

RESOLUTION NO. R-2007-1241

RESOLUTION APPROVING ZONING APPLICATION DOA2006-1931
(CONTROL NUMBER 2003-061)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF KIRK ANGELOCCI
BY LAND DESIGN SOUTH, INC., AGENT
(ANGELOCCI PROPERTY 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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2006-1931 was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2007; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 DOA2006-1931, the application of Kirk Angelocci, by Land Design South, Inc., agent, for a Development Order Amendment to add land area, add units, reconfigure master plan and modify/delete conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 26, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Aye
Karen T. Marcus	- Absent
District 3	-
Mary McCarty	- Absent
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 26, 2007.

Filed with the Clerk of the Board of County Commissioners on 22nd day of August.

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

BY: 
COUNTY ATTORNEY

SHARON BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

The West One-Half of the East one-half of the East one-half of the Southwest quarter of the Northeast quarter, Section 14, Township 44 South, Range 42 East, being a part of Lots 21 to 24 inclusive of **MODEL LAND COMPANY SUBDIVISION**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 5, Page 78, **LESS** right-of-way for Purdy Lane as now laid out in use.

AND

PARCEL II:

The North 500 feet of the East 138 feet of the West 1/2 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, **LESS** right-of-way for Purdy Lane as now laid out in use.

AND

PARCEL IV:

The West 1/2 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, **LESS** the North 500.00 feet of the East 138.0 feet thereof. Subject to the rights of way for Purdy Lane and Lake Worth Drainage District Canal L-9.

AND

PARCEL V:

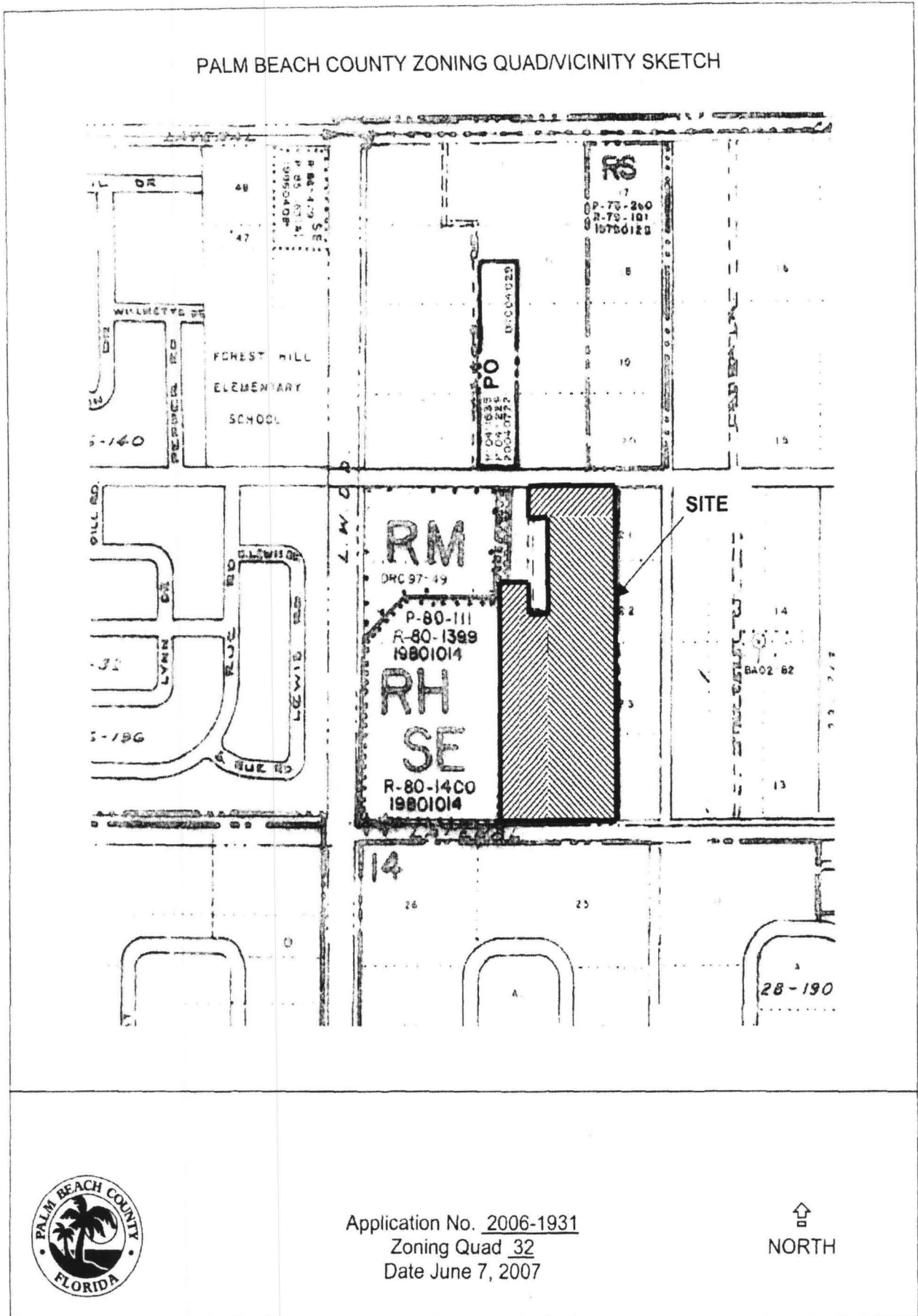
The South 125.0 feet of the West 82.0 feet of that portion of the West half of the East half of the Southwest quarter of the Northeast quarter of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, lying South of Purdy Lane.

AND

PARCEL VI:

The North 105.0 feet of that portion of the West half of the East half of the Southwest quarter of the Northeast quarter of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, lying South of Purdy Lane, **LESS AND EXCEPT** the West 112.0 feet and the East 138.0 feet thereof.

EXHIBIT B
VICINITY SKETCH



Application No. 2006-1931
Zoning Quad 32
Date June 7, 2007



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R2005-816 (Control No. 2003-061), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous Condition A.1 of R-2005-816 (Control No. 2003-061) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated March 22, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

Is hereby amended to read

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site plan is dated July 12, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

3. Prior to the final site plan approval by the Development Review Officer (DRO), the master/site plans shall be revised to include a breakdown of the PUD land use mix. (DRO:ZONING-Zoning) (Previously Condition A.2 of R-2005-816, Control No. 2003-061)

ARCHITECTURAL REVIEW

1. Previous Condition B.1 of R-2005-816 which currently states:

The proposed multi-family buildings shall be designed and constructed to be generally consistent with the facade elevations prepared by Tseng Consulting Group, Inc., and dated July 7, 2004. Deviations are permitted with the approval of the Zoning Division and subject to architectural review and approval in accordance with Article 5.C. of the ULDC. (DRO: ZONING - Zoning (Previously Condition B.1 R-2005-816, Control No. 2003-061)

Is hereby amended to read

The proposed multi-family buildings shall be designed and constructed to be generally consistent with the facade elevations prepared by Tseng Consulting Group, Inc., and dated December 18, 2006. Deviations are permitted with the approval of the Zoning Division and subject to architectural review and approval in accordance with Article 5.C. of the ULDC. (DRO: ZONING - Zoning)

ENGINEERING

1. Condition Number 1 of Zoning Resolution NO. R-2005-0816 (Control No. 2003-061) which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2007. 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)

Is hereby amended to read

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

- A) No Building Permits for the site may be issued after December 31, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. Prior to issuance of the first Building Permit the property owner shall convey 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 Purdy Lane along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. 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. Elevation and location of the entire drainage system shall be approved by the County Engineer. 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. (BLDG PERMIT:MONITORING-Eng) (Previously Condition E.2 of R-2005-0816, Control No. 2003-061)
3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Purdy Lane to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG. PERMIT: MONITORING-Eng) (Previously Condition E.3 of R-2005-816, Control No. 2003-061)
4. The Property owner shall construct a left turn lane east approach on Purdy lane at the project entrance road.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction

shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- B) 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)
- C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING -Eng)

ENVIRONMENTAL

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

HEALTH

- 1. Prior to issuance of a building permit, the property owner shall submit the results of a pre-demolition asbestos containing material (ACM) survey of the building(s) on the site to the Palm Beach County Health Department.(BLDG PERMIT: MONITORING - Health)
- 2. The site shall be served by sanitary sewer and a community water system. Neith an onsite sewage treatment and disposal system (OSTDS) nor potable water wells shall be approved for use on the property. all existing OSTDA shall be abandoned in accordance with Chapter 64E-6, FAC, and Palm Beach County ECR-I. All existing onsite potable water supply systems shall be abandoned in accordance with Chapter 64E-8, FAC, and Palm Beach County ECR-II.(ONGOING: HEALTH - Health)

ZONING - LANDSCAPING-LANDSCAPING – STANDARD

- 1. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall be native species, and shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: Three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: ZONING - Landscape) (Previously Condition D.1 of R-2005-816, Control No. 2003-061)
- 2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: ZONING - Landscape) (Previously Condition D.2 of R-2005-816, Control No. 2003-061)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: ZONING - Landscape) (Previously Condition D.3 of R-2005-816, Control No. 2003-061)
4. Prior to final site plan approval by the Development Review Officer (DRO), the property owner(s) or the developer/property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Landscape) (Previously Condition D.4 of R-2005-816, Control No. 2003-061)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF PURDY LANE)

5. In addition to the proposed planting program and code requirements, the buffer along the north property line shall be upgraded to include:
 - a. minimum of one (1) native palm for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING - Landscape) (Previously Condition F.1 of R-2005-816, Control No. 2003-061)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL USES)

6. Previous Condition G.1 of R-2005-816 which currently states:

In addition to the proposed planting program and code requirements, the buffers along the south, east and west property lines shall be upgraded to include:

- a. a six (6) foot high black, vinyl coated chain linked fence;
- b. a minimum of one (1) native palm for each twenty (20) linear feet of the property line;
- c. a six (6) foot high hedge; and,
- d. fence, palm and hedge locations may be adjusted on site to accommodate existing trees within the buffers. (BLDG PERMIT: ZONING - Landscape) (Previously Condition G.1 of R-2005-816, Control No. 2003-061)

Is hereby amended to read

LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING CRESTHAVEN CONDOS)

In addition to the code requirements, buffer width and landscaping along the south property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide buffer;
- b. a minimum of two (2) foot high continuous berm;
- c. a six (6) foot high concrete panel wall to be located on the plateau of the berm;
- d. one (1) palm or pine each for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. plant materials shall comply with the Type II Incompatibility buffer requirements;
- f. the required wall and plant materials may be adjusted to accommodate existing vegetation within the buffer subject to the approval by the Landscape Section. (DRO:LANDSCAPE – Zoning)

LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING LENA LAKES ESTATES)

7. In addition to code requirements, buffer width and landscaping along the east property line less the portion of the buffer along the lake approximately 350 feet south of Purdy Lane and the area where the existing upland preserve is located shall be upgraded to include:
 - a. a minimum of ten (10) foot wide buffer;
 - b. a minimum of six (6) foot high black, vinyl coated chain link fence;
 - c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. a six (6) foot high continuous hedge, and to be perpetually maintained at six (6) feet in height; and,
 - e. the required fence and plant materials may be adjusted to accommodate existing vegetation within the buffer subject to approval by the Landscape Section. (DRO: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING GREEN GATE APARTMENTS)

8. In addition to the code requirements, buffers width and landscaping along the west property line shall be upgraded to include:
 - a. a minimum of ten (10) foot wide buffer;
 - b. a minimum of six (6) foot high black, vinyl coated chain link fence;
 - c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. a six (6) foot high continuous hedge, and to be perpetually maintained at six (6) feet in height; and,
 - e. the required fence and plant materials may be adjusted to accommodate existing vegetation within the buffer subject to approval by the Landscape Section. (DRO: LANDSCAPE - Zoning)

PALM TRAN

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: ENG-Monitoring)

PLANNING

1. Condition H.1 of Resolution R-2005-816, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which indicates that the project will be an ownership project. (DRO: PLANNING/CTY ATTY Planning)

Is hereby deleted. [REASON: No longer applicable; Requested by applicant; Related to staff recommendation for reduced TDR price for previous application, PDD2003-061.]

2. Condition H.2 of Resolution R-2005-816, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which indicates that the unit designated on the site plan, dated March 22, 2005, to be dedicated as an office meeting area" shall remain solely for that use. (DRO: PLANNING Planning)

Is hereby deleted. [REASON: No longer applicable; Requested by applicant; Related to staff recommendation for reduced TDR price for previous application, PDD2003-061.]

3. Condition H.3 of Resolution R-2005-816, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall include all mulch pathways, benches, gazebo, fishing pier, tot lot, pedestrian pathways, pedestrian connection to Purdy Lane sidewalk, and pedestrian access to the upland preserve, private civic area, and recreation area generally consistent with the certified site plan dated March 22, 2005. (DRO: PLANNING - Planning)

Is hereby deleted. [REASON: Code requirement per Condition A.1; Requested by applicant; Related to staff recommendation for reduced TDR price for previous application, PDD2003-061.]

4. Condition H.4 of Resolution R-2005-816, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the notation on both the master/site plans, dated March 22, 2005, that reads four (4) foot paved pedestrian connection" shall be revised to read proposed pedestrian cross access to be paved to the property line." This access point may be controlled by a gate or other security device that can be controlled by the residents of the PUD. (DRO: PLANNING-Planning)

Is hereby deleted. [REASON: Requested by applicant; Adjacent property built out; Connection not feasible.]

5. Condition H.5 of Resolution R-2005-816, which currently states:

Prior to the issuance of the first certificate of occupancy (CO), the property owner shall pave the property to the edge of the west portion of the site with a break in any buffering or walls/fence at the location shown on the master/site plans that will read proposed pedestrian cross access." This access point may be controlled by a gate

or other security device that can be controlled by the residents of the PUD. (CO: MONITORING - Planning)

Is hereby deleted. [REASON: Requested by applicant; Adjacent property built out; Connection not feasible.]

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County

School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (Previous Condition K.1 of Resolution R-2005-0816 (PDD2003-061))

2. Previous Condition K.2 of Resolution R-2005-0816 (PDD2003-061) which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO:MONITORING School Board/Eng.)

Is hereby amended to state:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO:MONITORING - School Board)

SITE DESIGN

1. Pedestrian walkways within the recreation area shall be paved in concrete. The walkway shall consist of a 5-foot wide band, each band shall be installed at a maximum interval of thirty (30) feet, and shall be paved with decorative pavers or stamped concrete. Prior to final approval of the site plan by the Development Review Officer (DRO), details of this walkway shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Zoning) (Previously Condition J.1 of R-2005-816, Control No. 2003-061)

2. Previous Condition J. 2 of R-2005-816 which currently states:

Decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) shall be provided at the following locations:

- a. round-about located at the northwest corner of the upland preserve for a minimum of 5,000 square feet.
- b. drive aisle area between Buildings 3 and 4, for a minimum of 4,000 square feet. (DRO: ZONING - Zoning) (Previously Condition J.2 of R-2005-816, Control No. 2003-061)

Is here by amended to read

Decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) shall be provided at the following locations:

- a. at the terminus of the entrance fronting the recreation club house.
- b. A roundabout located near the west property line (DRO: ZONING – Zoning)

3. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate an architectural focal point in the landscape median located at the turn-around area fronting Purdy Lane. This focal point shall consist

of, but not limited to, an architectural fountain, a loggia, or similar architectural feature. Details of this focal point shall be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning) (Previously Condition J.3 of R-2005-816, Control No. 2003-061)

4. Previous Condition J.4 of R-2005-816 which currently states:

Trellis or shade structure shall be provided at each of the parking areas as shown on the site plan dated March 22, 2005. Prior to final approval of the site plan by the Development Review Officer (DRO), details of the trellis or shade structure shall be submitted to the Architectural Review Section for review and approval. (DRO: ZONING - Zoning) (Previously Condition J.4 of R-2005-816, Control No. 2003-061)

Is hereby amended to read

A trellis or shade structure shall be provided at a roundabout located near the west property line as shown on the site plan dated April 13, 2007. Prior to final approval of the site plan by the Development Review Officer (DRO), details of the trellis or shade structure shall be submitted to the Architectural Review Section for review and approval. (DRO: ZONING - Zoning)

Use Limitations

1. The applicant/owner shall provide an on-site, live in office manager within one unit of the development. (ONGOING: CODE ENF – Zoning)

WORKFORCE HOUSING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:
 - a. Guarantees the attainability of a minimum of 67 units for a period of twenty-five years (recurring). All 67 units are to be distributed equally among the four categories (low, moderate 1, moderate 2, and middle) with the unit sales/rental prices determined by Palm Beach County's Housing and Community Development Department; and
 - b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTY- Planning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall include a notation in, Master Plans, related Site Plans, and plat that shall indicate that a minimum of 67 units have been designated as workforce housing units. Every deed of sale for each of the workforce units shall contain a restriction guaranteeing the property is sold and occupied by a qualified income household only, for a period of 25 years (recurring). Any person or family wishing to reside in a unit that has been designated as a workforce unit shall qualify for eligibility. (DRO: PLANNING Planning)
3. On an annual basis, beginning June 30, 2008, the property owner, and/or the master homeowners association for the development shall submit an annual report to the Planning Division and HCD documenting compliance with the Workforce Housing declaration of restrictive covenants, and the deed of sale restriction. (DATE/ONGOING: MONITORING Planning/HCD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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)