

RESOLUTION NO. R-98-1505

RESOLUTION APPROVING ZONING PETITION DOA84-95(N)
DEVELOPMENT ORDER AMENDMENT
PETITION OF EVERT TENNIS ACADEMY
BY JOHN ABNEY, AGENT
(MISSION BAY - TENNIS ACADEMY)

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(N) was presented to the Board of County Commissioners at a public hearing conducted on September 24, 1998; 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(N), the petition of Evert Tennis Academy, by John Abney, agent, for a Development Order Amendment (DOA) to Add accessory use of Dormitory (48 rooms) to a previously approved Tennis Academy 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 24, 1998, 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	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 24, 1998.

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

A portion of MISSION BAY - TENNIS ACADEMY, according to the Plat thereof as recorded in Plat **Book 71**, Pages 8 and 9 of the Public Records of Palm Beach County, Florida, more particularly described as follows:

BEGINNING at the Southeast corner of said Plat; thence S85°47'34"W, 170.30 feet along the South boundary of said Plat, thence N04°12'26"W, 282.50 feet; thence N85°47'34"E, 22.99 feet; thence N04°12'26"W, 181.73 feet to a point on the arc of a non-tangent curve, concave to the northwest, (a radial line to said point bears S22°47'25"E); thence northeasterly along the arc of said curve, having a radius of 520.99 feet, a central angle of 06°01'42" and an arc distance of 54.82 feet; thence S77°01'01"E, 45.60 feet; thence S36°29'56"E, 70.00 feet to a point on the arc of a tangent curve, concave to the southwest, thence southeasterly along the arc of said curve, having a radius of 271.00 feet and a central angle of 03°44'53" and an arc distance of 17.73 feet; thence S32°45'03"E, 65.90 feet; thence S18°40'20"W, 39.09 feet to a point on the arc of a non-tangent curve, concave to the North, (a radial line to said point bears S19°54'15"E); thence westerly along the arc of said curve, having a radius of 417.00 feet, a central angle of 02°36'23" and an arc distance of 18.97 feet; thence S05°50'40"E, 297.96 feet (the last eight (8) described courses and distances being coincident with the northerly and easterly boundary of said Plat) to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida, containing 74,027 square feet (1.70 acres), more or less.

EXHIBIT B
VICINITY SKETCH

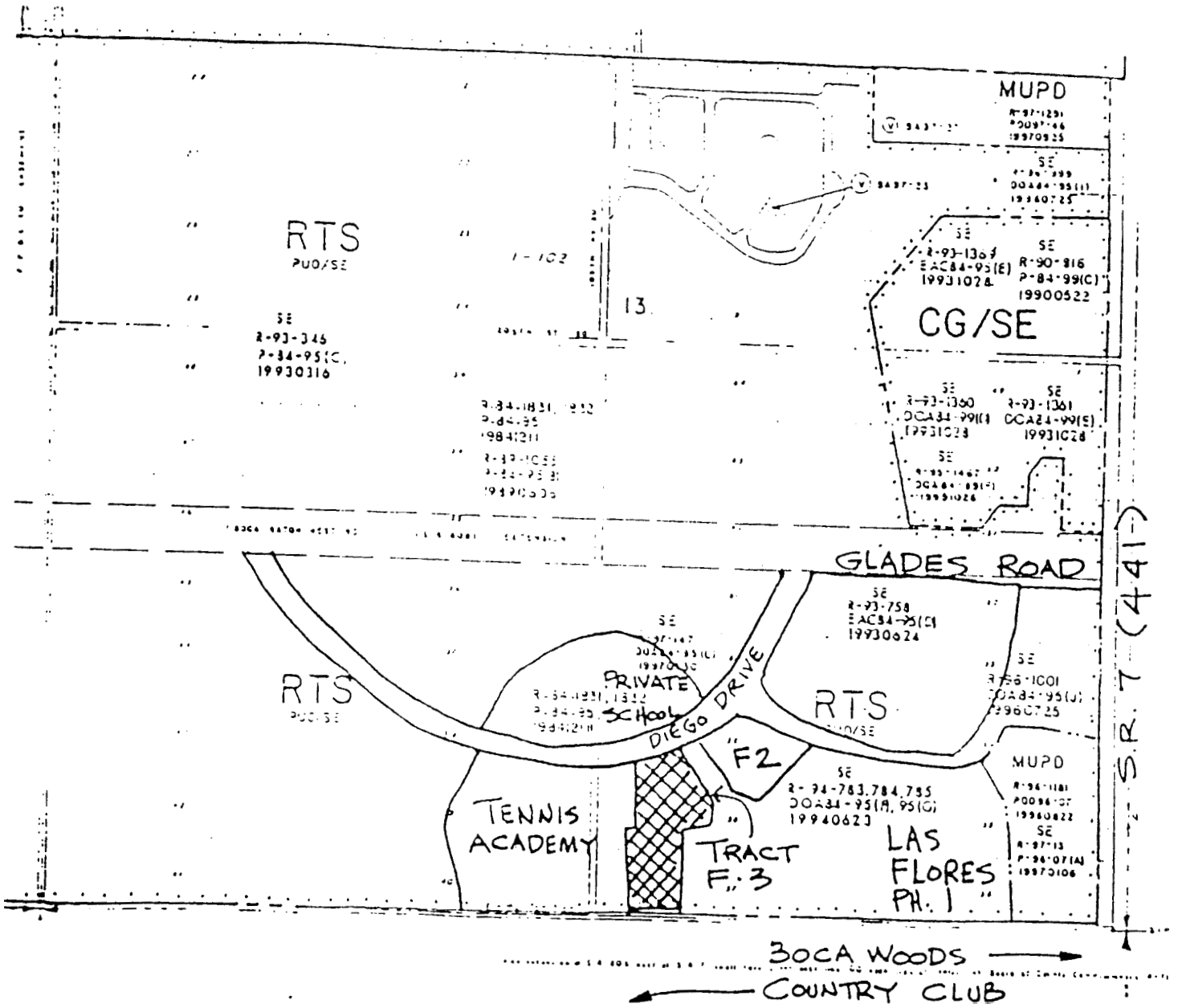


EXHIBIT C

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 Resolutions R-96-1001 (Petition **84-95(J)**) and R-97-147 (Petition **84-95(L)**), 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. (Previously condition **A. 1** of Resolution R-97-147, Petition **84-95(L)**).

B. HEALTH

1. 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) (Previously condition C.3 of Resolution R-97-147, Petition **84-95(L)**).

C. 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. (ONGOING: UTILITIES) (Previously condition D.1 of Resolution R-97-147, Petition **84-95(L)**).

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 **73-4**, as amended. In addition, the developer shall provide legal positive **outfall or** receive a variance from this requirement. (ENG) **[Completed]** (Previously condition E.1 of Resolution R-97-147, Petition **84-95(L)**).
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. (ENG) **[Completed]** (Previously condition **E.2** of Resolution R-97-147, Petition **84-95(L)**).

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. (ENG)**[Complete]**(Previously condition **E.3** of Resolution R-97-147, Petition **84-95(L)**).
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. (ENG) **[Complete]** (Previously condition E.4 of Resolution R-97-147, Petition **84-95(L)**).
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. (ENG) **[Complete]** (Previously condition E.5 of Resolution R-97-147, Petition **84-95(L)**).
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**. (ENG) **[Complete]** (Previously condition **E.6** of Resolution R-97-147, Petition **84-95(L)**).
7. The developer shall construct Glades Road from S.R. 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**. (ENG) [Database indicates compliance with this condition.] (Previously condition E.7 of Resolution R-97-147, Petition 84-95(L).

- a. 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. (ENG) [Database indicates compliance with this condition.] (Previously condition E.8 of Resolution R-97-147, Petition 84-95(L).
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. (ENG) [Complete] (Previously condition E.9 of Resolution R-97-147, Petition 84-95(L).
10. The Master Plan shall be revised to include a minimum **of 80** foot right-of-way collector for the southern interior spine road. (ENG) [Note: This roadway has been **constructed.**](Previously condition E.10 of Resolution R-97-147, Petition 84-95(L).
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. (ENG) [Note: Condition complete] (Previously condition E.11 of Resolution R-97-147, Petition 84-95(L).
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. (ENG) [Condition completed by **Plat**](Previously condition E.12 of Resolution R-97-147, Petition 84-95(L).
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. (**ENG**)(Previously condition **E.13** of Resolution R-97-147, Petition 84-95(L).
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. (**ENG**)(Previously condition E.14 of Resolution R-97-147, Petition 84-95(L).

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. (ENG) [Note: The time limit expired in 1990 for this condition.](Previously condition E.15 of Resolution R-97-147, Petition 84-95(L).

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. (ENG) [Database indicates compliance with this condition.](Previously condition E.16 of Resolution R-97-147, Petition 84-95(L).
17. The additional right-of-way for SR. 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 SR. 7, shall be acquired by Palm Beach County at the developer's expense. (ENG) [Database indicates compliance with this condition.](Previously condition E.17 of Resolution R-97-147, Petition 84-95(L).
18. The developer shall construct SR. 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**." (ENG) [Database indicates compliance with this **condition**.](Previously condition E.18 of Resolution R-97-147, Petition **84-95(L)**).

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. (ENG)(Previously condition E.19 of Resolution R-97-147, Petition **84-95(L)**).

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**." (ENG) [Database indicates compliance with this **condition**.](Previously condition E.20 of Resolution R-97-147, Petition **84-95(L)**).

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 its 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. (ENG)(Previously condition E.21 of Resolution R-97-147, Petition **84-95(L)**).

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. (ENG) [Database indicates compliance with this condition.](Previously condition E.22 of Resolution R-97-147, Petition 84-95(L).

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. (ENG)(Previously condition E.23 of Resolution R-97.147, Petition 84-95(L).
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. (DATE: MONITORING - Eng)(Previously condition E.24 of Resolution R-97-147, Petition 84-95(L).
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. (BLDG PERMIT: MONITORING - Eng)(Previously condition E.25 of Resolution R-97-147, Petition 84-95(L).
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. (ONGOING)(Previously condition E.26 of Resolution R-97-147, Petition 84-95(L).
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)(Previously condition E.27 of Resolution R-97-147, Petition 84-95(L).
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)(Previously condition E.23 of Resolution R-97-147, Petition 84-95(L).
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**)(Previously condition E.29 of Resolution R-97-147, Petition 84-95(L).

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**)(Previously condition E.30 of Resolution R-97-147, Petition 84-95(L).
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**)(Previously condition E.31 of Resolution R-97-147, Petition 84-95(L).
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**)(Previously condition E.32 of Resolution R-97-147, Petition 84-95(L).
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**)(Previously condition E.33 of Resolution R-97-147, Petition 84-95(L).
34. Prior to the issuance of any Building Permits, the Developer shall replat Parcel "F", Project No. 0454-027, in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: **MONITORING - Eng**)

F. 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. (**ZONING**)(Previously condition G.1 of Resolution R-97-147, Petition 84-95(L).
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. (**CO- LANDSCAPE**)(Previously condition **G.2** of Resolution R-97-147, Petition 84-95(L).

G. 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. (DRC: **ZONING**)(Previously condition H.1 of Resolution R-97-147, Petition 84-95(L).

H. 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. (**ZONING**)(Previously condition 1.1 of Resolution R-97-147, Petition 84-95(L).

I. 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. (**ZONING**)(Previously condition J.1 of Resolution R-97-147, Petition 84-95(L).
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. (**ZONING**)(Previously condition J.2 of Resolution R-97-147, Petition 84-95(L).
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. (**ZONING**)(Previously condition J.3 of Resolution R-97-147, Petition 84-95(L).

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

1. 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 one (1) pedestrian access way between the residential areas to the east and the tennis academy. (ZONING)(Previously condition K.1 of Resolution R-97-147, Petition 84-95(L).
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. (ZONING)(Previously condition K.2 of Resolution R-97-147, Petition 84-95(L).
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. (ZONING)(Previously condition K.3 of Resolution R-97-147, Petition 84-95(L).

K. 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. (ZONING)(Previously Cond L. 1 of R-97-147, Petition 84-95(L).

L. 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. **(ENG)**(Previously condition M.1 of Resolution R-97-147, Petition 84-95(L).

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)** 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 plantings shall be installed prior to the issuance of Certificate of Occupancy for each home. **(ZONING)**(Previously condition M.2 of R-97-147, Petition 84-95(L).

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. **(ZONING)**(Previously condition M.3 of R-97-147, Petition 84-95(L).
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. **(BLDG PERMIT: BLDG - Zoning)**(Previously condition M.4 of Resolution R-97-147, Petition 84-95(L).

M. 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. **(DRC: ZONING - School Board/Eng/Planning)**(Previously condition N.1 of Resolution R-97-147, Petition 84-95(L).

N. 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. (CODE ENF)(Previously condition 0 1 of Resolution R-97-147, Petition 84-95(L).
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. (BLDG)(Previously condition 0 . 2of Resolution R-97-147, Petition 84-95(L).
3. All outdoor lighting within the Recreation Facility and Club parcel shall be extinguished no later than 10:00 p.m. Security lighting only is excluded from this requirement. Such security lighting shall not exceed 20 feet in height, measured from finished grade. (CODE ENF)(Previously condition 0 . 3of Resolution R-97-147, Petition 84-95(L).
4. No outdoor lighting shall be permitted on any of the perimeter courts of the recreational facility and club parcel. (BLDG/CODE ENF)(Previously condition 0 . 4 of Resolution R-97-147, Petition 84-95(L).

O. 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. (CO: BLDG)(Previously condition P. 1 of Resolution R-97-147, Petition 84-95(L).
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 9600006). The revision shall include the case number, date of approval, and variance granted. (DRC: ZONING)(Previously condition P.2 of Resolution R-97-147, Petition 84-95(L).
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. (DRC: ZONING - Co Att)(Previously condition P.3 of Resolution R-97-147, Petition 84-95(L).

P. 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)**(Previously condition Q.1 of Resolution R-97-147, Petition 84-95(L).
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)**(Previously condition Q.2 of Resolution R-97-147, Petition 84-95(L).
3. The day care center shall be limited to a maximum of **192 children**. **(DRC - ZONING)**(Previously condition Q.3 of R-97-147, Petition 84-95(L).
4. Additional square footage permitted within the private civic pod shall be limited to a maximum of **32,000** square feet. **(DRC: ZONING)**(Previously condition Q.4 of Resolution R-97-147, Petition **84-95(L)**).
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)**(Previously condition **Q.5** of Resolution R-97-147, Petition 84-95(L).
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)**(Previously condition Q.5 of Resolution R-97-147, Petition 84-95(L).

Q. 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 **record** 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 all 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. (CO ATT)(Previously condition R.1 of Resolution R-97-147, Petition 84-95(L).

2. Development of the site of Pod F-3 is limited to the uses and site design as approved by the Board of County Commissioners on the approved site plan for the accessory dormitory for the tennis academy dated June 25, 1993. 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. Pod F-3 shall be limited to a maximum of 48 dormitory rooms or 96 students and shall serve as an accessory use to the tennis academy only providing temporary housing for students of this tennis academy only. The dormitory rooms shall be converted back to a maximum of 20 townhouse units if the academy ceases operation. (DRC :ZONING/ Code End)

R. 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. (SWA)(Previously condition S.1 of Resolution R-97-147, Petition 84-95(L).

S. SCHOOL SITE (PUBLIC)

1. Petitioner shall show a 20 acre elementary school site on the Mission Bay PUD Master Plan. (ZONING/SCHOOL BOARD)(Previously condition T.1 of Resolution R-97-147, Petition 84-95(L).
2. Petitioner shall dedicate the 20 acre school site to the School Board of Palm Beach County.(SCHOOL BOARD)(Previously condition T.2 of Resolution R-97-147, Petition 84-95(L).
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. (SCHOOL BOARD)(Previously condition T.3 of Resolution R-97-147, Petition 84-95(L).
4. Petitioner shall be responsible for the school site to be at final developable grade elevation prior to the School Board construction. (SCHOOL BOARD/ENG)(Previously condition T.4 of Resolution R-97-147, Petition 84-95(L).
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. (SCHOOL BOARD/ENG)(Previously condition T.5 of Resolution R-97-147, Petition 84-95(L).
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. (SCHOOL BOARD) (Previously condition T.6 of Resolution R-97-147, Petition 84-95(L).

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. (ONGOING: SCHOOL BOARD)(Previously condition T.7 of Resolution R-97-147, Petition 84-95(L).

T. SIGNS (TENNIS ACADEMY ONLY)

1. No freestanding point of purchase signs shall be allowed on the Recreation Facility and Club parcel. (BLDG PERMIT: BLDG)(Previously condition U.1 of Resolution R-97-147, Petition 84-95(L).

U. TENNIS ACADEMY

1. Condition V.1 of Resolution R-97-147, Petition 84-95(L) which currently states:

The minimum setback for all buildings on the Recreation Facility and Club parcel shall be one-hundred (100) feet. [NOTE: Tennis Academy Only] (DRC: ZONING)

~~is~~ hereby deleted. [REASON: No longer applicable]

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] (BLDG PERMIT: BLDG)(Previously condition V.2 of Resolution R-97-147, Petition 84-95(L).
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. (BLDG PERMIT: BLDG)(Previously condition V.3 of Resolution R-97-147, Petition 84-95(L).
4. No outdoor loudspeaker systems shall be permitted on the Recreation Facility and Club parcel. (CODE END)(Previously condition V.5 of Resolution R-97-147, Petition 84-95(L).
5. No more than two major tennis events per year shall be allowed on the Recreation Facility and Club (tennis academy) 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 for a Temporary Event from the Zoning Division and a special permit from the County Engineer.(CODE END/ZONING)(Previously condition V.6 of Resolution R-97-147, Petition 84-95(L).
6. 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). (BLDG)(Previously condition V.7 of Resolution R-97-147, Petition 84-95(L).

7. 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. (CODE END)(Previously condition V.8 of Resolution R-97-147, Petition 84-95(L).
8. No outdoor activities shall be permitted on the Recreation Facility and Club parcel after 10:00 p.m. (CODE END)(Previously condition V.9 of Resolution R-97-147, Petition 84-95(L).

V. 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. (HEALTH)(Previously condition W.1 of Resolution R-97-147, Petition 84-95(L).
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ERM)(Previously condition W.2 of Resolution R-97-147, Petition 84-95(L).
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.(CODE END)(Previously condition W.3 of Resolution R-97-147, Petition 84-95(L).
4. Mission Bay Development Company, Inc. agrees not to commence land development activities involving heavy equipment prior to 7:00 a.m. (CODE END)(Previously condition W.4 of Resolution R-97-147, Petition 84-95(L).
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. (CODE END)(Previously condition W.5 of Resolution R-97-147, Petition 84-95(L).
6. 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. **(ZONING/BLDG)**(Previously condition W.7 of Resolution R-97-147, Petition 84-95(L).

W. 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. **(ZONING)**(Previously condition X.1 of Resolution R-97-147, Petition 84-95(L).

X. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. **(ONGOING: MONITORING - Zoning)**
2. 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; revocation of any concurrency; 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 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)



Department of Planning,
Zoning & Building

100 Australian Avenue
West Palm Beach, FL 33411
407-770-1100
http://www.pbcfl.com/zoning



**Palm Beach County
Board of County
Commissioners**

Chair: Alan R. Robbins
Mayor: Bill Weir

Chair: Alan R. Robbins

Warren H. Nevill

Mary McCarty

Ken L. Foster

County Administrator

Raymond J. ...

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: September 30, 1998
RE: Amended Conditions from the September 24, 1998
BCC

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on September 24, 1998. The following petitions were amended:

DOA84-95(N)	MISSION BAY - TENNIS ACADEMY'
Z/DOA93-34(A)	ROSSMOOR LAKES SUBDIVISION
Z/CA98-12	PLANET KIDS III

Please contact me at 233-5234 if you have any questions.

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