

RESOLUTION NO. R-2006- 0028

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1174
(CONTROL NO. 2005-394)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF PALM BEACH AGGREGATES, INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(HIGHLAND DUNES PUD)

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), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-1174 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2006; 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;
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 PDD2005-1174, the application of Palm Beach Aggregates, Inc., by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment from the Specialized Agricultural Zoning District to the Residential Planned Unit 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 January 5, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

The motion was seconded by Commissioner Greene 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	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 5, 2006.

Filed with the Clerk of the Board of County Commissioners on 5th day of Janauary, 2006

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

PARCEL 2:

THAT PART OF THE SOUTH 360 FEET OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 240 FEET OF THE SOUTH 360 FEET OF SAID SECTION 21; ALSO THE NORTH 50 FEET OF THE SOUTH 120 FEET OF THE EAST 220 FEET OF SAID SECTION 21.

TOGETHER WITH:

PARCEL 3:

THAT PART OF THE SOUTH 360 FEET OF THE WEST 780 FEET OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 290 FEET OF THE SOUTH 360 FEET OF THE WEST 780 FEET OF SAID SECTION 22.

ALSO TOGETHER WITH:

PARCEL 4:

THAT PART OF THE WEST 780 FEET OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH:

PARCEL 5:

ALL OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH:

PARCEL 8:

ALL OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

ALSO TOGETHER WITH:

PARCEL 9:

THAT PART OF THE WEST 780 FEET OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

LESS AND EXCEPTING FROM PARCELS 2, 5 AND 8, THAT PORTION WHICH LIES WITHIN THAT STRIP OF LAND WHICH LIES 46.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY RIGHT-OF-WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT L-8 CANAL AS PER THE RIGHT-OF-WAY MAP FOR SAID L-8 CANAL, DWG "L-8-1", AND DATED MAY 8, 1950, AND PROVIDED TO THIS OFFICE BY THE SOUTH FLORIDA WATER MANAGEMENT DEPARTMENT OF SURVEY.

TOTAL SITE ACREAGE = 1209.96 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

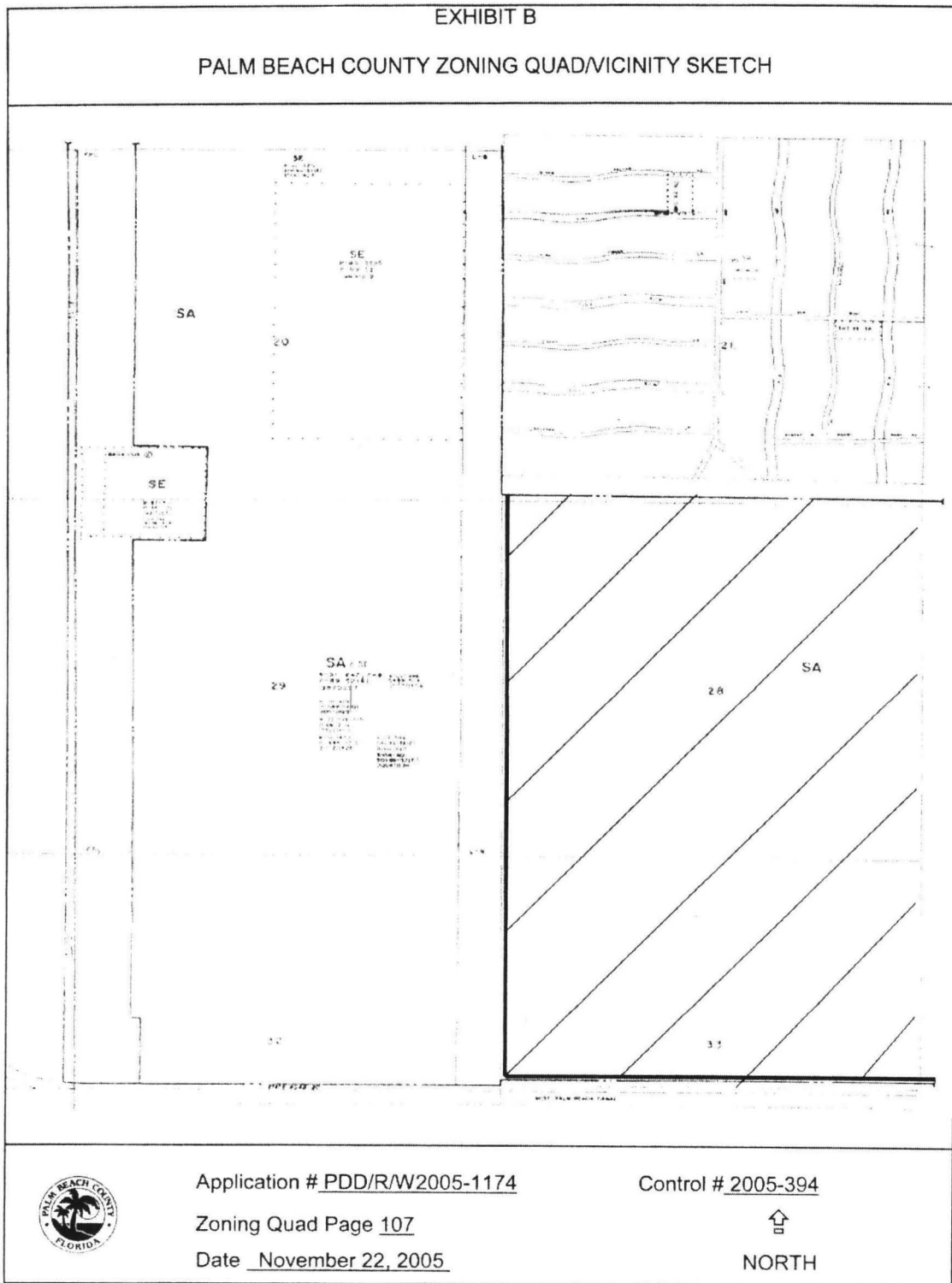


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved master plan and regulating plan are dated October 17, 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)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), architectural elevations for any project signage, guard/gatehouse, school bus shelter, mass transit shelter, shade structure, entry feature, pedestrian bridge, and recreation/clubhouse building shall be submitted to the Architectural Review Section. All elevations shall be:
 - a. designed to incorporate natural stone, wood materials, and/or other similar style materials;
 - b. given a similar architectural treatment to establish a common theme for the development;
 - c. reflected on the final regulating plan prior to final approval by the Development Review Officer (DRO); and,
 - d. subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)

BUILDING AND SITE DESIGN

1. Prior to final approval of any site/subdivision plan(s) by the Development Review Officer (DRO), in order to interrupt line of sight distances and achieve meandering streetscapes, a minimum twenty (20) foot centerline offset or acceptable alternative (i.e. roundabout, median, etc.) shall be provided in the general vicinity of the midpoint of each road section located internal to a residential pod and exceeding 800 linear feet in length. In the case of conflict with requirements of the County Engineer, this requirement may be modified as deemed necessary by the County Engineer. (DRO: ZONING - Zoning)
2. All landscape focal points shall be:
 - a. subject to review and approval by the Landscape Section; and,
 - b. reflected on the regulating plan prior to final approval by the Development Review Officer (DRO). (DRO: LANDSCAPE - Zoning)
3. Prior to final approval by the Development Review Officer (DRO), all site/subdivision plans shall indicate a landscape focal point:
 - a. within a central island of any cul-de-sac or roundabout;
 - b. within any eyebrow island or similar median;
 - c. in the vicinity of the road frontage of any T-intersection open space; and,
 - d. at the terminus of any dead-end street. (DRO: ZONING - Zoning)

4. Prior to final approval by the Development Review Officer (DRO), the site/subdivision plans shall indicate additional decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) as follows:
 - a. a minimum eight (8) foot wide continuous band surrounding a central island within all cul-de-sacs;
 - b. a minimum eight (8) foot wide continuous band along the perimeter of all semi cul-de-sacs, medians and/or eyebrows, to be located between adjacent residential lots only;
 - c. at the intersections of the internal 80-foot wide right-of-way and all access points to each pod; and,
 - d. the final design and location for all decorative paving treatment shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

5. Prior to final approval by the Development Review Officer (DRO), the master plan and site/subdivision plans shall indicate a minimum of two (2) fountains as focal features within the 96.51-acre lake management tract. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

6. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall indicate upgraded recreation amenities within the required neighborhood park of each residential pod. These additional amenities shall:
 - a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface. This pathway shall have a direct connection to the primary sidewalk system within each residential pod;
 - b. include a minimum of four (4) pedestrian benches;
 - c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
 - d. include a shade structure (eg. trellis, gazebo, pergola, loggia), tot lot, fitness station, rest station, or similar recreation amenity; and,
 - e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)

7. Prior to final approval by the Development Review Officer (DRO), the site/regulating plan shall indicate the following amenities adjacent to the 8-foot wide asphalt paths:
 - a. a minimum of one (1) pedestrian bench for each six hundred and sixty (660) linear feet of the path with a maximum spacing of eight hundred (800) feet between each bench;
 - b. a minimum of one (1) trash receptacle adjacent to each alternating pedestrian bench;
 - c. a minimum of one (1) canopy tree spaced a maximum distance of fifty (50) feet on center, to be planted alternating on both sides of the path;
 - d. a minimum of one (1) freestanding light fixture with a maximum height of twelve (12) feet located on alternating sides of the path at a maximum spacing of one hundred (100) feet on center for the entire duration of each path. Alternatively, lighted bollards spaced a maximum distance of fifty (50) feet on center and located on alternating sides of the path shall be provided for the entire duration of each path. Lighting shall be located adjacent to the path; and,

- e. the final design for these paths shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)
8. Prior to final approval by the Development Review Officer (DRO), details for all amenities within the typical flow way overlook areas (i.e. Focal Point FP-1) shall be subject to review and approval by the Architectural Review Section and reflected on the regulating plan. (DRO: ARCH REVIEW - Zoning)
 9. Prior to final approval by the Development Review Officer (DRO), the master plan and site/subdivision plans shall indicate a flow way overlook area (i.e. Focal Point FP-1) within the open space area located at the southeast corner of Pod D and north of FP3. This overlook area shall have a direct connection to the primary sidewalk system on the property. (DRO: ZONING - Zoning)
 10. Prior to final approval by the Development Review Officer (DRO), the master, site/subdivision, regulating and landscape plans shall indicate the following amenities within the meandering 50-foot wide trail corridor (33.54-acre public civic site):
 - a. a minimum twelve (12) foot wide meandering, paved pathway for the entire duration of the trail corridor;
 - b. a minimum of one (1) shade structure (pavilion) in the general vicinity of each intersection with a pathway providing access to the trail corridor (i.e. trailhead). Each structure shall have minimum dimensions of ten (10) feet in width, eight (8) feet in depth, and nine (9) feet of unobstructed clearance;
 - c. a minimum of two (2) pedestrian benches and one (1) trash receptacle adjacent to each shade structure; and,
 - d. the final design for this trail corridor shall be subject to review and approval by the Architectural Review and Landscape Sections. (DRO: ARCH REVIEW - Zoning)
 11. Building and Site Design Conditions 4, 6, 7, 8, 9 and/or 10 above may be satisfied by approval of an alternative design guidelines manual that meets the intent of each respective condition. All details shall be subject to review and approval by the Architectural Review Section. (ONGOING: ARCH REVIEW - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2014. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - ENG)
2. Prior to technical compliance for the first plat, the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way for:

- i. the future east west road along the project's north property line; and,
- ii. Southern Boulevard.

Construction within this easement shall conform to Palm Beach County Standards. (TC:ENG - ENG)

3. Prior to issuance of a building permit, the property owner shall convey a temporary roadway construction easement along the future east west road along the project's north property line and for Southern Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - ENG)
4. 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 the future east west road along the project's north property at the project's entrance road. 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)
5. Prior to issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for :
 - i. the future east west road along the project's north property, 200 feet in width; and,
 - ii. Southern Boulevard 220 feet in width

Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG PERMIT: MONITORING - ENG)

6. The property owner shall construct:
 - i. left turn lane west approach on Southern Boulevard at the project entrance; and,

- ii. right turn lane east approach on Southern Boulevard at the project entrance.

All 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.

- a. Permits required by the Florida Department of Transportation for construction in i and ii shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - ENG)
 - b. Construction for the improvements in i and ii shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - ENG)
7. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Southern Boulevard and the future east west road along project's north property. Limits shall be along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG PERMIT: MONITORING - ENG)

8. LANDSCAPE WITHIN THE MEDIAN OF SOUTHERN BOULEVARD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. 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 property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless the property owner provides payment for maintenance as set forth in Paragraph d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - ENG)
 - b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -ENG)
 - c. 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 property owner. 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)
 - d. Also, prior to the issuance of a building permit, and at the option of the property owner, the property owner may make a contribution to the County's 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 project's front footage along Southern Boulevard. 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. (ONGOING: ENG - ENG)
9. The property owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:
- i. Project's entrance and Southern Boulevard; and,
 - ii. Project's entrance and the future east west road along the project's north property line.
 - a. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and 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. (ONGOING: ENG - ENG)
 - b. Building permits for more than 200 dwelling units shall not be issued until the property owner provides acceptable surety to the Land Development Division in an amount as determined by the Director of the Traffic Division for the installation of these signals. (BLDG PERMIT: MONITORING - ENG)
10. 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 67 single family dwelling units (maximum 75 PM peak hour trips) shall not be issued until the contract has been let for the construction of the 4 laning Seminole Pratt Whitney Road from Okeechobee Boulevard to Southern Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)
- b. Building permits for more than 441 single family dwelling units (maximum 318 AM peak hour trips) shall not be issued until construction commences for 6 laning of Southern Boulevard from west of Binks Forest Drive to east of Palm West Parkway including appropriate paved tapers to provide for through lane continuity from Forest Hill Boulevard to Big Blue Trace and maintain the existing right turn lane on the east approach on Southern Boulevard at Palm West Parkway. (BLDG PERMIT: MONITORING - ENG)
- c. Building permits for more than 441 single family dwelling units (maximum 318 AM peak hour trips) shall not be issued until construction commences for the following intersection improvements:
 - i. an additional through lane east approach; and,
 - ii. an additional through lane west approach at the intersection of Southern Boulevard and Forest Hill Boulevard has been let, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)
- d. Building permits for more than 505 single family dwelling units (maximum 363 AM peak hour trips) shall not be issued until construction commences for the 6 laning of Southern Boulevard from Binks Forest Drive to Seminole Pratt Whitney Road thru the Seminole Pratt Whitney intersection plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)
- e. Building permits for more than 937 single family dwelling units (maximum 803 PM peak hour trips) shall not be issued until construction commences for the following intersection improvements:
 - i. dual left turn lanes south approach;
 - ii. three through lanes east approach; and,
 - iii. three through lanes west approach at the intersection of Southern Boulevard and Big Blue Trace has been let, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)
- f. Building Permits for more than 1,132 single family dwelling units (maximum 802 AM peak hour trips) shall not be issued until construction commences for the following intersection improvements:
 - i. dual left turn lanes west approach, and;
 - ii. three through lanes both east and west approaches at the intersection of Southern Boulevard and Seminole Pratt Whitney Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)
- g. Building Permits for more than 1,522 single family dwelling units (maximum 1075 AM peak hour trips) shall not be issued until construction commences for the following intersection improvements:

- i. three through lanes east approach; and,
 - ii. three through lanes west approach at the intersection of Southern Boulevard and Binks Forest Drive has been let, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)
 - h. The mix of allowable uses within the PUD as permitted by the Zoning Division 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. (ONGOING: ENG - ENG)
 - i. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENG - ENG)
11. Acceptable surety required for the improvements identified in Condition No. 10b, 10c, 10d, 10e, 10f and 10g above shall be posted with the Office of the Land Development Division on or before July 5, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the property owner's engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - ENG)
12. CONSTRUCTION FUNDING
- a. Prior to June 1, 2008, the property owner shall complete construction plans for the improvements identified in 10b, 10c, 10d, 10e, 10f, and 10g above. These construction plans shall be approved by the County Engineer and the Florida Department of Transportation based upon Palm Beach County's and DOT's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the appropriate Palm Beach County and DOT Departments. (DATE: MONITORING - ENG)
 - b. Prior to January 1, 2008, the property owner shall enter into an agreement with Palm Beach County and provide funding of any necessary right-of-way acquisition costs for construction of the improvements identified in 10b, 10c, 10d, 10e, 10f, and 10g. (DATE: MONITORING - ENG)
 - c. Prior to July 1, 2009, the property owner shall complete funding of the construction improvements identified in 10b, 10c, 10d, 10e, 10f, and 10g. Funding shall be provided Palm Beach County Land Development Division. Palm Beach County shall then be responsible for completing the construction subject to County Policy. (DATE: MONITORING - ENG)
13. On or before February 20, 2009, the property owner place clean acceptable fill within the right of way for the future east west road along the project's north property line sufficient to raise the elevation of this future road to within

6 inches of the 25 year 3 day storm event. The limits of this additional fill shall be along the project frontage of this road. Permits required by the County Engineer for this work shall be obtained by the property owner prior to October 1, 2008. (DATE: MONITORING - ENG)

HEALTH

1. Prior to the issuance of the first building permit, the property owner shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of fugitive dust particulates on the site during all phases of site development. The property owner or the representative of the property owner shall be available to meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING - Health)
2. The property owner shall utilize Best Management Practices (BMP) approved by the Palm Beach County Mosquito Control Division to minimize breeding of mosquitoes in the surface water management system. The BMP shall be incorporated into the governing documents of the Homeowners Association, and shall include mosquito control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on natural areas. (ONGOING: HEALTH -Health)

ZONING - LANDSCAPING

1. At time of submittal for final master plan approval by the Development Review Officer (DRO), the property owner shall submit an Alternative Landscape Plan to the Landscape Section for all perimeter landscape buffers. The Plan(s) shall be:
 - a. generally consistent with the regulating plan dated October 17, 2005;
 - b. prepared in compliance with the conditions of approval as contained herein;
 - c. reflected on the regulating plan prior to final approval by the Development Review Officer (DRO) as typical buffer details in both plan view and cross section formats; and,
 - d. subject to review and approval by the Landscape Section. (DRO: LANDSCAPE - Zoning)
2. A minimum of seventy-five percent (75%) of all trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) 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. (DRO: LANDSCAPE - Zoning)
3. All palms required to be planted on the property by this approval, except on individual residential lots, 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. (DRO: LANDSCAPE - Zoning)
4. A minimum of seventy-five percent (75%) of all palms to be planted in the perimeter landscape buffers shall be native species. (DRO: LANDSCAPE - Zoning)
 5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (DRO: LANDSCAPE - Zoning)
 6. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: LANDSCAPE - Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the master plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)
2. Prior to plat recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG - Palm Tran)
3. The location of a Bus Bays at a Bus Stop Boarding and Alighting Areas, subject to the approval of Palm Tran shall be shown on the master plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)

PARKS AND RECREATION

1. Upon request by the Parks and Recreation Department, the property owner or property owners' association shall provide a temporary construction easement as well as a permanent 150 foot wide access easement in the general vicinity of the southwest corner of the site in a location and elevation acceptable to the Parks and Recreation Department. This easement is required in order to accommodate a future pedestrian and/or wildlife land bridge across Southern Boulevard to connect to a future wildlife corridor and/or trail system located south of Southern Boulevard as identified in the future. (ONGOING: PARKS - Parks)
2. Upon request by the Parks and Recreation Department, the property owner or property owners' association shall provide a temporary construction easement as well as a permanent 150 foot wide access easement in the general vicinity of the southeast corner of the site in a location and elevation

acceptable to the Parks and Recreation Department. This easement is required in order to accommodate a future pedestrian and/or wildlife land bridge across Southern Boulevard to connect to a future wildlife corridor and/or trail system located south of Southern Boulevard as identified in the future. (ONGOING: PARKS - Parks)

3. Prior to final approval by the Development Review Officer (DRO), the master/site plan(s) shall show a mid-block marked crosswalk with a flashing signal or pedestrian tunnel to connect the 24.23-civic site to the trail system located on the north side of the 80-foot wide right-of-way. (DRO: PARKS - Parks)

PLANNING

1. The subject site shall be limited to a maximum of 2,000 dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial. (DRO: PLANNING - Planning)
2. Prior to final approval by the Development Review Officer (DRO), the master/site plan(s) shall include all open space and flow way pedestrian pathways, pedestrian overlooks, pedestrian connections to the perimeter trail, and neighborhood parks, generally consistent with the certified plan. The final plan shall include a minimum 50 foot wide open space trail corridor for the entire northern and western boundaries of the property that can link to the planned CWC Sector Plan integrated trail network. (DRO: PLANNING - Planning)
3. Prior to the issuance of the 1,500th Certificate of Occupancy, the property owner shall pave the 80-foot right-of-way to the east property line at the location labeled, "Future Inter Connectivity to Employment Center", on the master plan. (CO: MONITORING - Planning)
4. Prior to the issuance of the 1,500th Certificate of Occupancy, the property owner shall pave the 80-foot wide right-of-way to the north property line at the location indicated on the master plan. (CO: MONITORING - Planning)

PLANNED UNIT DEVELOPMENT

1. Prior to the recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
 - a. 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.
 - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. 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.
 - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: CO ATTY - Zoning)

2. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, master plans and related site plans a disclosure statement identifying and notifying of the existence of commercial excavation, a future electric power generation facility, regional water management reservoirs and facilities, and active agricultural uses in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on July 5, 2007, and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)
3. Prior to final approval of a site plan for the 6.97-acre or 6.64-acre recreation pod, the Development Review Officer (DRO) shall apply and the property owner shall accept the following condition of approval:

Prior to the issuance of a building permit for the 800th residential unit, a Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever shall first occur, shall be issued for a clubhouse or similar common building that is acceptable to the Parks and Recreation Department on the applicable recreation pod. This facility shall be equipped with a generator that complies with the following requirements:

- a. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
 - b. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
 - c. setback in accordance with the Property Development Regulations for a Recreation Pod in accordance with ULDC Table 3.E.2.D-16;
 - d. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
 - e. subject to review and approval by the Building Division; and,
 - f. deviation from these requirements shall be permitted if consistent with future ULDC regulations. (DRO: ZONING - Zoning)
4. Prior to the issuance of a building permit for the 1,250th residential dwelling unit, a Certificate of Occupancy (CO) shall be issued for a minimum of 30,000 square feet of non-residential uses in the 5.68-acre commercial pod. (BLDG PERMIT: MONITORING - Zoning)

PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 24.23-acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by April 1, 2008. The property owner shall plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. The property owner shall provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All

title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the property owner. The property owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

- b. The property owner shall assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The property owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips.
- c. All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.
- d. Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.
- e. The property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. The property owner shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins.
 - 2) As easement across the property owner's property from the proposed civic site to the retention basins, if required.
- f. By acceptance of these conditions the property owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.
- g. The property owner shall perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.
- h. Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with
 - 1) sod and watered or,
 - 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.
- i. The property owner shall provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE: MONITORING - PREM)

2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2007. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 - a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site. Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2007. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. The assessment will include but not be limited to the following:
 - a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
 - b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records. The assessment shall reflect whether the civic site or any bordering property is on the following lists:
 - 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
 - c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: MONITORING - PREM)

4. The property owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash

value than the on-site dedication the property owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of ULDC. (ONGOING: PREM - PREM)

SCHOOL BOARD

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 HOME BUYERS/TENANTS AND
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 shelters shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelters 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 - ENG)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBDWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant 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

- b. approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- c. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- d. 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
- e. Referral to code enforcement; and/or
- f. 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)