

RESOLUTION NO. R-2006-0928

RESOLUTION APPROVING ZONING APPLICATION PDD2005-977  
(CONTROL NO. 2005-130)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF HYPOLUXO JOG LLC  
BY LAND DESIGN SOUTH, INC., AGENT  
(OSPREY OAKS 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 PDD2005-977 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 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 PDD2005-977, the application of Hypoluxo Jog 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 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 May 25, 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 McCarty 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	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	

The Chairman thereupon declared that the resolution was duly passed and adopted on May 25, 2006.

Filed with the Clerk of the Board of County Commissioners on 13th day of June, 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:

[Signature]  
COUNTY ATTORNEY

BY:


[Signature]  
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

**PARCEL 1: (KELLEY)**

**Folio #00-42-45-10-01-002-0010**

The East one half of the Southeast quarter of the Northeast quarter of the Northeast quarter of Section Ten (10), Township 45 South, Range 42 East, less the North 30 feet thereof, less the South 25 feet thereof and less the East 40 feet thereof for road and canal purposes; also described as Lot 1, Block 2, Palm Beach Ranches (unrecorded); and

The West one half of the Southeast quarter of the Northeast quarter of the Northeast quarter, Section 10, Township 45 South, Range 42 East, Less the North 30 feet thereof, less the South 25 feet thereof for road and canal purposes; also described as Lot 2, Block 2, Palm Beach Ranches (unrecorded).

**PARCEL 2: (BAKKER)**

**Parcel A**

**Folio #00-42-45-10-01-002-0033 & 00-42-45-10-01-002-0043**

SEE LEGAL DESCRIPTION EXHIBIT "A-1" ATTACHED

**Parcel B**

**Folio #00-42-45-10-01-003-0040**

The West half of the Northwest quarter of the Southeast quarter of the Northeast quarter of the Section 10, Township 45 South, Range 42 East, Except the North 25 feet and the South 30 feet for road and canal purposes. Otherwise described as Lot 4, Block 3, Palm Beach Ranches (unrecorded plat), Palm Beach County, Florida.

**Parcel C**

**Folio #00-42-45-10-01-003-0050**

The East one-half of the Northeast one-quarter of the Southwest one-quarter of the Northeast one-quarter of Section 10, Township 45 South, Range 42 East, less the North 25 feet and the South 30 feet for road and canal purposes; also known as Lot 5, Block 3, Palm Beach Ranches (unrecorded plat), Palm Beach County, Florida.

**PARCEL 3: (COBB TR)**

**Parcel A**

**Folio #00-42-45-10-01-002-0044**

A parcel of land in the Northeast quarter of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of said Northeast quarter of Section 10, run thence Southerly along the West line of said Northeast quarter, which is also the center line of Jog Road, as now laid out and in use, a distance of 684.52 feet; thence run Easterly, angling 86° 04' 29" from North to East a distance of 1211.64 feet; thence run Southerly, angling 85° 53' 06" from West to South, a distance of 229.29 feet to the Point of Beginning; thence continue Southerly on the same course a distance of 229.29 feet; thence run Westerly, angling 90° 00' 54" from North to West, a distance of 201.66 feet; thence run Northerly, angling 86° 01' 00" from East to North, a distance of 229.10 feet; thence run Easterly, angling 94° 02' 00" from South to East, a distance of 201.80 feet to the Point of Beginning.

Subject to restrictions and easements for road purposes, in O.R. Book 325, Page 305, Palm Beach County Public Records; Declaration of Additional Restrictions, in O.R. Book 524, Page 39, Palm Beach County Public Records; Oil and Mineral Reservations in Deed recorded in Deed Book 970, Page 181, Palm Beach County Public Records; and

reservations and rights of way in favor of Lake Worth Drainage District dated October 11, 1950, recorded in Deed Book 922, Page 147, Palm Beach County Public Records.

**Parcel B**

**Folio #00-42-45-10-01-002-0060**

The West half (W ½) of the Southeast quarter (SE ¼) of the Northwest quarter (NW ¼) of the Northeast quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, except the North 30 feet and the South 25 feet for road and canal purposes.

**Parcel C**

**Folio #00-42-45-10-01-003-0060**

W ½ of NE ¼ of SW ¼ of NE ¼ of Section 10, Township 45 South, Range 42 East, less the South 30 feet, and the North 25 feet, for road and canal purposes also known as Lot 6, in Block 3, Palm Beach Ranches, an unrecorded subdivision.

**PARCEL 4: (KRUEGER)**

**Folio #00-42-45-10-01-002-0071; 0072; 0082**

The North ½ of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of Section 10, Township 45 South, Range 42 East, LESS the East 170 feet thereof AND LESS the North 30 feet thereof and the West 40 feet thereof for canal and roadway purposes AND LESS that portion conveyed to Palm Beach County in that certain Right-of-Way Warranty Deed recorded in O.R. Book 6278, Page 1345; AND the North ½ of the South ½ of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of Section 10, Township 45 South, Range 42 East, LESS the West 297 feet thereof; said land situate, lying and being in Palm Beach County, Florida.

Said land also being a portion of Lots 7 and 8, Block 2, of the West portion of Palm Beach Ranches, Northeast quarter of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida unrecorded plat.

**PARCEL 5: (JAEB TR)**

**Parcel A - Folio #00-42-45-10-01-002-0081**

The West 297 feet of the South half of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the South 25 feet and the West 40 feet thereof for road and canal purposes, Palm Beach County, Florida.

Further less that portion conveyed to Palm Beach County recorded in O.R. Book 6277, Page 319, Public Records of Palm Beach County, Florida.

**Parcel B - Folio #00-42-45-10-01-002-0083**

The South half of the South half of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the West 297 feet thereof, and also LESS the South 25 feet thereof for canal purposes, Palm Beach County, Florida.

**Parcel C - Folio #00-42-45-10-01-003-0070**

The North half of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the North 56 feet and the West 40 feet thereof for road and canal purposes and also less the East 150 feet of the West 190 feet of said North half of the Northwest quarter of the Southwest quarter of the Northeast quarter, Palm Beach County, Florida.

**Parcel D - Folio #00-42-45-10-01-003-0071**

The East 150 feet of the West 190 feet of the North ½ of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the North 56 feet thereof for canal purposes, Palm Beach County, Florida.

Further less that portion conveyed to Palm Beach County recorded in O.R. Book 6277, Page 207, Public Records of Palm Beach County, Florida.

**PARCEL 6: (QUISENBERRY)**

**Folio #00-42-45-10-01-003-0010**

The East half of the NE ¼ of the SE ¼ of the NE ¼ of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, EXCEPT the South 30 feet, the North 25 feet and the East 40 feet for road and canal purposes. Otherwise described as Lot 1, Block 3, Palm Beach Ranches (unrecorded plat)

**PARCEL 7: (TILEY)**

**Folio #00-42-45-10-01-003-0021; 0022**

The West half of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, EXCEPT THE NORTH 25 FEET and the South 30 feet for road and canal purposes. Otherwise described as Lot 2, Block 3, Palm Beach Ranches (unrecorded plat), located in Palm Beach County, Florida.

**PARCEL 8: (BROWN)**

**Folio #00-42-45-10-01-003-0030**

The East ½ of the Northwest ¼ of the Southeast ¼ of the Northeast ¼ of Section 10, Township 45 South, Range 42 East, excepting the North 25 feet and the South 30 feet for road and canal purposes, A/K/A Palm Beach Ranches, Lot 3, Block 3

**PARCEL 9: (PURVIS)**

**Folio #00-42-45-10-01-003-0080**

The South half of the Northwest quarter of the Southwest quarter of the Northeast quarter, Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida; except the South 30 feet and the West 40 feet for road and canal purposes.

Less that portion conveyed to Palm Beach County recorded in O.R. Book 6306, Page 223, Public Records of Palm Beach County, Florida.

**PARCEL 10: (PURVIS)**

**Parcel A - Folio #00-42-45-10-01-004-0050**

The East half (E ½) of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, EXCEPT the North 30 feet for road and canal purposes, lying and being in Palm Beach County, Florida. (Also known as Lot 5, Block 4, Palm Beach Ranches, unrecorded.)

**Parcel B - Folio #00-42-45-10-01-004-0060**

The West half (W ½) of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the North 30 feet thereof. (Also known as Lot 6 in Block 4, Palm Beach Ranches, unrecorded)

**PARCEL 11: (COX)**

**Folio #00-42-45-10-01-004-0071**

N ½ of the SW ¼ of the SW ¼ of NE ¼ of Section 10, Township 45 South, Range 42 East, less the East 203 feet thereof, and less the North 30 feet thereof, and less the West 40 feet thereof; also described as Lot 7, Block 4, less the East 203 feet thereof, of Palm Beach Ranches, in accordance with the unrecorded plat thereof.

Less Right of Way for Jog Road as conveyed to Palm Beach County by Deeds recorded in O.R. Book 6248, Page 1548 and O.R. Book 8986, Page 1006, Public Records of Palm Beach County, Florida.

**PARCEL 12: (LEONARD)**

**Folio #00-42-45-10-01-004-0072**

The land referred to in this Exhibit is located in the County of Palm Beach and the State of Florida in Deed Book 1158 at Page 21 and described as follows:

The East 203 feet of the N ½ of the SW ¼ of the SW ¼ of the NE ¼ of Section 10, Township 45 South, Range 42 East, less the North 30 feet thereof.

Otherwise described as the East 203 feet of Lot 7, Block 4, of Palm Beach Ranches, unrecorded Plat.

**PARCEL 13: (PALM BEACH COUNTY)**

**A portion of Folio #00-42-45-10-01-009-0000**

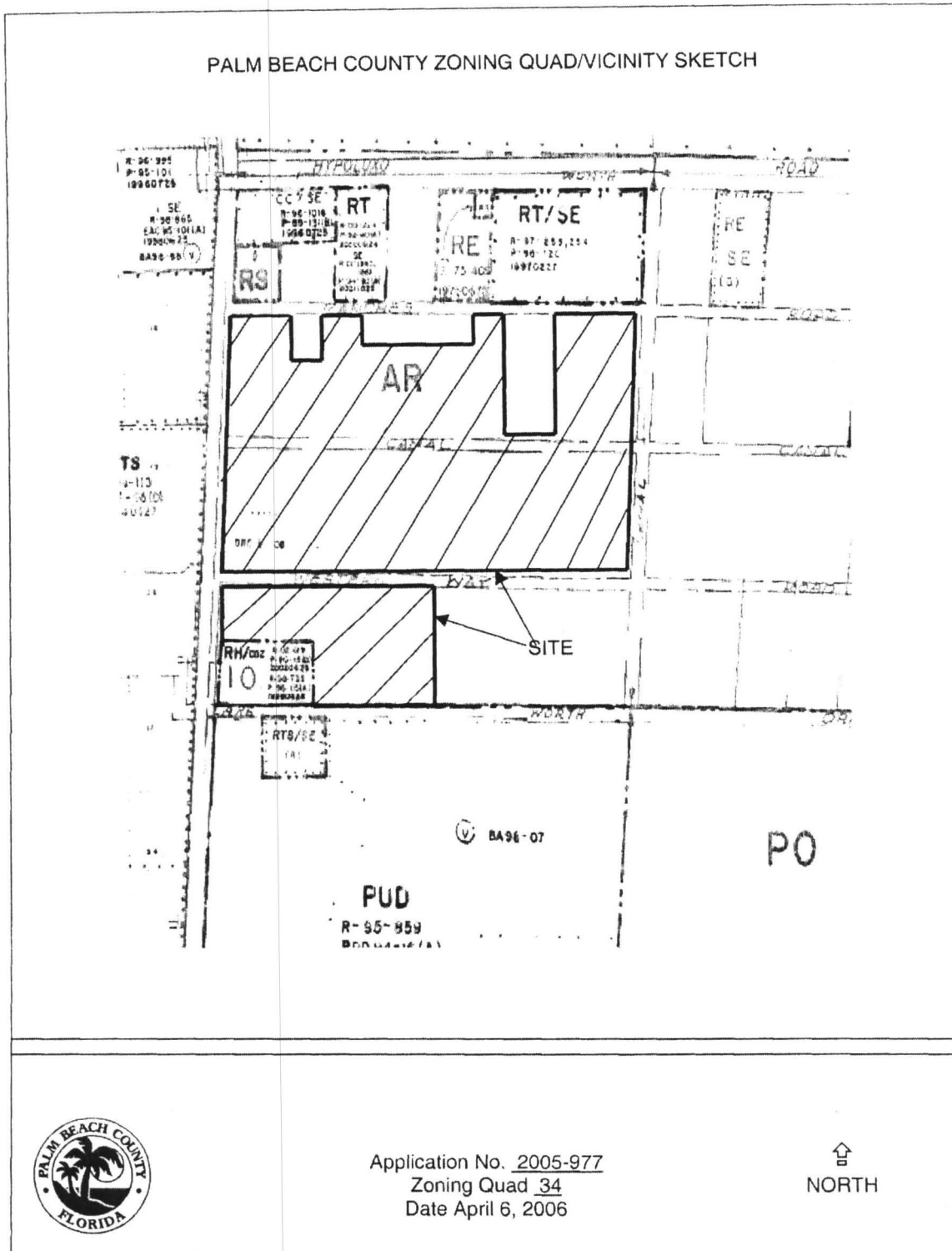
A variable width strip of land lying within Section 10, Township 45 South, Range 42 East and also lying within an easement for canal purposes recorded in Official Records Book 325 on page 305 of the Public Records of Palm Beach County, Florida, and being more particularly described as follows:

Commencing at the northeast corner of Section 10, Township 45 South, Range 42 East; thence South 03°46'16" West, as a basis of bearings, along the east line of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 1,358.94 feet; thence South 89°34'36" West, departing said line, a distance of 40.10 feet to the POINT OF BEGINNING; thence South 03°46'16" West, a distance of 50.13 feet; thence South 89°34'36" West, along a line lying 25.00 feet south of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 1,975.01 feet; thence South 03°27'31" West, departing said line, a distance of 31.07 feet; thence South 89°34'36" West, along a line lying 56.00 feet south of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 625.84 feet to the east right-of-way line of Jog Road as recorded in Official Records Book 6277 on Page 207 of the Public Records of Palm Beach County, Florida; thence North 02°51'02" East, along said right-of-way line and the northerly prolongation thereof, a distance of 81.13 feet; thence North 89°34'36" East, along a line lying 25.00 feet north of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 962.60 feet; thence South 03°32'40" West, departing said line, a distance of 25.06 feet to a point on the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10; thence North 89°34'36" East, along said south line, a distance of 1,007.64 feet; thence North 03°40'03" East, departing said south line, a distance of 25.06 feet to a point on a line lying 25.00 feet north of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10; thence North 89°34'36" East, along said line, a distance of 631.69 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 124,289.22 square feet or 2.85 acres, more or less (NOTE: This commitment does not insure the square footage or acreage of this parcel)

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan and regulating plan are dated May 10, 2006. 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 Unified Land Development Code (ULDC). (DRO: ZONING - Zoning)

#### CIVIC SITE DEDICATION

1. In the event the Osprey Oaks PUD property owner chooses to proceed through the Public Hearing process without ownership of the surplus County owned parcel (which runs through the PUD site plan), the property owner does so at risk and with the knowledge of potential failure to secure the County parcel at time of surplus property sale. The property owner will be required to secure ownership of the current County owned surplus site, either from the County or some other owner, in order to obtain final site plan approval. (ONGOING:PREM - PREM)
2. The designated private civic parcel shall be cashed out at a sum of one dollar prior to approval by the Development Review Officer (DRO), if the civic parcel is developed to support the 37 workforce housing units approved by the BCC. (DRO:PREM-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 2, 2010. 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. The Property owner shall construct:
  - a. left turn lane north approach on Jog Road at the project's north entrance road
  - b. left turn lane south approach on Jog Road at the project's north entrance road
  - c. right turn lane south approach on Jog Road at the project's north entrance road
  - d. right turn lane south approach on Jog Road at Western Way
  - e. left turn lane east approach on Western Way at Jog Road
  - f. All construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.



- g. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - h. All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
3. Landscape Within the Median of Jog Road
- A. The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Jog 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 property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner provides payment for maintenance as set forth in Paragraph d below.
  - B. 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)
  - C. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
  - D. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner 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.
  - 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 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 Jog 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.
4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENG - Eng)
5. Prior to the 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 south approach on Jog Road at:
- the project's north entrance road.
  - Western Way

This right-of-way shall be a minimum of two hundred eighty (280) feet in storage length, twelve (12) feet in width and a taper length of fifty (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)

6. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed additional right of way to provide for:
  - a. 25 foot "Corner Clip" at Ranches Road and Jog Road.
  - b. Ranches Road, 30 feet from centerline
  - c. Western Way 40 feet from centerline from the project entrance to Jog Road plus the appropriate taper.

This additional right of way shall be free of all encumbrances and encroachments. 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:
  - a. reconstruct Western Way from Jog Road east to the project's entrance road. Construction shall be to collector street standards as approved by the County Engineer. Construction shall include a 5 foot concrete sidewalk on both the north and south side of Western Way.
  - b. All construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way and drainage.
  - c. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - d. All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

8. The Property owner shall construct:
  - a. two traffic calming devices along Western Way and two traffic calming devices along Ranches Road subject to the approval of the County Engineer
  - b. traffic calming devices within the internal road network of the PUD to provide both horizontal (e.g. landscape island) and vertical (e.g. speed hump) features every 400 to 600 feet for all block lengths in excess of 1320 feet, subject to approval of the County Engineer. All traffic calming features must be shown on the master plan and final site plan prior to DRO approval. (DRO:ENG - Eng)
  - c. Permits required by Palm Beach County for construction of the traffic calming devices within Western Way and Ranches Road shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

- d. Construction of the traffic calming devices within Western Way and Ranches Road shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: 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 the issuance of a building permit, the property owner must submit to the Palm Beach County Health Department documentary evidence of the satisfactory removal of petroleum contaminated soil on the property. (BLDG PERMIT: MONITORING - Health)
2. Prior to the issuance of the first building permit, the property owner must submit the results of a pre-demolition asbestos containing materials (ACM) survey of the relevant structures on the site to the Palm Beach County Health Department. (BLDG PERMIT: MONITORING -Health)
3. Prior to final approval by the Development Review Officer (DRO), the property owner must provide proof that all septic tanks and wells on the site have been identified and marked for abandonment. (DRO: HEALTH - Health)
4. Prior to the issuance of the first certificate of occupancy (CO), the property owner must provide proof that all septic tanks and wells on the site have been properly abandoned. (CO: MONITORING - Health)

#### ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall 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)
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. (BLDG PERMIT: LANDSCAPE - Zoning)
4. 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)
  5. 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)
  6. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: ARCH REVIEW - Zoning)

#### ZONING - LANDSCAPING-ALONG THE PERIMETER PROPERTY LINES

1. In addition to the proposed landscaping and code requirements, landscaping and buffer width along the perimeter property lines shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip;
  - b. 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;
  - c. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet along the west property line (Jog Road frontage only); and,
  - d. a six (6) foot high opaque concrete panel wall shall be included within the buffer: in the northern parcel along the northern boundary (adjacent to Ranches Road), the property lines facing north, east and west and also along the eastern property line of lots 39 through 45; and in the southern parcel, along the eastern property line. Height of the wall shall be measured from the highest grade of the two adjoining properties (i.e. subject property and the adjoining residential property). (BLDG PERMIT: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: MONITORING – Palm Tran)

#### 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 a restrictive

covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:

- a. Guarantees the attainability of 30% of the requested TDR units (the number of units calculated shall be rounded up to the nearest dwelling unit) for a period of ten years (ownership) twenty years (rental) to moderate income (>80% - 120% median income) households, with the unit sales prices determined by Palm Beach County's Housing and Community Development Department; and
  - b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits.
  - c. The attainable units are not required to be of similar square footage or provide premium features found in market rate units. (DRO: COUNTY ATTY- Planning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall include a notation in Master Plans related Site Plans and plat that the +/- 2-acre parcel bordered by Western Way to the north, Azura to the south, Jog Road to the west, and the 50-foot PUD right-of-way and recreation areas to the east will incorporate 37 attainable housing units, and that any person or family wishing to reside in a unit that has been designated as attainable shall qualify for eligibility. The notation shall also indicate that a minimum of 30% of the requested TDR units for the overall project have been designated as attainable housing units. 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, for a period of ten years (ownership) twenty years (rental). On an annual basis, beginning June 1, 2007, the property owner, and/or the master homeowners association for the development shall submit an annual report to the Planning Division documenting compliance with the Attainable Housing declaration of restrictive covenants, and the deed of sale restriction. (DATE: MONITORING - Planning)
3. Prior to final approval by the Development Review Officer (DRO), the final master/subdivision plan shall include all pedestrian pathways, generally consistent with the certified plan. (DRO:PLANNING-Planning)

#### PLANNED UNIT DEVELOPMENT

1. 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.
  - 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: MONITORING - Cty Atty)

2. Prior to issuance of the first Certificate of Occupancy (CO) for a single-family housing unit, the property owner must have approved building permits for nineteen (19) of the multifamily (workforce) housing units. (CO:MONITORING – Zoning)
3. Prior to issuance of the Certificate of Occupancy (CO) for the 128th single-family housing unit, the property owner must have obtained Certificates of Occupancy (COs) for all of the multifamily (workforce) housing units. (CO:MONITORING – Zoning)

#### SCHOOL BOARD

1. 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. 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:SCHOOL BOARD – School Board)
2. 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)

#### SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to add a pool and cabana to the portion south of Western Way. (DRO: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate that lots 12, 13, 15, 16, 19 through 27, and 41 through 45 shall be restricted to one-story homes. (DRO: ZONING - 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)