

RESOLUTION NO. R-2006-1551

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1724  
(CONTROL NO. 2005-594)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF GULFSTREAM LAND INVESTMENTS CORP.  
BY LAND DESIGN SOUTH, INC., AGENT  
( GULFSTREAM GROVES 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 PDD2005-1724 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 PDD2005-1724, the application of Gulfstream Land Investments Corp. by Land Design South, 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 Aaronson moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	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

KRAML

TRACT 49, LESS THE RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY;  
TRACT 50; TRACT 63, LESS THE SOUTH 35 FEET THEREOF; AND TRACT 64 LESS  
THE RIGHT-OF-WAY OF SUNSHINE STATE PARKWAY, AND ALSO LESS THE  
SOUTH 35 FEET THEREOF, ALL IN BLOCK 28, THE PALM BEACH FARMS  
COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN  
PLAT BOOK 2, PAGES 45, PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

TOGETHER WITH:

USKUP

THE NORTH 439.66 FEET OF TRACT 34 AND THAT PORTION OF THE NORTH  
439.66 FEET OF TRACT 33, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF  
FLORIDA'S TURNPIKE, 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.  
(SUBJECT TO CHANCERY CASE 407 IN FAVOR OF LWDD L-13 CANAL RIGHT-OF-  
WAY)

TUTTLE LAND HOLDING CORP. (MARKEL)

PARCEL 1:

TRACTS 33 AND 34, LESS AND EXCEPTING THE NORTH 439.66 FEET THEREOF,  
BLOCK 28, TOGETHER WITH THE NORTH 219.23 FEET OF TRACTS 47 AND 48,  
BLOCK 28, THE PALM BEACH FARMS 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, RECORDED IN PLAT BOOK 2,  
PAGE 45, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY,  
FLORIDA, LESS AND EXCEPTING THEREFROM THE RIGHT-OF-WAY OF THE  
FLORIDA TURNPIKE.

PARCEL 2:

NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF  
PARCEL 1, SUPRA, AS RESERVED, SET FORTH AND DESIGNATED IN  
WARRANTY DEED FROM FLORIDA POLO, INC., A FLORIDA CORPORATION TO  
W.L. TAYLOR TRUSTEE, DATED SEPTEMBER 2, 1964 AND RECORDED  
SEPTEMBER 23, 1964 IN OFFICIAL RECORDS BOOK 1089, PAGE 334, OF THE  
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS  
THE EAST 15 FEET (15') OF TRACTS 14, 19, 30, 35 AND 46, BLOCK 28 AND THE  
WEST FIFTEEN FEET (15') OF TRACTS 18 AND 31, BLOCK 28 OF THE PALM  
BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM  
BEACH COUNTY, FLORIDA.

TLH-BOS CORP. PROPERTY (KOHL)

TRACT 61, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING  
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC  
RECORDS OF PALM BEACH COUNTY, FLORIDA.

BRINKMANN

TRACT 52, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ORTHWEIN

TRACTS 51 AND 62, BLOCK 28, 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.

MORNING MIST FARMS

THE EAST HALF (E ½) OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 47, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, AND THAT PORTION OF TRACT 48, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, LYING WEST OF THE WEST RIGHT-OF-WAY LINE TO FLORIDA'S TURNPIKE ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 48, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BROWN

THE WEST HALF (W ½) OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 47, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, AND THAT PORTION OF TRACT 48, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, LYING WEST OF THE WEST RIGHT-OF-WAY LINE TO FLORIDA'S TURNPIKE ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 48, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CHASE

THE SOUTH ONE-HALF (S1/2) OF THE FOLLOWING DESCRIBED PARCEL, TO WIT:

TRACT 31 AND TRACT 32, LESS THE RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY, IN BLOCK 28, PALM BEACH FARMS 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, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT, IN COMMON WITH OTHER PARTIES, FOR PURPOSES OF INGRESS AND EGRESS OVER AND ACROSS THE EAST 15 FEET OF TRACTS 14, 19 AND 30, AND THE WEST 15 FEET OF TRACT 18, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3.

INGRAM FARM SOUTH INC

TRACT 53 AND TRACT 60, LESS THE SOUTH 35 FEET THEREOF, ALL BEING 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 A NON-EXCLUSIVE PERMANENT EASEMENT OF INGRESS AND EGRESS OVER THE WEST 15 FEET OF THE EAST 21 FEET OF TRACTS 37 AND 44, 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 A PERPETUAL NON-EXCLUSIVE EASEMENT FOR EGRESS AND INGRESS FOR ALL PURPOSES AND IN ALL MANNERS OF TRAVERSE AND PASSAGE FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, AS WELL AS FOR ITS AGENTS AND SERVANTS, OVER, ALONG, UPON AND ACROSS THE FOLLOWING DESCRIBED LAND SITUATE IN PALM BEACH COUNTY, STATE OF FLORIDA, TO WIT:

THE WEST 30.00 FEET OF THE EAST 70.00 FEET OF TRACT 5, LESS THE NORTH 27 FEET THEREOF, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND

COMMENCING AT THE NORTHEAST CORNER OF TRACT 12, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT 3 AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY, ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 30.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (THE TANGENT OF THE CURVE IS PERPENDICULAR TO THE LAST DESCRIBED COURSE); THENCE SOUTHERLY AND SOUTHEASTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 99.27 FEET TO THE END OF SAID CURVE AND THE BEGINNING OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30"; THENCE SOUTHEASTERLY AND SOUTHERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND A POINT ON THE EAST LINE OF SAID TRACT 12; THENCE NORTHERLY, ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 77.46 FEET TO A POINT ON A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 07°06'57" (AND BEING CONCENTRIC WITH THE PREVIOUSLY DESCRIBED CURVE); THENCE NORTHWESTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 14.28 FEET TO THE END OF THE SAID CURVE AND THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (AND BEING CONCENTRIC WITH THE FIRST DESCRIBED CURVE); THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND THE POINT OF BEGINNING, TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON.

PONY EXPRESS FARMS INC

THE EAST ½ OF TRACTS 54 AND 59, LESS THE SOUTH 35 FEET THEREOF, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR EGRESS AND INGRESS FOR ALL PURPOSES AND IN ALL MANNERS OF TRAVERSE AND PASSAGE FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, AS WELL AS FOR ITS AGENTS AND SERVANTS, OVER, ALONG, UPON AND ACROSS THE FOLLOWING DESCRIBED LAND SITUATE IN PALM BEACH COUNTY, STATE OF FLORIDA, TO WIT:

RDI

THE WEST 30 FEET OF THE WEST 70 FEET OF TRACT 5, LESS THE NORTH 27 FEET THEREOF, 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 COUNTY, FLORIDA.

AND ALSO

COMMENCING AT THE NORTHEAST CORNER OF TRACT 12, 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 COUNTY, FLORIDA; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID TRACT

12, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 30 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (THE TANGENT OF THE CURVE IS PERPENDICULAR TO THE LAST DESCRIBED COURSE); THENCE SOUTHERLY AND SOUTHEASTERLY, ALONG THE ARC OF THE SAID CURVE A DISTANCE OF 99.27 FEET TO THE END OF SAID CURVE AND THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30", THENCE SOUTHEASTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND A POINT ON THE EAST LINE OF SAID TRACT 12; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 77.46 FEET TO A POINT ON A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 7°06'57" (AND BEING CONCENTRIC WITH THE PREVIOUSLY DESCRIBED CURVE); THENCE NORTHWESTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 14.28 FEET TO THE END OF THE SAID CURVE AND THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (AND BEING CONCENTRIC WITH THE FIRST DESCRIBED CURVE); THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND THE POINT OF BEGINNING TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON.

TOGETHER WITH:

WESTBROOK

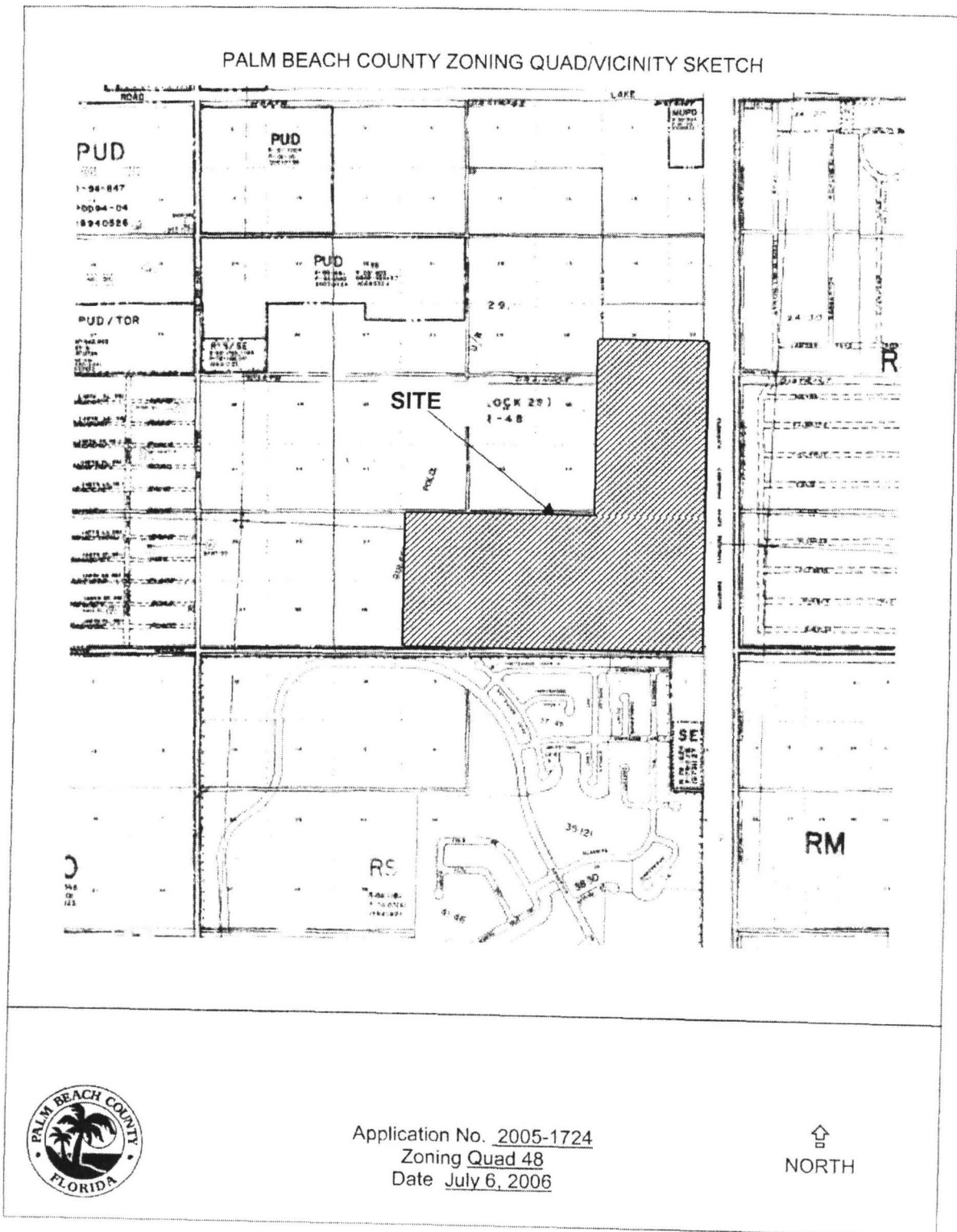
THE SOUTH 35 FEET OF TRACTS 63 AND 64; ALL IN BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO.3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

TOTAL AREA = 134.660 ACRES MORE OR LESS.

ADDITIONAL AREA DUE TO ROADWAY ABANDONMENT = 2.373 ACRES MORE OR LESS.

TOTAL AVAILABLE AREA = 137.033 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



Application No. 2005-1724  
Zoning Quad 48  
Date July 6, 2006

↑  
NORTH

## 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 Groves PUD is dated May 11, 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 113 dwelling units (maximum 66 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 168 dwelling units (maximum 127 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 south approach - dual right turn lanes south approach - dual left turn lanes north approach All additional lanes shall include appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING-Eng) c) Building Permits for more than 174 dwelling units (maximum 176 PM Peak Hour Trips) shall not be issued until the construction commences for intersection improvements at Lyons Road and Lantana Road providing for dual left turn lane east approach. (BLDG PERMIT: MONITORING-Eng) d) No Building Permits for the site may be issued after January 1, 2011. 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. Prior to Master Plan Approval by the Development Review Officer, the property owner shall acquire an 80-foot road right of way for shared access from Lyons Road to the projects entrance road. (DRO: ENG-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 the final approval by the Development Review Officer (DRO), the Master/Site Plans 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 Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ZONING /ENG -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 Property owner 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 property owner 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 property owner relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)
5. Prior to issuance of a building permit, construction of the shared internal access road shall be completed from Lyons Road to this project's entrance. (BLDG PERMIT: MONITORING: Eng)
6. 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. The Property owner shall construct:
  - a. On Lyons Road at Allie Polo'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 Allie Polo's 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 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.
  - d. Permits required for Improvements identified in "a" shall be obtained by Palm Beach County
  - e. Permits required for Improvements identified in "b" shall be obtained by 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)
7. Prior to December 1, 2007 the Property owner shall complete the construction plans of the offsiteTraffic Performance Standards intersection improvements for:
  - a. the right turn lane identified in E1a,
  - b. all of condition E1b, and
  - c. 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)

9. Prior to June 1, 2008 the Property owner 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)
10. Prior to issuance of the first building permit, the Property owner 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 the not included parcel in the northwest corner of the site, 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)

## HEALTH

1. Prior to the issuance of the first building permit the property owner shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of fugitive dust particulates on the site during all phases of site development. The property owner or the representative of the property owner shall be available to meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request, to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING - Health)
2. Prior to the issuance of a building permit, the property owner shall be in receipt of a letter issued by the Florida Department of Environmental Protection (FDEP) stating that a determination of No Further Action has been issued for the contaminated site, or that contamination assessment and clean-up of the site are addressed satisfactorily, and development may proceed subject to any institutional and/or engineering controls approved by FDEP. (BLDG PERMIT: MONITORING - Health)
3. The property owner shall not develop any area of the site that is identified as contaminated or potentially contaminated as determined through review by the Florida Department of Environmental Protection (FDEP) unless the property owner is in receipt of written approval from the FDEP for such development including details of any necessary institutional or engineering controls or restrictions on such development. (ONGOING: CODE ENF - Health)
4. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit to the Palm Beach County Health Department copies of any Site Assessment Reports and Remedial Action Plans required by the Florida Department of Environmental Protection. (DRO: HEALTH-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. The site plan shall be revised to 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: ARCH REVIEW - Zoning)

#### PLANNING

1. Prior to 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 western boundary of the northeast portion of the site, to be generally consistent with the certified plan, dated May 11, 2006. (DRO: PLANNING - Planning)
2. Prior to the issuance of the 200th Certificate of Occupancy (CO), the property owner shall pave the pedestrian connections along the western boundary of the northeast portion of the site, to the adjacent property, at the locations indicated on the final site plan. A gate or other security device that can be controlled by the property owner, Homeowners Association, and/or residents of the PUD may control the pedestrian connections. (CO: MONITORING - Planning)
3. The pedestrian connections along the western boundary of the northeast portion of the site may be controlled by gates or other security devices that can be controlled by the property owner, Homeowners Association, and/or residents of the 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 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)

- 2. Prior to final approval by the Development Review Officer (DRO) for the three recreation pods totaling 2.15 acres, the property owner shall accept the following condition of approval imposed by the DRO:

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. (CO: ZONING - Zoning)

- 3. 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)

### 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).

### 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 applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or 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)