

RESOLUTION APPROVING ZONING PETITION DOA84-95(L)
DEVELOPMENT ORDER AMENDMENT
PETITION OF INTERNATIONAL SPORTS ASSOC. INC.
BY KIERAN KILDAY, AGENT
(BOCA RATON ACADEMY AT MISSION BAY)

FILE COPY

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 DOA84-95(L) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1997; 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 DOA84-95(L), the petition of International **Sports Assoc.** Inc., by Kieran Kilday, agent, for a Development Order Amendment (DOA) Amend master plan to redesignate recreation parcel to private civic; allow private elementary and **secondary school** with accessory summer camp (660 students/requested use); allow daycare, general (**192 children/requested** use); amend Condition **K.1.** (landscape buffer) 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 January **6**, 1997, subject to the conditions of approval described in EXHIBIT **C**, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution.

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

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

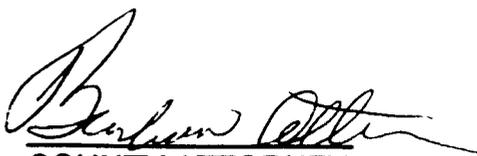
The Chair thereupon declared ~~that the~~ resolution was duly passed and adopted on January 30, 1997.

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

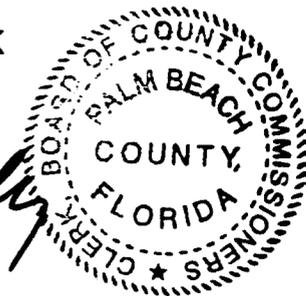


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

84-95 L

BEING ALL OF THE PLAT OF MISSION BAY AS RECORDED IN PLAT BOOK 53, PAGES 112 THROUGH 120 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL OF MISSION BAY P.U.D. PLAT NO. 2 AS RECORDED IN PLAT BOOK 54, PAGES 21 THROUGH 24 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

BEING ALL OF PARCEL NO. 1 AND PARCEL NO. 2 ACCORDING TO THE PLAT OF MISSION BAY TRACT "O" AS RECORDED IN PLAT BOOK 59, PAGES 196 AND 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEING A PORTION OF THE LANDSCAPE BUFFER (TRACT "P") ACCORDING TO THE PLAT OF MISSION BAY AS RECORDED IN PLAT BOOK 53, PAGES 112 THROUGH 120 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE PREVIOUSLY DESCRIBED PARCEL NO. 2; THENCE SOUTH $70^{\circ}25'37''$ EAST, A DISTANCE OF 27.39 FEET; THENCE SOUTH $04^{\circ}33'42''$ EAST, A DISTANCE OF 873.93 FEET; THENCE SOUTH $85^{\circ}47'34''$ WEST, A DISTANCE OF 433.17 FEET (THE LAST TWO DESCRIBED COURSES BEING COINCIDENT WITH THE BOUNDARY OF SAID LANDSCAPE BUFFER); THENCE NORTH $15^{\circ}29'07''$ WEST, A DISTANCE OF 25.49 FEET; THENCE NORTH $85^{\circ}47'34''$ EAST ALONG THE SOUTH LINE OF THE PREVIOUSLY DESCRIBED PARCEL NO. 1; A DISTANCE OF 413.00 FEET; THENCE NORTH $04^{\circ}33'42''$ WEST ALONG THE EAST LINE OF THE PREVIOUSLY DESCRIBED PARCEL NO. 1 AND PARCEL NO. 2, A DISTANCE OF 859.98 FEET TO THE POINT OF BEGINNING,

CONTAINING 485.02 ACRES, MORE OR LESS

BEARING BASED ON THE EAST LINE OF SAID PLAT OF MISSION BAY HAVING AN ASSUMED BEARING OF SOUTH $04^{\circ}33'42''$ EAST.

LAND DESCRIPTION

MISSION BAY SWIM CLUB, of the Plat of MISSION BAY, A P.U.D., according to the plat thereof as recorded in Plat Book 53, Pages 112 through 120 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

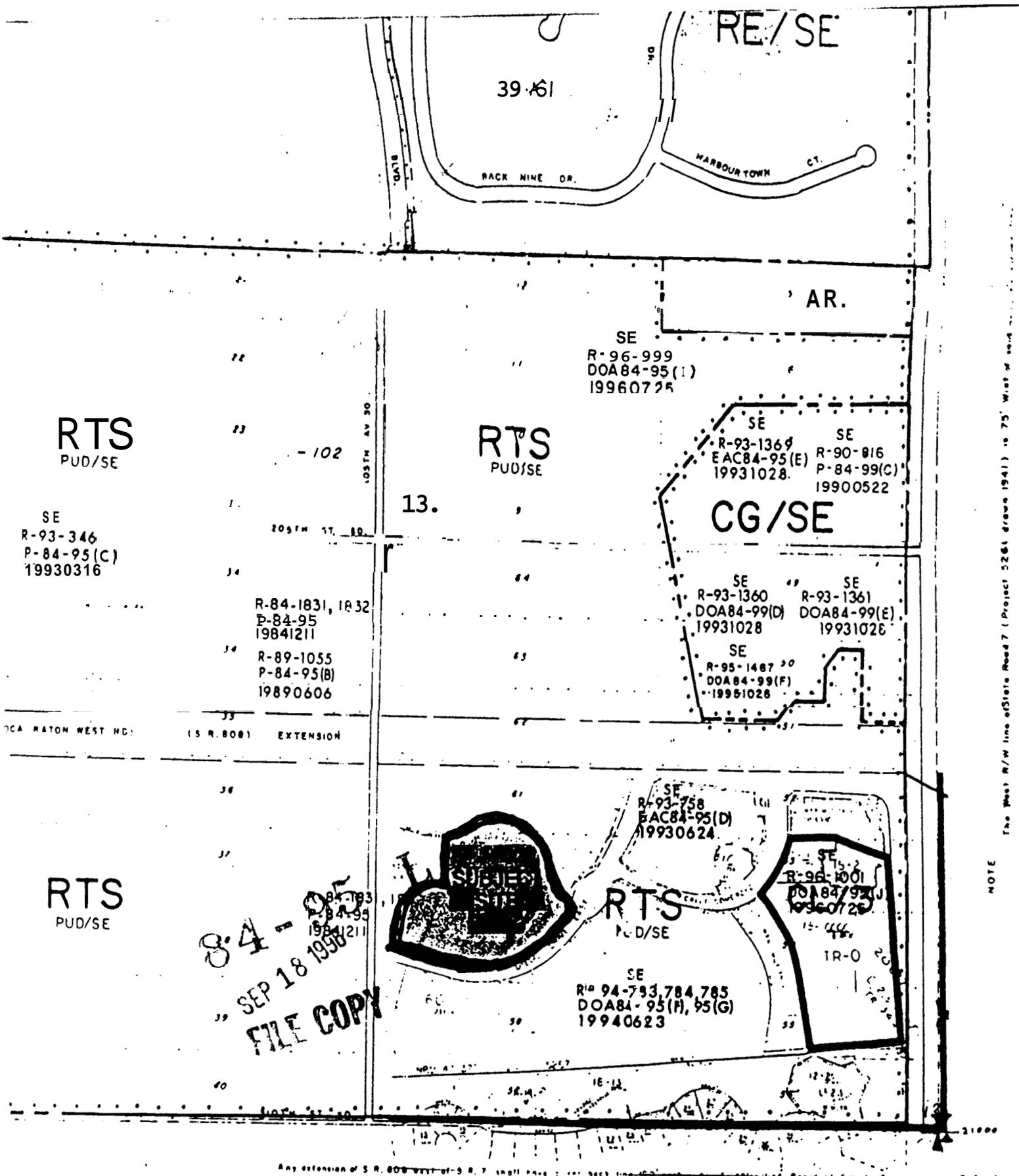


EXHIBIT C

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 previous conditions of approval** applicable to the subject property, **as** contained in the resolution **affirming** approval of Petition **84-951**, have been consolidated 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.

~~Is~~ hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1001 (Petition **84-95(J)**), have been consolidated 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.

B. CONCURRENCY

1. Condition B.6 of Resolution R-96-1001, Petition **84-95(J)**, which states:

The Certificate for Concurrency Exemption Extension, Case Number **0301001X1**, shall be revised prior to application to the Development Review Committee for master plan **and/or** site **plan certification** in order **to** reflect the square footage and total number **of** dwelling units within the PUD.

~~Is~~ hereby deleted. (REASON: CODE REQUIREMENT)

C. HEALTH

1. Condition C.1 Resolution R-96-1001, Petition **84-95(J)**, **which** states:

Utilities (sewer and water) shall be brought to the site property line.

~~Is~~ hereby deleted. (REASON: CONDITION SATISFIED)

2. Condition C.2 Resolution R-96-1001, Petition **84-95(J)**, which states:

Water service **and** sewer service are available to the property. **Therefore, no** potable well **and/or** on site sewage disposal system shall **be permitted on the** site.

~~Is~~ hereby deleted. (REASON: **CODE REQUIREMENT**)

3. **Architectural** plans for ~~the~~ school and day **care** facility (private civic pod - Petition **84-95L**) must **be** submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24FAC **prior to issuance** of a building permit. (**BLDG PERMIT: 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 **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. Previously Condition **F.1 of R-96-1001, Petition 84-95(J)**. (ONGOING: UTILITIES)

E. ENGINEERING

1. This **development** shall retain on site the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance **734**, as amended. In addition, the developer shall provide legal positive outfall **or** receive a variance from this requirement. Previously Condition **E.1 of R-96-1001, Petition 84-95(J)**. (ENG) [Completed]
2. The property owner shall convey the **ultimate** right-of-way for Cain Boulevard necessary to provide for **an** eighty (80) foot ultimate section. This right-of-way **alignment** shall be per the County Engineer's approval, within **90** days of adoption of the resolution by the **Board** of County Commissioners. Conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Previously Condition **E.2 of R-96-1001, Petition 84-95(J)**. (ENG) [Completed]
3. **The** property owner shall convey for the ultimate right-of-way of the **S.R 7, 240** feet west of the west right-of-way line of the Lake **Worth** Drainage District E-1 Canal, within ninety (**90**) days of adoption of the resolution by the Board **of** County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of **the** first building permit. Previously Condition **E.3 of R-96-1001, Petition 84-95(J)**. (ENG) [Complete]
4. The property owner shall convey the ultimate right-of-way for Glades Road necessary to provide for **a 120** feet **ultimate** section. This right-of-way alignment shall be per the County Engineer's approval within ninety (**90**) days of adoption of the resolution by the Board of County Commissioners; conveyance must **be** accepted by Palm Beach **County** prior to the issuance of the first building permit. Previously Condition **E.4 of R-96-1001, Petition 84-95(J)**. (ENG) [Complete]
5. The property **owner** shall convey **from** the subject property the **ultimate** right-of-way for the "Special Exception" at Glades Road and **S.R 7** per the County Engineer's approval. This right-of-way shall be conveyed within ninety (**90**) days **of** adoption **of** the resolution by **the** Board of County Commissioners and accepted by Palm Beach County **or** prior to the issuance of a building permit. Previously Condition **E.5 of R-96-1001, Petition 84-95(J)**. (ENG) [Complete]
6. The petitioner shall provide **the** construction plans for **S.R 7 as a four-lane**, median divided section (expandable to **6** lanes), compatible with **the** Department of Transportation typical section from Palmetto **Park** Road **south to the** Hillsboro Canal plus the appropriate tapers, per the **County Engineer's** approval. **These plans shall be** completed within six (**6**) months of approval date by the Board of County Commissioners **or** prior to the issuance of a Certificate of Occupancy, whichever first occurs. The cost of these plans shall not exceed **\$100,000.00**. Previously Condition **E.6 of R-96-1001, Petition 84-95(J)**. (ENG) [Complete]

7. The developer shall construct Glades Road from SR. 7 west to the project's west property line as a four-lane, median-divided section, per the County Engineer's approval. This construction shall be per the following phasing plan:

Phase 1 of this construction for Glades Road shall be a 4-lane median divided section from S.R 7 to a point 200 feet west of Mission Bay Plaza entrance, plus the appropriate tapers, per the County Engineer's approval. The remainder of this section of roadway shall be constructed as a 2-lane section to the property's west property line. This construction shall be concurrent with the filing of each plat adjacent to Glades Road or when required by the County Engineer for paved continuity for Glades Road.

Phase 2 of this construction for Glades Road shall be an additional 2-lane section from the project's west property line east to a point 200 feet west of Mission Bay Plaza entrance, per the County Engineer's approval. This construction shall be completed within thirty-six (36) months after completion of Phase 1 construction for Glades Road. This construction shall be funded from impact fee monies collected within the impact fee zone, subject to approval by the Board of County Commissioners. The maximum amount of participation by Palm Beach County shall be \$250,000.00. Previously Condition E.7 of R-96-1001, Petition 84-95(J). (ENG) [Database indicates compliance with this condition.]

8. Construction at the intersection of Glades Road and Cain Boulevard at the time of construction of Glades Road:
 - a. Left turn lane, west approach.
 - b. Left turn lane, north approach.
 - c. Signalization when warranted as determined by the County Engineer. Previously Condition E.8 of R-96-1001, Petition 84-95(J). (ENG) [Database indicates compliance with this condition.]
9. Construct at all of the project's entrances and Glades Road at the time of construction of Glades Road, left and right turn lanes, per the County Engineer's approval. Previously Condition E.9 of R-96-1001, Petition 84-95(J). (ENG) [Complete]
10. The Master Plan shall be revised to include a minimum of 80 foot right-of-way collector for the southern interior spine road. Previously Condition E.10 of R-96-1001, Petition 84-95(J). (ENG) [Note: This roadway has been constructed.]
11. Construct at both of the project's entrances onto Cain Boulevard at the time of construction of Cain Boulevard:
 - a. Left turn lane, north approach.
 - b. Right turn lane, south approach. Previously Condition E.11 of R-96-1001, Petition 84-95(J). (ENG) [Note: Condition complete]

- 12 The petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system for the road drainage of Cain Boulevard, Glades Road and S.R. 7. This drainage easement shall be subject to all governmental agency requirements. Previously Condition **E.12 of R-96-1001, Petition 84-95(J)**. (ENG) [Condition completed by Plat]
13. The construction of **S.R 7** and Glades Road as outlined in Conditions **7,8,9,10** and **16** shall be credited toward the **Fair Share Impact 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. This credit shall be based upon a **Certified Cost Estimate** by the Developer's Engineer, subject to review by the **County Engineer** in an amount equivalent to the road construction for **S.R 7** and Glades Road as outlined in condition numbers **7,8,9,10** and **16** within ninety (**90**) days of adoption of the resolution by the **Board of County Commissioners**. Previously Condition **E.13 of R-96-1001, Petition 84-95(J)**. (ENG)
14. Petitioner shall provide primary and secondary access to the site from adjacent roadways, (curb cuts and proper left and right turning lanes) in accordance with County Engineer guidelines. Previously Condition **E.14 of R-96-1001, Petition 84-95(J)**. (ENG)
15. Based on traffic impacts and total traffic projected in the impact area, the project development shall be limited to the following phases:

RESIDENTIAL

Number of Months After the Resolution Date by the Board of County Commissioners:	Maximum Number of Building Permits:	Cumulative Total of Building Permits:
0 - 12	0	0
12 - 24	250	250
24 - 36	350	600
36 - 48	300	900
48 - 60	300	1200
60 - 72	336	1536

OFFICE

Number of Months After the Resolution Date by the Board of County Commissioners:	Maximum Trip Generation (per day)	Cumulative Trip Generation (per day)
0 - 12	0	0
12 - 24	0	0
24 - 36	1000	1000
36 - 48	1000	2000
48 - 60	900	2900

'NOTE: Traffic generation characteristics shall be determined by the standard methods used in Palm Beach County for buildings, or portions of buildings, certified for occupancy. Previously Condition **E.15 of R-96-1001, Petition 84-95(J)**. (ENG) [Note: The time limit expired in 1990 for this condition.]

16. The petitioner shall provide the construction plans for Glades Road as a six-lane, median-divided facility from Powerline/Jog Road to just East of the Florida Turnpike entrance, plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within 18 months of the resolution date by the Board of County Commissioners. The cost of these plans shall not exceed \$100,000.00. Previously Condition E.16 of R-96-1001, Petition 84-95(J). (ENG) [Database indicates compliance with this condition.]
17. The additional right-of-way for S.R 7, as determined by the Florida Department of Transportation, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers which will be required for the road construction for S.R 7, shall be acquired by Palm Beach County at the developer's expense. Previously Condition E.17 of R-96-1001, Petition 84-95(J). (ENG) [Database indicates compliance with this condition.]
18. The developer shall construct S.R 7 as a four-lane divided section from Palmetto Park Road South to the Hillsboro Canal, plus the appropriate tapers, per County Engineer's approval. The construction shall include an asphalt overlay of the two existing lanes on S.R 7, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation within nine (9) months of Palm Beach County's acquisition of the right-of-way described in Condition No. 9." Previously Condition E.18 of R-96-1001, Petition 84-95(J). (ENG) [Database indicates compliance with this condition.]
19. The developer shall construct at the intersection of Glades Road and S.R 7 concurrent with the four-laning of S.R 7 fronting this parcel:
 - a. Right turn lane, south and west approach.
 - b. Dual left turn lanes all approaches.
 - c. Right turn lane, north approach.
 - d. Right turn lane, east approach. Previously Condition E.19 of R-96-1001, Petition 84-95(J). (ENG)
20. The developer shall construct Glades Road as a six-lane median divided section from Powerline/Jog Road to just East of the Florida Turnpike entrance in conjunction with the construction of the Florida Turnpike interchange. In addition, the developer shall provide a cash contribution to the Florida Department of Transportation for this construction of the Florida Turnpike overpass expansion. The total commitment by the Developer for plan preparation (as noted in Condition No. 8) construction, and Florida Department of Transportation contribution shall not exceed \$1,000,000.00." Previously Condition E.20 of R-96-1001, Petition 84-95(J). (ENG) [Database indicates compliance with this condition.]
21. If any of the improvements listed above are completed by others prior to the date required by this petition, then the developer will be relieved of all or part of the respective improvement project. Palm Beach County shall make available other existing developer commitments which are earmarked for the construction of Glades Road from Jog/Powerline Road to Boca Rio Road to this developer prior to the same being constructed. In the event that another entity constructs S.R. 7 from Hillsboro Canal to Palmetto Park Road (or) Glades Road

from Jog/Powerline Road to Boca Rio Road, this Developer shall make a contribution in either cash or construction costs in a total amount not less than \$1,111,130.00. Note: It is the intent of the Office of the County Engineer that Palmetto Park Road will be constructed as a 6-lane median divided section from west of the Florida Turnpike to 1-95 at the time of construction for ~~is~~ presently budgeted 4-lane median-divided section. This could be accomplished provided that the Board of County Commissioners approves, with the use of the Impact Fees, Monies or other developer commitments which may be granted zoning approvals. Previously Condition E.21, R-96-1001, Petition 84-95(J). (ENG)

22. The developer shall construct Cain Boulevard from the project's north property line south to Glades Road within the planned unit development at the time of the filing of the adjacent plats or when required by the County Engineer for the continuity for Cain Boulevard and shall be completed prior to February 1, 1989 or in conjunction with the park's access road. Previously Condition E.22 of R-96-1001, Petition 84-95(J). (ENG) [Database indicates compliance with this condition.]
23. The Developer shall plat the subject property in accordance with provisions of Article 8, Subdivision, Platting and Required Improvements of the ULDC. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. Previously Condition E.23, R-96-1001, Pet. 84-95(J). (ENG)
24. The Mission Bay PUD Master Plan as well as Site Plans for the overall Mission Bay Sports Complex/Recreation Facilities Tract and Corporate Park Tract shall be revised prior to December 1, 1996 to correspond with the existing Concurrency reservation. Previously Condition E.24 of R-96-1001, Petition 84-95(J). (DATE: MONITORING - Eng)
25. No further building permits for the 32 multi-family housing units [8 in POD F-2 (Project No. 0454-021) and 24 in Pod F-3 (Project No. 0454-003)] shall be issued after December 31, 1997 unless a new traffic study is approved by the County Engineer which addresses the Palm Beach County Traffic Performance Standards in effect at that time. Previously Condition E.25 of R-96-1001, Petition 84-95(J). (BLDG PERMIT: MONITORING - Eng)
26. The additional 32 multi-family housing units allowed in the Las Flores subdivision [8 in POD F-2 (Project No. 0454-021) and 24 in Pod F-3 (Project No. 0454-003)] shall be limited to fee simple townhomes. Previously Condition E.27 of R-96-1001, Petition 84-95(J). (ONGOING)
27. The property owner shall lengthen the existing left turn lane east approach at the east intersection of Glades Road and Diego Drive to provide for a total length to be determined by the County Engineer based upon the most current traffic count information. This construction shall be concurrent with paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING / ENG)

28. The property owner shall signalize the east intersection of Glades Road and Diego Drive when warranted as determined by the County Engineer. If signalization is not warranted after thirty-six (36) months of the final Certificate of Occupancy, the property owner shall be relieved of this condition. (ONGOING: ENG)
29. At such time that the signalization of the east intersection of Glades Road and Diego Drive is warranted, the property owner shall construct a dual left turn lane on the east approach of this intersection, if required, as determined by the County Engineer. This construction shall be done concurrent with the signal installation. Any and all costs associated with the construction shall be paid by the property owner. (ONGOING: ENG)
30. Prior to the issuance of a building permit, the property owner shall provide surety in the amount of 110% of the estimated cost for the dual left turn lane on Glades Road and the signalization of the east intersection of Glades Road and Diego Drive. The cost estimate shall be approved by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
31. The private school owner shall install subject to the approval of the Mission Bay Master HOA school flashers and signage along Diego Drive, as approved by the County Engineer, prior to the opening of the private school. (CO: MONITORING - Eng)
32. The property Owner shall pay a proportionate share of the cost of installation and maintenance of security gates on Diego Drive at such time that the Mission Bay Master HOA desires to install the gates. (ONGOING: ENG)
33. The property owner shall install a traffic control sign prohibiting right turns onto Diego Drive for traffic exiting the private school site. (CO: ENG)

F. GRAPHICS

1. Condition N.1 of R-96-1001, Petition 84-95(J), which states:

Exact copies of the master plan and related graphics as presented at the Board of County Commissioner's public hearing shall be submitted to the Zoning Division and made part of the official file.

Is hereby deleted. (REASON: SATISFIED)

G. LANDSCAPING - GENERAL (TENNIS ACADEMY ONLY)

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan for the Recreation Facility and Club parcel to reflect conformance to minimum Landscape Code requirements and all landscape conditions of approval. Previously Condition G.1 of R-96-1001, Petition 84-95(J). (ZONING)
2. All required trees in the landscape buffer strips for the Recreation Facility and Club parcel 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. Previously Condition **G.2** of R-96-1001, Petition 84-95(J). (CO - LANDSCAPE)

H. LANDSCAPING - INTERIOR (TENNIS ACADEMY ONLY)

- 1. **No** more than four **(4)** tennis courts shall be contiguous. **A minimum fifteen (15) foot** landscape strip shall separate all tennis court groups. **The** required landscape strips shall at a minimum include:
 - a. Three **(3)** palm trees, with a minimum of eight **(8)** feet of clear trunk, planted in groupings every ~~thirty~~ **(30)** feet on center; **and,**
 - b. Five **(5)** thirty **(30)** inch high shrub **or** hedge material for each required tree. Previously Condition H.1 of R-96-1001, Petition 84-95(J). (DRC: ZONING)

I. LANDSCAPING ALONG NORTH PROPERTY LINE (TENNIS ACADEMY ONLY)

- 1. Landscaping and buffering along the north property line of the Recreation Facility and Club parcel shall be upgraded to include:
 - a. **A minimum ten (10) foot** wide landscape buffer strip.
 - b. One **(1)** native canopy tree planted every twenty **(20)** feet on center.
 - c. Thirty **(30)** inch high shrub **or** hedge material spaced no **more** than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. Previously Condition I.1 of R-96-1001, Petition 84-95(J). (ZONING)

J. LANDSCAPING ALONG SOUTH PROPERTY LINE (TENNIS ACADEMY ONLY)

- 1. Landscaping within the required twenty-five **(25)** foot landscape buffer **along** the **south** property line ~~of~~ the Recreation Facility and Club **parcel** shall be upgraded to include:
 - a. **An** eight **(8)** foot high opaque concrete wall setback ten **(10)** foot from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible **and harmonious** with abutting development. Previously Condition J.1 of R-96-1001, Petition 84-95(J). (ZONING)
- 2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One **(1)** native canopy tree planted every twenty **(20)** feet on center.
 - b. Thirty **(30)** inch high shrub **or** hedge material spaced no **more than** twenty four **(24)** inches on center at installation., to be maintained at a minimum height of forty-eight **(48)** inches. Previously Condition J.2 of R-96-1001, Petition 84-95(J). (ZONING)

3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. Previously Condition J.3 of R-96-1001, Petition 84-95(J). (ZONING)

K LANDSCAPING ALONG EAST PROPERTY LINE (TENNIS ACADEMY ONLY)

1. Condition K.1 of R-96-1001, Petition 84-95(J), which currently states:

Landscaping along the east property line of the Recreation Facility and Club parcel (tennis academy) shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip.
- b. A six (6) foot high opaque concrete wall setback ten (10) foot from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. The wall shall include a minimum of one (1) pedestrian access way between the residential areas to the east and the tennis academy.

Is hereby amended to state:

Landscaping **along** the east **property** line of **the** Recreation Facility and Club parcel (tennis academy site only) shall **be** upgraded to include:

- a. A minimum fifteen (15) foot wide **landscape** buffer strip between Tract "F" and Tract "F3". A minimum ten (10) foot wide landscape buffer strip between the tennis academy and Tract "F3". (DRC: ZONING)
 - b. A **six (6)** foot high opaque concrete wall **setback** ten (10) foot from the property line. The exterior side **of** the wall shall **be** given a finished architectural treatment which is compatible and harmonious with abutting development. The wall shall include a minimum of **or** e (1) pedestrian access way between the residential areas to the east and the tennis academy. (ZONING)
2. The following landscaping requirements shall be installed **or the** exterior side of the required wall:
 - a. One (1) native canopy tree planted every twenty (20) **feet** on center.
 - b. Thirty (30) inch high shrub or hedge material spaced no **more** than twenty four (24) inches on center at installation, **to** be maintained at a minimum height of forty-eight (48) inches. Previously Condition **K.2** Petition 96-1001(J). (ZONING)
 3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no **more** than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. Previously Condition K.3 of R-96-1001, Petition 84-95(J). (ZONING)

L. LANDSCAPING ALONG WEST PROPERTY LINE (TENNIS ACADEMY ONLY)

1. Landscaping and buffering along the west property line of the Recreation Facility and Club parcel shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip.
 - b. One (1) native canopy tree planted every twenty (20) feet on center.
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Previously Condition L.1 of R-96-1001, Petition 84-95(J). (ZONING)

M. LANDSCAPING ALONG WEST PROPERTY LINE OF PUD

1. Mission Bay Development Company, Inc. agrees to maintain the row of pine trees located in the right-of-way of the north/south canal running contiguous to the western property line of the Mission Bay Planned Unit Development and forming the eastern property line of the Loggers Run Planned Unit Development until such time that it may be removed by the Home Owner's Association. Mission Bay Development Company, Inc. agrees to plant additional natural vegetation in any gaps in said row of pine trees for the purpose of providing a continuous pine tree visual buffer between the improvements constructed within the Loggers Run Planned Unit Development and to be constructed within the Mission Bay Planned Unit Development. Previously Condition M.1 of R-96-1001, Petition 84-95(J). (ENG)
2. Mission Bay Development Company, Inc. agrees to construct a landscape berm system within twenty-five (25) feet of the Planned Unit Development buffer along the west property line of the Mission Bay Planned Unit Development for the purpose of providing a continuous landscape berm system between the residences to be constructed within the Mission Bay Planned Unit Development. In addition to the foregoing, the developer of parcel "I" shall install within the portion of the twenty-five (25) foot buffer on the western property line of parcel "I" the following:
 - a. A six (6) foot high opaque fence; and,
 - b. A typical lot buffer planting as represented by Exhibit 52.

The six (6) foot high opaque fence shall be installed prior to the construction of homes. The typical lot buffer planting shall be installed prior to the issuance of Certificate of Occupancy for each home. Previously Condition M.2 of R-96-1001, Petition 84-95(J). (ZONING)
3. All prohibited plant species within the twenty-five (25) foot buffer along the western portion of Mission Bay Planned Unit Development shall be eradicated. This eradication program shall not commence until the construction of the required landscape berm has begun. Previously Condition M.3 of R-96-1001, Petition 84-95(J). (ZONING)
4. All building plans for parcel "I", submitted to the Building Department for permitting, shall contain landscape plans for that portion of the twenty-five (25) foot buffer abutting or within the lot. The landscape plan shall reflect the intent of Exhibit No. 52, as found in the Zoning Petition file. (Previously Condition M.4 of R-96-1001, Petition 84-95(J). (BLDG PERMIT: BLDG - Zoning)

N. MASS TRANSIT

1. 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 bus access **and/or** a bus stop(s) on or adjacent to the subject property. Bus access **and/or** bus stops shall be located **and constructed** by the petitioner 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** this requirement, **if** requested by the County Engineer. Bus stops, if required, shall include, **at a minimum, a** covered shelter, **continuous** paved pedestrian **and bicycle** access from the subject property or use, and bicycle rack. Previously Condition S.1 of R-96-1001, Petition **84-95(J)** (DRC: ZONING - **School Board/Eng/Planning**)

O. LIGHTING (TENNIS ACADEMY ONLY)

1. **All** outdoor lighting used to illuminate the premises and identification signs of the Recreation Facility and Club parcel shall be of low intensity, shielded and directed down and away from **adjacent** properties and streets. Previously Condition 0.1 of R-96-1001, Petition **84-95(J)**. (CODE ENF)
2. **All** lighting fixtures within the Recreation Facility and Club Parcel (tennis academy) shall not exceed thirty-five (**35**) feet in height measured from finished grade. All lighting fixtures shall be constructed to reduce by a minimum of **95%** the amount of **off-field** spill and glare emitted onto abutting residential parcels **and/or** developments. Previously Condition 0.2 of R-96-1001, Petition **84-95(J)**. (BLDG)
3. **All** outdoor lighting **within** the Recreation Facility and Club parcel shall be extinguished no later than **10:00 pm**. Security lighting **only** is excluded from this requirement. Such security lighting shall not exceed **20** feet in height, measured from finished grade. Previously Condition 0.3 of R-96-1001, Petition **84-95(J)**. (CODE ENF)
4. **No** outdoor lighting shall be permitted on any of the perimeter courts of **the** recreational facility and club parcel. Previously Condition **0.4** of R-96-1001, Petition **84-95(J)**. (BLDG/CODE ENF)

P. PLANNED UNIT DEVELOPMENT

1. Each proposed primary structure within the **PUD** shall clearly display **a** street address number on the facade of the building which is **legible from** the street. Previously Condition P.1 of R-96-1001, Petition **84-95(J)**. (CO: BLDG)
2. Prior to final DRC certification, the master plan shall be **revised** to reflect tabular data based on deletion of Tract **O**, and the variance approved for the landscape buffers (Petition Number **B of A 960 1006**). The revision shall include the case number, date of approval, and variance **granted**. Previously Condition P.2 of R-96-1001, Petition **84-95(J)**. (DRC: ZONING)

3. Prior to site plan approval for the 32 units, added to **the Mission Bay PUD** by Petition **84-95(I)**, the petitioner shall amend and record **the HOA/POA** documents to reflect **the** following:

The additional 32 multi-family townhouse units which are hereby added **to** the approved Master Plan **for the Mission Bay PUD** shall be subject to the existing Declaration of Restrictions and **Covenants** in accordance with the requirements of the Unified Land Development Code, 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. Previously Condition N.2 of R-96-1001, Petition 84-95(J). (DRC: ZONING - Co Att)

Q. PRIVATE CIVIC POD (PETITION 84-95L)

1. Landscaping along the entire south property line shall be upgraded to include:
 - a. One (1) fourteen (14) foot high canopy tree planted thirty (30) feet on center. A double row of canopy trees shall be installed along the portion of the perimeter adjacent to **the Las Flores** subdivision
 - b. One (1) fourteen (14) foot high palm or pine tree for each thirty (30) linear feet of frontage. A group of **three or more** palm or pine trees may supersede the requirement for a canopy tree; and
 - c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
2. The private school and day camp shall be limited to a maximum of 660 student of which 160 may be secondary school students. (ONGOING - CODE ENF)
3. The day care center shall be limited to a maximum of 192 children. (DRC - ZONING)
4. Additional square footage permitted within the private civic pod shall be limited to a maximum of 32,000 square feet. (DRC: ZONING)
5. Freestanding signs identifying users of the private civic pod 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 - one (1); and
 - d. Style - monument style only. (CO: BLDG)
6. All new outdoor lighting within the private civic pod shall be limited to a maximum height of forty (40) feet, measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

R. RESIDENTIAL USE OF TENNIS ACADEMY

1. Prior to February 1, 1993, the petitioner, in a form and manner acceptable to the County Attorney, shall **record** in the public records of Palm Beach County, an agreement between the petitioner and the residents of the Mission Bay Planned Unit Development that **provides for the use of** structures and facilities within the Recreation Facility and Club by the residents without membership requirements. **This agreement shall not be removed, altered, changed or amended without written approval from the County Attorney.** Previously Condition Q.1 R-96-1001, Petition 84-95(J). (COATT)

S. RECYCLE SOLID WASTE

1. The property owner and/or 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. Previously Condition R.1 of R-96-1001, Petition 84-95(J). (SWA)

T. SCHOOL SITE (PUBLIC)

1. Petitioner shall show a **20** acre elementary school site on the Mission Bay PUD Master Plan. Previously Condition T. 1 of R-96-1001, Petition 84-95(J). (ZONING/SCHOOL BOARD)
2. Petitioner shall dedicate the **20** acre school site to the School Board of Palm Beach County. Previously Condition T.2 of R-96-1001, Petition 84-95(J). (SCHOOL BOARD)
3. Transfer of Title and Warranty Deed to the school site, and a survey **showing and describing** the metes and bounds of the school site shall be delivered to the School Board within six **(6)** months of the effective date of the resolution of approval by the Board of County Commissioner on the subject PUD. Previously Condition T.3 of R-96-1001, Petition 84-95(J). (SCHOOL BOARD)
4. Petitioner shall be responsible for the school site to be at final developable grade elevation prior to the School Board construction. Previously Condition T.4 Petition 96-1001(J). (SCHOOL BOARD/ENG)
5. Pedestrian signalization to and from the school site shall be **installed by** the petitioner **when** warranted by **both the** School Board and County Engineer. Previously Condition T.5 of R-96-1001, Petition 84-95(J). (SCHOOL BOARD/ENG)
6. Petitioner shall place with the School Board of Palm Beach County, a letter of credit in the amount verifying the designing, engineering, and construction cost **for the provision of water and sewer, paved road access and site elevation requirements to permit the construction of a school on the property in accordance with a time schedule, put forth by the Palm Beach County School Board** Previously Condition T.6 of R-96-1001, Petition 84-95(J). (SCHOOL BOARD/ENG)

7. 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. Previously Condition T.7 of R-96-1001, Petition 84-95(J) (ONGOING: SCHOOL BOARD)

U. SIGNS (TENNIS ACADEMY ONLY)

1. No freestanding point of purchase signs shall be allowed on the Recreation Facility and Club parcel. Previously Condition U.1 of R-96-1001, Petition 84-95(J). (BLDG PERMIT: BLDG)

V. TENNIS ACADEMY

1. The minimum setback for all buildings on the Recreation Facility and Club parcel shall be one-hundred (100) feet. [NOTE: Tennis Academy Only] Previously Condition B.2 of R-96-1001, Petition 84-95(J). (IDRC: ZONING)
2. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the proposed buildings in the Recreation Facility and Club parcel. [NOTE: Tennis Academy Only] Previously Condition B.3 of R-96-1001, Petition 84-95(J). (BLDG PERMIT: BLDG)
3. All new air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure. Previously Condition B.4 of R-96-1001, Petition 84-95(J). (BLDG PERMIT: BLDG)
4. Condition B.5 of R-96-1001, Petition 84-95(J), which states:

Prior to master plan and site plan certification, the master plan and site plan for the Recreation Facility and Club shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

is hereby deleted. (REASON: CODE REQUIREMENT)
5. No outdoor loudspeaker systems shall be permitted on the Recreation Facility and Club parcel. Previously Condition V.8 of R-96-1001, Petition 84-95(J). (CODE ENF)
6. No more than two major tennis events per year shall be allowed on the Recreation Facility and Club (tennis academy) or Aquatic Center parcels. For the purpose of this petition, a major event shall mean an event, such as a tournament, exhibition, or meet, which lasts more than three (3) days, with a maximum duration of ten (10) days. No major events shall be allowed without first obtaining a Special Permit or a Temporary Event from the Zoning Division and a special permit from the County Engineer. Previously Condition V.9 of R-96-1001, Petition 84-95(J). (CODE ENF/ZONING)

7. **Total gross floor** area for the Recreation Facility and Club parcel shall be limited to a maximum of **12,750** square feet of clubhouse, accessory offices and accessory uses, as permitted within a residential parcel of a Planned Unit Development in accordance with the Unified Land Development Code (ULDC). Previously Condition V.10 of R-96-1001, Petition 84-95(J). (BLDG)
8. **No temporary tennis events** shall be allowed on the Recreation Facility and Club (tennis academy) parcel without first obtaining a **Special Permit for a Temporary Event** from the Zoning Division and a **special permit** from the County Engineer. For the purpose of this petition, a temporary event shall mean an event, such as a tournament, exhibitions, or meets which requires more parking than can be provided on the Recreation Facility and Club parcel and has a maximum duration of three (3) days. Previously Condition V. 11 of R-96-1001, Petition 84-95(J). (CODE ENF)
9. **No outdoor activities** shall be permitted on the Recreation Facility and Club parcel after **10:00 pm**. Previously Condition V.12 of R-96-1001, Petition 84-95(J). (CODE ENF)

W. USE LIMITATION

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulate (dust particles) from this property do not become a nuisance to neighboring properties. Previously Condition V.1 of R-96-1001, Petition 84-95(J). (HEALTH)
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. Prev. Cond. V.2 of R-96-1001, Pet. 84-95(J). (ERM)
3. Mission Bay Development Company, Inc. agrees to provide and maintain heavy duty silencers for all drainage pumps to be operated within the Mission Bay Planned Unit Development. Previously Condition V.3 of R-96-1001, Petition 84-95(J). (CODE ENF)
4. Mission Bay Development Company, Inc. agrees not to commence land development activities involving heavy equipment prior to **7:00 am**. Previously Condition V.4 of R-96-1001, Petition 84-95(J). (CODE ENF)
5. Mission Bay Development Company, Inc. agrees to conduct no land development activities or tree removal activities in the canal right-of-way located contiguous to the western property line of the Mission Bay Planned Unit Development bordering the Loggers Run Planned Unit Development. Previously Condition V.5 of R-96-1001, Petition 84-95(J). (CODE ENF)
7. Mission Bay Development Company, Inc. agrees to provide single family, detached homes, satisfy minimum property development regulations of Section 500.21.k.4.a. (Single Family Detached - Separate) or Section 500.21.k.4.c. (Single Family Detached - Patio Home) in addition to the twenty-five (25) foot Planned Unit Development buffer in the southwest development parcel as provided in the Master Land Use Plan of the Mission Bay Planned Unit Development. All single family units in this parcel shall be limited to a maximum ~~thirty~~ (30) foot roof height as defined in the Zoning Code. Previously Condition V.7 of R-96-1001, Petition 84-95(J). (ZONING/BLDG)

X. VEGETATION PRESERVATION

1. The developer shall relocate **and/or** preserve existing significant **native** vegetation wherever possible and **shall** incorporate said vegetation into the project design. **Appropriate** measures shall **also** be taken to **protect** any individual **trees** and/or preservation areas during site **clearing** and construction. Landscape materials used shall be compatible and noncompetitive with **native** vegetation. Previously Condition **W.1 of R-96-1001**, Petition **84-95(J)**. (ZONING)

Y. 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**. Previously Condition **X.1 of R-96-1001**, Petition **84-95(J)** (MONITORING)