

RESOLUTION NO. R-2005-1798

RESOLUTION APPROVING ZONING APPLICATION PDD2003-079
(CONTROL NO. 2003-079)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF WINDSOR PLACE LLC
BY LAND DESIGN SOUTH, INC., AGENT
(WINDSOR MXPD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application PDD2003-079 was presented to the Board of County Commissioners at a public hearing conducted on September 22, 2005; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan; contingent upon the approval of the Palm Beach County Comprehensive Amendment LGA 2005-00013 (Windsor Place II).
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD2003-079, the application of Windsor Place LLC by Land Design South, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Mixed Use Planned Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 22, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

- Tony Masilotti, Chair - Aye
- Addie L. Greene, Vice Chairperson - Aye
- Karen T. Marcus - Aye
- Jeff Koons - Aye
- Warren H. Newell - Aye
- Mary McCarty - Aye
- Burt Aaronson - Aye

The Chairman thereupon declared that this resolution shall become effective upon the effective date of the Palm Beach County Comprehensive Amendment LGA 2005-00013 (WINDSOR PLACE II).

Filed with the Clerk of the Board of County Commissioners on 22nd day of September, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

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

COMMENCING AT THE SOUTHWEST CORNER OF LEXINGTON 1 OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 195 THROUGH 198, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 89° 26' 07" EAST, ALONG THE SOUTH LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 2610.00 FEET; THENCE, SOUTH 00° 33' 53" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 725.61 FEET, FOR A POINT OF BEGINNING; THENCE, CONTINUE SOUTH 00° 33' 53" EAST, A DISTANCE OF 530.50 FEET; THENCE, SOUTH 03° 12' 41" WEST, A DISTANCE OF 250.54 FEET; THENCE, SOUTH 00° 33' 53" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 44° 26' 07" WEST, A DISTANCE OF 56.57 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 289.00 FEET; THENCE SOUTH 88° 10' 30" WEST, A DISTANCE OF 250.06 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 1144.50 FEET; THENCE, NORTH 00° 33' 53" WEST, A DISTANCE OF 570.00 FEET; THENCE, NORTH 52° 30' 57" EAST, A DISTANCE OF 925.60 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 40.00 ACRES, MORE OR LESS.
SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

THE BEARINGS AS STATED HEREON ARE BASED ON THE BEARING OF NORTH 89° 26' 07" EAST AS SHOWN ALONG THE SOUTH BOUNDARY LINE OF SAID PLAT OF LEXINGTON 1

EXHIBIT B
VICINITY SKETCH

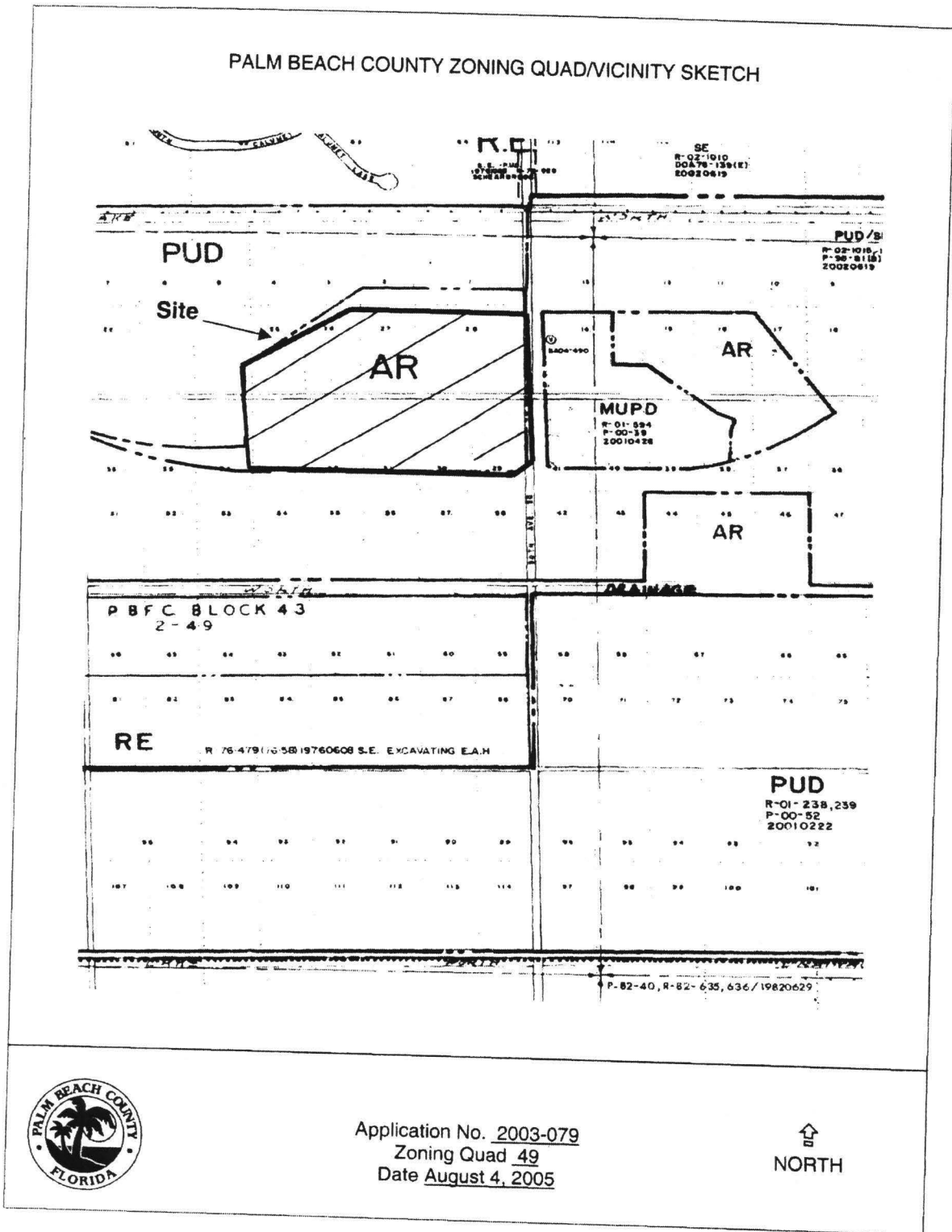


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Master Plan and the Land Use Allocation Map are dated June 20, 2005. 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-Zoning)
2. Phase 1 is limited to 96,870 square feet of retail; 132 multi-family units and 28,500 square feet of office. The additional 34,630 square feet office space that is shown on the Master Plan dated June 20, 2005 may be developed under Phase 2 when traffic concurrency becomes available for the site, and subject to a Development Order Amendment and BCC approval. (ONGOING:ZONING-Zoning).
3. Prior to the final approval by the Development Review Officer (DRO), a site plan for each pod pursuant to the Future Land Use designations (FLU) and acreage consistent with Ordinance 2005-038 as follows:

CH FLU – all retail buildings and office buildings 2,3 and 4;
CH-O – Office building 1;
LR-2 – units located at the northeast portion of the site;
LR-2 – units located at the west portion of the site; and,
The Pedestrian Oriented Zone (POZ) with the lake;

These site plans shall be submitted to the DRO for review and approval. Each site plan shall be consistent with the elements/buildings and amenities for each FLU-pod as shown on the conceptual “Master” site plan dated June 20, 2005. (DRO:DRO-Zoning)
4. Development of the site shall comply with the Windsor Place Design Guidelines and Standards for Future Development, ULDC, and Conditions of approval. If a conflict exists between the Windsor Place Design Guidelines for Future Development, the Boynton Beach Turnpike Interchange Design Guidelines, the ULDC and conditions of approval, the most restrictive requirement shall prevail. (DRO:DRO- Planning/Zoning)

HEALTH

1. The property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)
2. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH-ERM/Health)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:
 - a) Building permits for more than 132 multi-family dwelling units and 5,500 s.f. of General Retail, non-residential (or the equivalent of 115 pm peak hour trips) shall not be issued until the contract has been let for dual left turn lanes south approach and an additional through lane west approach at the intersection of Hagen Ranch Road and Lantana Road. (BLDG PERMIT: MONITORING-Eng)
 - b) Building permits for more than 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential (or the equivalent of 284 pm peak hour trips) shall not be issued until construction has commenced for the widening of Lyons Road as a 4 lane section from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
 - c) Building permits for more than 132 multi-family dwelling units and 84,200 s.f. of General Retail, non-residential (or the equivalent of 381 pm peak hour trips) shall not be issued until construction has commenced for dual left turn lanes north and south approaches and an additional through lane north approach at the intersection of Lyons Road and Lantana Road. (BLDG PERMIT: MONITORING - Eng)
 - d) No Building Permits for the site may be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING-Eng)
 - e) Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING-ENG-Eng)
2. On or before January 1, 2006, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of the improvements identified in Condition No. E1a, E1c, and E1d above as referenced above, subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to the **Land Development Division**. (DATE:MONITORING-Eng)
3. The property owner shall fund the construction plans and the construction of improvements identified in Condition No. E1a, E1c and E1d above. Palm Beach County shall then be responsible for the construction of the required improvements. Funding of the construction plans and construction shall be completed on or before April 1, 2006. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE:MONITORING-Eng)

4. Landscape within the Median of Lyons Road
 - A. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D.
 - B. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential. (BLDG PERMIT: MONITORING-Eng)
 - C. All installation of the landscaping and irrigation shall be completed prior to the issuance of a certificate of occupancy (CO) for more than 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential. (CO: MONITORING -Eng)
 - D. At the property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING:ENG-Eng)
 - E. Alternately, at the option of the property owner, and prior to the issuance of a Building Permit, the property owner may make a contribution to the Countys Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT"MONITORING-Eng)
5. Prior to May 1, 2006, the property owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at Hypoluxo Road and Lyons Road Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (DATE: MONITORING – Eng)
6. Prior to issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's north and south entrance roads. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50

feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT:MONITORING – Eng)

7. The property owner shall construct:
 - a. Left turn lane south approach on Lyons Road at the Project's north Entrance Road;
 - b. Right turn lane north approach on Lyons Road at the Project's north and south Entrance's;
 - c. Left turn lane west approach on Hypoluxo Road at the Project's middle Entrance Road;
 - d. a restricted median opening to permit lefts in only on Lyons Road at the project's north entrance
 - e. right turn lane on Hypoluxo Road at the project's east and middle entrance road; and,
 - f. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
 - 1) Permits required by Palm Beach County for the construction in a, b, c, d, and e shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - 2) Construction for the improvements in a, b, c, d, and e, shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall indicate that no single commercial tenant on the ground floor, shall occupy more than 20% of the total commercial frontage of commercial structures of the Pedestrian Oriented Zone (POZ) on the frontage line up to maximum of 180 feet. (DRO: PLANNING – Planning)
2. In no event shall any single tenant occupy more than 40% of the total commercial square footage allowed on the CH portion of the site. The next largest commercial tenant may occupy no more than 20% of the total square footage on the CH portion of the site. (DRO: PLANNING – Planning)
3. Access to residential portions of the project shall not be controlled by gates, guardhouses or be otherwise separated from any non-residential portions. (DRO: PLANNING – Planning)
4. Prior to final approval by the Development Review Officer (DRO), a "unity of control" covenant for the entire 40-acre site shall be entered into and signed by the property owner(s). (DRO: COUNTY ATTY - Planning)
5. Prior to final approval by the Development Review Officer (DRO), the floor plans and elevations for all structures within the Pedestrian Oriented Zone as shown on the Land use Allocation Map dated June 20, 2005, shall be submitted for review to ensure consistency with the intent of the Windsor Place Design Guidelines and Standards for Future Development. (DRO: PLANNING – Planning)

6. Prior to October 1, 2009, the property owner shall complete construction of the POZ and all buildings fronting the POZ, generally consistent with the certified Land Use Allocation Map dated June 20, 2005. Failure to comply with this condition will result in no additional building permits being issued for the site. (DATE: MONITORING – Planning)
7. Prior to final approval by the Development Review Officer (DRO), the following condition shall be added to the plan for the western LR-2 POD: (DRO: PLANNING - Planning)

Prior to the issuance of the first Certificate of Occupancy (CO) for the residential portion of this MLU, the property owner shall pave the property to the edge of the northwestern property line at the location shown on the certified site plan that reads "Pedestrian Connection to Towne Park PUD". This connection shall align with the approved connection in the Towne Park PUD (P-95-116). (CO:MONITORING - Planning)
8. Prior to final site plan approval by the Development Review Officer (DRO), a note shall be placed on the site plan above the "Site Breakdown Chart" that shall read "Per Future Land Use Amendment Windsor Place II (LGA 2005-00013)". This note shall also include the adopting ordinance number for the amendment. (DRO: PLANNING – Planning)
9. Prior to final site plan approval by the Development Review Officer (DRO), the notes shown on the ROW details on the Regulating Plan shall be revised to indicate the adopting ordinance number for Future Land Use Amendment Windsor Place II (LGA 2005-00013). (DRO: PLANNING – Planning)
10. Prior to final approval by the Development Review Officer (DRO), the site plan shall include cross section details depicting shaded pathways/sidewalks along all internal pathways/sidewalks. (DRO: PLANNING - Planning)

SCHOOL

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD-School Board)
2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING– School Board/Eng)

ZONING - BUILDING AND SITE DESIGN

1. Interior setback for each pod (pursuant to the Future Land Use designation of CH; CH-O and LR-2) shall be measured from the centerline of the access tract at a minimum of twenty-five (25) feet. (DRO: ZONING - Zoning)

ZONING- LANDSCAPING - STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet, except for the north property line where tree height shall be upgraded to sixteen (16) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE -Zoning)

2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

5. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final site plan approval by the Development Review Officer (DRO). (DRO: LANDSCAPE - Zoning)

6. Details including design layout, elevations (where applicable) and dimensions of all the Landscape/Architectural Conditions shall be submitted to Architectural Review/Landscape Section for approval at final approval by the Development Review Officer (DRO). (DRO: ARCH REVIEW-Zoning)

ZONING - LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (FRONTAGE OF HYPOLUXO ROAD AND LYONS ROAD)

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
 - a. a minimum fifty (50) foot wide strip for Hypoluxo Road and a minimum of forty (40) foot wide strip for Lyons Road, each strip shall include a minimum of twenty-six (26) foot wide landscape buffer;
 - b. a minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet;
 - c. a minimum of eight (8) foot wide meandering sidewalk;
 - d. one (1) native canopy tree (Live Oak) for each twenty-five (25) linear feet of the property line; and,

- e. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm;
- f. one (1) accent or flowering tree for each forty (40) linear feet of the property line; and,
- g. quantity of plant materials pursuant to this Condition 1.f-1.g. may be adjusted by the Landscape Section to achieve the intent of the Windsor Place Design Guidelines Hypoluxo Road/Lyons Road landscape buffer. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES
(ABUTTING RESIDENTIAL)

- 1. In addition to code requirements and the proposed planting program, landscaping buffer width along the north and west property lines shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip excluding the width of the eight-foot walkway as required in this Condition 1.b;
 - b. a minimum of eight (8) foot wide meandering sidewalk. Width of the sidewalk may be included in the 25-foot wide buffer strip if the property owner selected the option of Alternative Landscape Plan pursuant to Landscape Interior Condition 5;
 - c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. a minimum of thirty (30) percent of the shrubs required by code shall be upgraded to the following size at installation:
 - i. small shrubs – twenty-four (24) inches;
 - ii. medium shrubs – thirty (30) inches;
 - iii. large shrubs – thirty-six (36) inches;
 - f. quantity of plant materials pursuant to this Condition may be adjusted by the Landscape Section to achieve the intent of the Windsor Place Design Guidelines Hypoluxo Road/Lyons Road landscape buffer. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING- LANDSCAPE INTERIOR

- 1. Details shown on Regulating Plan dated June 20, 2005 shall consist and shall be revised as follows:
 - a. Detail 5, Pedestrian Oriented Zone shall be designed pursuant to POZ Conditions;
 - b. Detail 6, HOA Recreation Area shall be designed pursuant to Residential Condition 1;
 - c. Detail 8, Signs – relabel and redesign pursuant to Sign conditions;
 - d. Detail 10, Entry Landscape at entrance of Hypoluxo Road and Lyons Road – details shall be subject to a Landscape Plan;
 - e. Detail 14, Outdoor Patio Area/Detail 18, Focal Point – add an architectural focal point in the landscape area, focal points shall include but not limited to a column, loggia, a sundial, a sculpture or a fountain; and,
 - f. Detail 15, Clock Tower – elevations with dimensions shall be submitted. (DRO:ZONING-Zoning)

2. A minimum of two (2) different designs shall be provided for the proposed Trellis/ pergola/berceau. One design for the POZ; and one for the remaining non-residential uses. Design may be varied from a common theme. Design details shall be subject to review and approval by the Architectural Review Section at final site plan approval by the Development Review Officer (DRO). (DRO:ARCH REVIEW-Zoning)
3. Detail Reference for the Outdoors Seating Area adjacent to Retail building 1 on the "Master" Site plan shall be revised to be consistent with Detail 1 of Regulating Plan dated June 20, 2005. The layout for the Outdoors Seating Area shall be redesigned to add an architectural focal point. This focal point shall include but not limited to one of the following: columns, a fountain, a sundial, a sculpture or a loggia. (DRO:ARCH REVIEW-Zoning)
4. Landscape diamonds with a minimum planting area of twenty-five (25) square feet shall be provided at the common intersection of four (4) parking spaces and spaced a maximum of four (4) parking spaces apart. A minimum of one (1) canopy tree or palm and appropriate ground cover shall be provided within each landscape diamond. This condition is applicable to the parking lot adjacent to Office Building E and in area where there is no landscape divider. (DRO: LANDSCAPE - Zoning)
5. Planting for the ten (10) foot wide compatibility landscape buffer required by the ULDC could be relocated elsewhere on the subject to an Alternative Landscape Plan, the plan shall be reviewed and approved by the Landscape Section prior to final approval by the Development Review Officer. (DRO: ARCH REVIEW-Zoning)

ZONING –PEDESTRIAN ORIENTED ZONE (POZ)

1. A minimum of eight (8) architectural columns shall be provided along the semi-circular landscape area, and shall consist of the following:
 - a. each column shall have a minimum diameter of eighteen (18) inches and a minimum height of eight (8) feet. Diameter and height of columns may be adjusted by the Architectural Review Section to ensure compatibility and proportion with the design of the posts of the berceaux as required in POZ Condition 2 ;
 - b. columns shall be evenly spaced on both sides of the central walkway; and,
 - c. the columns adjacent to the central walkway may be utilized to support one of the two (2) berceaux as required in POZ Condition 2. (DRO:ARCH REVIEW-Zoning)
2. Paving for the north circular sitting area adjacent to the bulkhead shall be installed with the following options:
 - a. concrete with a minimum of six (6) three (3) foot wide band of decorative pavers installed at equivalent intervals; or
 - b. any decorative paving materials approved by the Architectural Review Section. (DRO: ARCH REVIEW-Zoning)
3. Two (2) sets of berceaux shall be provided along the 13-foot wide walkway. Each berceau shall be designed and consist of the following:
 - a. a minimum dimension of fourteen (14) feet in width and twenty-five (25) feet in length;
 - b. a berceau (an arched trelliswork forming a covered walkway); and
 - c. a climbing vine to be planted at each vertical support of the berceau. (DRO:ARCH REVIEW-Zoning)

4. The main central walkway shall be a minimum of thirteen (13) feet in width, and shall be paved with the following options:
 - a. a minimum of three hundred (300) square feet of decorative pavers; or
 - b. concrete with a minimum of three (3) foot wide band of decorative pavers installed at a maximum interval of thirty (30) feet. (DRO: ARCH REVIEW-Zoning)
5. The bulkhead along the lake front shall be designed and shall consist of the following:
 - a. a decorative, non-opaque railing shall be provided. (DRO: ARCH REVIEW-Zoning)
6. Design for the benches located within the POZ shall have a common element of the decorative railing pursuant to Condition 4, benches as shown on the Regulating Plan dated June 20, 2005 (DRO: ARCH REVIEW-Zoning)
7. Details including design layout, elevations and dimensions of the tower/shelter shall be submitted to Architectural Review for approval at final site plan approval by the Development Review Officer (DRO). (DRO: ARCH REVIEW-Zoning)
8. Ten (10%) of the 2.5-acre lake located within the POZ shall be designed with a hard edge consisting of the following options:
 - a. a bulkhead with railing; and,
 - b. a minimum of 2,500 square feet of required littoral planting must be adjacent to the bulkhead. (DRO: ARCH REVIEW-Zoning)
9. Gazebos as indicated on the Regulating Plan dated June 20, 2005 shall be relocated along the lakefront within the 2.06-acre open space. (DRO: ARCH REVIEW-Zoning)

ZONING- RESIDENTIAL LR-2 POD

1. Prior to final approval by the Development Review Officer (DRO), the HOA recreation area, Detail 6 shown on the Regulating Plan dated June 20, 2005 shall be revised to consist of, including but not limited to, the following:
 - a. a tot lot, fitness station, rest station, sport court, or similar recreation amenity;
 - b. all amenities shall include a direct connection to the five (5) foot wide paved pathway; and,
 - c. details for all amenities shall be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning)
2. Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
 - a. All recreation parcels shall be deed restricted to recreation for the use of the residents of the residential portion of the MXP. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (PLAT: ENG- Cty Atty)

ZONING – SIGNS

1. Project Identification (Residential portion only) signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. maximum sign face area per side – twenty-four (24) square feet;
 - c. maximum number of signs - one (1) at the west access point of Hypoluxo Road;
 - d. style - monument style only; and,
 - e. signs shall be limited to identification of the residential project only. (BLDG PERMIT: BLDG - Zoning)
2. Entrance (Non- residential portion only) signs shall be limited as follows:
- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. maximum sign face area per side – sixty (60) square feet;
 - c. maximum number of signs – one (1) pair at the central access point of Hypoluxo Road and at the northern access point of Lyons Road;
 - d. style - monument style only;
 - e. location – each pair shall be located on both sides and within eighty (80) feet of the access point, measuring from the centerline of the access drive or landscape median; and,
 - f. signs shall be limited to project identification of the non-residential portion of the MLU development only. (BLDG PERMIT: BLDG - Zoning)
3. Freestanding (Tenant identification, non- residential portion only) signs shall be limited as follows:
- a. maximum sign height, measured from finished grade to highest point – twelve (12) feet;
 - b. maximum sign face area per side – one hundred and twenty six (120) square feet;
 - c. maximum number of signs – two (2) for each Road frontage of Hypoluxo road and Lyons Road;
 - d. style - monument style only;
 - e. location – each sign shall be located within the landscape median of each access point. In area where there is no landscape median, the sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive; and,
 - f. signs shall be limited to identification of tenants of the non-residential portion of the MLU development only. (BLDG PERMIT: BLDG - Zoning)
4. Wall signs shall be limited to any two (2) façades of each building and individual lettering size shall be limited to twenty-four (24) inches high, subject to compliance with all applicable ULDC requirements. Single tenant that exceeds 15,000 square feet may increase lettering size to thirty-six (36) inches. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

ZONING – USE LIMITATIONS

1. The outdoor seating adjacent to Retail Building 1 and 8 as shown on the Master Site Plan dated June 20, 2005 shall be limited to the following:
 - a. a maximum of 3,000 square feet of outdoor eating area shall be permitted on the site. The outdoor eating area shall be considered building square footage when it is associated with a restaurant. This building area could be transferred from the indoor retail square footage as long as the total area of the outdoor eating area and indoor building square footage does not exceed 96,870 square feet.

Transfer of square footage shall be subject to the approval by the Development Review Officer. (DRO:ZONING-Zoning/Planning)

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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)