

RESOLUTION APPROVING ZONING PETITION EAC80-215(J)
DEVELOPMENT ORDER AMENDMENT
PETITION OF KENCO COMMUNITIES AT ADDISON RESERVE INC.
BY MARVIN SANDERS, AGENT
(GLENEAGLES/POLO CLUB WEST (ADDISON RESERVE))

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 EAC80-215(J) was presented to the Board of County Commissioners at a public hearing conducted on May 22, 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 EAC80-215(J), the petition of Kenco Communities at Addison Reserve Inc., by Marvin Sanders, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to allow Optional Residential Pods for Parcels 10, and 12 thru 17 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 May 22, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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	--	Absent
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
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 May 22, 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

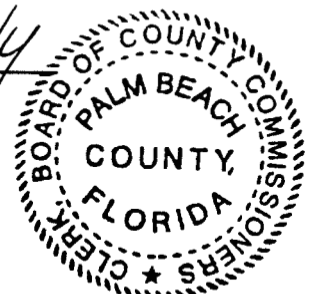


EXHIBIT A

LEGAL DESCRIPTION

ADDISON RESERVE OPTIONAL RESIDENTIAL (O.R.) PODS
GLENEAGLES/POLO CLUB WEST P.L.D.

Legal Description (Parcel 10):

A parcel of land situated in Section 28, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All of Tracts D, E, F, Lots 1 through 20 (inclusive), Block 3, and Lots 21 through 45 (inclusive), Block 4, "Addison Reserve Parcels Nine, Ten, and Nineteen", as recorded in Plat Book 78, at Pages 137 through 144, inclusive, Public Records of Palm Beach County, Florida.

Legal Description (Parcels 12-17):

A parcel of land situated in Section 28, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All of Tract 12, "Addison Reserve Plat Four", as recorded in Plat Book 79, at Pages 76 through 81, inclusive, Public Records of Palm Beach County, Florida.

A parcel of land situated in Section 28, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All of Tract 13, "Addison Reserve Plat Four", as recorded in Plat Book 79, at Pages 76 through 81, inclusive, Public Records of Palm Beach County, Florida.

A parcel of land situated in Section 28, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All of Tract 14, "Addison Reserve Plat Four", as recorded in Plat Book 79, at Pages 76 through 81, inclusive, Public Records of Palm Beach County, Florida.

A parcel of land situated in Section 28, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All of Tract 15, "Addison Reserve Plat Four", as recorded in Plat Book 79, at Pages 76 through 81, inclusive, Public Records of Palm Beach County, Florida.

A parcel of land situated in Section 28, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All of Tract 16, "Addison Reserve Plat Four", as recorded in Plat Book 79, at Pages 76 through 81, inclusive, Public Records of Palm Beach County, Florida.

A parcel of land situated in Section 28, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All of Tract 17, "Addison Reserve Plat Four", as recorded in Plat Book 79, at Pages 76 through 81, inclusive, Public Records of Palm Beach County, Florida.

EXHIBIT B

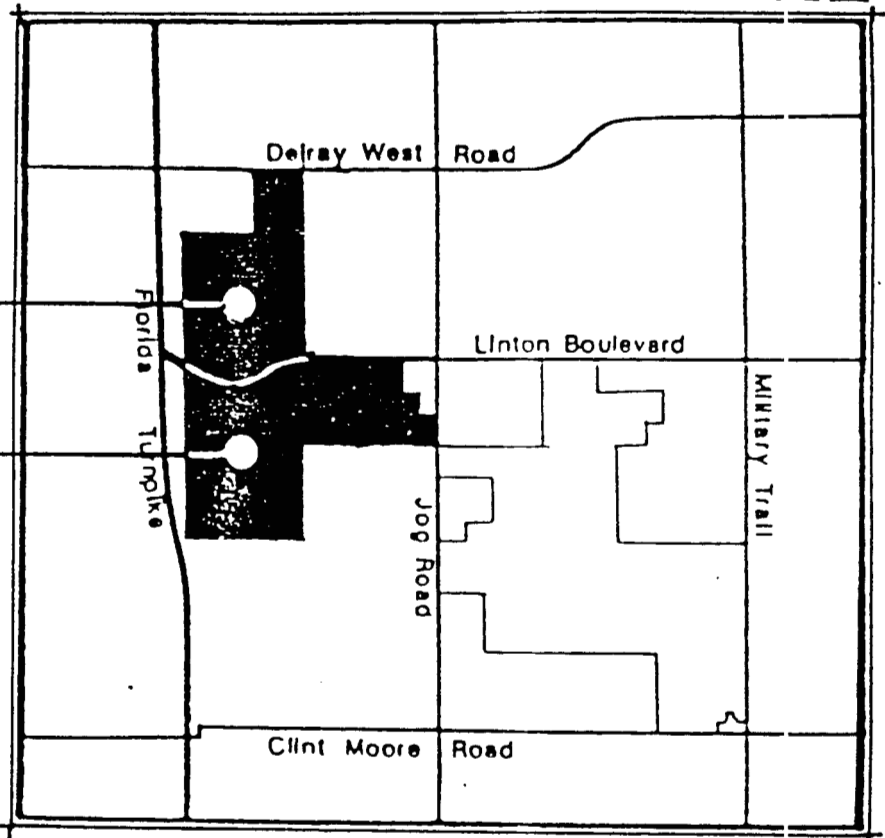
PALM BEACH COUNTY
VICINITY SKETCH / ZONING

location



Gleneagles

Polo Club West



Petition Number: 80-215-J

Zoning Quad Page 52

Date: May 97



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. **Previous Condition A.1 of Resolution R-96-1180 Petition No. 80-215(I) which states:**

All previous conditions of approval applicable to the subject property, as contained in Resolution **R-95-1012** (Petition **80-215(H)**), 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 read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1180 (Petition 80-215(I)), 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. (ONGOING: MONITORING-Zoning)

2. **Previous Condition A.2 of Resolution R-96-1180 Petition No. 80-215(I) which states:**

Development of the site *is* limited to the uses and site design approved by the Board of County Commissioners (master site plan dated **May 15, 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.

Is hereby amended to state:

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 March 19, 1997. **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)

3. The petitioner shall receive certification of the Master Plan approved by the Board of County Commissioners for **the** subject property, as amended **as** required by the conditions of approval, by the Site Plan Review Committee on or before July **27, 1992**. (Previously Condition No. **A.3** of Resolution R-96-1180, Petition No. **80-215(I)**) (**MONITORING**)
4. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development **requirements of Palm Beach County**. (Previously Condition No. A.4 of Resolution R-96-1180, Petition No. 80-215(I)) (**ZONING**)

5. Prior to certification of the Preliminary Development Plan (PDP) by the Development Review Committee, the petitioner shall amend the PDP to indicate a total of fifty-two **(52)** dwelling units in Parcel **G**. (Previously Condition No. A.5 of Resolution R-96-1180, Petition No. 80-215(I)) (ZONING)
6. Prior to issuance of any building permits for additional units in Parcel **G**, the property owner of Parcel **G** shall apply for and receive certification of a final subdivision plan from the Development Review Committee (DRC) and obtain a concurrency reservation or exemption for all additional units in Parcel **G**. (Previously Condition No. A.6 of Resolution R-96-1180, Petition No. 80-215(I)) (ZONING)
7. Prior to issuance of any building permits for additional units in Parcel **G**, the undeveloped portion of Parcel **G** shall be re-platted in accordance with the requirements of the ULDC. (Previously Condition No. A.7 of Resolution R-96-1180, Petition No. 80-215(I)) (ENG)
8. The configuration of development may change in accordance with Development Review Committee (DRC) standards, including redesign of the golf course and residential pods along the southern perimeter of the project. (Previously Condition No. A.8 of Resolution R-96-1180, Petition No. 80-215(I)) (ZONING)
9. Prior to the Development Review Committee (DRC) final site plan certification of Parcels 10 and 12 thru 17, the preliminary development plan (PDP) shall be amended to indicate that these pods are Optional Residential (OR) pods. (DRC: ZONING)

B. CIVIC SITE

1. Condition was deleted by Resolution R-96-1180, Petition 80-215(I).
2. Condition **was** deleted by Resolution R-96-1180, Petition 80-215(I).
3. Condition was deleted by Resolution R-96-1180, Petition 80-215(I).
4. Not later than January **2,1996** the petitioner shall plat and dedicate the civic site to Palm Beach County while simultaneously conveying same by Statutory Warranty Deed. Said conveyance shall be in accordance with the procedures for real property acquisition established by the Property and Real Estate Management Division. The **21.43** acre site shall abut Morikami Park and otherwise be in a form and location acceptable to PREM and the Parks and Recreation Department. Prior to Master Plan Certification by the Development Review Committee the petitioner shall show the exact location of the Civic Site. (Previously Condition No. **8.4** of Resolution R-96-1180, Petition No. 80-215(I)) (DATE: MONITORING - PREM)
5. In lieu of the required platting and on-site dedication of land for civic uses, the petitioner may convey a parcel of land off-site equal in acreage or contribute cash of equal value. In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value

as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. On or before January 1, 1995 the petitioner shall provide written notification of its election to satisfy the civic site requirement through conveyance of land or contribution of cash. (Previously Condition No. B.5 of Resolution R-96-1180, Petition No. 80-215(I)) (DATE: MONITORING - PREM)

6. In the event the petitioner elects to contribute cash in lieu of platting and on-site dedication or off-site dedication of the civic site the petitioner shall pay the amount of this contribution in **two** installments as outlined below.
 - a. The value of the civic site shall be determined by a local appraiser approved by **PREM** but whose services shall be paid for by the petitioner. The appraisal shall be delivered to **PREM** by January 1, 1995. (Previously Condition No. B.6.a of Resolution R-96-1180, Petition No. 80-215(I)) (DATE: MONITORING - PREM)
 - b. The first installment shall be equal to one-third (**113**) of the value of the civic site and shall be due and payable on June 1, 1995. (Previously Condition No. B.6.b of Resolution R-96-1180, Petition No. 80-215(I)) (DATE: MONITORING - PREM)
 - c. The second installment shall be equal to **two** thirds (**213**) of the value of the civic site and shall be due and payable on June 1, 1996. (Previously Condition No. B.6.c of Resolution R-96-1180, Petition No. 80-215(I)) (DATE: MONITORING - PREM)
 - d. **No** site plan shall be approved for civic site development until the County has received all installments of the cash contribution in lieu of land dedication. (Previously Condition No. B.6.d of Resolution R-96-1180, Petition No. 80-215(I)) (ZONING-PRE VI)
 - e. **NO** ADMINISTRATIVE TIME EXTENSIONS shall be granted in which to meet any of the deadlines in #6 and all penalties under the code shall be placed upon the entire development, including stop work orders. (Previously Condition No. B.6.e of Resolution R-96-1180, Petition No. 80-215(I)) (MONITORING-PREM)
7. After payment of all installments of the cash contribution referenced in Condition #3 above, the petitioner shall submit a revised Master Plan to the Development Review Committee to redesignate the area labeled as Civic Site to residential land use. (Previously Condition No. B.7 of Resolution R-96-1180, Petition No. 80-215(I)) (PREM)

C. HEALTH

1. Sewer service **is** available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition No. C.1 of Resolution R-96-1180, Petition No. 80-215(I)) (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site. (Previously Condition No. C.2 of Resolution R-96-1180, Petition No. 80-215(I)) (HEALTH)

D. LANDSCAPING- GENERAL

1. The project and site plan shall be amended, as necessary, to be in compliance with the current "Palm Beach County Landscape Code" (Section **500.35** P.B.C. Zoning Code, as amended July **24, 1990**). (Previously Condition No. D.1 of Resolution R-96-1180, Petition No. 80-215(I)) (ZONING)
2. Petitioner shall install landscape screens along the east boundary of the project to buffer the site from the farm. Petitioner shall provide a detailed planting plan as part of the Master Plan approval, and the landscape screen must be installed prior to the building occupancy. (Previously Condition No. D.2 of Resolution No. R-95-1012, Petition No. 80-215(H) (ZONING)
3. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: **fourteen (14) feet.**
 - b. Trunk diameter: **3.5 inches measured 4.5 feet above grade.**
 - c. Canopy diameter: **seven (7) feet.** Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least **3.5 feet** in length. (Previously Condition No. D.3 of Resolution No. R-95-1012, Petition No. 80-215(H) (BLDG-Zoning)

E. ENGINEERING

1. ENGINEERING: LAKE WORTH DRAINAGE DISTRICT

- a. The Lake Worth Drainage District will require the right-of-way for Lateral Canals **No. 34, 35, 36, 37 and 38** and Equalizing Canal **No. 2E** as shown in the petition. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers. (Previously Condition No. E.1.a of Resolution R-96-1180, Petition No. 80-215(I)) (ENG)
- b. The petitioner shall convey to the Lake Worth Drainage District the:

North **75 feet** of the west **1,338 feet** of Section **27** Township **46** South Range **42** East and the north **75 feet** of the east **1,310 feet** of Section **28**, Township **46** South, Range **42** East for the required right-of-way for Lateral Canal **No. 36**; and,

All by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project. (Previously Condition No. E.1.b of Resolution R-96-1180, Petition No. **80-215(I)**) (MONITORING - Eng)
- c. The petitioner shall convey to the Lake Worth Drainage District the:

- 1) Ninety (**90**) feet of right-of-way across the Northeast 1/4 of the Northeast 1/4 of Section 21, Township 46 South, Range 42 East for the required right-of-way for Lateral Canal No. 34.
- 2) Ninety (**90**) feet of right-of-way from the East 2 ½ to Kings Point for the required right-of-way for Lateral Canal No. 35.

All by Quit Claim Deed or an Easement Deed in the form provided by said District prior to March 1, 1990. (Previously Condition No. E.1.c of Resolution R-96-1180, Petition No. 80-215(I)) (MONITORING - Eng)

2. ENGINEERING: PHASING

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

Petitioner shall be limited to **two** hundred (**200**) dwelling units for the first phase of development.

Is hereby deleted. [REASON: THIS CONDITION WAS REQUIRED UNTIL LINTON BOULEVARD WAS CONSTRUCTED. CONSTRUCTION HAS BEEN COMPLETED] (Previously Condition No. E.2.a of Resolution R-96-1180, Petition No. 80-215(I))

3. ENGINEERING: RIGHTS-OF-WAY

- a. Petitioner shall abandon all existing road rights-of-way which will not be incorporated into the overall master plan of this PUD. (Previously Condition No. E.3.a of Resolution R-96-1180, Petition No. 80-215(I)) (ENG)

- b. Condition No. E.5.b of Resolution No. R-92-1833, Petition No. 80-215(F) which previously stated:

The developer shall construct a third lane on Delray West Road from the project's east property line west to Hagen Ranch Road.

[COMPLETED] (Previously Condition No. E.3.b of Resolution R-96-1180, Petition No. 80-215(I))

- c. Within 30 days, the developer shall post a surety with the County Engineer to guarantee completed construction to Military Trail. (Previously Condition No. E.3.c of Resolution R-96-1180, Petition No. 80-215(I)) (ENG-MONITORING)
[MILITARY TRAIL CONSTRUCTION HAS BEEN COMPLETED]

(JOG ROAD)

- d. The petitioner shall fund the installation of traffic signalization at the intersection of Jog Road and the project's entrance road within 60 days after receiving notice that the County Engineer has determined signalization is warranted. (Previously Condition No. E.3.d of Resolution R-96-1180, Petition No. 80-215(I)) (ENG)

- e. The property owner shall fund the construction of Jog Road From the north right-of-way of Linton Boulevard to a point south thereof where the northbound left turn storage ends plus appropriate tapers as defined in plans prepared by Mock, Foss, and Associates. Surety (which may be in the form of a bond or letter of credit) for this construction shall be posted prior to August 1, 1992 in the amount of three hundred fifty thousand dollars (\$350,000), and this amount shall be the maximum for which the property owner is responsible in relation to the construction which is the subject of this paragraph. It is the intent that intersection be constructed as an integral part of Palm Beach County's construction of Jog Road from Linton Boulevard to West Atlantic Avenue, currently scheduled as part of the Five-Year Road construction Program in FY 1992/1993. These funds shall be made available upon request by the County Engineer as required to fund the construction. If this project is delayed by Palm Beach County then the timing of the posting of surety shall be delayed a like time. (Previously Condition No. E.3.e of Resolution R-96-1180, Petition No. 80-215(I)) (MONITORING - Eng) [CONSTRUCTION HAS NOW BEEN COMPLETED]
- 1) If said surety has already been provided then it shall be immediately released and deferred for a period of time corresponding to the County's delay of the project. This surety deferral shall apply to single or repeated delays in relation to the County going forward with funding for the aforesaid project. Developer shall not be responsible for any increases in construction costs as a result of such delays in the County funding and going forward with the project. (ENGINEERING) (Previously Condition No. E.3.e.1 of Resolution R-96-1180, Petition No. 80-215(I))
 - 2) Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I).
- f. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- g. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- (LINTON BOULEVARD)
- h. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I) (MONITORING - Eng)
- i. Petitioner shall convey to Palm Beach County the North 60 feet of the South 80 feet of Section 21, Township 46 South, Range 42 East for the right of way for Linton Blvd. from the project's east property line east to the existing ultimate right of way for Linton Blvd. to satisfy condition No. 7. (Previously Condition No. E.3.i of Resolution R-96-1180, Petition No. 80-215(I))(ENG)
- j. Condition requirements have been satisfied per Resolution R-96-1180, Petition No. 80-215(I).

- k. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I).
- l. Petitioner shall complete the construction of Linton Boulevard from Jog/Carter Road to a point 150 feet west of Legends Way per the County Engineer's approval (213 Lane Section). This construction shall have been commenced within twenty one (21) days after Board approval on February 12, 1991 of the Amendment to the Agreement between Seagrass Properties, Inc. and Palm Beach County and completed prior to September 30, 1991. The initial segment of this construction shall be the 600' from Jog/Carter Road west to the gate entrance of Saxony; construction shall begin no later than February 22, 1991; and this initial segment shall be completed by April 8, 1991, and will be a paved surface consisting of the bottom layer of asphalt, adjacent curbs and necessary drainage. It is understood that this does not include sidewalks, grassing, and other ancillary features which are to be provided with completion of this project. (Previously Condition No. E.5.l of Resolution No. R-92-1833, Petition No. 80-215(F) (MONITORING-Engineering) [CONSTRUCTION HAS NOW BEEN COMPLETED] (Previously Condition No. E.3.1 of Resolution R-96-1180, Petition No. 80-215(I))
- m. All right of way and drainage easements required for this construction shall be provided by or at the expense of the petitioners. However, the foregoing requirement is not to suggest that said right-of-way and/or drainage easements are to be provided as per any specific or particular plan or design, so long as the plan or design ultimately utilized has been approved by the County Engineer. Credit for this construction shall be provided against the Palm Beach County roadway impact fee (Fair Share Contribution for Road Improvements Ordinance), for the construction cost only, for the construction east of section corner 21/27. (Previously Condition No. E.3.m of Resolution R-96-1180, Petition No. 80-215(I)) (ENG - Impact Fee Coordinator)
- n. Prior to July 1, ~~1990~~ 1995 the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Linton Boulevard, 120 feet of right-of-way plus sufficient right-of-way required for the Linton Boulevard Overpass (over the internal roadway as shown on the master plan) as required by the County Engineer free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. E.3.n of Resolution R-96-1180, Petition No. 80-215(I)) (MONITORING-Eng)
- o. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- p. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)

- q. Petitioner shall obtain a minimum of **60** feet right of-way for Linton Boulevard from the project's east property line east to the west property line of Kings Point on an alignment approved by the County Engineer necessary to satisfy Condition No. **5**. (Previously Condition No. **E.5.q** of Resolution No. **R-92-1833**, Petition No. **80-215(F)** (ENG) [NOTE: COMPLETED] (Previously Condition No. E.3.q of Resolution R-96-1180, Petition No. 80-215(I))

(MILITARY TRAIL)

- r. Within ninety (**90**) days of Special Exception approval, petitioner shall contribute One Hundred Fifty Thousand Dollars (**\$150,000**) for the acquisition of right of way for Military Trail from Delray West to Linton Blvd. (Previously Condition No. **E.5.r** of Resolution No. **R-92-1833**, Petition No. **80-215(F)** (MONITORING-Eng) [MILITARY CONSTRUCTION HAS BEEN COMPLETED] (Previously Condition No. E.3.r of Resolution R-96-1180, Petition No. 80-215(I))
- s. Within **two** hundred seventy (**270**) days of Special Exception approval, petitioner shall provide to Palm Beach County construction plans for Military Trail from Delray West Road to Linton Blvd., including intersections. Said plans shall be approved by the County Engineer's office and be coordinated with all other developers having a construction obligation in this area. Upon approval of the construction plans for Military Trail by the County Engineer's office and the acquisition of the required right-of-way, an additional **100** units may be added. (Previously Condition No. **E.5.s** of Resolution No. **R-92-1833**, Petition No. **80-215(F)** (MONITORING-Eng) [MILITARY CONSTRUCTION HAS BEEN COMPLETED] (Previously Condition No. E.3.s of Resolution R-96-1180, Petition No. 80-215(I))
- t. Upon the acquisition of the necessary right of way for Military Trail, from Delray West Road to Linton Blvd., or in no event greater than one (**1**) year from Special Exception approval, the developer shall let a contract for the four-laning of Military Trail with the necessary inspections by Palm Beach County. (Previously Condition No. **E.5.t** of Resolution No. **R-92-1833**, Petition No. **80-215(F)** (MONITORING-Eng) [MILITARY CONSTRUCTION HAS BEEN COMPLETED] (Previously Condition No. E.3.t of Resolution R-96-1180, Petition No. 80-215(I))
- u. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I).
- v. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- w. Prior to the recordation of the next plat, the petitioner shall include in the homeowners documents and all sales contracts, **as** well as all written sales brochures, Master Plans and related Site Plans a disclosure statement identifying Linton Boulevard as a planned thoroughfare roadway adjacent to or through this property. Information which appears in written form shall appear in bold type. The Developer/Property Owner shall submit

documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 1995 and shall continue on an annual basis until all units within the development units have been sold. This property shall also be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (Previously Condition No. E.3.w of Resolution R-96-1180, Petition No. 80-215(I)) (BLDG - Eng)

4. ENGINEERING: STORMWATER RUNOFF

- a. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- b. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- c. The petitioner shall convey to Palm Beach County within **90** days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Jog Road. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. (Previously Condition No. E.4.c of Resolution R-96-1180, Petition No. 80-215(I)) (MONITORING-Eng)

NOTE: Requirements of this condition pertaining to Linton Boulevard have been satisfied per the Engineering Department. Reference to West Atlantic may be deleted as this portion of the PUD has now been completed.

5. ENGINEERING: TURN LANES

- a. Petitioner shall construct at the intersection of Jog Road (Carter Road) and Linton Boulevard, per the County Engineer's approval concurrent with the construction of Linton Boulevard, as outlined in Condition No. 4:
 - 1. left turn lane, east approach
 - 2. left turn lane, west approach
 - 3. signalization when warranted as determined by the County Engineer. (Previously Condition No. E.5.a of Resolution R-96-1180, Petition No. 80-215(I)) (ENG) [NOTE: CONDITIONS 5.a.1 AND 5.a.2 HAVE BEEN SATISFIED]

- b. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- c. Condition was satisfied per Resolution R-96-1180, Petition No. 80-215(I)
- d. The petitioner shall construct at the project's entrance road and Jog Road:
 - 1. left turn lane, south approach
 - 2. left turn lane, west approach
 - 3. right turn lane, west approach
 - 4. right turn lane, north approach
 - 5. signalization when warranted, as determined by the County Engineer.

Concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with the construction of the project's entrance road onto **Jog Road**. (Previously Condition No. E.5.d of Resolution R-96-1180, Petition No. 80-215(I)) (ENG)

- e. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- f. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
- g. Petitioner shall construct at the intersection of Linton **Blvc.**, and the project's entrance:
 - 1. left turn lane, north approach;
 - 2. right turn lane, south approach;
 - 3. left turn lane, east approach;
 - 4. right turn lane, east approach; and,
 - 5. signalization when warranted as determined by the County Engineer. (Previously Condition E.5.g of Resolution R-96-1180, Petition No. 80-215(I)) (ONGOING: ENG)
- h. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)

6. ENGINEERING: PHASING

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

- a) **No** Building Permits for the site may be issued after December **31,2001** unless an approved Traffic Impact Analysis is submitted and approved by the County Engineer, which complies with the Mandatory Traffic Performance Standards in place at the **time of** the administrative extension request.
 - b) Building Permits for more than **151** residential dwelling units intended to be constructed south of Linton Boulevard **shall** not be issued until Jog Road is under construction **as** a 6 lane median divided section from Linton Boulevard to a point **155** feet south of the project entrance road plus the appropriate paved tapers.
 - c) Building Permits for more than **996** single family dwelling units intended to be constructed south of Linton Boulevard **shall** not be issued until Jog Road is under construction as a 6-lane median divided section from south of the project's entrance road to Clint Moore Road.
 - d) Building Permits for more than **679** single family dwelling units intended to be constructed south of Linton Boulevard **shall** not be issued until West Atlantic Avenue is under construction from Jog Road to Military Trail as a 6 lane median divided section. (Previously Condition No. E.6 of Resolution R-96-1180, Petition No. 80-215(I)) (BLDG - Eng)
7. Property owner shall participate in the funding of the construction of Jog Road as a 6 lane median divided section from south of the project's entrance road to Clint Moore Road by reducing the existing impact fee credits by this property owner in the amount of **\$1,000,000.00** as referenced in the approved public facilities agreement between Smigiel Partners, LTD., and Palm Beach County. (Previously Condition No. **E.7** of Resolution R-96-1180, Petition No, 80-215(I)) (ENG)
8. a. The property owner shall update and make the required revisions to the existing construction plans for Jog Road from south of Linton Blvd. to **150** south of the project's entrance road plus the appropriate paved tappers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended.
- b. Surety in the amount of **100% of** a certified cost estimate by the developers engineer shall be posted with the **Office** of the County Engineer prior to November **1, 1995** for these plan revision costs. Plan costs shall be approved by the **County** Engineer. All canal crossings (bridges and/or culverts:)within the project limits shall be constructed to their ultimate paved configuration.
- c. Plans revisions shall be completed and approved by the County Engineer prior to March **1, 1995**. Plan review shall be coordinated through the Engineering Department, Roadway Production. **No** administrative time extensions for surety required by this condition may be granted as this condition is required to meet traffic performance **standards**.(Previously Condition No. **E.8** of Resolution R-96-1180, Petition No. 80-215(I)) (MONITORING - Eng)

9. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of **150** feet in storage length, twelve feet in width and a taper length of **180** feet. Right of Way conveyance shall be prior to January **15, 1995** or prior to the issuance of the first Building Permit, whichever shall first occur. Right of way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. **E.9** of Resolution R-96-1180, Petition No. 80-215(I)) (MONITORING/BLDG - Eng)

F. SITE SPECIFIC REQUIREMENTS

1. Condition **was** deleted by Resolution R-96-1180, Petition No. 80-215(I)
2. An agreement for utilities shall be presented at the Site Plan Review Committee level. (Previously Condition No. F.2 of Resolution R-96-1180, Petition No. 80-215(I)) (UTILITIES)

G. USE LIMITATIONS

1. The total dwelling units of the Planned Unit Development shall not exceed **2,583** dwelling units. (Previously Condition No. G.1 of Resolution R-96-1180, Petition No. 80-215(I))
2. The total number of dwelling units on the portion of this property south of the south line of Section **21** shall not exceed a density of **3.0** dwelling units per acre. This Master Plan shall be amended accordingly prior to certification. (Previously Condition No. G.2 of Resolution R-96-1180, Petition No. 80-215(I)) (ZONING)
3. A commercial designation shall apply to the existing sales center parcel to permit the change in status from temporary to permanent for the current uses of real estate sales offices and information center, offices for Homeowner Associations in the Addison Reserve Development, and offices for the management and development of the community subject to the following:
 - a) All real estate sales and resales shall be limited to new and existing properties located within the boundaries of the **Gleneagles/Polo Club West Planned Unit Development**. (Previously Condition G.3.a of Resolution R-96-1180, Petition No. 80-215(I)) (ONGOING: CODE ENF - Zoning)
 - b) Only the uses listed above, and an ATM machine, shall be permitted on this site without approval by the Board of County Commissioners. (Previously Condition **G.3.b** of Resolution R-96-1180, Petition No. **80-215(I)**) (ONGOINGIDRC: ZONING)

H. VEGETATION PRESERVATION

1. The mature slash pine overstory and cypress shall be preserved and incorporate into the final site design to the maximum extent **possible**. Prior to issuance **of** a Vegetation Removal Permit, the petitioner shall schedule a preclearing inspection with representatives from the Zoning division and Environmental Resource Management to **finalize** the preservation plan. (Previously Condition No. H.1 of Resolution R-96-1180, Petition No. 80-215(I)) (ZONING-ERM)

I. PROPERTY OWNERS ASSOCIATION

1. **All** property included in the legal description or this zoning petition shall be subject to a declaration **of** restrictions and covenants, acceptable to the County Attorney's office, which shall provide, among other things, for the following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion **of** the property included in the planned unit development. (Previously Condition No. 1.1 of Resolution R-96-1180, Petition No. 80-215(I)) (COUNTY ATTORNEY)

J. COMPLIANCE

1. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
2. Condition was deleted **by** Resolution R-96-1180, Petition No. 80-215(I)
3. Condition was deleted by Resolution R-96-1180, Petition No. 80-215(I)
4. Condition No. **J.4** of Resolution No. R-95-1012, Petition No. 80-215(H) which currently states:

Failure to comply with any **of** these conditions **of** approval at any time may result in:

- a. The denial or revocation **of** a building permit; the issuance **of** a stop work order; cease and desist order; the **denial of a** Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the **subject** property; and/or
- b. The revocation of the Conditional Use and **any/or zoning** which was approved concurrently with the Conditional Use;
- c. **A** requirement **of** the development to conform with updated standards **of** development, applicable at the time of **the** finding of **non-compliance**, or the addition or modification of **conditions** reasonably related to the failure to comply with existing conditions;
- d. Referral to code enforcement; and/or
- e. Imposition **of** entitlement density or intensity.

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

Is hereby amended to read:

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 noncompliance, 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)