

RESOLUTION NO. R-2010- 1170

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2009-03933
(CONTROL NO. 1996-00081)
a Development Order Amendment
APPLICATION OF Civic Development Group LLC
BY Miller Land Planning, AGENT
(Villages of Windsor SE Civic)

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 applications relating to zoning; and

WHEREAS, the notice and public 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 DOA/R-2009-03933 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2010; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.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 DOA/R-2009-03933, the petition of Civic Development Group LLC, by Miller Land Planning, agent, for a Development Order Amendment to reconfiguration the site plan in the PUD Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 22, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair - Aye
Commissioner Karen T. Marcus, Vice Chair - Aye
Commissioner Jeff Koons - Aye
Commissioner Shelley Vana - Aye
Commissioner Steven L. Abrams - Aye
Commissioner Jess R. Santamaria - Aye
Commissioner Priscilla A. Taylor - Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 22, 2010.

Filed with the Clerk of the Board of County Commissioners on August 2, 2010


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

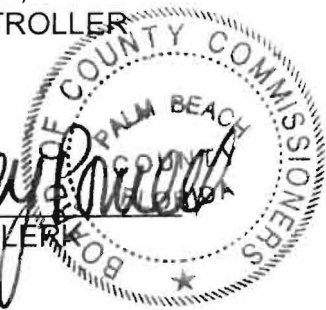


EXHIBIT A
LEGAL DESCRIPTION

PARCEL A, VILLAGES OF WINDSOR PLAT THREE, as recorded in Plat Book 98, Pages 131 through 138, of the Public Records of Palm Beach County, Florida.

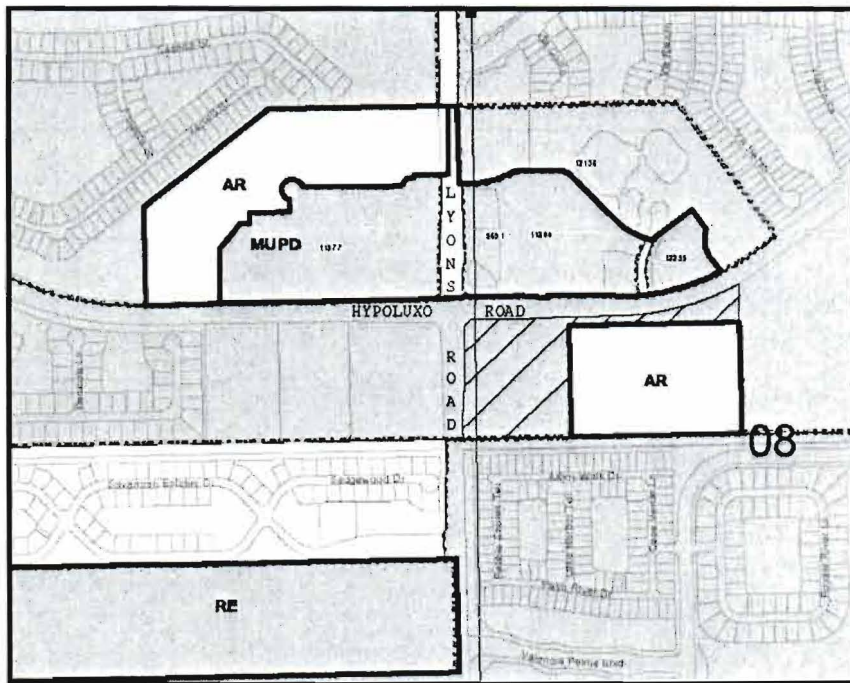
Said lands situate in Palm Beach County, Florida.

Containing 528,046 square feet or 12.122 acres, more or less.

Subject to easements, restrictions, reservations, covenants and rights-of-way of record.

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH



Villages of Windsor Civic East
Control No. 1996-081

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2005-1127, Control No. 1996-081, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2002-1016 (Petition DOA1996-081(B)), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2005-1127 (Control No. 1996-081), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous Condition A.2 of Resolution R-2005-1127, Control No. 1996-081, which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved Master Plan (Sheet 2 of Exhibit 14) is dated May 11, 2005. All remaining Master Plans shall remain in full force and effect. 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 May 17, 2010. The approved Master Plan (Sheet 2 of Exhibit 14) is dated May 11, 2005. All remaining Master Plans shall remain in full force and effect. 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)

DRO

1. Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the master plan to show the daycare, general and the private elementary school and revise the site plan to show the 20-foot buffer width along the south property line in accordance with the approved Master Plan. (DRO: ZONING - Zoning)

ENGINEERING

1. Prior to technical compliance for the first plat of the adjoining parcel, the property owner shall convey a roadway construction easement to Palm Beach County for each project entrances onto either Lyons Road or Hypoluxo Road. These roadway construction easements shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENG - Eng) (Previous Condition E.1 of Resolution R-2005-1127, Control No. 1996-081) [Note: COMPLETED]

2.The property owner shall fund the construction of:

- a. an additional westbound thru lane on Lantana Road at its intersection with Jog Road. This condition shall be deemed as complete if surety is posted by others.
- b. an additional left turn lane on Lake Worth Road at its intersection with Lyons Road. (CO: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2005-1127, Control No. 1996-081)[NOTE: COMPLETED]

3.Prior to April 24, 1997 the developer shall provide Palm Beach Engineering Department acceptable surety for Condition E.2 above and shall include all costs associated with the design, right of way acquisition, construction, and construction administration. This surety shall be in the form of an irrevocable Performance Security, acceptable to the County Attorney. The County Engineer shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction plan preparation and road construction including County administrative processing costs by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. All canal crossings within the project limits shall be constructed to their ultimate configuration. This shall also include any right of way required for this construction. (DATE: MONITORING - Eng) (Previous Condition E.1 of Resolution R-2005-1127, Control No. 1996-081) [NOTE: COMPLETED]

4.Condition E.4 of Resolution R-2005-1127, Control No. 1996-081, which currently states:

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

- a. Building Permits for more than 58 dwelling units shall not be issued until construction has begun for State Road 7 as a 6 lane section from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]
- b. Building Permits for more than 58 dwelling units shall not be issued until construction has begun for Lantana Road bridge widening over the E-1 Canal as a 7-lane bridge plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]
- c. Building Permits for more than 356 dwelling units shall not be issued until construction has begun for Lantana Road as a 4 lane facility from Lyons Road to Jog Road. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]
- d. Building Permits for more than 600 Single-family and 248 Multi-family units shall not be issued until the construction has begun of a third westbound thru lane on Lantana Road at Jog Road. (BLDG PERMIT: MONITORING - Eng)
- e. Building Permits for more than 600 Single-family and 281 Multi-family units shall not be issued until the construction has begun for an additional left turn lane east approach on Lake Worth Road at Lyons Road (dual left turn lanes). (BLDG PERMIT: MONITORING - Eng)
- f. The mix of allowable uses as shown on the Master Plan may be adjusted 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. (ONGOING: ENG - Eng)

Is hereby amended to read:

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

- a.Building Permits for more than 58 dwelling units shall not be issued until construction has begun for State Road 7 as a 6 lane section from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]
- b.Building Permits for more than 58 dwelling units shall not be issued until construction has begun for Lantana Road bridge widening over the E-1 Canal as a 7-lane bridge plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

c. Building Permits for more than 356 dwelling units shall not be issued until construction has begun for Lantana Road as a 4 lane facility from Lyons Road to Jog Road. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

d. Building Permits for more than 600 Single-family and 248 Multi-family units shall not be issued until the construction has begun of a third westbound thru lane on Lantana Road at Jog Road. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

e. Building Permits for more than 600 Single-family and 281 Multi-family units shall not be issued until the construction has begun for an additional left turn lane east approach on Lake Worth Road at Lyons Road (dual left turn lanes). (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

f. The mix of allowable uses as shown on the Master Plan may be adjusted 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. (ONGOING: ENG - Eng)

g. No Building Permits for the site may be issued after December 31, 2016. 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)

5. Prior to April 23, 1998 or prior to issuance of the first Building Permit, whichever shall first occur, the Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed:

a. Hypoluxo Road, a total of 110 feet, on an alignment approved by the County Engineer, from State Road 7 to the Florida Turnpike. [NOTE: COMPLETED]

b. Right of way for the Hypoluxo Road Bridge over the Florida Turnpike including ramp slopes, shall be dedicated as required by the County Engineer. [NOTE: COMPLETED]

c. An expanded intersection at Lyons Road and Hypoluxo Road. [NOTE: COMPLETED]

d. Lyons Road, a total of 110 feet of right of way, from the north property line to the south property line. [NOTE: COMPLETED]

All of the above 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 to include Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE: MONITORING - Eng)

(Previous Condition E.5 of Resolution R-2005-1127, Control No. 1996-081) [Note: COMPLETED]

6. LANDSCAPE WITHIN MEDIAN

a. Prior to January 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer.

b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or

duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before May 1, 2000. (DATE: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to January 1, 2000. (DATE: MONITORING - Eng)
(Previous Condition E.6 of Resolution R-2005-1127, Control No. 1996-081)

7. Prior to the recording of the plat for POD's D, E, F and G, the Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed the additional right of way for the construction of a right turn lane at the intersection of:

Hypoluxo Road and the projects entrance road to POD's D, E, F and G.

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. (PLAT: ENG - Eng)

(Previous Condition E.7 of Resolution R-2005-1127, Control No. 1996-081) [Note: COMPLETED]

8. On or before April 14, 1998, 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 Hypoluxo Road and Lyons Road along the property frontage; and a maximum 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 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. (DATE: MONITORING - Eng) (Previous Condition E.8 of Resolution R-2005-1127, Control No. 1996-081) [Note: COMPLETED]

9. The Property Owner shall construct the following turn lanes concurrent with the construction of the projects entrance roads: a. Left turn lane on Hypoluxo Road at the project's entrance road to POD A and for POD D, E, F, and G. b. Left turn lane on Hypoluxo Road at the project's entrance road to POD C and for POD B. (CO: MONITORING - Eng)

(Previous Condition E.9 of Resolution R-2005-1127, Control No. 1996-081)
[Note: COMPLETED]

10. Prior to the issuance of the building permit for the 400th unit, the Property Owner shall construct Lyons Road from Hypoluxo Road to the south right of way line of the LWDD L-19 Canal, including a 3 lane structure over the LWDD L-19 Canal. This construction shall be as a 2 lane section in accordance with approved construction plans by the Office of the

County Engineer. This shall also include a left turn lane on the south approach at it's intersection with Hypoluxo Road. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.10 of Resolution R-2005-1127, Control No. 1996-081) [Note: COMPLETED]

11.The Property Owner shall construct Hypoluxo Road from Lyons Road to the entrance to POD D, E, F, and G. This construction shall be as a 2 lane section including bike paths and or sidewalks in accordance with approved construction plans by the Office of the County Engineer. This construction may be phased by the property owner as approved by the County Engineer. This shall also include a left and right turn lane on the east approach at it's intersection with Lyons Road. (CO: MONITORING - Eng) (Previous Condition E.11 of Resolution R-2005-1127, Control No. 1996-081) [Note: COMPLETED]

12.The Property Owner shall fund the construction of Hypoluxo Road from the entrance to POD D, E, F, and G to the project's east property line. Funding shall be based upon the construction of this road as a 2 lane section in accordance a cost estimate provided by the Developers Engineer and approved by the County Engineer. Funding for this construction shall be completed prior to 90 days notice by the County Engineer that this road is required for paved continuity or prior to recordation of the last plat for this PUD whichever shall fist occur. Funding shall also include a left turn lane east approach into POD C and a right turn lane on the east approach into POD D, E, F, and G. (TC: ENG - Eng) (Previous Condition E.12 of Resolution R-2005-1127, Control No. 1996-081) [Note: COMPLETED]

13.Concurrent with the first plat, the construction of the following thoroughfare roadways shall be constructed: a. Lyons Road from Hypoluxo Road to the present paved terminus south of Lantana Road, and; b. Hypoluxo Road from SR 7 to Lyons Road. (PLAT: ENG - Eng)
(Previous Condition E.13 of Resolution R-2005-1127, Control No. 1996-081)
[Note: COMPLETED]

14.No vehicular traffic connection shall be allowed between the Sherbrooke Estates Planned Unit Development and the Villages of Windsor PUD, but for the publicly dedicated Lyons Road. (ONGOING: ENG - Eng) (Previous Condition E.1 of Resolution R-2005-1127, Control No. 1996-081)

15.The Property Owner shall fund a pro rata share of the cost of signalization warranted as determined by the County Engineer at Hypoluxo Road and POD A. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previous Condition E.15 of Resolution R-2005-1127, Control No. 1996-081) (ONGOING: ENG - Eng)

16.The Property Owner shall receive credit for the Traffic Impact Fees as provided for in the Fair Share Road Impact Fee Ordinance. (Previous Condition E.16 of Resolution R-2005-1127, Control No. 1996-081) (ONGOING: IMPACT FEE COORD - Eng)

17.Building permits for more than 100 units shall not be issued until an access easement acceptable to the Country Engineer is recorded. Access to the Not Included Tree Farm (5 acre parcel) on the west side of the Florida Turnpike 600 feet north of Hypoluxo Road shall be provided in accordance with the Country Engineers' approval. (Previous Condition E.17 of Resolution R-2005-1127, Control No. 1996-081) (BLDG PERMIT: MONITORING - Eng)
[Note: COMPLETED]

18.Prior to final DRC approval the Preliminary Development Plan shall be amended to provide for an adequate turnaround and roadway geometrics for the proposed entrance gates entering the individual POD's subject to the County Engineers Approval. (Previous Condition E.18 of Resolution R-2002-1016, Control No. 1996-081) (DRO: ENG - Eng)

19.Previous Condition E.19 of Resolution R-2005-1127, Control No. 1996-081, which currently states:

The property owner shall convey one (1) fifty (50) foot right-of-way access to the property owner on the south side of Hypoluxo Road, approximately six hundred (600) feet east of

Lyons Road, identified as the Not Included agricultural parcel (00-42-43-27-05-042-0440). Location of the right-of-way access shall be approved by the County Engineer. The right-of-way shall be dedicated prior to DRC certification of the master plan. (DRO: ENG - Eng) [Note: COMPLETED]

Is hereby amended to read:

The property owner shall relocate the fifty (50) foot access easement to the property owner on the south side of Hypoluxo Road, identified as the Not Included agricultural parcel (00-42-43-27-05-042-0440). The new location of the access easement shall align with the full median opening on Hypoluxo Road approximately one thousand (1,000) feet east of Lyons Road, or be as approved by the County Engineer. The access easement shall be recorded prior to DRO certification of the final site plan for application DOA/R-2009-03933. (DRO: ENG - Eng)

20.The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Intersection of Lyons Rd. and Hypoluxo Rd. Funding in the amount of \$30,000.00 shall be completed prior to September 1, 2002. (Previous Condition E.20 of Resolution R-2005-1127, Control No. 1996-081) (DATE: MONITORING - Eng) [Note: COMPLETED]

21.The property owner shall accommodate, as part of the PUD drainage system, all overland drainage flowing onto the PUD from off of the property in accordance with SFWMD requirements. (Previous Condition E.21 of Resolution R-2005-1127, Control No. 1996-081) (ONGOING: ENG - Eng) [Note: COMPLETED]

22.Prior to the issuance of the first 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 right turn lanes:

- i. South approach on Lyons Road at the project's entrance and,
- ii. West approach on Hypoluxo Road at the project's entrance

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. 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, including a topographic survey. The Property Owner shall abandon or relocate easements, as required, prior to dedication of this right of way. The Property Owner shall not record the required right of way 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)

23.The Property owner shall:

- i. Construct a right turn lane south approach on Lyons Road at the project entrance and,
- ii. Construct a right turn lane west approach on Hypoluxo Road at the project entrance, and
- iii. Extend the left turn lane south approach on Lyons Road at Hypoluxo Road to a minimum of 370 feet plus 50 foot taper.

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.

a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first non-residential building permit. (BLDG PERMIT: MONITORING-Eng)

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

24. Prior to Final Site Plan approval by the DRO for the site plan associated with application DOA/R-2009-3933, the property owner shall revise and relocate the 5 foot Limited Access Easements, as required and approved by the County Engineer, to allow for the proposed driveway connections. (DRO: ENGINEERING- Eng)

25. Prior to final DRO approval of the Site Plan for the SE Civic Site associated with Application DOA/R-2009-3933, the site plan shall be revised to provide a continuous 3-lane section along the main spine road between the access connections for the northern school parking area. (DRO: ENGINEERING-Eng)

LANDSCAPE – GENERAL

1. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous Landscape Condition 1 of Resolution R-2005-1127, Control No. 1996-081) (CO: LANDSCAPE - Zoning)

2. All palms to be planted in the perimeter buffer areas shall be native species and meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet clear trunk.
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previous Landscape Condition 2 of Resolution R-2005-1127, Control No. 1996-081) (CO: LANDSCAPE - Zoning)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub; and,
- c. forty-eight (48) to seventy-two (72) inches - large shrub. (Previous Landscape Condition 3 of Resolution R-2005-1127, Control No. 1996-081) (CO: LANDSCAPE - Zoning)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (Previous Landscape Condition 4 of Resolution R-2005-1127, Control No. 1996-081) (CO: LANDSCAPE - Zoning)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (Previous Landscape Condition 5 of Resolution R-2005-1127, Control No. 1996-081) (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

1. ZONING - LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINE (ABUTTING HYPOLUXO ROAD)

1. Landscaping and buffering along the north and south property line adjacent to Hypoluxo Road shall be upgraded to include:

- a. A minimum fifty (50) foot wide landscape buffer strip including the ten (10) foot wide

easement encroachment. Along the frontage of the civic site, the width may be reduced to a minimum of twenty-five (25) feet ;

b. A minimum three (3) to five (5) foot high undulating berm with an average height of four (4) feet measured from top of curb. Height of berm for civic site frontage may reduced to two (2) to four (4) foot high with an average height of three (3) feet measured from top of curb;

c. One (1) canopy tree planted for each thirty (30) linear feet of property line;

d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;

e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape Condition 6 of Resolution R-2005-1127, Control No. 1996-081)(CO: LANDSCAPE - Zoning)

2.The following landscaping requirements shall be installed on both sides of the required wall:

a. one (1) canopy tree planted every twenty (20) feet on center, alternating on both sides of the wall;

b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall; and,

c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

d. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

e. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape Condition 8 of Resolution R-2005-1127, Control No. 1996-081)(CO: LANDSCAPE - Zoning)

3.ZONING - LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES (ABUTTING SR7/US441 AND LYONS ROAD)

1. Landscaping and buffering along the east and west property lines adjacent to SR7/US441 and Lyons Road shall be upgraded to include:

a. A minimum thirty (30) foot wide landscape buffer strip. No width reduction shall be permitted;

b. A minimum three (3) to five (5) foot high undulating berm with an average height of four (4) feet measured from top of curb;

c. One (1) canopy tree planted for each thirty (30) linear feet of property line;

d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;

e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape Condition 9 of Resolution R-2005-1127, Control No. 1996-081)(CO: LANDSCAPE - Zoning)

4.ZONING - LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES ADJACENT TO THE LACUNA AND SHERBROOKE ESTATES PUDs

1. Landscaping and buffering along the north and west property lines adjacent to the Lacuna and Sherbrooke Estates PUDs shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree planted for each twenty (20) linear feet of property line;
- c. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation.
- f. The above landscape requirements H.1.a through H.1.f shall be installed prior to the issuance of the first Certificate of Occupancy of the adjacent pod that this buffer is serving. If the project is phased or platted by pod, then that area adjacent to the corresponding phase or pod shall be installed prior to the first Certificate of Occupancy of that area.
- g. The portion of this landscape buffer located to the northwest of Pod F, adjacent to the Sherbrooke Estates PUD, can be modified through an Alternate Landscape Plan submittal at the time of final DRC for Pod F. This modification would be for the purpose of providing views of the golf course to the adjacent lot owner(s) (lot 14 of Greenbriar I in Sherbrooke PUD). (Previous Landscape Condition 10 of Resolution R-2005-1127, Control No. 1996-081)(CO: LANDSCAPE - Zoning)

5.ZONING - LANDSCAPING ALONG THE RECREATION POD, SECTION III (ABUTTING SHERBROOKE ESTATES PUD)

1. Landscaping and buffering along the recreation pod, Section III shall be upgraded to include:

- a. a minimum thirty (30) foot wide landscape buffer strip;
- b. a minimum three foot continuous berm measured from top of road curb;
- c. a minimum six (6) foot high opaque concrete wall to be placed on the plateau of the berm. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (Previous Landscape Condition 11 of Resolution R-2005-1127, Control No. 1996-081)(CO: LANDSCAPE - Zoning)

6.The following landscaping requirements shall be installed on both sides of the required wall:

- a. one (1) canopy tree planted every twenty (20) feet on center, and on both sides of the wall, with each row offset from the other to provide a visual perception of a tighter spacing;
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall; and,
- c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape Condition 12 of Resolution R-2005-1127, Control No. 1996-081)(CO: LANDSCAPE - Zoning)

PALM TRAN

1.Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, 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. Said easement location shall be located on Hypoluxo Rd as indicated on site plan. Supporting documentation, including but not not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT:MONITORING -Palm Tran)

PLANNED DEVELOPMENT-PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (Previous Planned Unit Development Condition 1 of Resolution R-2005-1127, Control No. 1996-081)(CO: BLDG - Eng)

PLANNED DEVELOPMENT

2. Street trees shall be planted within or adjacent to streets of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (Previous Planned Unit Development Condition 2 of Resolution R-2005-1127, Control No. 1996-081)(CO: LANDSCAPE - Eng)

3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.16.c.(4) of the ULDC, subject to approval by the County Engineer. (Previous Planned Unit Development Condition 3 of Resolution R-2005-1127, Control No. 1996-081)(CO: BLDG - Eng)

4. All utilities shall be underground, pursuant to Section 6.8.A.16.c.(5) of the ULDC. (Previous Planned Unit Development Condition 4 of Resolution R-2005-1127, Control No. 1996-081)(PLAT: ENG - Zoning)

5. 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, among other things, provide for: 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.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (Previous Planned Unit Development Condition 5 of Resolution R-2005-1127, Control No. 1996-081)(PLAT: MONITORING - Co Atty)

6. A focal point shall be provided at the terminus of the main entry and at the terminus of each residential street, including T-intersections, or cul-de-sac as shown on the Focal Point Plan dated April 17, 2002. The focal points shall be in the form of a plaza, fountain, arcade, pavers, or any other site element or architectural design acceptable to the Zoning Division. (Previous Planned Unit Development Condition 6 of Resolution R-2005-1127, Control No. 1996-081)(DRC: ZONING - Zoning)

7. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

PROPERTY DEVELOPMENT REGULATIONS ADMINISTRATIVE DEVIATION

Front Setback ZLL or SFR 22.5 Feet Minimum (10%)

Building Coverage ZLL 55% Maximum (10%)

Building Coverage SFR 44% Maximum (10%)

(Previous Planned Unit Development Condition 7 of Resolution R-2005-1127, Control No. 1996-081)(DRC: ZONING - Zoning)

8. No rear, side interior or side street setback reductions may be permitted. Rear setback reductions for residential units adjacent to open space are permitted subject to Section 6.5. of the ULDC. (Previous Planned Unit Development Condition 8 of Resolution R-2005-1127, Control No. 1996-081)(DRC: ZONING - Zoning)

9. Street trees shall be installed, as approved by the County Engineer, as follows:

a. Along one side of all internal PUD right-of-ways forty (40) feet in width or greater;

b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
c. One (1) canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters. (Previous Planned Unit Development Condition 9 of Resolution R-2005-1127, Control No. 1996-081)(DRC: ZONING - ENG)

10.Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each residential pod. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (Previous Planned Unit Development Condition 10 of Resolution R-2005-1127, Control No. 1996-081)(DRC: ZONING - Zoning)

11.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. (Previous Planned Unit Development Condition 11 of Resolution R2005-1127, Control No. 1996-081)(ONGOING: CO ATTY - Zoning)

12.The recreation pod, Section III, located adjacent to Pod F shall be setback a minimum of three hundred and fifty (350) feet from the west property line of the PUD. (Previous Planned Unit Development Condition 12 of Resolution R-2005-1127, Control No. 1996-081)(DRC: ZONING - Zoning)

13.All outdoor, freestanding lighting fixtures located in the recreation pod, Section III, shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (Previous Planned Unit Development Condition 13 of Resolution R-2005-1127, Control No. 1996-081)(CO: BLDG - Zoning)

PLANNING

1.Prior to final site plan approval by the Development Review Committee (DRC), the preliminary development plan shall show two (2) pedestrian cross access points to the Town Commons MLU site located on the northeast corner of Lyons Road and Hypoluxo Road, as was previously depicted on the final DRC approved Preliminary Development Plan dated January 24, 2001. The two (2) pedestrian cross access points shall also be in alignment with the pathways proposed for the Town Commons MLU site. (Previous Condition PLANNING 1 of Resolution R-2005-1127, Control No 1996-081) (DRC: PLANNING - Planning) [Note: Complete.]

2.Prior to final site plan approval by the Development Review Committee (DRC), the preliminary development plan shall show sidewalks along Hypoluxo and Lyons Roads as depicted on the Preliminary Development Plan dated March 18, 2002. (Previous Condition PLANNING 2 of Resolution R-2005-1127, Control No 1996-081) (DRC: PLANNING - Planning) [Note: Complete.]

3.Prior to the issuance of the certificate of occupancy for Pod E, the petitioner shall pave the two (2) pedestrian cross access pathways to include shade trees to the edge of the property lines at the locations specified in Condition M.1. (Previous Condition PLANNING 3 of Resolution R-2005-1127, Control No 1996-081) (CO: MONITORING - Planning) [Note: Completed]

4.Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35 and 37 from the West Boynton Area Community Plan, the applicant shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Hypoluxo Road, Lyons Road, and State Road 7 and along all internal sidewalks in the PUD. In addition, trees shown on the cross-sections for internal roadways should be placed in the swale, between the sidewalk and the street curb. (Previous Condition PLANNING 4 of Resolution R-2005-1127, Control

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide to the Palm Beach County Board of County Commissioners by a Statutory Warranty Deed, prior to the earlier of the following dates or occurrences:

- Six (6) months after final completion of the construction of Hypoluxo Road from the intersection of Lyons Road to the easternmost access point of the Villages of Windsor PUD.
- Six (6) months following the recordation of the first plat within the area of Villages of Windsor PUD that is located east of Lyons Road
- No later than June 30, 2003.

A 33.63 acres civic site. The civic site shall be a parcel to be acquired by Towne Park, the location of which has been mutually agreed upon by PREM, the Parks and Recreation Department and the petitioner to be located in an area bounded by the Florida Turnpike on the east, the approved Hypoluxo Road Right-of-Way on the north, the approved Lyons Road Right-of-Way on the west and the LWDD L-19 canal on the south. Hypoluxo Road frontage shall be provided and the site shall not be located contiguous to Florida's Turnpike. The total civic site shall include: 1) the 2% civic site requirement for Petition 95-116 (11.25 acres); 2) the 2% civic site requirement for the Sherbrooke Estates PUD pursuant to Petition 76-139 (R-89-2217 Condition 2) (10.75 acres), and 3) 2% civic site requirement for a 581.52 acre parcel located contiguous to the Towne Park Country Club (11.63 acres) to be submitted as part of a future zoning petition. Developer 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. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. 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. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the PUD, as it would apply to the civic site, if the civic site is used for governmental purposes. In the event the site is used for private purposes, the Declarations of Covenants of the PUD shall remain in full force and effect.

b. All ad valorem real estate taxes and assessments for the year of closing shall be prorated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.

c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.

d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:

(1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.

(2) As easement across Developer's property from the proposed civic site to the retention basins, if required.

e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.

f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.

g. Developer to provide water and sewer stubbed out to the property line. (Previous Condition N.1 of Resolution R-2002-1016, Petition DOA96-081(B)) (DATE: MONITORING - PREM) (Completed)

2. Prior to delivery of the deed to the County for the civic site the property owner shall update the survey to reflect all exceptions to title as provided in the title policy. The following minimum technical standards for a survey shall be complied with:

a. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

b. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by FAC. 21HH.6.

c. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

d. 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. (Previous Condition N.2 of Resolution R-2002-1016, Petition DOA96-081(B)) (DATE: MONITORING - PREM) (Completed)

3. Prior to delivery of the deed to the County the petitioner shall provide an environmental assessment specific to the civic site and certified to the County. The assessment is commonly called a Phase I" audit. The petitioner is required to comply with the following technical aspects of the audit outlined as follows:

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.

c. 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).

d. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

e. The results of an on-site survey to describe site conditions and to identify potential area of contamination.

f. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (Previous Condition N.3 of Resolution R-2002-1016, Petition DOA96-081(B)) (DATE: MONITORING - PREM) (Completed)

4. Following Board approval of Petition 96-081(B), the petitioner shall move forward with the final subdivision plan for Pod C/Civic Area such that it shall be the first subdivision plan approved by the Development Review Committee (DRC). No other final subdivision plans shall be approved by the DRC prior to the Pod C/Civic Area plan. (Previous Condition N.5 of Resolution R-2002-1016, Petition DOA96-081(B)) (DRC: ZONING - PREM) (Completed)

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). (ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2005-1127, Control No. 1996-081)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/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 (CO); 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 Unified Land Development Code (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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)