17 canal) construction plans shall include a 5-lane bridge and a separate 2-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer. (Previously Condition E.17 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING)
17. If 90% of the 2,360 building permits have not been issued by December 31, 1996, no further building permits shall be issued and the property owner must readdress traffic from unbuilt remainder of project to bring the project in compliance with Traffic Performance Standard and then existing conditions. (Previously Condition E.18 of Resolution R-93-170, Petition EAC87-112(C). (MONITORING/ENGINEERING-BUILDING)
18. The project shall have an access with a minimum of an 80 foot right-of-way onto Haverhill Road. (Previously Condition E.19 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING)

19. The property owner shall convey from the subject property for the ultimate right-of-way of:
- a) Jog Road, a total of 120 feet on an alignment approved by the County Engineer
  - b) Lantana Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer
  - c) Hypoluxo Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer.
  - d) Sufficient right-of-way at the project entrance road and Lantana Road to provide for the construction of dual left turn lanes, east and a right turn lane, west approach subject to approval by the County Engineer
  - e) Sufficient right-of-way at the project entrance road and Jog Road to provide for the construction of a right turn lane, south approach subject to approval by the County Engineer.
  - f) Sufficient right-of-way to provide for an expanded intersection at the intersection of all thoroughfare plan roads and at major roadways and the project's entrance.

All within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur. (Previously Condition 20 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING)

20. In the event that the property owners of Falls Country Club and Smith Dairy DRI fail to provide appropriate drainage for Jog Road as required by the conditions of their approvals, then this petitioner shall be required to provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from that segment of Jog Road along the property frontage and for a maximum 400 foot distance each side of the property's boundary line along Jog Road. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Lantana Road, Hypoluxo Road and Haverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable drainage district and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition E.21 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING)
21. The property owner shall pay a Fair Share 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. The Fair Share Fee for this project presently is \$1,478,877.00 for the residential portion (10,394 trips X \$80.40 per trip) and \$37,988.00 for the non-residential portion (1,418 trips X \$26.79 per trip). (Previously Condition E.22 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING-BUILDING)

22. The property owner shall report to Palm Beach County on the number of building permits issued for the six (6) months and the cumulative total issued for the subject property. (Previously Condition E.23 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
23. The property owner shall provide all right-of-way for Haverhill Road as an 80 foot section on the approved alignment map adopted by the Palm Beach County Commissioners from the L-17 Canal to Lantana Road. If required, this property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department 15 months prior to construction for any right-of-way for Haverhill Road not included in this subject property. (Previously Condition E.24 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
24. No dwelling units shall access directly onto the internal roadways shown on the master plan. (Previously Condition E.25 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
25. For purposes of the resolution @commenced@ road work shall be interpreted to mean the commencement of actual construction of the particular road improvements. (Previously Condition E.26 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
26. Petitioner's sales brochures and other information soliciting sales shall clearly and prominently indicate that the proposed park/civic site may at some time be lighted at night and also clearly and prominently indicate that Haverhill Road Extension is planned by Palm Beach County to extend through the project to the south as provided in the Palm Beach County Thoroughfare Plan. (Previously Condition E.27 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
27. The property owner shall dedicate a private road right-of-way 60 feet in width south of the L-16 Canal to the property owner to the east prior to master plan certification. (Previously Condition E.28 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
28. At the project entrance on Hypoluxo Road:
  1. left turn lane, north approach ;
  2. right turn lane, north approach;
  3. right turn lane, east approach;
  4. left turn lane, east approach.\* (Previously Condition E.29 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
29. At the project entrance on Jog Road:
  1. left turn lane, north approach and two through lanes. The County Engineer may at his option require dual turn lanes on Jog Road at the project's entrance road. Should dual turn lane be required, additional right-of-way required for this construction shall be reflected on the applicant's site Plan;
  2. right turn lane, south approach;
  3. left turn lane, east approach;
  4. right turn lane, east approach. (Previously Condition E.30 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))

F. LANDSCAPING - STANDARDS

1. All trees required to be planted on site, except those otherwise required to be planted within residential lots, 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)

G. LANDSCAPING ALONG ALL PROPERTY LINE

1. Prior to Site plan Review Certification the master plan shall be amended to indicate a twenty five (25) foot ride PUD buffer along the perimeter of the PUD, not separated from the exterior by the golf course, supplemented with Alternative Landscape Buffer No. 3 with minimum twelve (12) foot native canopy trees spaced twenty (20) feet on center and a minimum thirty (30) inch hedge planted twenty four (24) inches on center. (Previously Condition A.5 of Resolution R-93-170, Petition EAC87-112(C). (ZONING)
2. The petitioner shall provide a six (6) foot high, solid CBS wall along the northeast property line within the twenty-five (25) foot buffer abutting the proposed day care center and church located west of Haverhill Road. (Previously Condition A.8 of Resolution R-93-170, Petition EAC87-112(C). (ZONING)

H. PARKS AND RECREATION

1. The Developer shall at its own cost and expense, construct a culvert crossing (having a minimum length of not less than thirty (30') feet traversing over and across that portion of the easement in which the Temporary Drainage Canal is located, and directly across from the 52nd Street Drive South median opening ("**Culvert Crossing**"). The Culvert Crossing shall be constructed concurrently with the construction of the Temporary Drainage Canal to ensure uninterrupted access to the Civic/Park Site from Lantana Road.
  - a. Developer fully agrees to utilize fill material realized from construction/excavation of the water retention basin and Temporary Drainage Canal, by simultaneously constructing a berm buffer along the Park Site's westerly boundary and with the most westerly twenty-five (25') feet of the Civic/Park Site "**Buffer**".
  - b. All site planning, excavation, construction and seeding of the Buffer shall conform to the applicable provisions of the Building Code of Palm Beach County, State of Florida. (Previously Condition D.1 of Resolution R-93-170, Petition EAC87-112(C). (PARKS)

2. The westerly flow of Lantana Road's positive outfall for discharge to the E-3 Canal is intended to serve as a temporary water management condition, until such time as the Developer has received all necessary approvals from appropriate state and local government agencies/municipalities, permitting the portion of the easement designed for water retention (from Lantana Road's positive outfall) to be incorporated into the water management works and systems being established for Winston Trails PUD. This will direct the discharge from the water retention area, southerly into the Lake Worth Drainage District L-16 Canal. (Previously Condition D.2 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS/ENGINEERING))
  
3. In the event the Developer has not secured the approvals required in the section, upon Developer's receipt of written notice from the County of its intention to initiate construction of improvements on the Park Site, Developer shall, within one hundred eighty (180) days from receipt of such notice, design and construct an underground drainage system acceptable to the County Engineer to accommodate the Lantana Road positive drainage outfall at its own cost and expense ("Underground Drainage System"), and otherwise replace the Temporary Drainage Canal to provide for the westerly flow and discharge of outfall into the E-3 Canal. Subsequent to construction of the Underground Drainage System, the Developer shall backfill any remaining portions of the Temporary Drainage Canal restoring this portion of the easement parcel, subject to the right-of-way and perpetual easement for the Underground Drainage System as provided for herein. (Previously Condition D.3 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS/ENGINEERING))
  
4. The Developer will provide an engineer's certification separately identifying the costs for construction of the Underground Drainage System providing westerly flow and discharge of Lantana Road's positive outfall into the E-3 Canal including the filling and restoring of the temporary culvert to the extent it is not made a part of the permanent Underground Drainage System. The surety shall remain posted in an amount equal to the drainage system until such improvements are completed by the developer and accepted by the County. (Previously Condition D.4 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS/ENGINEERING))
  
5. Prior to certification, the Master Plan shall be amended to indicate 7.0 acres of on-site Homeowners Association Recreation Areas. (Previously Condition D.5 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS/ZONING))
  
6. A. Prior to site plan approval for Parcel 18, Parcel 17, Parcel 16, the Day Care Center, the Church, and the Clinic, the alignment of Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road.
  
- B. Prior to Master Plan certification, the petitioner shall tender an agreement to Mr. Brynteson which offers the sale of the acreage east of the Haverhill Road alignment at a cost not to exceed \$25,000/acre. Mr. Brynteson shall have 90 days after final alignment of Haverhill Road has been established to accept or reject the agreement.

C. Those uses currently shown on the east side of Haverhill Road may be moved to the west side of Haverhill Road and park land dedication may be reduced accordingly at Site Plan Review Committee. (Previously Condition D.6 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS)

7. A 30-acre public? park site shall be dedicated to the Board of County Commissioners prior to filing of the first plat for this project. (Previously Condition D.7 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS)
8. 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 onsite 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 off-set the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21 H. (Previously Condition D.8 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS)
9. Prior to site plan approval for Pod 8F, Pod 2F, Pod 5F, the Day Care Center, the Church, and the Clinic, the alignment for Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road. (Previously Condition D.9 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS)

I. PIUD

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC. (ZONING/ENGINEERING)
2. Street trees shall be planted pursuant to Section 6.8.A.23.d(3) of the ULDC. (ENGINEERING - Building)
3. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)

J. RECYCLE SOLID WASTE

1. All property owners and 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)

K. STREET ADDRESS

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

L. SIGNS

1. Point of purchase signs fronting on Hypoluxo Road and Jog Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point = six (6) feet;
  - b. Maximum sign face area per side = 60 square feet;
  - c. Maximum number of signs = two (2) per frontage.;

d. Monument style. (BUILDING)

2. **Off premise signs shall not be permitted on site.** (Previously Condition 10.A of Resolution R-93-170, Petition EAC87-112(C)).

**M. SCHOOL BOARD**

1. **Prior to master plan certification, the petitioner shall provide a written letter from the School Board of Palm Beach County that they have reviewed the project and determined that it has adequate facilities to serve residents at the time demand is generated.** (Previously Condition F.1 of Resolution R-93-170, Petition EAC87-112(C)). (SCHOOL BOARD)

**N. COMPLIANCE**

1. Condition G.1 of Resolution R-93-170, Petition EAC87-112(C), 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:

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.

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)