

RESOLUTION NO. R-96- 1748

RESOLUTION APPROVING ZONING PETITION PDD96-81
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF INVERSIONES YAMANIC LIMITADA
BY KIERAN KILDAY, AGENT
(VILLAGES OF WINDSOR PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review,Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD96-81 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, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, .wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map 'amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION
VILLAGES OF WINDSOR**

A PARCEL OF LAND LYING IN BLOCKS 37, 42 AND 43, PALM BEACH FARMS CO. PLAT NO.3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF GREENBRIAR I OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGES 55 THROUGH 57, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

THENCE, SOUTH 89°26'07" WEST, ALONG THE SOUTH LINE OF SAID PLAT OF GREENBRIAR I OF SHERBROOKE AND ITS WESTERLY PROLONGATION, A DISTANCE OF 2203.11 FEET; THENCE, SOUTH 00°33'53" EAST, A DISTANCE OF 1256.11 FEET; THENCE, SOUTH 03°12'41" WEST, A DISTANCE OF 250.54 FEET; THENCE, SOUTH 00°33'53" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 44°26'07" WEST, A DISTANCE OF 56.57 FEET; THENCE, SOUTH 89°26'07" WEST, A DISTANCE OF 289.00 FEET; THENCE, SOUTH 88°10'30" WEST, A DISTANCE OF 250.06 FEET; THENCE, SOUTH 89°26'07" WEST, A DISTANCE OF 1144.50 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1854.86 FEET; THENCE, WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°31'11", A DISTANCE OF 1279.38 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 51°02'42" WEST, A DISTANCE OF 923.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1055.00 FEET; THENCE, WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°31'11", A DISTANCE OF 727.68 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 89°26'07" WEST, A DISTANCE OF 310.06 FEET; THENCE, NORTH 86°47'19" WEST, A DISTANCE OF 250.54 FEET; THENCE, SOUTH 89°26'07" WEST, A DISTANCE OF 300.00 FEET; THENCE, NORTH 45°33'53" WEST, A DISTANCE OF 56.57 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL E-1; THENCE, SOUTH 00°04'49" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 777.53 FEET; THENCE, SOUTH 89°26'07" WEST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 45.00 FEET; THENCE, SOUTH 00°04'49" EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1026.37 FEET; THENCE, NORTH 89°24'35" EAST, DEPARTING SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 660.03 FEET; THENCE, SOUTH 00°04'49" EAST, A DISTANCE OF 330.01 FEET; THENCE, NORTH 89°24'35" EAST, ALONG THE SOUTH LINES OF TRACTS 45 THROUGH 58, INCLUSIVE OF SAID BLOCK 43, AND ALONG THE SOUTH LINES OF TRACTS 42 AND 43 OF SAID BLOCK 42, A DISTANCE OF 5348.68 FEET TO THE SOUTHEAST CORNER OF TRACT 43 OF SAID BLOCK 42; THENCE, NORTH 00°38'34" WEST, ALONG THE EAST LINE OF SAID TRACT 43, A DISTANCE OF 661.83 FEET TO THE NORTHEAST CORNER OF SAID TRACT 43; THENCE, NORTH 89°25'21" EAST, ALONG THE NORTH LINES OF TRACTS 44, 45, AND 46 OF SAID BLOCK 42, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF TRACT 47 OF SAID BLOCK 42; THENCE, SOUTH 00°38'35" EAST, ALONG THE WEST LINE OF TRACT 47 OF SAID BLOCK 42, A DISTANCE OF 661.61 FEET TO THE SOUTH WEST CORNER OF SAID TRACT 47; THENCE, NORTH 89°24'35" EAST, ALONG THE SOUTH LINES OF TRACTS 47 THROUGH 56, INCLUSIVE, OF SAID BLOCK 42, A DISTANCE OF 3335.79 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE; THENCE, NORTH 00°35'52" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SAID FLORIDA'S TURNPIKE, A DISTANCE OF 1351.73 FEET; THENCE, SOUTH 89°26'07" WEST, CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 6.83 FEET; THENCE, NORTH 00°33'53" WEST, CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 2030.00 FEET, TO THE SOUTHEAST CORNER OF TRACT 98, OF SAID BLOCK 37; THENCE, SOUTH 89°26'07" WEST, ALONG THE SOUTH LINE OF SAID TRACT 98, A DISTANCE OF 330.00 FEET TO THE SOUTHWEST

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD96-81, the petition of Inversiones Yamanic Linitada by Kieran Kilday, agent, for an Official Zoning Map Amendment to Planned Development District (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated 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
Mary 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:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

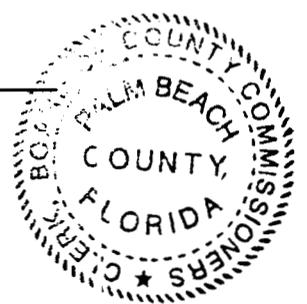


EXHIBIT A

LEGAL DESCRIPTION

CORNER OF SAID TRACT 98; THENCE, NORTH 00°33'53" WEST, ALONG THE WEST LINE OF SAID TRACT 98, A DISTANCE OF 690.00 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 98; THENCE, NORTH 89°26'07" EAST, ALONG THE NORTH LINE OF SAID TRACT 98, A DISTANCE OF 330.00 FEET, TO THE NORTHEAST CORNER OF SAID TRACT 98; THENCE, NORTH 00°33'53" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SAID FLORIDA'S TURNPIKE, A DISTANCE OF 1320.00 FEET; THENCE, SOUTH 89°26'07" WEST, DEPARTING SAID WEST RIGHT OF WAY LINE AND ALONG THE NORTH LINES OF TRACTS 66 THROUGH 75, INCLUSIVE, OF SAID BLOCK 37, A DISTANCE OF 3350.88 FEET; THENCE, SOUTH 00°33'53" EAST, DEPARTING SAID NORTH LINE A DISTANCE OF 45.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PLAT OF GREENBRIAR 1 OF SHERBROOKE; THENCE, SOUTH 20°27'01" EAST, ALONG SAID EASTERLY BOUNDARY LINE, A DISTANCE OF 358.12 FEET; THENCE, SOUTH 24°34'01" EAST, CONTINUING ALONG SAID EASTERLY BOUNDARY LINE, A DISTANCE OF 259.48 FEET; THENCE, SOUTH 07°44'12" EAST, DEPARTING SAID EASTERLY BOUNDARY, A DISTANCE OF 856.46 FEET; THENCE, NORTH 63°53'32" EAST, A DISTANCE OF 1223.38 FEET; THENCE, SOUTH 84°37'20" EAST, A DISTANCE OF 236.33 FEET; THENCE, SOUTH 36°13'57" EAST, A DISTANCE OF 172.05 FEET; THENCE, SOUTH 45°42'50" WEST, A DISTANCE OF 862.93 FEET; THENCE, SOUTH 89°18'19" WEST, A DISTANCE OF 620.00 FEET; THENCE, NORTH 75°45'48" WEST, A DISTANCE OF 132.86 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PLAT OF GREENBRIAR 1 OF SHERBROOKE; THENCE, SOUTH 06°29'13" EAST, ALONG SAID EASTERLY BOUNDARY LINE, A DISTANCE OF 897.61 FEET; THENCE, SOUTH 00°33'53" EAST, CONTINUING ALONG SAID EASTERLY BOUNDARY LINE, A DISTANCE OF 158.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING, HOWEVER, THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF LAND LYING IN BLOCK 42, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GREENBRIAR 1 OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGES 55 THROUGH 57, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 89°26'07" WEST, ALONG THE SOUTH LINE OF SAID PLAT OF GREENBRIAR 1 OF SHERBROOKE, AND ITS WESTERLY PROLONGATION, A DISTANCE OF 2093.11 FEET; THENCE, SOUTH 00°33'53" EAST, A DISTANCE OF 725.61 FEET FOR A POINT OF BEGINNING;

THENCE, CONTINUE SOUTH 00°33'53" EAST, A DISTANCE OF 530.50 FEET; THENCE, SOUTH 01°49'30" EAST, A DISTANCE OF 250.06 FEET; THENCE, SOUTH 00°33'53" EAST, A DISTANCE OF 289.00 FEET; THENCE, SOUTH 45°33'53" EAST, A DISTANCE OF 56.57 FEET; THENCE, NORTH 89°26'07" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 86°47'19" EAST, A DISTANCE OF 250.54 FEET; THENCE, NORTH 89°26'07" EAST, A DISTANCE OF 325.80 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1370.00 FEET; THENCE, EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°37'51", A DISTANCE OF 851.97 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 53°48'16" EAST, A DISTANCE OF 151.50 FEET; THENCE, NORTH 36°11'44" WEST, A DISTANCE OF 961.21 FEET; THENCE, SOUTH 89°26'07" WEST, A DISTANCE OF 1282.58 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THE RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT CANAL E-2 AND THE TURNPIKE TOLL BOOTH AS RECORDED IN OFFICIAL RECORDS BOOK 8541, PAGE 1406 AND OFFICIAL RECORDS BOOK 8223, PAGE 1084, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THE CUL-DE-SAC RIGHTS OF WAY FOR SOUTH KENDALE CIRCLE AND WEST KENDALE CIRCLE AS RECORDED IN OFFICIAL RECORDS BOOK 7019, PAGE 76, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 577.46 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THE BEARINGS AS STATED HEREON ARE BASED ON THE BEARING OF SOUTH 89°26'07" WEST AS SHOWN ALONG THE SOUTH BOUNDARY LINE OF SAID PLAT OF GREENBRIAR 1 OF SHERBROOKE.

EXHIBIT B
VICINITY SKETCH

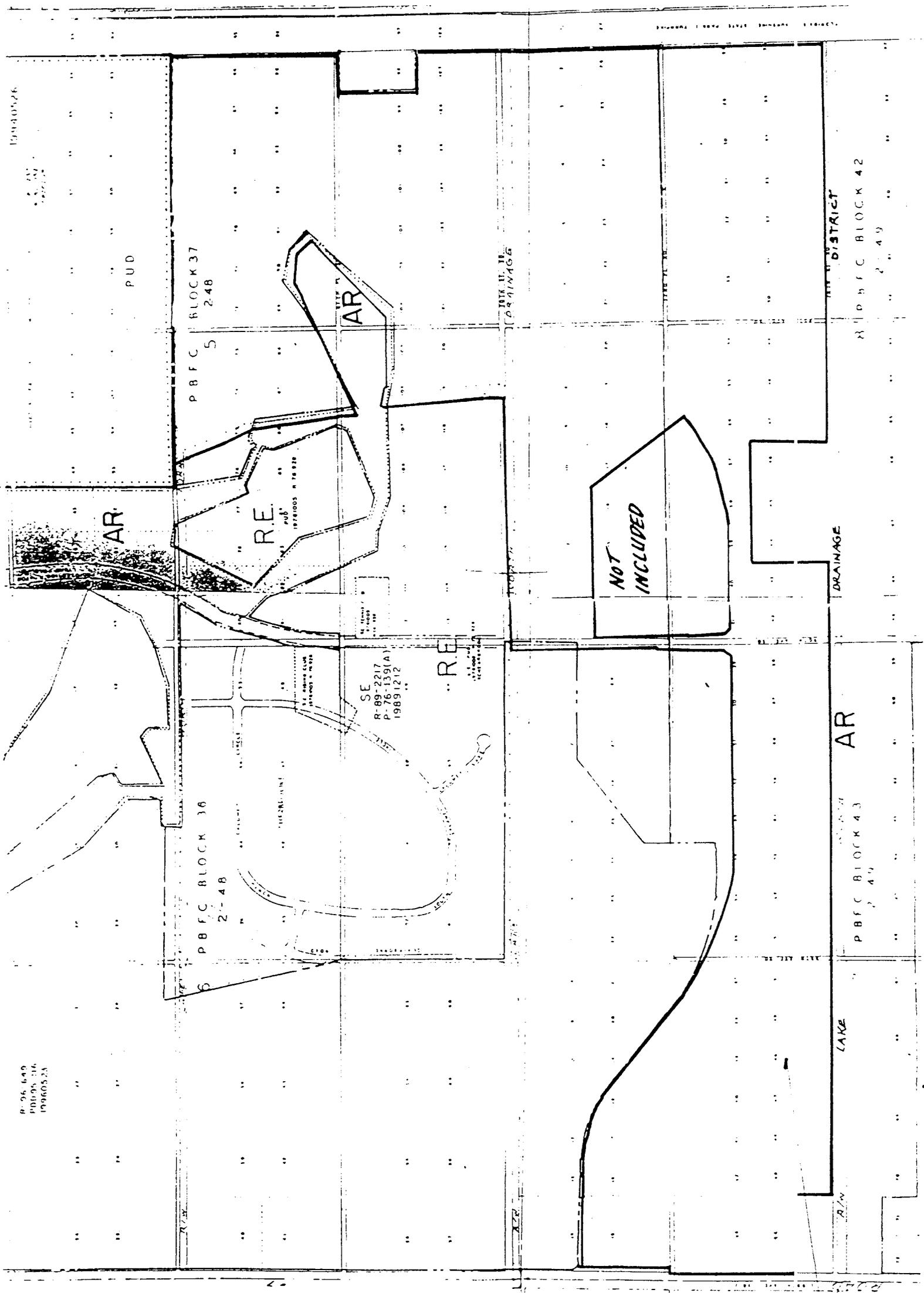


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 30, 1996. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. LANDSCAPING - STANDARD

1. All trees required to be planted in the perimeter buffer areas shall meet the following minimum standards at time of 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms to be planted in the perimeter buffer areas shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk.
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG US 441/SR 7 FRONTAGE AND FLORIDA TURNPIKE FRONTAGE (SOUTH SIDE OF HYPOLUXO ROAD EXTENSION)

1. Landscaping and buffering along the US 441/SR 7 frontage and the Florida Turnpike frontage south of the Hypoluxo Road extension shall consist of the following:
 - a. A minimum thirty (30) foot wide landscape buffer strip;
 - b. A continuous three (3) foot berm;
 - c. One (1) tree per three hundred (300) foot buffer area;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

D. LANDSCAPING ALONG WEST AND NORTH PROPERTY LINES WITHIN TWO HUNDRED (200) FEET OF SHERBROOKE ESTATES PUD ONE ACRE LOTS

1. In addition to the Type C fifteen foot buffer proposed along the west and north property lines adjacent to Sherbrooke Estates PUD one acre lots, the petitioner shall provide an upgraded buffer for Pods B, D and G. The upgraded buffer shall be provided wherever the proposed Pod's boundary is within two hundred (200) feet of existing one acre lots. The upgraded buffer shall consist of the following;
 - a. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - b. a group of three (3) palms shall not be substituted for a perimeter canopy tree. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to technical compliance for the first plat of the adjoining parcel, the property owner shall convey a roadway construction easement to Palm Beach County for each project entrances onto either Lyons Road or Hypoluxo Road. These roadway construction easements shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENG)
2. The property owner shall fund the construction of:
 - a) an additional westbound thru lane on Lantana Road at its intersection with Jog Road. This condition shall be deemed as complete if surety is posted by others.
 - b) an additional left turn lane on Lake Worth Road at its intersection with Lyons Road. (ENG)
3. Prior to April 24, 1997 the developer shall provide Palm Beach Engineering Department acceptable surety for Condition E2 above and shall include all costs associated with the design, right of way acquisition, construction, and construction administration. This surety shall be in the form of an irrevocable Performance Security, acceptable to the County Attorney. The County Engineer shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction plan preparation and road construction including County administrative processing costs by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. All canal crossings within the project limits shall be constructed to their ultimate configuration. This shall also include any right of way required for this construction. (DATE: MONITORING - Eng)
4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 58 dwelling units shall not be issued until construction has begun for State Road 7 as a 6 lane section from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)

- b) Building Permits for more than 58 dwelling units shall not be issued until construction has begun for Lantana Road bridge widening over the E-1 Canal as a 7-lane bridge plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
- c) Building Permits for more than 356 dwelling units shall not be issued until construction has begun for Lantana Road as a 4 lane facility from Lyons Road to Jog Road. (BLDG PERMIT: MONITORING - Eng)
- d) Building Permits for more than 600 Single-family and 248 Multi-family units shall not be issued until the construction has begun of a third westbound thru lane on Lantana Road at Jog Road. (BLDG PERMIT: MONITORING - Eng)
- e) Building Permits for more than 600 Single-family and 281 Multi-family units shall not be issued until the construction has begun for an additional left turn lane east approach on Lake Worth Road at Lyons Road (dual left turn lanes). (BLDG PERMIT: MONITORING - Eng)

The mix of allowable uses as shown on the Master Plan may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: ENG)

- 5. Prior to April 23, 1998 or prior to issuance of the first Building Permit, whichever shall first occur, the Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed:
 - a. Hypoluxo Road, a total of 110 feet, on an alignment approved by the County Engineer, from State Road 7 to the Florida Turnpike.
 - b. Right of way for the Hypoluxo Road Bridge over the Florida Turnpike including ramp slopes, shall be dedicated as required by the County Engineer;
 - c. An expanded intersection at Lyons Road and Hypoluxo Road ;
 - d. Lyons Road, a total of 110 feet of right of way, from the north property line to the south property line.

All of the above right of way shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and to include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE / BLDG PERMIT: MONITORING - Eng)

6. LANDSCAPE WITHIN MEDIAN

- A. Prior to January 1, 2000, 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 on or before May 1, 2000. (DATE: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to January 1, 2000. (DATE: MONITORING - Eng)

- 7. Prior to the recording of the plat for POD's D, E, F and G, the Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed the additional right of way for the construction of a right turn lane at the intersection of:

Hypoluxo Road and the projects entrance road to POD's D, E, F and G.

This right of way shall be a minimum of 280 feet: in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner-Clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (PLAT: ENG)

- 8. On or before April 14, 1998, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hypoluxo Road and Lyons Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The 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. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

9. The Property Owner shall construct the following turn lanes concurrent with the construction of the projects entrance roads:
 - a. Left turn lane on Hypoluxo Road at the project's entrance road to POD A and for POD D, E, F, and G.
 - b. Left turn lane on Hypoluxo Road at the project's entrance road to POD C and for POD B.
 - c. Left turn lane north approach on Lyons Road at the project's entrance road to POD B.

(TC:ENGINEERING)

10. Prior to the issuance of the building permit for the 400th unit, the Property Owner shall construct Lyons Road from Hypoluxo Road to the south right of way line of the LWDD L-19 Canal, including a 3 lane structure over the LWDD L-19 Canal. This construction shall be as a 2 Lane section in accordance with approved construction plans by the Office of the County Engineer. This shall also include a left turn lane on the south approach at it's intersection with Hypoluxo Road. (BLDG PERMIT: MONITORING - Eng)
11. The Property Owner shall construct Hypoluxo Road from Lyons Road to the entrance to POD D, E, F, and G. This construction shall be as a 2 lane section in accordance with approved construction plans by the Office of the County Engineer. This construction may be phased by the property owner as approved by the County Engineer. This shall also include a left and right turn lane on the east approach at it's intersection with Lyons Road. (TC: ENG)
12. The Property Owner shall fund the construction of Hypoluxo Road from the entrance to POD D, E, F, and G to the project's east property line. Funding shall be based upon the construction of this road as a 2 lane section in accordance a cost estimate provided by the Developers Engineer and approved by the County Engineer. Funding for this construction shall be completed prior to 90 days notice by the County Engineer that this road is required for paved continuity or prior to recordation of the last plat for this PUD whichever shall first occur. Funding shall also include a left turn lane east approach into POD C and a right turn lane on the east approach into POD D, E, F, and G. (TC: ENG)
13. Concurrent with the first plat, the construction of the following thoroughfare roadways shall be constructed:

- a. Lyons Road from Hypoluxo Road to the present paved terminus south of Lantana Road and;
 - b. Hypoluxo Road from SR 7 to Lyons Road. (PLAT: ENG)
14. No vehicular traffic connection shall be allowed between the Sherbrooke Estates Planned Unit Development and the Villages of Windsor PUD, but for the publicly dedicated Lyons Road.
 15. The Property Owner shall fund a pro rata share of the cost of signalization warranted as determined by the County Engineer at Hypoluxo Road and POD A. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: ENG - Bldg).
 16. The Property Owner shall receive credit for the Traffic Impact Fees as provided for in the Fair Share Road Impact Fee Ordinance. (ONGOING: IMPACT FEE COORD)

F. 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 *mend* 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. The Petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus stops, if requested by the County Engineer. The Petitioner shall construct the paved portion of these mass transit stops concurrent with the construction of the adjacent roadway. Concurrent with platting the adjacent residential pod, the Petitioner shall construct the mass transit shelters and other improvements as follows. Mass transit access shall include at a minimum: a covered shelter, continuous paved pedestrian and bicycle access from the adjacent residential pod or use to the shelter, and a bicycle rack. (DATE: MONITORING - Eng)

G. PLANNED UNIT DEVELOPMENT

1. If Pod B is developed as multi family attached units, the proposed building setbacks shall be a minimum of 200 feet from the platted boundary of Sherbrooke Estates FUD. (DRC: BLDG - Zoning)
2. 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)
3. Street trees shall be planted in 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)
4. Street bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ~~ULDC~~, subject to approval by the County Engineer. (CO: BLDG - Eng)

5. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
6. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation **of** the first plat for any portion of the planned development, whichever occurs first. (ELDG PERMIT / PLAT: MONITORING / ENG - Co Att)

H. PREM

1. The property owner shall provide to the Palm Beach County Board of County Commissioners by a special warranty deed by April 25, 1998 a 33.63 acre plus/minus civic site. The location has been mutually agreed upon by PREM, the Parks Department and the petitioner to be located in an area bounded by the Florida Turnpike on the east, the approved Hypoluxo Road Right-of-way to the north, the approved Lyons Road Right-of-way to the west and the LWDD L-19 Canal to the south. Hypoluxo Road frontage shall be provided but the site shall not be located along the Florida Turnpike. The total civic site acreage includes: 1) the 2% civic site requirement for Petition 95-116, (11.25 acres); 2) the 2% civic site requirement for the Sherbrooke Estates P.U.D. pursuant to Petition 76-139, (R-89-2217 Condition #2) (10.75 acres), and 3) the 2% civic site requirement for the Villages of Windsor P.U.D. (11.63 acres). Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site. If the civic site is used for private purposes, the Declaration of Covenants of the P.U.D shall remain in full force and effect.

- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issue:
 - 1. The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2. An easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by February 25, 1998. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. **21HH.6.**
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.
- Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)
3. The property owner shall provide **PREM** with an Environmental Assessment of the proposed civic site by February 25, 1998.

The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
 - b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.
 - c. The assessment shall reflect whether the civic **site** **or** any bordering property is on the following lists:
 - 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS) .
 - d. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - e. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - f. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
4. Prior to February 25, 1998, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of **less** cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - **PREM**)

I. COMPLIANCE

1. Failure to comply with any of the conditions 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)