

RESOLUTION NO. R-97- 1293

RESOLUTION APPROVING ZONING PETITION **EAC80-153(E)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF TRANSEASTERN ABERDEEN PROPERTIES, INC.  
AND ROYAL PALM XXXIV LTD.  
BY KERIAN KILDAY, AGENT  
(ABERDEEN PUD PODS L & K)

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 **EAC80-153(E)** was presented to the Board of County Commissioners at a public hearing conducted on September 25, 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 EAC80-153(E), the petition of Transeastem Aberdeen Properties, Inc. and Royal Palm XXXIV Ltd., by Kerian Kilday, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to Reinstate ~~34~~ zero lot line lots to **Pod K** and ~~41~~ zero lot line lots to **Pod L** (total **75 ZLL**) 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 September **25**, 1997, ~~subject~~ to the conditions of approval described in EXHIBIT C, attached hereto and ~~made a~~ part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

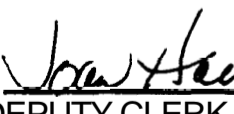
The Chair thereupon declared that ~~the~~ resolution was duly passed and adopted on September **25**, 1997.

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

**LEGAL DESCRIPTION  
(ABERDEEN - POD "K")**

A PARCEL OF LAND LYING IN SECTIONS 15 & 16, TOWNSHIP 45 SOUTH, RANGE 42 EAST BEING A PORTION OF ABERDEEN - PLAT NO. 2, AS RECORDED IN PLAT BOOK 55, PAGES 11 THRU 22, AND A PORTION OF ABERDEEN PLAT NO. 25, AS RECORDED IN PLAT BOOK 78, PAGES 96-101, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE OF INTERSECTION OF HAGEN RANCH ROAD (80' RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 3502, PAGES 1524 THRU 1526) AND N.W. 22ND AVENUE (108' RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 3502, PAGES 1527 THRU 1528); THENCE NORTH 13°40'39" WEST ALONG THE CENTERLINE OF SAID HAGEN RANCH ROAD, A DISTANCE OF 79.00 FEET; THENCE NORTH 76°19'21" EAST, A DISTANCE OF 40.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AND THE POINT OF BEGINNING; THENCE NORTH 13°40'39" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 381.22 FEET; THENCE NORTH 76°19'21" EAST, A DISTANCE OF 174.29 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST AND WHOSE CHORD BEARS NORTH 80°07'18" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 21°35'51" AND A RADIUS OF 125.00 FEET, A DISTANCE OF 47.12 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTH; THENCE EASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 51°18'56" AND A RADIUS OF 300.00 FEET, A DISTANCE OF 268.69 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 26°14'18" AND A RADIUS OF 100.00 FEET, A DISTANCE OF 45.79 FEET; THENCE SOUTH 85°36'00" EAST, A DISTANCE OF 65.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 20°36'00" AND A RADIUS OF 855.00 FEET, A DISTANCE OF 307.41 FEET; THENCE SOUTH 65°00'00" EAST, A DISTANCE OF 426.77 FEET; THENCE SOUTH 67°22'08" EAST, A DISTANCE OF 148.30 FEET; THENCE SOUTH 67°52'34" EAST, A DISTANCE OF 477.99 FEET; THENCE SOUTH 65°00'00" EAST, A DISTANCE OF 188.54 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 93°34'52" AND A RADIUS OF 50.00 FEET, A DISTANCE OF 81.66 FEET; THENCE SOUTH 68°34'52" EAST, A DISTANCE OF 99.26 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST AND WHOSE CHORD BEARS SOUTH 67°46'35" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 64°55'46" AND A RADIUS OF 325.00 FEET, A DISTANCE OF 368.30 FEET; THENCE NORTH 79°45'32" EAST, A DISTANCE OF 162.42 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 111°45'32" AND A RADIUS OF 100.00 FEET, A DISTANCE OF 195.06 FEET;

EXHIBIT A

LEGAL DESCRIPTION

THENCE NORTH  $58^{\circ}00'00''$  EAST, A DISTANCE OF 56.25 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST AND WHOSE CHORD BEARS SOUTH  $21^{\circ}44'25''$  EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF  $29^{\circ}51'52''$  AND A RADIUS OF 183.65 FEET, A DISTANCE OF 95.72 FEET; THENCE SOUTH  $06^{\circ}48'29''$  EAST, A DISTANCE OF 191.78 FEET, THENCE SOUTH  $38^{\circ}51'59''$  WEST, A DISTANCE OF 35.77 FEET; THENCE SOUTH  $84^{\circ}32'28''$  WEST, A DISTANCE OF 133.99 FEET; THENCE SOUTH  $03^{\circ}43'39''$  EAST, A DISTANCE OF 336.81 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID N.W. 22ND AVENUE AND THE POINT OF CURVATURE NON-RADIAL TO THE PREVIOUSLY DESCRIBED COURSE AND BEING CONCAVE TO THE NORTHEAST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE HAVING A CENTRAL ANGLE OF  $37^{\circ}28'43''$ , A RADIUS OF 2346.00 FEET AND WHOSE CHORD BEARS NORTH  $72^{\circ}15'18''$  WEST, A DISTANCE OF 1534.58 FEET TO A POINT OF TANGENCY; THENCE NORTH  $53^{\circ}30'56''$  WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 276.86 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE HAVING A CENTRAL ANGLE OF  $50^{\circ}09'43''$  AND A RADIUS OF 983.43 FEET, A DISTANCE OF 860.98 FEET TO A POINT OF TANGENCY; THENCE SOUTH  $76^{\circ}19'21''$  WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 105.00 FEET; THENCE NORTH  $58^{\circ}40'39''$  WEST, A DISTANCE OF 35.36 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

TOGETHER WITH TRACT "R" AND TRACT "L", ABERDEEN - PLAT NO. 25 AS RECORDED IN PLAT BOOK 78, PAGES 96 THRU 101, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 28.58 ACRES MORE OR LESS.

**NOTE:**

BEARINGS AS DESCRIBED HEREIN ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS SHOWN ON THE PLAT OF ABERDEEN - PLAT NO. 2 (PLAT BOOK 55, PAGES 11 THRU 22) HAVING A PLATTED BEARING OF NORTH  $13^{\circ}40'39''$  WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

EXHIBIT A

LEGAL DESCRIPTION

**(ABERDEEN - POD "L")**

A PARCEL OF LAND LYING IN SECTIONS 15 & 16, TOWNSHIP 45 SOUTH RANGE 42 EAST, BEING A PORTION OF ABERDEEN - PLAT NO. 2, AS RECORDED IN PLAT BOOK 55, PAGES 11 THRU 22, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER (S. ¼) CORNER OF SAID SECTION 15; THENCE NORTH 88°36'17" WEST, ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF ~~240.77~~ FEET; THENCE NORTH 01°23'43" EAST, A DISTANCE OF 1255.22 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GATEWAY BOULEVARD (FORMERLY NW 22nd AVENUE) AS RECORDED IN OFFICIAL RECORD BOOK 3502, PAGES 1527 AND 1528, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 80°54'49" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID GATEWAY BOULEVARD, A DISTANCE OF 1954.36 FEET; THENCE NORTH 85°35'26" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 80°54'49" WEST, A DISTANCE OF 264.95 FEET; THENCE NORTH 52°56'50" WEST, A DISTANCE OF 43.26 FEET; THENCE NORTH 06°48'29" WEST, A DISTANCE OF 221.10 FEET; THENCE NORTH 39°18'29" EAST, A DISTANCE OF 36.04 FEET; THENCE NORTH 09°02'00" WEST, A DISTANCE OF 50.15 FEET; THENCE NORTH 50°41'31" WEST, A DISTANCE OF 34.66 FEET; THENCE NORTH 06°48'29" WEST, A DISTANCE OF 8.84 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 33°02'48", A RADIUS OF 505.44 FEET, A DISTANCE OF 291.53 FEET TO A POINT OF TANGENCY; THENCE NORTH 39°51'17" WEST, A DISTANCE OF 30.60 FEET; THENCE NORTH 58°00'00" EAST, A DISTANCE OF 45.17 FEET TO A POINT ON THE WESTERLY LINE OF GOLF COURSE - TRACT 'H' AS SHOWN ON SAID ABERDEEN - PLAT NO. 2 AND BEING ON THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID TRACT HAVING A CENTRAL ANGLE OF 54°07'04", A RADIUS OF 100.00 FEET AND WHOSE CHORD BEARS SOUTH 39°05'08" EAST, A DISTANCE OF 94.45 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID TRACT HAVING A CENTRAL ANGLE OF 32°24'52", A RADIUS OF 375.00 FEET AND WHOSE CHORD BEARS SOUTH 82°21'06" EAST, A DISTANCE OF 212.15 FEET TO A POINT ON THE WEST LINE OF WATER MANAGEMENT - TRACT "L-10" AS SHOWN ON SAID PLAT OF ABERDEEN - PLAT NO. 2; THENCE SOUTH 09°21'38" EAST ALONG SAID TRACT A DISTANCE OF 115.21 FEET TO A POINT ON THE SOUTH LINE OF SAID WATER MANAGEMENT - TRACT "L-10"; THENCE SOUTH 71°43'46" EAST, A DISTANCE OF 65.58 FEET; THENCE NORTH 69°17'22" EAST, A DISTANCE OF 141.74 FEET; THENCE NORTH 84°05'25" EAST, A DISTANCE OF 253.18 FEET; THENCE NORTH 61°22'53" EAST, A DISTANCE OF 368.94 FEET; THENCE NORTH 41°06'03" EAST, A DISTANCE OF 327.44 FEET TO A POINT ON

**EXHIBIT A**

**LEGAL DESCRIPTION**

A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF  $61^{\circ}05'43''$ , A RADIUS OF 262.23 FEET AND WHOSE CHORD BEARS NORTH  $41^{\circ}06'03''$  EAST, A DISTANCE OF 279.62 FEET TO A POINT; THENCE NORTH  $41^{\circ}06'03''$  EAST, A DISTANCE OF 108.56 FEET; THENCE SOUTH  $82^{\circ}29'36''$  EAST DEPARTING FROM SAID WATER MANAGEMENT - TRACT "L-10", A DISTANCE OF 373.33 FEET; THENCE NORTH  $62^{\circ}49'14''$  EAST, A DISTANCE OF 163.07 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID JOG ROAD; THENCE SOUTH  $27^{\circ}10'46''$  EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 465.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE HAVING A CENTRAL ANGLE OF  $08^{\circ}51'55''$  AND A RADIUS OF 3140.00 FEET, A DISTANCE OF 485.85 FEET; THENCE SOUTH  $31^{\circ}17'59''$  WEST, A DISTANCE OF 38.08 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

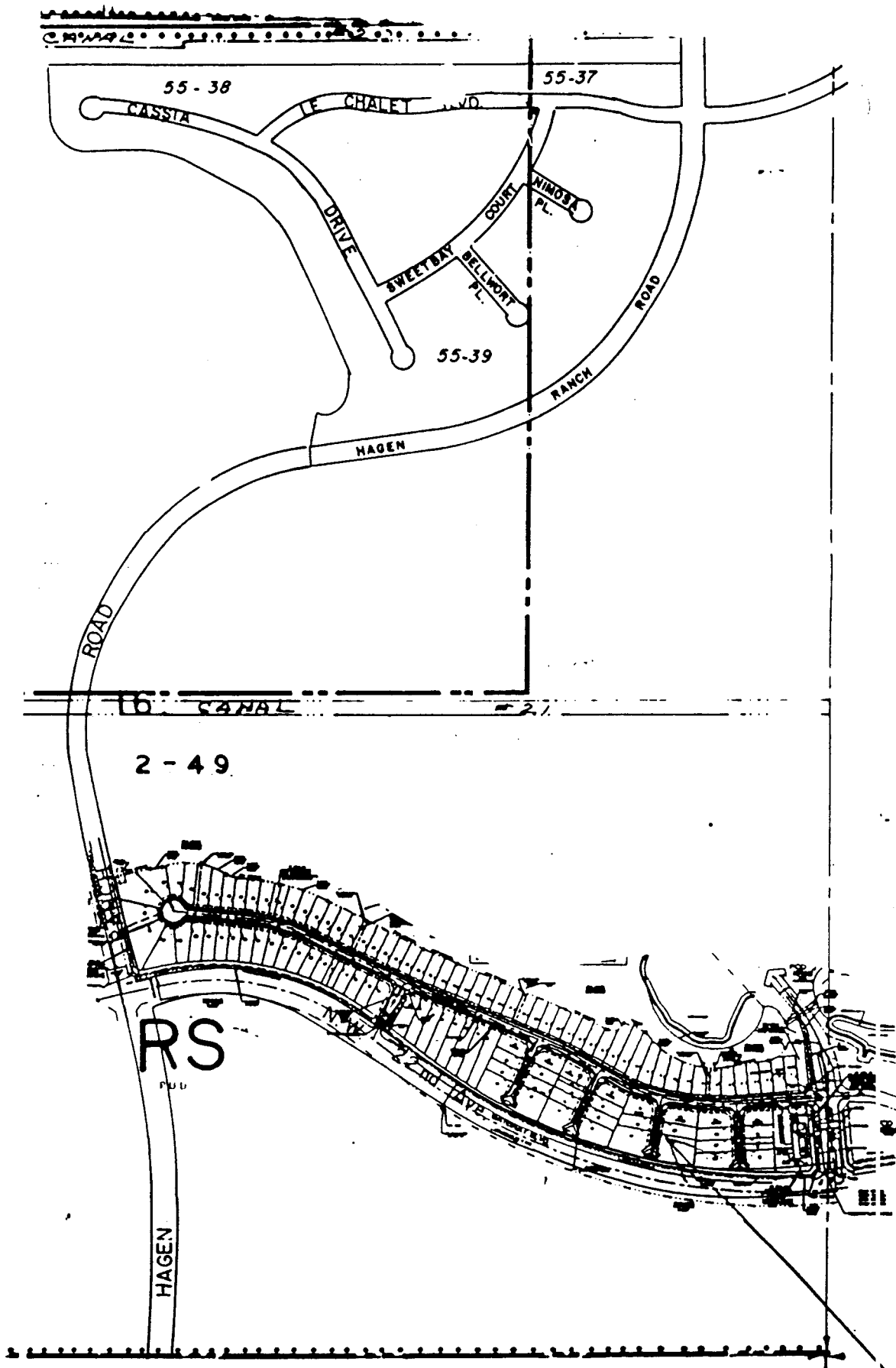
CONTAINING 34.99 ACRES **MORE** OR LESS.

**NOTE:**

BEARINGS AS SHOWN HEREON ARE BASED UPON THE NORTHERLY RIGHT-OF-WAY LINE OF N.W. 22ND AVENUE AS SHOWN ON THE PLAT OF ABERDEEN - PLAT NO. 2 (PLAT BOOK 55, PAGES 11 THRU 22) HAVING A PLATTED BEARING OF SOUTH  $80^{\circ}54'49''$  WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: 80-153E

Zoning Quad Page \_\_\_\_\_

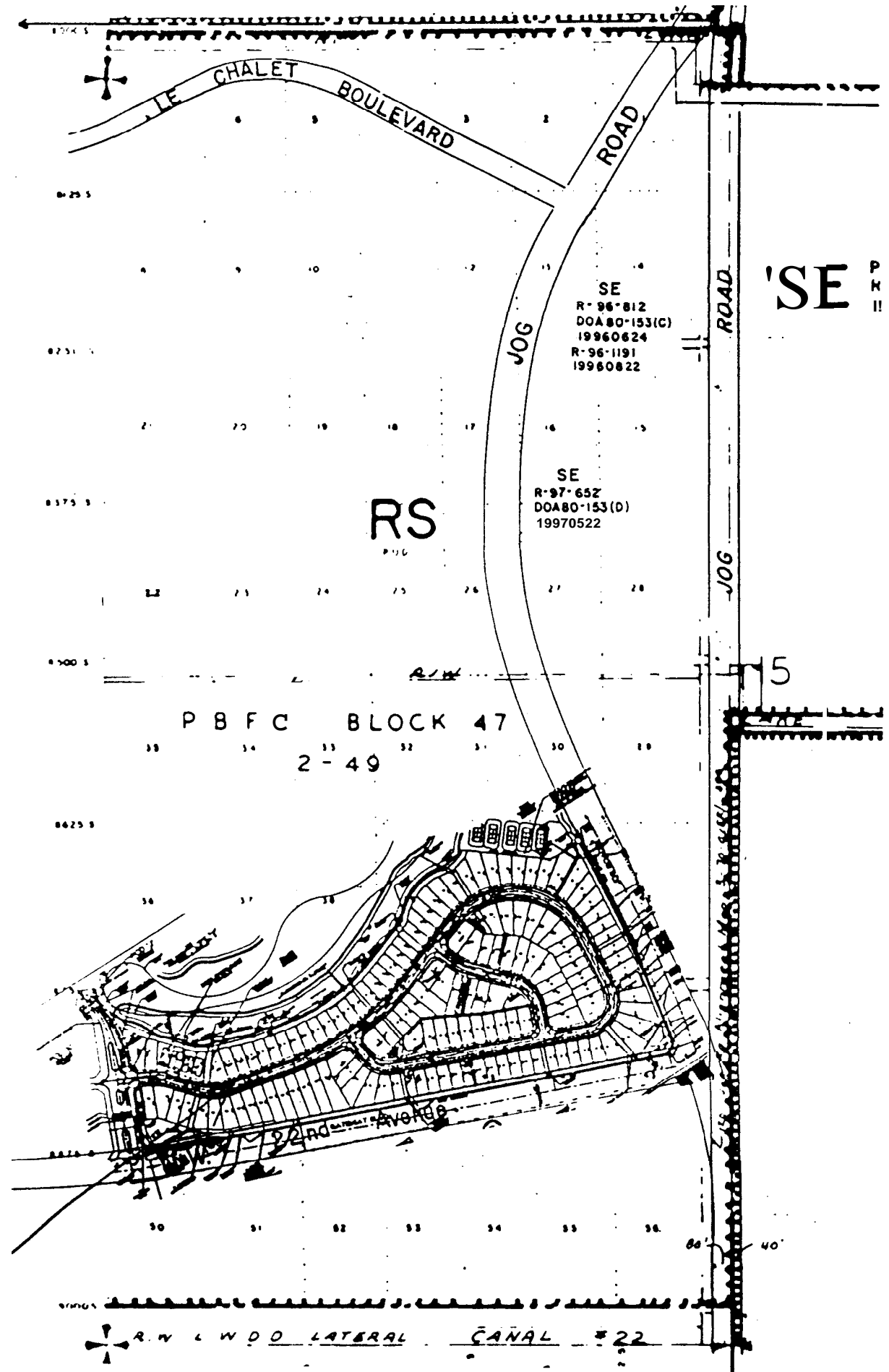
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NORTH

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: 80-153 E

Zoning Quad Page \_\_\_\_\_

Date: 7/16/97





## 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. Condition **A. 1** of Resolution R-97-652, Petition **80-153(D)** ~~with~~ currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-73-811 (Petition **80-153**), ~~R-80-1243~~ (Petition **80-153 (A)**, and R-95-1464, (Petition **80-153 (B)**), and R-96-1191, (Petition **80-153(C)**) have been consolidated **as** contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified.

~~It~~ hereby amended to read:

All previous conditions of approval applicable to **the** subject property, as contained in Resolution R-97-652 (Petition **80-153(D)**) have been consolidated as contained herein. The petitioner shall comply **with** all previous conditions of approval unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Solid waste disposal service to be provided by the franchisee **for** the area; (Previously Condition A2 of Resolution R-97-652, Petition **80-153(D)**. (SWA)

#### B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification must be submitted **to** the Department of Environmental Resources Management prior **to** site plan certification. (Previously Condition B.1 of Resolution R-97-652, Petition **80-153(D)** (ERM))

#### C. HEALTH

1. The developer will take reasonable precautions during the **development** of this project to insure that fugitive particulate (dust particles) from **the** project do not become a nuisance to neighboring **properties**. (Previously Condition C.1. of Resolution R-97-652, Petition **80-153(D)**. (HEALTH))
2. Architectural plans for the day care center must be submitted **to** the **Environmental** Health Section, Palm Beach County Health Department **in** accordance **with** Chapter 10D-24FAC **prior** to issuance of a building permit. (Previously Condition C.2 of Resolution R-97-652, Petition **80-153(D)** (BLDG PERMIT: HEALTH/BLDG))

**D. PROPERTY AND REAL ESTATE MANAGEMENT**

1. The conveyance of the **30** acre school site without reverters **and** with title insurance shall **be** conveyed to the School Board of Palm Beach County at the time of the filing of the first plat. (Previously **Condition D. 1. of Resolution R-97-652, Petition 80-153(D).** (PREM/SCHOOL BOARD)
2. **The water and sewerage facilities shall be developed and constructed by the developer** at his expense and deeded to Palm Beach County for one **(1)** dollar, for ownership, operation and maintenance; (Previously **Condition 0.2. of Resolution R-97452, Petition 80-153(D).** (PREM)

**E. ENGINEERING**

1. Improvement of the intersection **of** Military Trail and the entrance **of** the project shall **be** provided at the developer's expense. (Previously **Condition E. 1. of Resolution R-97452, Petition 80-153(D).** (ENG)

[Note: Entrance onto Military Trail **has** been constructed & all improvements are complete, therefore, condition has been satisfied]

2. The extension of Jog Road from the south property line to its **present** terminus shall be provided at the developer's expense. (Previously **Condition E.2. of Resolution R-97-652, Petition 80-153(D).** (ENG) [Note: **Jog** Road construction has been completed]
3. **Haverhill Road** shall not proceed through **the** development to the south property line. (Previously **Condition E.3. of Resolution R-97-652, Petition 80-153(D).** (ENG)
4. **Within ninety (90) days** of Special Exception approval, petitioner shall convey to Palm Beach county:
  - a. One hundred twenty **(120)** feet for the ultimate right-of-way for Jog Road through the project's limits. [Note: Database indicates compliance with this condition]
  - b. Eighty **(80)** feet for ultimate right-of-way for Hagen Road through the project's limits. [Note: Database indicates compliance with condition]
  - c. One hundred eight **(108)** feet for the project's east property line to Hagen Ranch **Road.** (Previously **Condition E.4. of Resolution R-97-652, Petition 80-153(D).** (ENG) [Note: Database indicates compliance with this condition)
5. Petitioner shall signalize **the intersection of Le Chalet Boulevard and Military Trail Prior** to the issuance of **the 640th** building permit **or** when warranted **by the** county Engineer. (Previously **Condition E.5. of Resolution R-97452, Petition 80-153(D).** (ENG)

[Note: Signalization complete]

6. Petitioner shall construct:
- a. Two (2) lanes on Jog Road from the **existing** southern **terminus south** of Hypoluxo Road to the northern **limit** of construction by Tartan Lakes **PUD**. This portion of Jog Road **must** be constructed during Phase II of this project or prior **to** the issuance of **1,040** building **permit(s)**. **If** a contiguous project is approved to the north of this project **that** requires Jog **Road** for access prior to the completion of Phase II, this project **would** be relieved of this obligation. [Note: **Jog** Road construction **complete**]
  - b. Hagen Ranch Road within the project's limits. [Note: **Hagen Ranch Road** construction complete]
  - c. **NW 22** Avenue from the project's east property line to Hagen Ranch Road. (Previously Condition **E.6.** of Resolution **R-97-652**, Petition 80-153(D). (ENG)
7. Petitioner **shall** construct at the intersection **of** Le Chalet Boulevard and Jog Road:
- a. Left turn lane, north approach
  - b. Right turn lane, north approach
  - c. Left turn lane, south approach
  - d. Right turn lane, south approach
  - e. Left turn lane, east approach
  - f. Right turn lane, east approach
  - g.** Left turn lane, west approach
  - h. Right turn lane, west approach
  - i.** Signalization when warranted, as determined **by** the County Engineer. (Previously Condition **E.7.** of Resolution **R-97-652**, Petition 80-153(D). (ENG) [Note: a,b,c,d,e,f,g & i are complete; h is not complete)
8. Petitioner **shall** construct at the intersection **of** Le Chalet Boulevard and Hagen Ranch Road:
- a. Left turn lane, south approach
  - b. Left turn lane, east approach
  - c. Left turn lane, west approach. (Previously Condition **E.8.** of Resolution **R-97-652**, Petition 80-153(D). (ENG)
- [Note: All turn lanes complete]
9. **Petitioner shall construct** at the intersection **of** **NW 22** Avenue and Jog Road:
- a.** **Left turn lane**, north approach
  - b.** **Left turn lane**, south approach
  - c.** **Left turn** lane, west approach. (**Previously** Condition **Ei.9.** of Resolution **R-97-652**, Petition **80-153(D)**). (ENG)
- [Note: **a & b** completed]

10. **Petitioner** shall construct at the intersection of **NW 22 Avenue** and Hagen Ranch Road:
  - a. Left turn lane, north approach
  - b. Left turn lane, south approach
  - c. Right turn lane, south approach
  - d. Left turn lane, east approach
  - e. Left turn lane, west approach
  - f. Right turn lane, east approach. (Previously Condition E. 10. of Resolution R-97-652 , Petition 80-153(D). (ENG)

[Note: a,b,c & e are completed]

11. Petitioner shall construct access to the City of Boynton Beach property to the north of this project. This access to be acceptable to the County Engineer. (Previously Condition E. 11. of Resolution R-97-652, Petition 80-153(D). (ENG) [Note: Access road completed]
12. Petitioner shall contribute One Million Three Hundred Thousand Dollars (**\$1,300,000**) toward the cost of meeting this project's direct and identifiable traffic impact. This contribution will be applied directly toward the four laning of Military Trail and the intersection improvements at Hypoluxo Road and Military Trail, Hypoluxo Road and Jog Road, Boynton West Road and Military Trail and the Construction of the access road to the City of Boynton Beach property. The balance of **\$1,300,000** is to be paid no later than four years after the of Special Exception approval. (Previously Condition E. 12. of Resolution R-97-652, Petition 80-153(D). (ENG) [Note: Impact Fee has been Paid]
13. Petitioner shall furnish the construction plans as part of the **\$1.3 million** Fair Share contribution for Military Rail as a 4 lane median divided road from the intersection of Hypoluxo Road to the intersection with Boynton West Road to be approved by the County Engineer. (Previously Condition E.13. of Resolution R-97-652, Petition 80-153(D). (ENG) Note: Military Trail construction completed]
14. The Lake Worth Drainage District will require the following rights-of-way, as shown on the Lake Worth Drainage District Right-of-way Maps recorded in the office of the Clerk of the Circuit Court in and for Palm Beach county, Florida:
  - L-20 from E-2E to E-3 • Sheets 66 and 67 of 240;
  - L-21 from E-2E to E-3 • Sheets 69 and 70 of 240;
  - L-22 from E-2E to Jog Road • Sheets 72 and 73 of 240;
  - E-2E from L-20 to L-22 • Sheet 209 of 240;
  - E-3 from L-20 to L-21 • Sheet 222 of 240.** (Previously Condition E.14. of Resolution R-97452, Petition 80-153(D). (ENG)

15. The Property owner shall construct a left turn lane north approach on **Jog Road** at each of the project's entrance roads. The **construction shall be concurrent with** the 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 not **limited** to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County **for this construction** shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to **the issuance of the first Certificate of Occupancy.** (Previously Condition **E.15.** of Resolution R-97-652, Petition **80-153(D)** (BLDG - Eng).
  
16. **Prior to** site plan approval **by** the Development Review Committee **for Pod M or the recreation vehicle/boat storage site,** the petitioner shall grant to Palm Beach County a ten **(10)** foot wide **utility** easement along the north right-of-way line **of Hagen Ranch Road** to the east property line of the private civic site (RV storage site). (Previously Condition **E.16.** of Resolution R-97452, Petition **80-153(D)** (**UTILITIES**))
  
17. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists **or** as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is:
  - a. **\$18,645** for the proposed Church/Synagogue **(338 trips X \$55.00 per trip);**
  - b. **\$62,425** for the proposed Community Center **(1135 trips X \$55.00 per trip); and,**
  - c. **\$49,500** for the proposed private school **(900 trips X \$55.00 per trip).** (Previously Condition E.17. of Resolution R-97-652, Petition **80-153(D)** (**IMPACT FEE COORDINATOR**))
  
18. Prior to technical compliance **for POD M, POD K, and POD L,** the property owner shall convey a roadway construction easement to Palm Beach County for the **POD's** listed above. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction **within** this easement shall conform to Palm Beach County Standards. (Previously Condition **E.18.** of Resolution R-97452, Petition **80-153(D).** (ENG))
  
19. **In order to comply with** the mandatory Traffic Performance Standards, **the Developer shall** be restricted to the following phasing schedule:
  - a. **Building Permits for more than 146** single family dwelling units for **POD M** shall not be issued until construction has begun for **Jog Road as a 6 lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus** the appropriate paved **tapers.** (Previously Condition **E.19.** of Resolution R-97-652, Petition **80-153(D)** (BLDG - Eng))

The mix of allowable uses listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (Previously Condition E.19 of Resolution R-97-652, Petition 80-153(D) (BLDG - Eng)

20. LANDSCAPE WITHIN MEDIAN

- a. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of Jog Road adjacent to the Jewish Community Campus abutting rights-of-way. When permitted by the Land Development Division Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (Previously Condition E.20.a of Resolution R-97-652, Petition 80-153(D) (BLDG PERMIT: MONITORING - Eng)
- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (Previously Condition E.20.b of Resolution R-97-652, Petition 80-153(D) (CO: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (Previously Condition E.20.c of Resolution R-97452, Petition 80-153(D) (CO: MONITORING - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to ERH prior to DRC site plan certification. (Previously Condition F.1 of Resolution R-97-652, Petition 80-153(D) (DRC: ERM)

G. REQUESTED USES WITHIN CIVIC SITE EXCLUDING EXISTING SYNAGOGUE  
(N.E. CORNER OF JOG ROAD AND N.W. 22nd AVENUE)

1. \_\_\_\_\_

- a. The **minimum** setback for all structures adjacent to all property lines shall be fifty **(50)** feet.
- b. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five **(35)** feet except as permitted by section **6.5.H.4** (exceptions to height regulation)
- c. Architectural character and treatment which **is** compatible and harmonious with abutting development shall be provided on **all** sides of the building. (Previously Condition G.1 of Resolution R-97-652, Petition 80-153(D) (BLDG-Zoning))

2. LIGHTING

- a. All outdoor lighting used to illuminate the premise!; and identification signs with the exception of the tennis court lights shall be of low intensity, shielded and directed down and away **from** adjacent properties and streets. (Previously Condition G.2.a of Resolution R-97-652, Petition 80-153(D) (BLDG/CODE ENF))
- b. All outdoor lighting fixtures shall not exceed fifteen **(15)** feet in height, measured from finished grade to highest point. Tennis court lighting shall be a maximum of 25 feet in height. (Previously Condition G.2.b of Resolution R-97-652, Petition 80-153(D) (BLDG))
- c. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (Previously Condition No. G.2.c of Resolution R-974352, Petition 80-153(D) **(CODE ENF)**)

3. USE LIMITATION

- a. **Use** of the site shall be limited to permitted civic uses including customary accessory uses, as allowed pursuant to the **ULI IC**, as amended, including the following requested uses:
  - 1) Private Elementary School;
  - 2) Assembly, Non Profit; and,
  - 3) Day care center **limited to a** maximum of **100 children** and **30** adults. (Previously Condition G.3.a of Resolution R-97-652, Petition 80-153(D) (ONGOING/ DRC: HEALTH))
- b. Setbacks for all outdoor recreational facilities adjacent to **the east** property line shall be a **minimum of** fifty **(50)** feet. (Previously Condition G.3.b of Resolution R-97-652, Petition 80-153(D) (DRC: ZONING))

4. BUFFERING

- a. A **15 fifteen (15)** foot Type C Compatibility buffer **shall** be installed adjacent to **the** east property line. **No reductions in** buffer width shall be permitted. (Previously Condition G.4 of Resolution R-97-652, Petition 80-153(D) (DRC / CO : ZONING / LANDSCAPE))

5. **RECYCLE SOLID WASTE**

- a. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)
- b. Prior to the certification of a Final Site Plan for any portion of the civic tract by the Development Review Committee, the petitioner shall indicate the location of all recycling facilities on the site plan any such facility shall be screened pursuant to Section 6.6.A.5.c of the ULDC. (Previously Condition G.5. of Resolution R-97-652, Petition 80-153(D)). (SWA)

H. **REQUESTED USE CONGREGATE LIVING FACILITY WITHIN THE COMMERCIAL POD (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD).**

1. **USE LIMITATION**

- a. The CLF shall be limited to maximum of 160,000 square feet and 167 Type III CLF beds. Gross floor area may be increased an additional 5% up to 1000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (Previously Condition H.1.a of Resolution R-97452, Petition 80-153(D) (DRC: BLDG/ HEALTH - Zoning)
- b. The CLF shall be limited to a residential facility for the elderly (50 years of age or older) and shall not in any manner be used as a drug or alcohol treatment center, or any criminal justice rehabilitative services. (Previously Condition H.1.b of Resolution R-97-652, Petition 80-153(D) (ONGOING: CODE ENF)
- c. Signage for the CLF shall be limited to one (1) on premise identification sign with a maximum sign face area per side of thirty-two (32) square feet. (Previously Condition H.1.c of Resolution R-97652, Petition 80-153(D) (BLDG PERMIT: BLDG - Zoning)
- d. The CLF shall be located adjacent to the eastern perimeter of the commercial pod adjacent to the school site and shall be a minimum of 400 feet south of Le Chalet Boulevard. (Previously Condition H.1.d of Resolution R-97452, Petition 80-153(D) (DRC: ZONING / Bldg)
- e. The maximum height for all structures, measured from finished grade to highest point, shall not exceed fifty (50) feet except as permitted by Section 6.5.H.4 (exceptions to height regulation). (BLDG PERMIT: BLDG - Zoning) (Previously Condition H.1.e of Resolution R-97452, Petition 80-153(D)



I. LIGHTING - COMMERCIAL POD ONLY

1. **All** outdoor lighting used to illuminate **the subject property** and identification signs shall be of low intensity, **shielded and directed** down and away from adjacent properties and streets. (Previously Condition I.1. of Resolution R-97-652, Petition 80-153(D) (CO / ONGOING: **BLDG / CODE ENF - Zoning**)
2. **All** outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (Previously Condition 1.2 of Resolution R-97-652, Petition 80-153(D). (CO: **BLDG - Zoning**)

J. UTILITIES

1. The petitioner shall provide the county with a release or modification to the reverter which it holds on the existing utility site in a form acceptable to the County Attorney prior to final DRC approval of Pod **M**. (Previously Condition J. 1. of Resolution R-97-652, Petition 80-153(D) (UTILITIES-Zoning)

K. LANDSCAPING - COMMERCIAL POD

1. All trees required to be planted on site by **this** approval, **except** on individual residential **lots**, 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 K 1. of Resolution R-97-652, Petition 80-153(D). (CO: **LANDSCAPE - Zoning**)
2. The following landscaping requirements shall be installed adjacent to Le Chalet Boulevard and Jog Road in addition to the required right-of-way buffers;
  - a. One (1) 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 in that location. (Previously Condition **K2**. of Resolution R-97452, Petition 80-153(D). (CO: **LANDSCAPE - Zoning**)
3. A seventy-five (75) foot vegetative buffer shall be provided on the east side of the east easement line of the drainage canal separating the **commercial** property and the school site **property**. (Previously Condition **K3**. of Resolution R-97-652, Petition 80-153(D). (**ZONING**)

**L. MASS TRANSIT - COMMERCIAL POD**

1. **Prior** to final certification **of the** subdivision plan by **the** Development Review Committee, 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 L.1. **of** Resolution R-97-652, Petition **80-153(D)**). (DRC: ZONING - School Board/ Eng/ Planning:

2. The property owner shall negotiate, in good faith, a contract **for** a proportionate share of the cost of operation and maintenance **of** mass transit generated by this projects identifiable impacts. This **condition** shall remain in effect until (May **23, 1997**) (Previously Condition 1.2. **of** Resolution **R-97-652, Petition 80-153(D)**). (DATE: MONITORING - **Eng**)

**M. COMMERCIAL POD - SIGNS**

1. Point of purchase and/or freestanding signs fronting on Jog **Road** shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to **highest** point - **fifteen (15)** feet;
  - b. Maximum sign face area per side - **140** square feet;
  - c. Maximum number of signs - **two (2)**; and
  - d. **Style** - monument **style** only. (CO: **BLDG**)  
(Previously Condition **M.1. of** Resolution R-97-652, Petition **80-153(I)**).
2. Point of purchase and/or freestanding signs fronting on Le Chalet Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to **highest** point - **fifteen (15)** feet;
  - b. Maximum sign face area per side - **140** square feet;
  - c. Maximum number of signs - **one (1)**; and
  - d. **Style** - monument **style** only. (CO: **BLDG**)  
(Previously Condition **M.2. of** Resolution **R-97-652** , Petition **80-153(D)**).
3. Outparcel identification signs shall be limited as follows:
  - a. **Maximum** sign height, measured from finished grade to **highest** point - **ten (10)** feet;
  - b. Maximum sign face **area** per **side** - **120** square feet;
  - c. Maximum number of **signs** - **one (1)** per outparcel; and
  - d. **Style** - monument **style** **only**. (CO: **BLDG**)  
(Previously **Condition M.3. of** Resolution **R-97-652, Petition 80-153(I)**).
4. **The** Congregate Living Facility shall **meet the signage standards** pursuant to **the ULDC**. (DRC: **CO: BLDG**) (Previously Condition **A 14. of** Resolution **R-97-652, Petition 80-153(D)**).

**N. 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.

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 **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. **(Previously Condition N.1 of Resolution R-97452, Petition 80-153(D) (MONITORING)**