

RESOLUTION NO. R-2006-1550

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1718  
(CONTROL NO. 2005-595)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF GULFSTREAM LAND INVESTMENT CORP.  
BY LAND DESIGN SOUTH, INC., AGENT  
(GULFSTREAM HAAS 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 PDD2005-1718 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 PDD2005-1718, the application of Gulfstream Land Investment Corp. by Land Design South, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Residential and the Residential Estate Zoning Districts 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 Aaronson 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	-	Abstain
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

THE NORTH 400 FEET OF TRACTS 21 AND 22, ALL OF TRACTS 23 AND 24, AND THE NORTH ONE-HALF OF TRACT 25 LESS THE WEST 29 FEET THEREOF, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ROMFH

THE SOUTH 520 FEET OF EAST ONE-HALF (E ½) OF TRACT 27, AND THE SOUTH 520 FEET OF TRACT 28, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 48

LESS:

THE WEST 125.65 FEET OF THE SOUTH 520.00 FEET OF THE EAST ONE-HALF (E ½) OF TRACT 27, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTRY, FLORIDA.

TOGETHER WITH:

TLH-BOS(BERNARD)

PARCEL ONE:

THE SOUTH 260 FEET OF TRACT 21; THE SOUTH 260 FEET OF THE EAST ½ OF TRACT 22; THE NORTH 140 FEET OF THE EAST ½ OF TRACT 27; AND THE NORTH 140 FEET OF TRACT 28, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL TWO:

ALL OF THE WEST ½ OF TRACT 22, LESS THE NORTH 400 FEET THEREOF, IN BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

MUSTO

PARCEL 1:

THE WEST 125.65 FEET OF THE SOUTH 520.00 FEET OF THE EAST ONE-HALF (E ½) OF TRACT 27, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE WEST ONE-HALF (W ½) OF TRACT 27, BLOCK 28, THE PALM BEACH FARMS CO. 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 A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER, ALONG, UPON AND ACROSS THE FOLLOWING DESCRIBED LAND SITUATE IN PALM BEACH COUNTY, FLORIDA, TOWIT:

THE WEST 30.00 FEET OF THE EAST 70.00 FEET OF TRACT 5, LESS THE NORTH 27 FEET THEREOF, BLOCK 28, THE PALM BEACH FARMS CO. 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:

FISCHER

THE EAST ONE-HALF (E ½) OF TRACT 26, BLOCK 28, PALM BEACH CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE.

TOGETHER WITH:

SHIREY

THE WEST HALF (W ½) OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: THE NORTH 20 FEET OF THE SOUTH 45 FEET OF THE EAST 35 FEET OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3 AND THE WEST 20 FEET OF THE EAST 35 FEET OF THE SOUTH 45 FEET OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3 AND THE SOUTH 20 FEET OF THE EAST HALF (E ½) OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, LESS AND EXCEPTING THEREFROM THE EAST 35 FEET THEREOF. SUBJECT TO: AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE SOUTH 20 FEET OF THE WEST HALF (W ½) OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY, PLAT NO. 3.

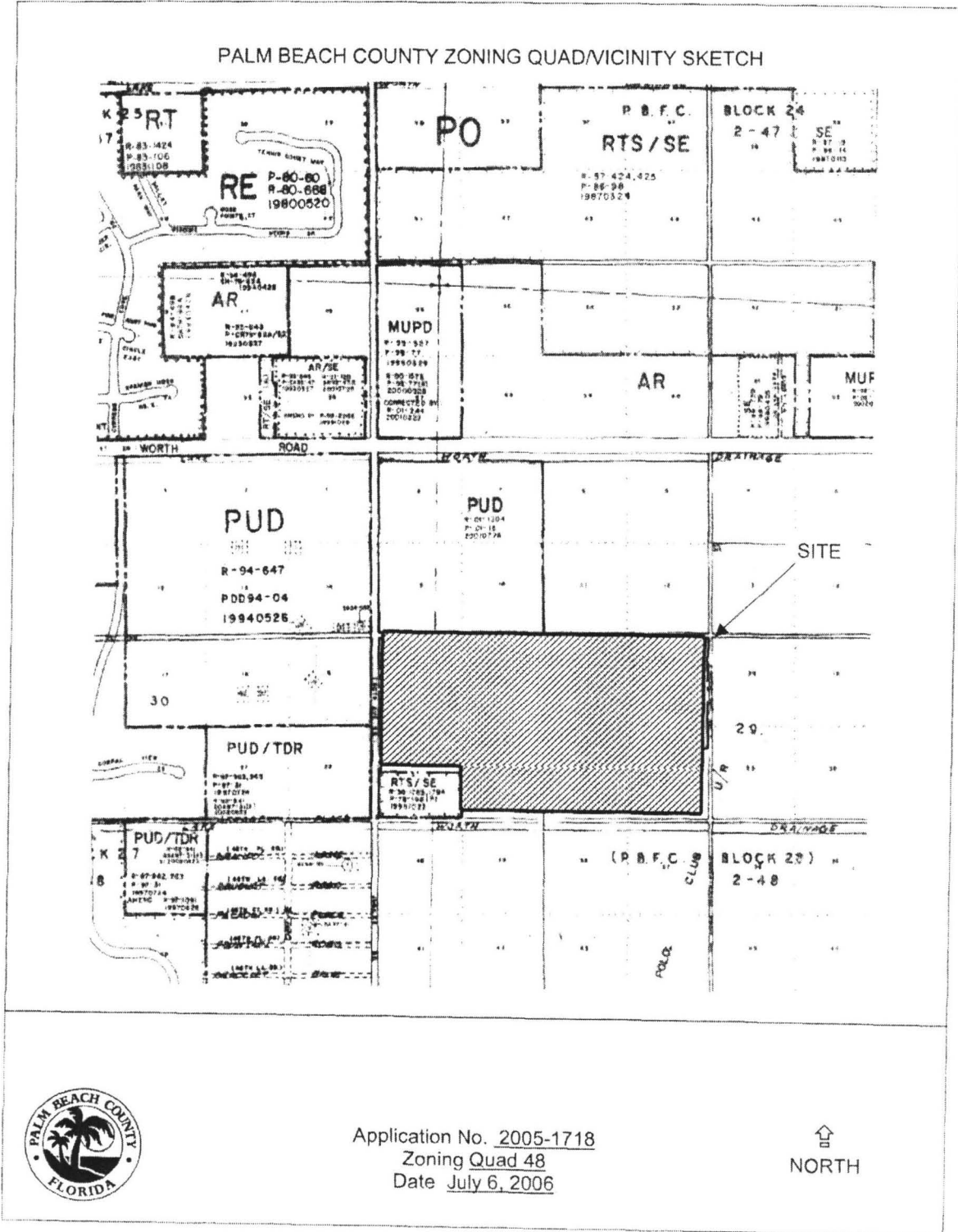
TOTAL AREA = 74.760 ACRES.

ADDITIONAL AREA TO BE GAINED DUE TO ROAD ABANDONEMENT = 1.823 ACRES.

TOTAL POTENTIAL AREA = 76.583 ACRES.



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 for the Gulfstream Haas PUD is dated April 17, 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 Property owner shall be restricted to the following phasing schedule: a) Building Permits for more than 65 dwelling units (maximum 41 AM outbound 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. Note: Other roadway improvements may be considered and approved by the County Engineer, Florida Department of Transportation, and the Turnpike Authority. - 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 95 dwelling units (maximum 76 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 approach - dual right turn lanes south approach (BLDG PERMIT: MONITORING-Eng) c) Building Permits for more than 103 dwelling units (maximum 110 PM Peak Hour Trips) shall not be issued until construction commences for intersection improvements at Lyons Road and Lantana Road providing for: - dual left turn lanes east approach d) All additional lanes shall include appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING-Eng) e) No Building Permits for the site may be issued after January 1, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. Prior to June 1, 2008 the Property owner shall complete construction of the offsite Traffic 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)
3. SIGNALIZATION REQUIREMENTS a. The Property Owner 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 Property Owner 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: ENG-Eng)

4. 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. (DRO APPROVAL:ENGINEERING)
5. 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 as outlined in:
  - 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)

6. Prior to August 1, 2007, the property owner shall provide to Palm Beach County Land Development Division by road right of way warranty deed for Lyons Road 50 feet from centerline. 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 Lyons Road to 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 the Project entrance road:
    - a left turn lane north approach and
    - a right turn lane south approach.
  - b. This construction shall be concurrent with the paving and drainage improvements for the site. The property owner 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.
  - 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. 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 wing-wall 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 Property owner 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 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 from Lyons Road at the south entrance. 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 offsite disposal site. Information which appears in written form shall appear in bold print. (BLDG PERMIT: MONITORING-Eng)
13. 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)
14. Prior to the issuance of a building permit, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. 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 deeds and documents. (BLDG PERMIT: MONITORING-Eng)

PREM

1. Platting & Deed.

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 4.27 acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by January 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 it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) 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. (PLAT: 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 November 26, 2007 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
  - b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
  - c) The survey should include a location of any proposed water retention area that will border the civic site.
- Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE:MONITORING-PREM)
4. Environmental Survey  
The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by November 26, 2007. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
  - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

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

5. 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 off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. (PLAT: MONITORING-PREM)

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)

LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF LYONS ROAD)

6. In addition to code requirements, landscaping along the west property line 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 SOUTH 659.80 FEET OF THE PROPERTY LINE (ABUTTING SINGLE FAMILY RESIDENTIAL PROPERTY)

7. In addition to code requirements, landscaping along the above stated property line shall be upgraded to include:
  - a. a 6-foot high continuous solid opaque wall for a minimum distance of 659 linear feet. Interior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structures; 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. (PLAT/ BLDG PERMIT: MONITORING-Zoning)

### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include a notation for a vehicular and pedestrian cross access point to the northern property line at the location indicated on the certified master plan dated May 10, 2006. The notation shall read proposed future vehicular and pedestrian cross access to be paved to the property line." The location of the cross access may be adjusted to provide for alignment with any proposed cross access connection from the property to the north. (DRO: PLANNING - Planning)
2. Prior to the issuance of the first certificate of occupancy (CO), the property owner shall pave the vehicular and pedestrian cross access connection to the edge of the northern property line, with a break in any buffering or walls, at the location shown on the site plan that reads proposed future vehicular and pedestrian cross access..." (CO: MONITORING - Planning)
3. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the parcel to the north, for the cross access indicated on the site plan, in a form acceptable to the County Attorney. (DRO: COUNTY ATTY - Planning)

### PLANNED UNIT DEVELOPMENT

1. Prior to final approval of a site plan for the 1.99-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 above ground 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,
  - f. 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. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of:
- 1) Large domestic and dangerous animals, including those categorized as class 1, on neighboring residential property;
  - 2) 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 addressing the noise levels residents may expect after the applicant 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. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on July 6, 2007, and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

### 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 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 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 oral and written representations of the applicant both on the record and as part 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)