

RESOLUTION NO. R-96- 1740

RESOLUTION APPROVING ZONING PETITION DOA84-71(G)
DEVELOPMENT ORDER AMENDMENT
PETITION OF GORDON FAMILY HOMES
BY SCOTT G. MORTON , AGENT
(POLO CLUB EQUESTRIAN PARCEL)

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

WHEREAS, Zoning Petition DOA84-71(G) was presented to the Board of County Commissioners at a public hearing conducted on October 24, 1996; 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 Unified 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 the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 the standards imposed on it by applicable provisions of the Palm Beach County Unified 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 determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA84-71(G), the petition of Gordon Family Homes, by Scott G. Morton, agent, for a Development Order Amendment (DOA) to amend the master plan to redesignate an existing equestrian parcel to residential and add single family units (+13) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 24, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Allen*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

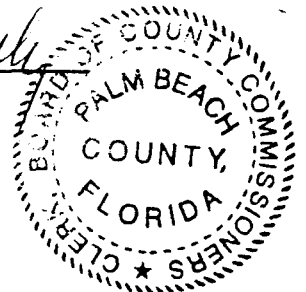


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

A portion of TRACT "A", THE POLO CLUB EQUESTRIAN CLUB, according to the plat thereof, as recorded in Plat Book 61, Pages 166 and 167, Public Records of Palm Beach County, Florida, being more particularly described as follows;

Beginning at the Northwest corner of said Tract "A"; thence North $89^{\circ}22'58''$ East, along the North line of said Tract "A", a distance of 1268.59 feet; thence South $00^{\circ}19'49''$ East, along the East line of said Tract "A", a distance of 398.13 feet; thence South $89^{\circ}22'58''$ West, a distance of 327.39 feet; thence South $00^{\circ}24'49''$ East, a distance of 151.00 feet; thence South $88^{\circ}44'42''$ West, a distance of 138.21 feet; thence South $23^{\circ}46'34''$ West, a distance of 10.64 feet; thence South $89^{\circ}20'16''$ West, a distance of 796.41 feet to a point on the West line of said Tract "A", being further described as being on the East Right-of-way line of Jog Road; thence North $00^{\circ}34'57''$ West, along said West line of Tract "A", a distance of 560.98 feet to the Northwest corner of said Tract "A" and the Point of Beginning of the description.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 15.06 acres, more or less.

EXHIBIT B
VICINITY SKETCH

19950727

-92-182
-80-21.5(E)
3920204

TO LINTON BOULEVARD
↑

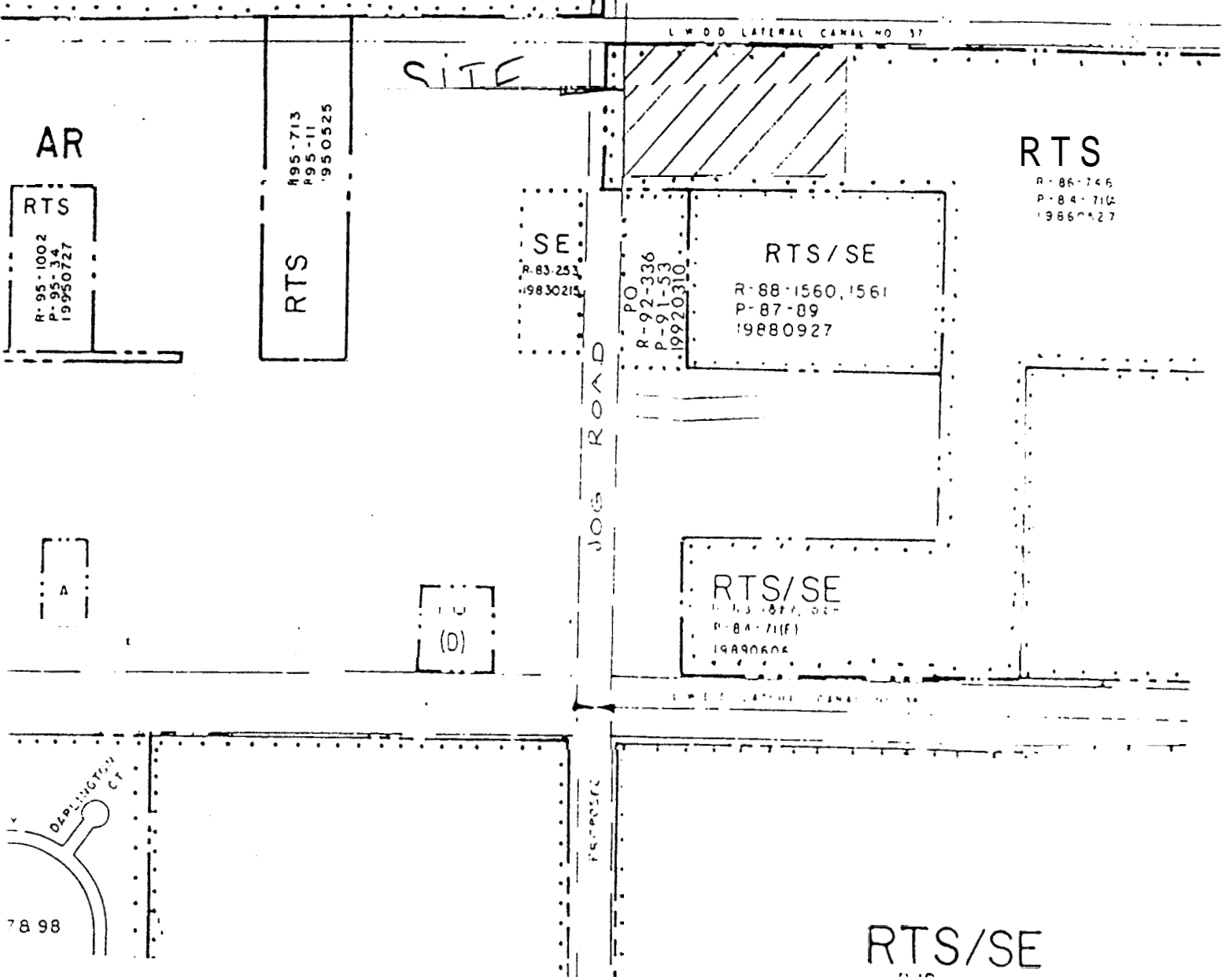


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All property included in the legal description of this zoning Petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to County Attorney's Office, which shall provide, among other things, for the following: Formation of 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 PUD (Previously Condition 1 of Resolution R-86-747, Petition 84-71(A))

2. Condition 2 of Resolution R-86-747, Petition 84-71(A), which states:

The petitioner shall be bound by all previous conditions unless modified herein.

Is hereby deleted. [REASON: superseded by new condition]

3. Prior to Master Plan Certification, all conditions (including those of the previous approval not modified herein) shall be applied to the Master Plan. (Previously Condition 3 of Resolution R-86-747, Petition 84-71(A))

4. Condition 1 of Resolution R-87-202, Petition 84-71(B), which states:

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

Is hereby deleted. [REASON: superseded by new condition]

5. Condition 1 of Resolution R-87-1178, Petition 84-71(C), which states:

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

Is hereby deleted. [REASON: superseded by new condition]

6. Condition 1 of Resolution R-88-1637, Petition 84-71(D), which states:

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

Is hereby deleted. [REASON: superseded by new condition]

7. Condition 1 of Resolution R-89-1028, Petition 84-71(E), which states:

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

Is hereby deleted. [REASON: superseded by new condition]

8. Condition 1 of Resolution R-89-1159, Petition 84-71(F), which states:

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

Is hereby deleted. [REASON: superseded by new condition]

9. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-84-1297 and R-84-1298 (Petition 84-71), R-86-746 and R-86-747 (Petition 84-71(A), R-87-202 (Petition 84-71(B), R-87-1178 (Petition 84-71(C), R-88-1636 and R-88-1637 (Petition 84-71(D), R-89-1027 (Petition 84-71(E), R-89-1028 (Petition 84-71(E), and R-89-1158, R-89-1159, R-93-1533 (Petition 84-71(F) have been consolidate as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

B. BUILDING AND SITE DESIGN

1. The golf easement located adjacent to the twenty (20) foot non-exclusive easement to the LWDD for use as a bridle trail will be used only for golf cart and pedestrian golf purposes and will not be a golf Course maintenance road for golf course maintenance vehicles. (Previously Condition 26 of Resolution R-84-1298, Petition 84-71)
2. Tho petitioner agrees to provide heavy duty silencers to all drainage pumps to be operated within the Polo Club PUD. (Previously Condition 27 of Resolution R-84-1298, Petition 84-71)
3. The petitioner agrees to not commence land development activities involving heavy equipment prior to 7:00 a.m. (Previously Condition 28 of Resolution R-84-1298, Petition 84-71)
4. The petitioner has agreed to limit the height of the golf course country club to forty-five (45) feet (two (2) stories with berming) the height of all commercial building within the village commercial area to two (2) stories and the height of all dwelling units adjacent to abutting properties to a maximum of two (2) stories. (Previously Condition 30 of Resolution R-84-1298, Petition 84-71)
5. The proposed bridle trail shall be designed with a minimum radius of 50 feet along the northeastern and southeastern portion of the Polo Club where the bridle trial from the north makes a southerly and westerly turn. The trail shall be located a minimum of 50 feet form the closest residential structure within Boca Delray PUD on lots 97 and 145 northeastern and southeastern most property lines. (Previously Condition 14 of Resolution R-88-1637, Petition 84-71(D))

C. CONGREGATE LIVING FACILITY TYPE 3

1. Prior to certification, the master plan shall be mended to indicate the following:
 - a. Required separate tabular data for congregate living facility (CLF - Type 3) as follows:

- 1) Number of residents and resident staff;
 - 2) Acreage;
 - 3) Density equivalency; and
 - 4) Housing categories. (Previously Condition 2.B of Resolution R-89-1159, Petition 84-71(F))
2. Primary access to the CLF-Type 3 shall be limited to Linton Boulevard. (Previously Condition 3 of Resolution R-89-1159, Petition 84-71(F))
 3. Prior to site plan certification, the petitioner shall submit the following architectural data:
 - a. Proposed building heights;
 - b. Types of housing categories;
 - c. Lot coverage;
 - d. Proposed building square footage;
 - e. Minimum setbacks; and
 - f. Facility amenities. (Previously Condition 4 of Resolution R-89-1159, Petition 84-71(F))
 4. Prior to site plan certification for the congregate living facility parcel, the petitioner shall submit a letter from the Polo Club Planned Unit Development Master Association documenting that the structure is architecturally compatible with character of development within the planned unit development. (Previously Condition 15 of Resolution R-89-1159, Petition 84-71(F))
 5. No off-premise signs shall be permitted on site. (Previously Condition 5 of Resolution R-89-1159, Petition 84-71(F))

D. ERM

1. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measure shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction. (Previously Condition 1 of Resolution R-84-1298, Petition 84-71)

E. ENGINEERING

1. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. (Previously Condition 2 of Resolution R-84-1298, Petition 84-71)
2. The property owner shall convey for the ultimate right of way Of:
 - a. Military Trail, 60 ft. from centerline,
 - b. Jog Road, 60 feet from centerline. (This shall also include, the "outparcels", as identified on the applicant's survey), and
 - c. Clint Moore Road 80 feet north of the existing south right-of-way for the ultimate right-of-way for Clint Moore Road.

All of the above shall be conveyed within ninety (90) days of Special Exception approval. All conveyances must be accepted by Palm Beach County prior to issuance of the first building permit. (Previously Condition 3 of Resolution R-84-1298, Petition 84-71)

3. The petitioner shall modify the existing construction plans for Military Trail as a four-lane, median divided section, from a point 200 feet south of New Clint Moore Road north to the north right-of-way line of the LWDD L-39 Canal, including the appropriate tapers per the County Engineer's approval. These plans shall be completed within two (2) months of Special Exception approval or prior to the issuance of fifty (50) building permits, whichever shall first occur. (Previously condition 4 of Resolution R-84-1298, Petition 84-71)
4. The developer shall participate in PBC road construction Program for Military Trail from Yew Clint Moore Road to Linton Blvd during the Fiscal Year 1983-84. The developer shall fund the cost of the construction of Military Trail as a four-lane median divided section from a point 200 feet south of Yew Clint Moore Road north to the North right-of-way line at the LWDD L-30 Canal plus the appropriate tapers per the county Engineers approval. A letter of credit for this construction based upon a certified cost estimate from the developer's engineer shall be posted within 2 months of Special Exception approval or prior to the issuance of 500 building permits, whichever shall first occur. The amount of \$160,000.00 for the partial construction of the four-lane bridge over the LWDD L-38 Canal which was funded from Petition 80-73(A) shall be subtracted from the developer's cost estimate. This letter of credit may be called upon at the time of the awarding of the contract for the construction of Military Trail from New Clint Moore Rd to Linton Blvd. (Previously Condition 5 of Resolution R-84-1298, Petition 84-71)
5. The property owner shall obtain the right-of-way for Jog Road from Clint Moore Road north to the existing paved terminus south of Linton Boulevard within 18 months of Special Exception Approval or prior to the issuance of a Building Permit whichever shall first occur. This property owner shall enter into a written agreement with the Land Acquisition Section within 30 days of Special Exception Approval for which this property owner shall fund any and all costs associated with the acquisition of this right-of-way. (Previously Condition 6 of Resolution R-86-747, Petition 84-71(A))
6. The property owner shall construct Jog Road from Old Clint Moore Road north to the existing paved terminus south of Linton Boulevard as a 2-lane section per Condition No. 6a including three lane bridges where applicable. This construction shall be completed concurrent with the improvements for the first plat or within 24 months of Special Exception Approval whichever shall first occur. Credit for the impact fee shall be given for this road construction as outlined in Condition No. 6a, 6b, 6c and 7 as well as other funds contributed toward Military Trail construction. Note it is the intent of these 3 conditions above that this property owner shall share in the cost of this Jog Road construction with Petition No. 85-167 approved in December 1985, to the present day dollar equivalent of the improvements required under Petition 84-71 for Jog Road. (Previously Condition 7 of Resolution R-86-747, Petition 84-71(A))

7. This petitioner shall post surety in the form of a Clean Irrevocable Letter of Credit within SIX (6) months of Special Exception approval. The amount of the Letter of Credit shall be based upon a Certified Cost Estimate by the developer's engineer for the required plans and construction for both Jog Road and Military Trail, as outlined in the above conditions. (Previously Condition 8 of Resolution R-84-1298, Petition 84-71)
8. The developer shall construct concurrent with reconstruction of Military Trail and the project's north approach:
 - a. Left turn lane, south approach;
 - b. Right turn lane, north approach; and
 - c. Signalization when warranted, as determined by the County Engineer. (Previously Condition 9 of Resolution R-84-1298, Petition 84-71)
9. The developer shall construct concurrent with reconstruction of Military Trail and the project's south entrance.
 - a. Dual left turn lane, south approach;
 - b. Right turn lane, north approach; and
 - c. Signalisation when warranted, as determined by the County Engineer. (Previously Condition 10 of Resolution R-84-1298, Petition 84-71)
10. The developer shall construct concurrent with reconstruction of Military Trail 8nd Old Clint Moore Road:
 - a. Right turn lane, north approach;
 - b. Left turn lane, south approach; and
 - c. Left turn lane, west approach. (Previously Condition 11 of Resolution R-84-1298, Petition 84-71)
11. The developer shall construct concurrent with reconstruction of Military Trail and New Clint Moore Road:
 - a. Left turn lane, north approach; and
 - b. Right turn lane, south approach. (Previously Condition 12 of Resolution R-84-1298, petition 84-71)
12. The developer shall construct concurrent with construction of Jog Road at the intersection of Old Clint Moore Road:
 - a. Left turn lane, north approach;
 - b. Left turn lane, west approach; and
 - c. Signalization when warranted, as determined by the County Engineer.
 - d. Left turn lane east approach. (Previously Condition 13 of Resolution R-84-1298, Petition 84-71)

13. **The property owner shall provide PBC a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Jog Road, Military Trail, and Clint Moore Road ft. distance each side of the property boundary lines along Jog Road, Military Trail, and Clint Moore Road. The drainage systu within the projeat shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements. (Previously Condition 8 of Resolution R-86-747, Petition 84-71(A))**
14. **The reconstruction of Military Trail ss outlined in Condition #4 and 5 shall be credited toward the Fair Share Impact lee of \$531,063 based upon a aertified most estimate by the developers engineer, however prior to the letting of the contract for the four-laning of Military Trail, surety must be posted with the County in an amount equivalent to \$200.00 per Multi-family dwelling unit 8nd \$300.00 per single family unit constructed prior to the issuance of a building permit, which shall be returned to the developer upon the letting of the road construction contract. (Previously Condition 15 of Resolution R-84-1298, Petition 84-71)**
15. **The internal roadway for Jog Road to Military Trail shall be a minimum of an 80' collector road right-of-way. (Previously Condition 16 of Resolution R-84-1298, petition 84-71)**
16. **The property owner shall construct concurrent with the construction of Jog Road at the project entrance onto Jog Road:**
 - a) **left turn lane, north approach;**
 - b) **right turn lane, south approach;**
 - c) **left turn lane, east approach. (Previously Condition 9 of Resolution R-86-747, Petition 84-71(A))**
17. **The property owner shall install signalization if warranted as determined by the County Engineer 8t Jog Rord and the project's entrance road. Should signalization not be warranted after 12 month8 of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition 10 of Resolution R-86-747, Petition 84-71(A))**
18. **Prior to Site Plan Committee approval, the petitioner shall revise the proposed Master Plan to reflect a (sixty) 60 foot right-of-way through Tract "P" with sufficient length to meet the County's Subdivision 8nd Platting Requirement. as specified in Ordinance 71-4. (Previously Condition 11 of Resolution R-86-747, Petition 84-71(A))**
19. **The petitioner shall convey to the Lake Worth Drainage District**
 - a) **the north 70 feet of the subject property for the required right-of-way of Later Canal No. 37, and**

- b) the south 105 feet of Parcels lo. 7 and 10 as shown on the survey for the subject property for the required right-of-way of Lateral Canal No. 30 by Quit Clair Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the BCC. (Previously Condition 12 of Resolution R-86-'47, Petition 84-71(A))
20. Prior to master plan certification, petitioner shall convey a drainage easement from the commercial tract subject to approval of the County Engineer and the County Attorney's Office. (Previously Condition 3 of Resolution R-87-202, Petition 84-71(B))
21. Property owner shall convey a road drainage easement along the south property line for Clint Moore Road subject to approval from the Office of both the County Attorney and County Engineer prior to Master Plan approval. (Previously Condition 5 of Resolution R-87-202, Petition 84-71(B))
22. Condition 3 of Resolution R-88-1637, Petition 84-71(D), which currently states:
- The property owner shall construct a left turn lane, north approach and a right turn lane, south approach on Jog Road at the entrance to the proposed Equestrian Center concurrent with onsite paving and drainage improvements.
- Is hereby deleted. [REASON: no longer applicable]
23. 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 \$5,144.00 (192 trips X \$26.79 per trip). (Previously Condition 4 of Resolution R-88-1637, Petition 84-71(D) (ONGOING: IMPACT FEE COORD))
24. Prior to the issuance of a building permit for the Equestrian Center, Jog Road shall be constructed from Clint Moore Road to the project's north property line. This construction shall be a minimum 2-12 foot travel lanes. (Previously Condition 5 of Resolution R-88-1637, Petition 84-71(D) (ENG) [NOTE: Completed])
25. Prior to site plan certification, the developer shall agree to accept stormwater runoff from the adjacent School Board property through this project's internal lake system subject to approval by the Palm Beach County School Board and the County Engineering Department. (Previously Condition 6 of Resolution R-88-1637, Petition 84-71(D)) (DRC: ENG)
26. Condition 7 of Resolution R-88-1637, Petition 84-71(D), which currently states:
- The School Board request shared access from Jog Road through the park site to the school site. The developer shall dedicate this access to the public within 60 days of notification by the School Board in a form acceptable to the County Engineer and the County Attorney. This access shall be located on the southerly most portion of the equestrian recreation tract.

Is hereby amended to read:

At the time of site plan approval, the site plan shall be revised to show the Palm Beach County property which supports the access easement from Jog Road to the South County Civic site and the golf maintenance facility (DRC; ZONING - PREM)

27. Prior to Master Plan certification the Master Plan shall be revised to indicate the proposed road right-of-way between Tracts P-2 and P-3 terminating in a 110 foot diameter cul-de-sac. (Previously Condition 4 of Resolution R-89-1028, Petition 84-71(E))

28. Prior to site plan certification, petitioner shall deliver to the Lake Worth Drainage District a deed for the North 70 feet of the NW 1/4 of the SE 1/4 of Section 27-46/42 for the required right-of-way for Lateral Canal No. 37. Delivery shall be within 90 days of approval of the resolution approving this project. The deed may be in the form of an Easement Deed or a Quit Claim Deed, whichever the owner prefer..

NOTE: [Condition completed]

29. Condition 8 of Resolution R-89-1159, Petition 84-71(F), which states:

The petitioner shall construct left turn lane, north approach and right turn lane, south approach on Jog Road at the Equestrian Center concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with the construction of the project's entrance onto Jog Road.

Is hereby deleted. [REASON: No longer applicable]

30. The Polo Club shall provide legal access to the Taylor property (Petition 88-92) until alternate access to the site may be required. (Previously Condition 9 of Resolution R-89-1159, Petition 84-71(F))

31. Cond 10 of Resolution R-89-11 59, Petition 84-71(F), which states:

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 Linton Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Linton Boulevard. 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.

Is hereby deleted. [REASON: Condition 2 of Resolution R-93-1533, Petition 84-71(F)]

32. The petitioner 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. (Previously Condition 11 of Resolution R-89-1159, Petition 84-71(F))

33. The property owner shall plat the subject property in accordance with provision 8 of Palm Beach County's Subdivision Platting Ordinance 73-4 88 amended. (Previously Condition 14 of Resolution R-89-1159, Petition 84-71(F))
34. Prior to January 15, 1997, the developer shall complete the design, obtain all necessary permits and construct a storm water management area required to compensate for retention of runoff from the Jog Road right of way from L-38 canal southward to the LWDD L-39 Canal, for a distance of 2700'± (Sta 133+00 to Sta 160+00) per Palm Beach County Jog Road Project #94507(A) (1) construction plans. The compensating drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. The storage will be approximately 2.6 acres and will be a portion of a new 8.0 acre lake that will be located on the current Equestrian center site. Discharge will be via a new control structure into the L-37 Canal. The lake will also be connected to the existing storage system in Polo's north basin. (DATE: MONITORING - Eng)
35. Prior to January 15, 1997, the developer shall design, obtain permit and construct, or allow the County to construct, the control structure and discharge pipe from the existing lake, in the northeast corner of the intersection of Jog Road and Champion's Boulevard above to the L-38 Canal. Polo Club shall maintain the outfall and lake system. Palm Beach County shall have the right but not the obligation to maintain this pipe and outfall structure. (DATE: MONITORING - Eng)
36. Prior to January 31, 1997, the developer shall provide County with a 20 ft. wide drainage easement and 20 ft. wide flowage easement and allow Palm Beach County to discharge directly into the existing lake at the northeast corner of Jog Road and Champion Boulevard in Polo's west basin. This lake will provide the required water quality portion of storage. The easement shall indemnify and hold the County harmless for any and all consequences of this discharge. (DATE: MONITORING - Eng)
37. Prior to January 15, 1997, the developer shall obtain permits from South Florida Water Management District (SFWMD) and Lake Worth Drainage District (LWDD) for modifications to the Polo west and north basins including "compensating storage" for the Jog Road runoff in the new lake to be constructed on the Equestrian Site. (DATE: MONITORING - Eng)
38. Prior to July 31, 1997, the developer shall complete the construction of the compensating lake for the Jog Road drainage. (DATE: MONITORING - Eng)
39. Should this work not be complied with by the dates above, the property owner shall reimburse Palm Beach County for any damages claimed by, and awarded to the Jog Road contractor for any delays resulting from the failure to complete any or all work. Payment shall be completed within 30 days of notice by the County Engineer. (ENG)

40. LANDSCAPE WITHIN MEDIAN

- a. Prior to January 1, 1998, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng)
- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to April 1, 1998. (DATE: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to November 1, 1997. (DATE: MONITORING - Eng)

F. GOLF MAINTENANCE NORTH OF PARCEL I

1. Native vegetation with the golf course and 25 foot buffer along the eastern property shall be preserved and incorporated into the project design. (Previously Condition 10 of Resolution R-88-1637, Petition 84-71(D))

NOTE: [Condition completed]

2. A landscape buffer shall be planted commencing at the southwest corner of the E-3 Canal extending west a minimum of 250 feet along the southern boundary of the Lake Worth Drainage District L-38 Canal. This buffer shall consist of a) a solid hedge maintained at minimum height of six (6) feet, planted along the fence which encloses the maintenance facility; b) mature canopy tree vegetation planted at a minimum height of 15 feet and spaced so as to allow a solid visual buffer to be maintained within one year of planting; and c) minimum 15 foot high pine or palm species planted in a dense cluster in proximity to the antenna so as to soften the visual impact of a tower. This landscape treatment shall be installed prior to issuance of first Certificate of Occupancy on any structure within the equestrian facility. In addition, the satellite dish and gate shall be appropriately landscaped so as to avoid negative visual impact upon surrounding properties. (Previously Condition 11 of Resolution R-88-1637, Petition 84-71(D))

3. **Storage sheds and temporary trailers shall be located south of the golf maintenance facility or screened from view to the west and north. (Previously Condition :.2 of Resolution R-88-1637, Petition 84-71(D))**

G. **HEALTH**

1. Condition 17 of Resolution R-84-1298, Petition 84-71 and Condition 4 of Resolution R-86-747, Petition 84-71(A), which currently state:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring propertie..

Are hereby deleted. [REASON: code requirement]

2. Condition 18 of Resolution R-84-1298, Petition 84-71 and Condition 5 of Resolution R-86-747, Petition 84-71(A), which currently state:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Are hereby deleted. (REASON: code requirement]

3. Condition 2 of Resolution R-89-1028, Petition 84-71(E), which currently states:

Sewer service is available to the property. Therefore no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: duplicate condition]

4. Condition 3 of Resolution R-89-1028, Petition 84-71(E), which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted. [REASON: duplicate condition]

5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition 6 of R-89-1159, Petition 84-71(F))

6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition 7 of R-89-1159, Petition 84-71(F))

H. **LWDD**

1. The petitioner agrees to maintain water levels in lakes located east of the Lake worth LWDD E-3 so as not to adversely effect water levels in lakes located within the Le Lac Planned Unit Development. (Previously Condition 20 of Resolution R-84-1298, Petition 84-71)

2. The petitioner agrees to cooperate with Le Lac Planned Unit Development in continuing the maintenance of the LWDD L-39 Canal from the south side of said canal and further agrees to not participate in any tree removal program related to pine tree. located within the LWDD L-39 right-of-way on the north side of said canal. (Previously Condition 29 of Resolution R-84-1298, Petition 84-71)

3. **The petitioner shall convey to the Lake Worth Drainage District:**
 - s) **the north seventy (70) feet Of the East $\frac{1}{2}$ Of the Southeast 1/4 of the Southwest 1/4 of Section 27 and the North seventy (70) feet of the West 1/4 of Southwest 1/4 of Seation 26, Tract 46 West, Range 42 East for tho required right-of-way for Lateral Canal Yo. 37, and**
 - b) **the South one-hundred five (105) foet Of the East 1/4 of Southeast 1/4 of Section 27 and the South one-hundred five (105) feet of the West # Of Southwest 1/4 Of Section 26 for the required right-of-way for Lateral Canal No. 30, by Quit Claim Deed or an easement deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners. (Previously Condition 4 of Resolution R-87-002, Petition 84-71(B))**
4. **The petitioner shall convey to the Lake Worth Drainage District the:**
 - a) **north 75 foet of the west 995.73 feet of Section 26, Township 46 South, Range 42 East for tho required right-of-way for Lateral Canal No. 36**
 - b) **tho south 20 feet of the west 1003.37 feet of tho south $\frac{1}{2}$ of the northwest 1/4 of Section 20, Township 46 South, Range 42 East for the required right-of-way for Lateral Canal No. 37, and**
 - c) **the south 105 feet of the est 2661.45 feet of Section 27, Township 46 South, Range 42 East for tho required right-of-way for Lateral Canal No. 30, by Quit Claim Deed or an Basement Deed in tho form provided by said District within ninety (90) days of the approval of the Resolution approving this project. (Previously Condition 12 of Resolution R-89-1159, Petition 84-71(F))**
5. **The property owner shall dedicate 220 feet of right-of-way for both Linton Boulevard and the Lake Worth Drainage District L-36 Canal to Palm Beach County prior to June 1, 1989. This alignment shall be approved by the County Engineer. (Previously Condition 16 of Resolution R-89-1159, Petition 84-71(F))**

I. LANDSCAPE

1. **Condition 21 of Resolution R-84-1298, Petition 84-71, which currently states:**

The petitioner agrees to retain the row of pine trees located in the LWDD L-39 right-of-way on the north ride of the existing canal and to plant Australian Pines in any gaps in said row of pine tree. for purposes of providing a continuous pine tree visual buffer between the improvements constructed within the Polo Club and the Le Lac PUD.

Is hereby deleted. [REASON: Australian Pines are a prohibited species]

2. Condition 2 of Resolution R-88-1637, Petition 84-71(D) which currently states:

Prior to approval of the site plan for the equestrian facility, the site plan shall be revised to reflect a) a 25 foot landscape buffu along the southern property line acceptable to the Palm Beach County School Board and the Zoning Division and b) relocation of the manure bunkers 100 feet away from the southern property line.

Is hereby amended to read:

Prior to approval of the site plan for Parcel S, the site plan shall be revised to reflect a 25 foot landscape buffer along the south property line acceptable to Palm Beach County PREM and the Zoning Division. (DRC: ZONING)

3. Condition 9 of Resolution R-88-1637, Petition 84-71(D), which currently states:

If access is shared between the equestrian facility and school site, the 25 foot PUD buffer shall be located north of the shared accessway.

Is hereby amended to read:

If access is shared between the Parcel S and the South County Civic Site, the 25 foot PUD buffer shall be located north of the shared accessway. (DRC: ZONING)

4. The stockpile of dirt dug from the Lake Worth Drainage District L-38 Canal shall be completely removed by October 15, 1987. The 25 foot buffer, canal right-of-way and bank shall thereupon be seeded or sodded to prevent wind and water uosion. (Previously Condition 13 of Resolution R-88-1637, Petition 84-71(D))

NOTE: (Condition completed)

5. Condition 2.A of Resolution R-89-1159, Petition 84-71(F) which states:

Prior to certification, the raster plan shall be amended to indicate the following:

- a. Required twenty-five (25) foot buffer along the perimeter of planned unit development (PUD);

Is hereby amended to state:

The required twenty-five (25) foot buffer along the perimeter of planned unit development (PUD) shall be shown on the master plan unless expressly modified herein. (DRC: LANDSCAPE - Zoning)

6. The twenty (20) foot Type B landscape buffer required along the north boundary of Parcel S adjacent to the LADD L-37 Canal may be reduced a maximum of 50% subject to final raster plan certification by the DRC. (DRC: LANDSCAPE - Zoning)

J. MASS TRANSIT

1. A. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board or Palm Tran. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be located and constructed by the petitioner within three (3) years (October 24, 1999) in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DATE: MONITORING - Eng)

K. PARCEL E

1. The petitioner agree. to maintain a separation from the eastern property line of the Le Lac PUD for housing units to be located in Parcel E as depicted on the master land use plan for the Polo Club PUD as follows:
 - a. Twenty (20) foot non-exclusive easement for the Lake Worth Drainage District adjacent to the eastern boundary of the LWDD 1-3 Canal right-of-way; and, a
 - b. Fifty (50) foot to two hundred fifty (250) foot golf course area; and, a
 - c. Twenty-five (25) foot building set-back from the golf course area. (Previously Condition 23 of Resolution R-84-1298, Petition 84-71)

L. PARCEL K

1. The petitioner agrees to install and maintain a four (4) to five (5) foot landscaped earth berm within the thirty-five (35) foot building set back to further screen residential units within Parcel K from residential to be located Le Lac Planned Unit Development. (Previously Condition 24 of Resolution R-84-1298, Petition 84-71)
2. The petitioner agrees to maintain a ninety (90) foot separation from the northern property line of the Le Lac Planned Unit Development to the southern property line of the single family dwelling units to be located in Parcel K as depicted on the revised master land use plan for the Polo Club Planned Unit Development. This ninety (90) foot open area shall consist of a fifty (50) foot right-of-way easement in favor of the Lake Worth Drainage District, a twenty (20) foot non-exclusive easement to Lake Worth Drainage District to be used for bridle trail purposes, and a twenty (20) foot golf cart easement. The developer of Parcel K of the Polo Club PUD further agrees to preserve and maintain the existing tree line and understory vegetation within the twenty (20) foot non-exclusive easement. (Previously Condition 2 of Resolution R-87-1178, Petition 84-71(C))
3. The petitioner further agrees to locate only single fully detached patio homes in the southern tier of Parcel K similar to those constructed on Tract H of the Polo Club PUD by Housing Adventures and to further limit all dwelling units within Parcel K to a maximum of two (2) stories in height. Standard development regulations for patio homes and customary accessory uses shall be applied to structures within Parcel K. Only three (3) of the southernmost patio homes shall be two (2) story. (Previously Condition 3 of Resolution R-87-1178, Petition 84-71(C))

M. PARKS

1. The development shall meet or exceed the minimum recreation area requirement of Article IX, Section VIII, of the P.B.C. Subdivision and Platting Regulation Ordinance. (Previously Condition 13 Resolution R-86-747, Petition 84-71(A))
2. In order to be usable for the required civic site to be more usable for educational and/or recreational purposes, the civic site may be located off the site of the subject PUD. Within 90 days of adoption of the resolution approving this petition, petitioner shall deliver to the Director of Parks and Recreation and the director of facilities planning, School Board of Palm Beach County, a precise legal description of the off-site parcels of land intended to be dedicated to Palm Beach County in order to satisfy this condition. These parcels of land shall total a minimum of 15 acres and shall be contiguous to and 80 intended to supplement other lands between the project's northwest boundary and Jog/Carter Road to be assembled as a community park/school site to serve this development and other nearby developments. Dedication of this civic site shall be subject to approval of the Director of Parks and Recreation. Conveyance of this civic site shall be completed within 12 months of adoption of the resolution approving this development. (Previously Condition 2 Resolution R-87-202, Petition 84-71(B))
3. In lieu of the Polo Club providing storm water management facilities to serve the 15 acre Palm Beach County park site, which abuts the Polo Club to the west (south parcel S), the developer of Parcel "S", the former equestrian parcel, shall make a voluntary contribution to Palm Beach County in the amount of \$25,000 for drainage improvements to the South County Civic Site and park property. This amount shall be payable to Palm Beach County prior to the Parks and Recreation Department's approval of the first plat for Parcel "S", the former equestrian parcel. (PLAT: PARKS)

N. PUD REQUIREMENTS - PARCEL "S" ONLY

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG-Eng)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE-Eng)
3. Street bike lanes shall be provided pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG-Eng)
4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC (PLAT: ENG-Zoning)

Q. SCHOOL BOARD

1. The petitioner has voluntarily agreed to provide \$250.00 per dwelling unit, total PUD dwelling unit count of 2,200 units for a total Of \$550,000.00, in the form Of a clean irrevocable letter of credit in favor of the School Board Of Palm Beach County, for school site acquisition and/or site related improvements. This letter Of credit shall be provided in a form acceptable to the School Board with 90 days of the date Of adoption Of the rezoning and PUD special exception resolution for the subject project. (Previously Condition 19 of Resolution R-84-1298, Petition 84-71)
2. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

R. COMPLIANCE

1. Condition. 5 Resolution. R-89-1028, Petition 84-71(E), which states:

Failure to comply with conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a CO 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 PBC B of A or as otherwise provided in the PBC Zoning Code. Violation of the condition8 herein shall constitute violations of thr PBC loning Code.

Is hereby deleted. (REASON: superseded with new condition]

2. Condition 13 of Resolution R-89-1159, Petition 84-17(F), which currently states:

Failure to comply with the conditions herein 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 loning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County loning Code.

Is hereby amended to read:

Failure to comply with any of the condition8 of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

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

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