

RESOLUTION NO. R-2006- 1548

RESOLUTION APPROVING ZONING APPLICATION PDD2006-024
(CONTROL NO. 2005-422)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF FRANK BUTTERWORTH, G CARDEN, HIDDEN CREEK SOUTH
LLC, MARTIN ESTRADA, PAUL OLIVER, POLO FLORIDA, RONALD MASTROIANNI,
THOMAS BIDDLE, TLH BOS CORP., TLHC 2 INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(ALLIE POLO ESTATES 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 PDD2006-024 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 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 PDD2006-024, the application of Frank Butterworth, G Carden, Hidden Creek South LLC, Martin Estrada, Paul Oliver, Polo Florida, Ronald Mastroianni, Thomas Biddle, Tlh Bos Corp., Tlhc 2 Inc. by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment 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 August 23, 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	-	Nay
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 August 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 12th day of September, 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

A PARCEL OF LAND LYING WITHIN BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 2, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 4, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 40 FEET OF TRACT 5, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 13, LESS THE WEST 100 FEET OF THE NORTH 50 FEET THEREOF; TRACT 14, LESS THE SOUTH 130 FEET THEREOF; TRACTS 20, 29, 35, 36, 45 AND 46, ALL IN BLOCK 28.

TOGETHER WITH:

THE SOUTH 343.00 FEET OF TRACT 17, LESS RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, AND THE SOUTH 343.00 FEET OF TRACT 18, LESS THE NORTH 32.40 FEET OF THE WEST 213.86 FEET THEREOF; AND THE NORTH ONE-HALF (N 1/2) OF TRACTS 31 AND 32, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, ALL IN BLOCK 28.

TOGETHER WITH:

TRACTS 15 AND 16, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, ALL IN BLOCK 28.

TOGETHER WITH:

TRACT 17, LESS RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, AND ALSO LESS THE SOUTH 343.00 FEET THEREOF; AND TRACT 18, LESS THE SOUTH 343.00 FEET THEREOF, ALL IN BLOCK 28.

AND THE NORTH 32.40 FEET OF THE SOUTH 343.00 FEET OF THE WEST 213.86 FEET OF TRACT 18, BLOCK 28.

TOGETHER WITH:

THE SOUTH 130 FEET OF TRACT 14, BLOCK 28; ALSO TRACT 19, BLOCK 28, LESS THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 19 FOR A DISTANCE OF 79.93 FEET; THENCE NORTH 89°58'58" EAST FOR A DISTANCE OF 659.79 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE SOUTH 00°00'28" WEST ALONG THE EAST LINE OF SAID TRACT 19 FOR A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 19; THENCE SOUTH 89°59'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 659.78 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19 AND THE POINT OF BEGINNING.

TOGETHER WITH:

TRACT 43 AND THE SOUTH 329.91 FEET OF TRACT 38, LESS THAT PORTION OF TRACT 38 CONVEYED IN OFFICIAL RECORD BOOK 8960, PAGE 167, ALL IN BLOCK 28, OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH ONE QUARTER (S 1/4) OF THE FOLLOWING DESCRIBED PARCEL:

TRACT 44 AND THE SOUTH 461.95 FEET OF TRACT 37, ALL IN BLOCK 28.

TOGETHER WITH:

THE SOUTH 330 FEET OF TRACT 39, BLOCK 28.

TOGETHER WITH:

TRACTS 42 AND 41, LESS THE WEST 70 FEET OF TRACT 41, BLOCK 28.

TOGETHER WITH:

TRACT 30, BLOCK 28, AND THE FOLLOWING PORTION OF TRACT 19, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 19 FOR A DISTANCE OF 79.93 FEET; THENCE NORTH 89°58'58" EAST FOR A DISTANCE OF 659.79 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE SOUTH 00°00'28" WEST ALONG THE EAST LINE OF SAID TRACT 19 FOR A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 19; THENCE SOUTH 89°59'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 659.78 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19 AND THE POINT OF BEGINNING.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING EAST OF AND CONTIGUOUS WITH THE EAST LINE OF THE FOLLOWING DESCRIBED PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH ONE QUARTER (S 1/4) OF THE FOLLOWING DESCRIBED PARCEL:

TRACT 44 AND THE SOUTH 461.95 FEET OF TRACT 37, ALL IN BLOCK 28.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING BETWEEN TRACTS 29-30 AND 35-36, BLOCK 28.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING BETWEEN TRACTS 13, 14, 15, 16, AND TRACTS 17, 18, 19, 20, BLOCK 28, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE.

CONTAINING 201.968 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

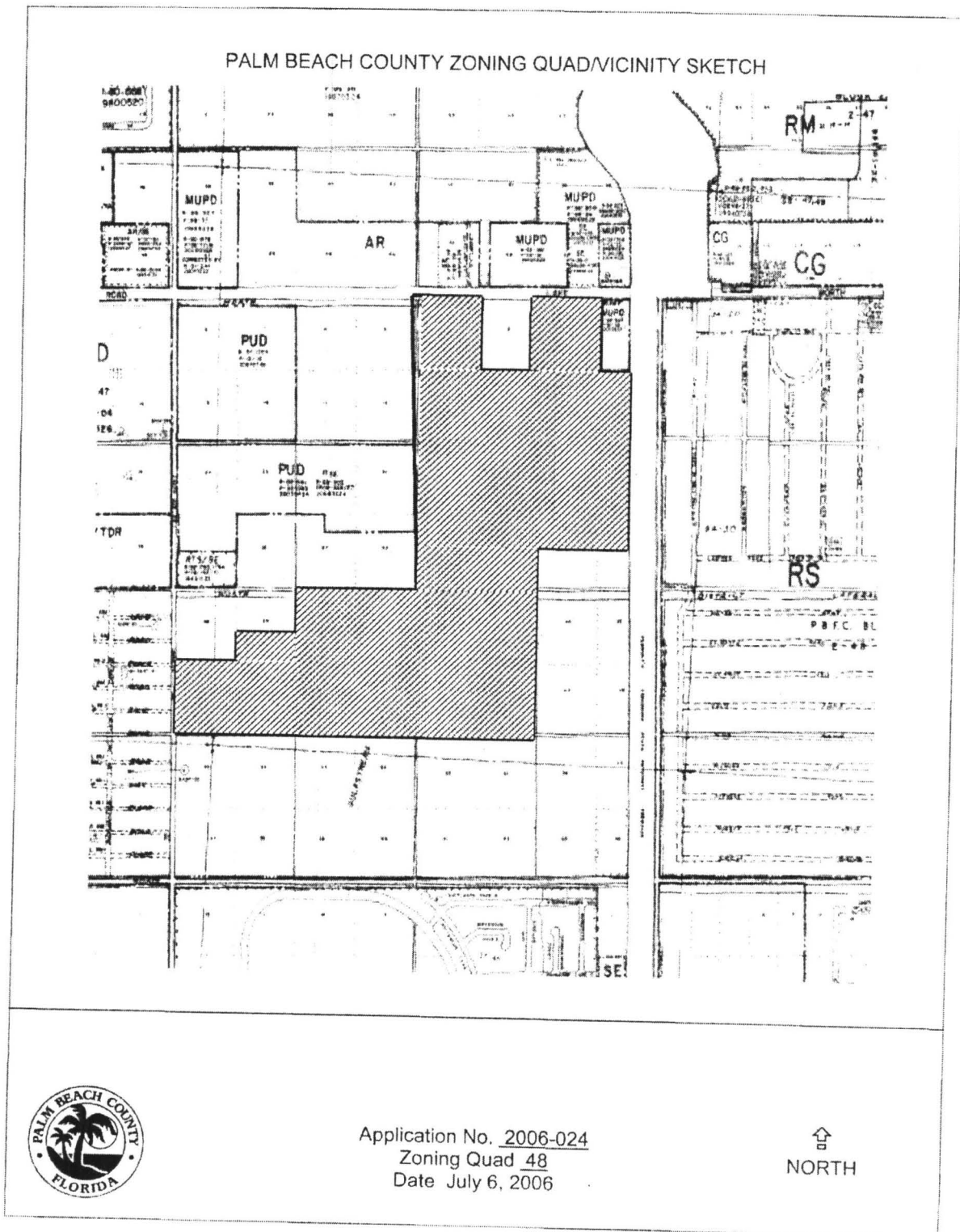


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved master plan is dated May 12, 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 ULDC. (DRO: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Petitioner shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 196 dwelling units (maximum 196 PM Peak Hour Trips) shall not be issued until:
 - the contract has been awarded for the construction of improvements at the Florida Turnpike Entrance and Lake Worth Road providing for the construction of a second turnpike interchange providing for southbound ramps at the Florida Turnpike and Lake Worth Road.
 - Construction commences for intersection improvements at the Florida Turnpike Entrance and Lake Worth Road providing for a separate east approach right turn lane at the existing northbound Florida Turnpike ramp intersection with Lake Worth Road.(BLDG PERMIT: MONITORING-Eng)
 - b) Building Permits for more than 269 dwelling units (maximum 261 PM Peak Hour Trips) shall not be issued until construction commences for intersection improvements at Lantana Road and Lyons Road providing for dual left turn lanes east approach. Improvements shall include appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING-Eng)
 - c) Building Permits for more than 328 dwelling units (maximum 239 AM Peak Hour Trips) shall not be issued until construction commences for intersection improvements at Lyons Road and Lake Worth Road providing for:
 - dual left turn lanes north approach
 - dual left turn lanes south approachThese turn lanes shall include appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING-Eng)
 - d) No Building Permits for the site may be issued after January 1, 2010. A time extension 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. Landscape Within the Median of Lake Worth Road

- A. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lake Worth Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d 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 petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner 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 Petitioner.
- E. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification 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 Lake Worth 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. (ONGOING: ENG-Eng)

3. SIGNALIZATION REQUIRMENTS

- a. The Petitioner shall fund the cost of signal installation if warranted as determined by the County Engineer at:
 - Lake Worth Road and the entrance to Allie Polo Estates PUD
 - Lyons Road and the entrance to Gulfstream Haas PUD (northern east/west shared access road)
 - Lyons Road and the entrance to Allie Polo Estates PUD (southern east/west shared access road)
- b. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Building Permits for more than 100 dwelling units shall not

- be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT:MONITORING-Eng).
- c. In order to request release of the surety for the traffic signals at the projects entrances, the Petitioner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at these locations. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng)
- 4.
- A. Prior to final approval by the Development Review Officer (DRO), the Master Plan shall be revised to reflect compliance with the approved noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Master Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ZONING /ENGINEERING-Eng)
 - B. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)
 - C. The petitioner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after the Property owner will construct any noise mitigation improvements. All sales contracts and homeowner documents shall include a statement that any additional noise mitigation measures requested in the future will not be constructed by Palm Beach County.
 - D. The petitioner shall submit documentation of compliance with the requirements above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 1, 2008 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)
5. Prior to Mater Plan Approval by the Development Review Officer, the property owner shall provide to the out parcel adjacent to the northwest corner of POD B, property control number 00424327050280392, a 50 foot road right of way and a separate access easement. Location of the 50 foot road right of way shall begin 590 feet west of Lyons Road along the projects 80 foot access road and west of the proposed gate house. This right of way shall extend north a distance of 440 feet terminating at the north property line of this PUD. In addition, a 20 foot access easement shall be provided for access to this out parcel. Location of this access easement shall extend east of the north termination of the proposed 50 foot road right of way and shall continue 660 feet east. The final alignment, deed, and associated documents shall all be approved by the County Engineer prior to recordation. This property owner shall then construct a shell rock driving surface within the

right of way and access easement prior to the issuance of the first Certificate of Occupancy for the PUD subject to the approval of the County Engineer. (DRO:ENGINEERING)

6. Prior to March 1, 2007, the property owner shall provide to Palm Beach County Land Development Division by road right of way warranty deed for the construction of a second turnpike interchange providing for southbound ramps at the Florida Turnpike and Lake Worth Road. Right of way conveyance shall be as shown on the accompanying Master Plan subject to final alignment being approved by the Florida Department of Transportation. 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of 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. The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County or the Florida Department of Transportation shall record all appropriate deeds and documents. (DATE: MONITORING-Eng)
7. Prior to technical compliance for the first plat the property owner shall provide 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 entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate easements and documents (TC: ENGINEERING-Eng)
8. Prior to August 1, 2007 the property owner shall provide a temporary roadway construction easement along:
 - the second turnpike interchange providing for southbound ramps at the Florida Turnpike and Lake Worth Road
 - Lyons Roadto Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate easements and documents. (DATE: MONITORING-Eng)
9. The property owner shall construct:
 - a. on Lyons Road at this Project's entrance road, a left turn lane north approach and a right turn lane south approach
 - b. lengthen the existing left turn lane east approach on Lake Worth Road at the Project entrance road. This turn lane shall be lengthened to a minimum 300 feet in length plus 50 foot paved taper

- c. This construction shall be concurrent with the paving and drainage improvements for the site. The Petitioner shall pay any and all costs associated with the construction. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - d. Permits required for Improvements identified in "a" shall be obtained from Palm Beach County
 - e. Permits required for Improvements identified in "b" shall be obtained from the Florida Department of Transportation
 - f. all permits shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - g. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
10. On or before August 1, 2007 the property owner shall provide 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 Lyons Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The County Engineer shall determine the limits of this additional 800 feet of drainage. 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. The County Engineer shall approve elevation and location of the entire drainage system. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate easements and documents (DATE: MONITORING-Eng)
11. Prior to December 1, 2007 the Petitioner shall complete the construction plans of the offsite Traffic Performance Standards intersection improvements for:
- the right turn lane identified in E1a,
 - all of condition E1b, and
 - all of condition E1c.

The County Engineer for Improvements in E1b, and E1c, and the Florida Department of Transportation for Improvements in E1a shall approve these construction plans. The County Engineer shall approve plan costs. 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 Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng)

12. Prior to June 1, 2008 the Petitioner shall complete construction of the offsiteTraffic Performance Standards intersection improvements outlined above in,
 - the right turn lane identified in E1a,
 - all of condition E1b, and
 - all of condition E1c.(DATE: MONITORING-Eng)

13. A. Prior to Master Plan Approval by the Development Review Officer, the County Engineer shall approve both an alignment and an agreement between the developers of Allie Polo Estates PUD, Gulfstream Groves PUD and Gulfstream Haas PUD providing a shared 80 foot road right of way access road. (DRO:ENGINEERING) B. Limits of the shared access road shall be from Lyons Road to Lake Worth Road as currently as shown on the accompanying Master Plan. The County Engineer prior to recordation of the first plat shall approve the final alignment, deed, and associated documents. (PLAT APPROVAL:ENGINEERING)

14. Prior to issuance of the first building permit, the petitioner shall include in the homeowners documents, all sales contracts, as well as all sales brochures, a disclosure statement identifying the existence of an access easement through this property. This access easement provides access to property control number 00424327050280392. Disclosure shall also include that the access easement will be used for the purpose of maintaining the not included parcel as a refuge for large domestic and exotic animals. Types of vehicles using this easement may include large trucks and/or tractor-trailers, which will among other items, remove animal waste to an approved offsite disposal site. Information, which appears in written form, shall appear in bold print. (BLDG PERMIT: MONITORING-Eng)

15. The subject property shall be appropriately signed by the Developer prior to the issuance of the first building permit identifying that access to property control number, 00424327050280392, shall remain open at all times and shall not be closed to vehicular traffic by any contractors/subcontractors performing work on the PUD. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)

16. Prior to final approval of the Master Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying whether any historical drainage is entering this parcel from the not included parcel, property control number 00424327050280392. This PUD's stormwater management system shall then be designed to accept any historical drainage. Required Drainage easements shall also be provided to the not included parcel and shall be shown on the plat for this PUD. (DRO APPROVAL: ENGINEERING - Eng)

17. Water and sewer connections shall be provided at no cost to property control number, 00424327050280392. Both water and sewer connections shall be stubbed to the property line of the not included parcel subject to the approval

of the Palm Beach County Water Utility Department. Required utility easements shall then be provided and shall be shown on the plat of the PUD. (ONGOING: ENG-Eng)

18. Acceptable surety shall be provided to the County Engineer for the design; right of way acquisition; and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements listed above as follows:
 - right turn lane identified in E1a,
 - all of E1b, and
 - all of E1c

This surety shall be posted with the Office of the Land Development Division on or before February 23, 2007. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. (TPS) (DATE: MONITORING-Eng)

19. Prior to Plat Recordation, the property owner shall grant the right of access through this PUD's internal roadway system to a Public Road to property control number 00424327050280392. The final alignment, deed, and associated documents shall all be approved by the County Engineer prior to recordation. (DRO:ENGINEERING)

HEALTH

1. Prior to the issuance of a building permit, the property owner shall submit results of an asbestos containing materials (ACM) survey to the Palm Beach County Health Department. (BLDG PERMIT: MONITORING- Health)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall submit a Phase II Environmental Site Assessment report to the Palm Beach County Health Department. (DRO: HEALTH - Health)
3. The property owner shall not develop any area of the site that is identified as contaminated unless the property owner is in receipt of written information from the Florida Department of Environmental Protection stating that the site has been rehabilitated or that development may proceed subject to stated engineering and/or institutional controls. (ONGOING: CODE ENF-Health)

LANDSCAPE-STANDARDS

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 seventy-five (75) 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)
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. Provide landscape focal points within all cul-de-sacs. Prior to final approval by the Development Review Officer (DRO), the landscape focal points shall be subject to review and approval by the Landscape Section. (DRO: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF LAKE WORTH ROAD) AND WEST PROPERTY LINE (FRONTAGE OF LYONS ROAD)

1. In addition to the code requirements, landscaping along the north and west property lines shall be upgraded to include:
 - a. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and,
 - b. one (1) palm tree for each for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE WEST 294.36 FEET SOUTH OF THE LWDD L-13 CANAL AND THE NORTH 659.80 FEET (ABUTTING SINGLE FAMILY RESIDENTIAL, (PROPEY CONTROL NUMBER # 00424327050280392).

1. In addition to code requirements, landscaping along the above stated property line shall be upgraded to include:
 - a. an 8-foot high continuous solid opaque wall for a total of 955 linear feet and allowing for a maximum of 20-foot wide gate at the entrance of the abutting single family residential property. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structures. Height of the wall shall be measured from the nearest adjacent finished floor elevations or from the highest grade of the two adjoining properties. Method of height measurement shall be determined by the Landscape Section to

- ensure effective screening is provided for the adjacent west property; and ,
- b. one (1) palm or pine for each for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (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 (DRO: PALM TRAN-Palm Tran)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include the pedestrian connections and notations at the two locations along the eastern boundary of Pod D, generally consistent with the certified plan, dated April 18, 2006. (DRO: PLANNING - Planning)
2. Prior to the issuance of the 350th Certificate of Occupancy (CO), the property owner shall pave the pedestrian connections along the eastern boundary of Pod D, to the adjacent property, at the locations indicated on the final site plan pursuant to Planning Condition 1. The pedestrian connections shall align with any proposed pedestrian connections on the adjacent property. (CO: MONITORING - Planning)
3. The pedestrian connections along the eastern boundary of Pod D may be controlled by gates or other security devices that can be controlled by the property owner, Homeowners Association, and/or residents of the adjacent PUD. However, in no case, shall a gate or security device not provide access by being rendered inoperable or non-functional. (ONGOING: CODE ENF - Planning)

PLANNED UNIT DEVELOPMENT

1. Prior to final approval of a site plan for the 3.07-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 Certificate of Occupancy (CO) or Certificate of Completion (CC) for the clubhouse, whichever shall first occur, the clubhouse 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 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, deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations. (DRO: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site and regulating plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:
- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving 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 (e.g. 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)
3. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) or any open space, lake management easement or drainage easement less than twenty-five feet (25) shall be restricted to one (1) story in height. (BLDG: BLDG PERMIT-Zoning)
4. 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: ENG/ COUNTY ATTY - Zoning)

PREM

1. Platting & Deed.

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 4.46-acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by March 25, 2008. Property Owner to 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) Title

Property Owner to 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 the Property Owner shall obtain it. 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) Concurrency

Property Owner to 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. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. 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 Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions 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) Vegetation Permit

Property Owner to 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) Buildable Grade

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) Water & Sewer

Property Owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM.
(DATE: MONITORING-PREM)

2. Right of Way Buffer Easement

Property Owner shall dedicate by plat and deed to County the right of way buffer easement fronting the civic site and parallel to Lyons road for the purpose of controlling access to the site. (ONGOING: Monitoring-PREM)

3. Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by January 25, 2008. 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)

4. Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by January 25, 2008. 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)

5. Site Access

Property owner shall provide bridge access over the LWDD L-12 canal, which is acceptable to County Engineering and LWDD, should the existing bridge be found to be insufficient to handle future County development of the civic site. (ON-GOING: Monitoring-PREM)

6. Cash-Out

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 Palm Beach County accepts off-site land or cash contribution, the Property Owner shall be deemed to have satisfied the intent of ULDC. (On-Going: Monitoring-PREM)

SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter adjacent to either Lake Worth Road or Lyons Road will be subject to the approval of Palm Beach County School Board. The

petitioner in a location and manner acceptable to the Palm Beach County School Board shall construct the required shelter(s). 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 shall be the responsibility of the residential property owner. (CO: MONITORING – Eng)

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)

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
The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - a. 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
 - b. Referral to code enforcement; and/or
 - c. 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)