

RESOLUTION NO. R-2006-0745

RESOLUTION APPROVING ZONING APPLICATION DOA2005-480  
(CONTROL NUMBER 1981-233)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF PRIME PROJECTS DEVELOPMENT LLC  
BY KILDAY & ASSOCIATES, INC., AGENT  
(BALMORAL (LACUNA) COUNTRY CLUB POD H)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-480 was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2006; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA2005-480, the petition of Prime Projects Development, LLC, by Kilday & Associates, Inc., agent, for a Development Order Amendment to re-designate land use from recreation to residential, reconfigure the master plan and add units 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 April 27, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 27, 2006.

Filed with the Clerk of the Board of County Commissioners on 17th day of May, 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 BOCK, CLERK &  
COMPTROLLER

BY:

[Signature]  
COUNTY ATTORNEY

BY:

[Signature]  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

A parcel of land being a portion of Tract "R" and a portion of the parcel designated "Golf Course", FAIRFIELD'S LACUNA PLAT 4, according to the plat thereof, as recorded in Plat Book 61, Pages 14 and 15 of the Public Records of Palm Beach County, Florida; said parcel being specifically described as follows;

Commencing at the Southwest corner of the parcel designated "Golf Course";  
Thence, bear North 89°-25'-00" East, along the South line of said FAIRFIELD'S LACUNA PLAT 4, a distance of 154.46 feet to the POINT OF BEGINNING;

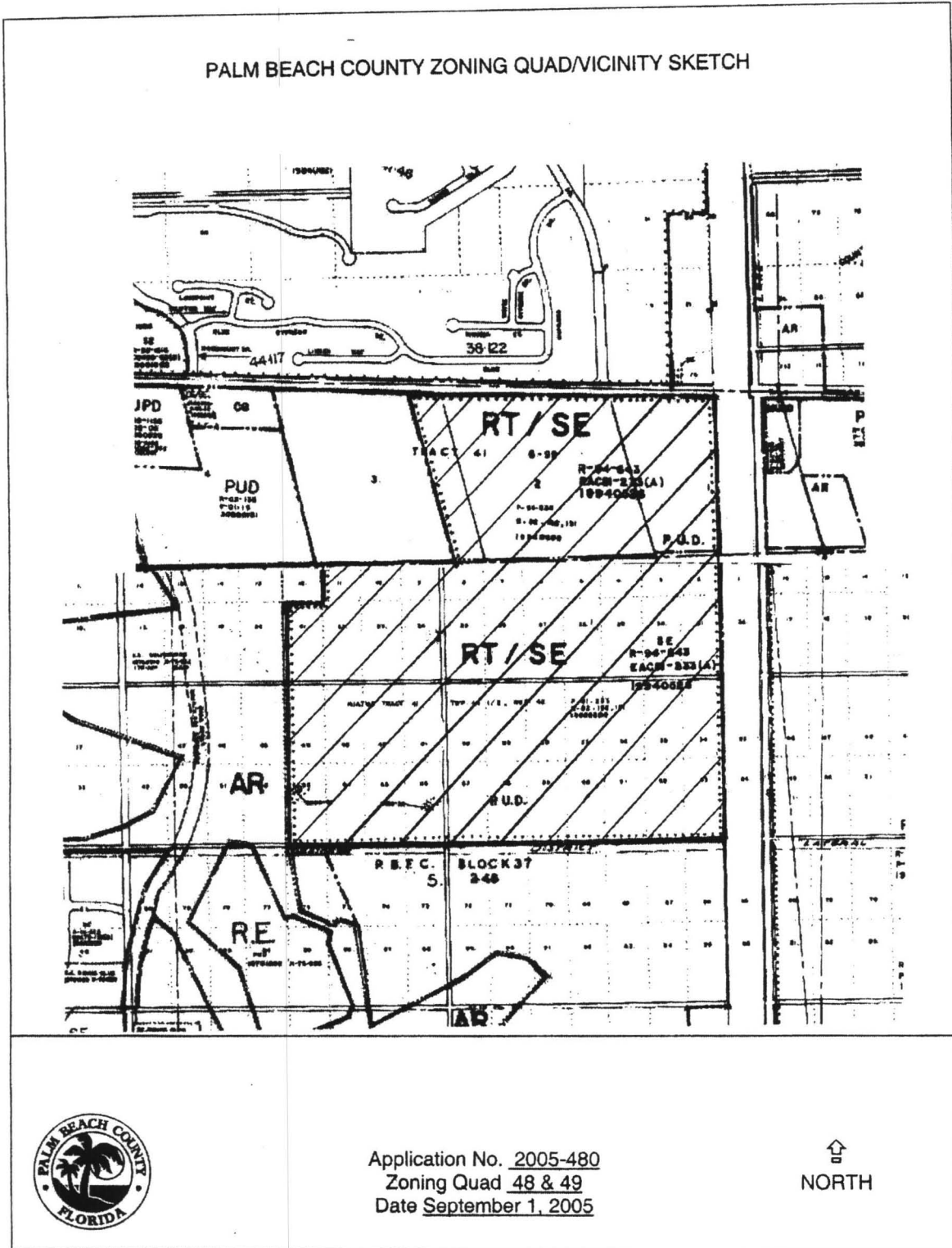
Thence, North 00°-15'-59" West, a distance of 214.00 feet;  
Thence, North 83°-44'-18" East, a distance of 32.20 feet;  
Thence, North 05°-04'-36" West, a distance of 460.04 feet;  
Thence, North 25°-19'-48" West, a distance of 161.47 feet;  
Thence, North 15°-53'-49" West, a distance of 168.09 feet;  
Thence, North 07°-20'-40" West, a distance of 265.92 feet to a point on the Southerly right of way line of Rolling Hills Boulevard, as shown on the plat of FAIRFIELD'S LACUNA PLAT 2, as recorded in Plat Book 58, Pages 116 through 118 of the Public Records of Palm Beach County, Florida; said point being on a curve concave to the South whose center bears South 13°-50'-53" East;  
Thence, Easterly, along said Southerly right of way line and the arc of said curve through a central angle of 9°-04'-35", a distance of 238.91 feet to the end of said curve;  
Thence, departing said right of way line, bear South 39°-30'-56" West, a distance of 13.92 feet;  
Thence, South 05°-51'-01" West, a distance of 260.90 feet to the point of curvature of a curve to the left; said curve having a radius of 360.00 feet, a central angle of 16°-44'-26" and a chord bearing of South 14°-13'-14" East;  
Thence, Southerly, along the arc of said curve, a distance of 105.18 feet to the point of tangency;  
Thence, South 22°-35'-27" East, a distance of 56.11 feet to a point on the South line of the aforesaid Tract "R";  
Thence, South 89°-58'-08" East, along said South line of Tract "R", a distance of 72.02 feet;  
Thence, South 74°-05'-15" East, along said South line of said Tract "R", a distance of 114.68 feet;  
Thence, South 05°-17'-13" East, a distance of 58.36 feet;  
Thence, South 09°-18'-35" East, a distance of 58.88 feet;  
Thence, South 08°-49'-24" East, a distance of 163.00 feet;  
Thence, South 05°-53'-55" East, a distance of 127.48 feet;  
Thence, South 03°-37'-30" East, a distance of 423.17 feet to a point on the South line of said FAIRFIELD'S LACUNA PLAT 4;  
Thence, South 89°-25'-00" West, along said South line of FAIRFIELD'S LACUNA PLAT 4, a distance of 403.83 feet to the POINT OF BEGINNING.

SUBJECT TO easements, reservations restrictions and rights of way of record.

Containing: 413,253 square feet, more or less (9.487 Acres, more or less)

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. The conditions of approval as contained herein shall apply to Pod H only, (the Affected Area) and development of Pod H is limited to the site design approved by the Board of County Commissioners. The approved master plan, site plan and regulating plan are dated August 12, 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. (DRO: ZONING - Zoning)
2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-94-0643 (Petition EAC81-233(A)), remain in full force and effect. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. Prior to the issuance of the first Building Permit, elevations shall be submitted to the Architectural Review Section and shall be generally consistent with those shown at the April 27, 2006 BCC Hearing. Any changes made shall be comparable to or exceed those depicted, and subject to Architectural Review Design Guidelines 5.C.1.H.1.a. (BLDG PERMIT: ARCH REVIEW-Zoning)

#### ENGINEERING

1. **TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS**  
In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:  
A. No Building Permits for the additional 71 dwelling units may be issued after April 27, 2009. 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. **PLATTING REQUIREMENTS**  
Prior to issuance of a Building Permit for POD H, the property owner shall replat the golf course and establish the new development POD. Replat of the subject property shall be in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

#### ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM-ERM)

#### HEALTH

1. Prior to final site plan approval the property owner/developer 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 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. (DRO: HEALTH - Health)

2. Prior to final site plan approval, the property owner/developer 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 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. (DRO: HEALTH - Health)

#### ZONING - LANDSCAPE STANDARDS

1. A minimum of fifty (50%) percent of canopy 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. (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. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES OF THE AFFECTED AREA (ABUTTING GOLF CLUB AND VILLAGE AT WINDSOR PUD)

In addition to the proposed landscaping and buffering program and code requirements, landscaping along the north and south property lines shall be upgraded to include:

- a. 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. (BLDG PERMIT: LANDSCAPE-Zoning)
6. LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINES OF THE AFFECTED AREA (ABUTTING GOLF COURSE)

Landscaping requirements and width reduction for south, east and west property lines shall be subject to an Alternative Landscape Plan (ALP). The ALP shall be

subject to review and approval by the Landscape Section prior to final approval by the Development Review Officer (DRO). (DRO:LANDSCAPE-Zoning)

### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County an Attainable Housing restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following: a. Guarantees the attainability of 20% of the requested units in perpetuity as, 10% to moderate income (>80% - 120% median income), and 10% to low income (60% - 80% median income) households, with the unit sales prices determined by Palm Beach County's Housing and Community Development Department; b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: PLANNING- Planning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall distribute the minimum 20% attainable units throughout Pod H and indicate the location of the units on the site plan. (DRO: PLANNING- Planning)
3. The property owner shall include in sales documents as well as written brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying future residents of the project, that the project has a minimum of 20% attainable housing units and any residents wishing to reside in a unit that has been earmarked as an attainable housing unit shall qualify for eligibility. Every deed of sale for each of the attainable units shall contain a restriction guaranteeing the property is sold and occupied by a qualified income household only (as determined by Palm Beach County's Housing and Community Development Department), in perpetuity. The property owner is responsible for disclosure of the location of these attainable units prior to the sale of any units. (ONGOING: MONITORING- Planning)
4. On an annual basis, beginning April 1, 2007, the property owner/homeowner association shall submit an annual report to the Planning Division documenting compliance with the Attainable Housing declaration of restrictive covenants. (DATE: MONITORING-Planning)

### PLANNED UNIT DEVELOPMENT (AFFECTED AREA ONLY)

1. Prior to final approval by the Development Review Officer (DRO), the site plan and regulating plans shall be revised to indicate upgraded recreation amenities within the neighborhood park. 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;
  - b. include a minimum of two (2) 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), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
  - e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)
2. Prior to 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. 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; and,
  - 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: ENG - Zoning)
3. Prior to the issuance of a building permit for the 30th (thirtieth) unit. Either the existing golf clubhouse facility or the pool clubhouse facility located on Grand Lacuna Blvd., 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 (Recreation or Civic) 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 and/or required building size shall be permitted if consistent with future ULDC regulations. (BLDG PERMIT: MONITORING - Zoning)
4. Decorative pavement such as precast concrete pavers or stamped concrete shall be provided in the area of the cul-de-sac with a minimum of 6,000 square feet. (DRO:ZONING-Zoning)
5. Prior to plat recordation, the master association shall hold an election of its membership in the manner required by its documents to include POD H within the Lacuna Homeowners Association Inc. as a sub-association with all rights, benefits and obligations of membership. In the event the above election is held and does not approve inclusion of POD H within the Association, an independent association shall be formed for POD H. The members of the POD H association shall receive the same rights, benefits and obligations as members of the Master Association except for membership. (PLAT: CO ATTY-Zoning)

#### 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 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)

#### USE LIMITATIONS

1. Construction access shall be provided on Grand Lacuna Drive, subject to the following:



- a. Hours of operation for construction shall be limited to 7:00 a.m. to 4:30 p.m. Monday through Friday,
- b. Construction shall be prohibited on Saturday and Sunday. (ONGOING: CODE ENF- Zoning)

#### 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-PBCWUD)

#### 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)