

RESOLUTION NO. R-2010- 2052

RESOLUTION APPROVING ZONING APPLICATION DOA-2010-01426  
(CONTROL NO. 2003-00033)  
Development Order Amendment  
APPLICATION OF Toll FIV Limited Partnership  
BY Gentile, Holloway, O'Mahoney & Assoc, AGENT  
(Parcel 32 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 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-2010-01426 was presented to the Board of County Commissioners at a public hearing conducted on December 9, 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 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-2010-01426, the petition of Toll FIV Limited Partnership, by Gentile, Holloway, O'Mahoney & Assoc, agent, for a Development Order Amendment to redesignate the housing type and to modify and delete conditions of approval (Engineering) 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 December 9, 2010, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	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 December 9, 2010.

Filed with the Clerk of the Board of County Commissioners on December 15th, 2010

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

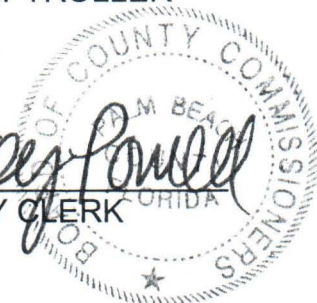
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK





## EXHIBIT A

### LEGAL DESCRIPTION

#### DESCRIPTION:

A PARCEL OF LAND LYING WITHIN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

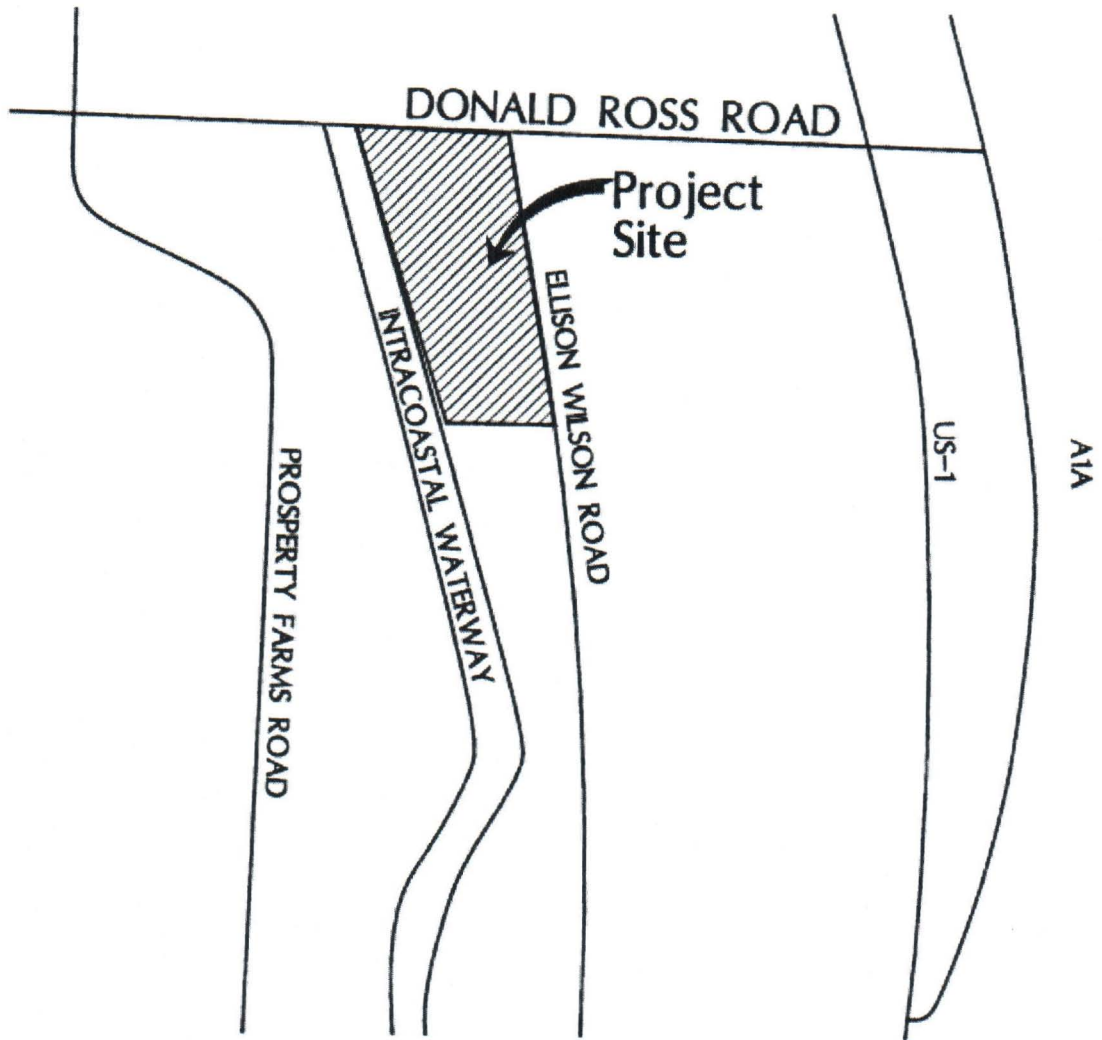
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 29; THENCE NORTH 87°55'03" WEST (AS A BASIS OF BEARINGS) ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 29, A DISTANCE OF 600.46 FEET TO A POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF ELLISON WILSON ROAD AS RECORDED IN OFFICIAL RECORD BOOK 539, PAGE 486 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 05°48'20" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 141.70 FEET TO THE SOUTHEAST CORNER OF PARCEL 105 AS RECORDED IN OFFICIAL RECORD BOOK 9577, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 05°48'20" EAST, A DISTANCE OF 2,561.10 FEET TO A POINT BEING ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 29 (THE PRECEDING COURSE BEING COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF ELLISON WILSON ROAD AS RECORDED IN OFFICIAL RECORD BOOK 539, PAGE 486, OFFICIAL RECORD BOOK 539, PAGE 492 AND OFFICIAL RECORD BOOK 812, PAGE 557 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE NORTH 88°03'47" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 813.35 FEET TO A POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE CONTINUE NORTH 88°03'47" WEST, A DISTANCE OF 185.55 FEET TO A POINT BEING ON THE EASTERLY LINE OF THE FORMER FLORIDA EAST COAST CANAL AS DEPICTED ON THE PLAT OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 17°07'45" WEST, A DISTANCE OF 308.07 FEET; THENCE NORTH 22°23'00" WEST, A DISTANCE OF 112.33 FEET; THENCE NORTH 17°11'19" WEST, A DISTANCE OF 415.52 FEET; THENCE NORTH 19°19'30" WEST, A DISTANCE OF 575.91 FEET; THENCE NORTH 18°49'20" WEST, A DISTANCE OF 478.71 FEET; THENCE NORTH 16°52'40" WEST, A DISTANCE OF 464.20 FEET; THENCE NORTH 15°06'01" WEST, A DISTANCE OF 347.76 FEET TO THE SOUTHWEST CORNER OF PARCEL 101 AS RECORDED IN OFFICIAL RECORDS BOOK 9577, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (THE PRECEDING SEVEN (7) COURSES BEING COINCIDENT WITH SAID EASTERLY LINE OF THE FORMER FLORIDA EAST COAST CANAL); THENCE NORTH 89°38'42" EAST ALONG THE SOUTH LINE OF SAID PARCEL 101, A DISTANCE OF 259.50 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 101, ALSO BEING THE SOUTHWEST CORNER OF PARCEL 102 AS RECORDED IN OFFICIAL RECORDS BOOK 9577, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SAID INTRACOASTAL WATERWAY; THENCE NORTH 89°38'42" EAST, A DISTANCE OF 143.68 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 18,615.37 FEET, A CENTRAL ANGLE OF 02°27'05" FOR A DISTANCE OF 796.46 FEET; THENCE SOUTH 87°54'13" EAST, A DISTANCE OF 328.38 FEET TO THE NORTHWEST CORNER OF PARCEL 105 AS RECORDED IN OFFICIAL RECORD BOOK 9577, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (THE PRECEDING THREE (3) COURSES BEING COINCIDENT WITH THE SOUTH LINE OF SAID PARCEL 102); THENCE SOUTH 46°51'16" EAST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 105, A DISTANCE OF 52.54 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 76.29 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH



Vicinity Sketch



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous Condition All Petition 1 of Resolution R-2004-0731 and Control No. 2003-033 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 April 6, 2004. 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:

The approved preliminary development plan is dated August 16, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Accessory structures, such as, but not limited to, pools, tennis courts, boat docks, guest cottages, garages, and accessory dwellings, shall not be permitted on lots 46- 51, unless the lot is combined and replatted with an adjacent lot (39-45) to create one single lot of record. PLAT : ENG/ZONING-Zoning) (Previous Condition A.2 of Resolution R-2004-731, Control No. 2003-033)

3. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-0731 (Control 2003-033), 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 Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

#### ENGINEERING

1. Previous Condition E1 of Resolution R-2004-731, Control No. 2003-033, 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 Section 5.8 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 Developer shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after January 1, 2021. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)



2. Previous Condition E2 of Resolution R-2004-731, Control No. 2003-033, which currently states:

Prior to the issuance of the first building permit the property owner shall convey to Palm Beach County a road drainage easement(s) through this project to provide legal positive outfall for Ellison Wilson Road from the project east property line to the Intracoastal Waterway. Portions of such system not included within roadways or waterways dedicated for drainage purposes shall be a minimum of 20 feet in width. Location and final width of the drainage easement shall be subject to the approval of County Engineer. The Developer may elect to construct a closed piping system within this drainage easement if 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)

Is hereby amended to read:

Prior to issuance of the first building permit, the property owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Ellison Wilson Road along the property frontage; and 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and 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. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)

3. The property owner shall construct a left turn lane south approach on Ellison Wilson Road at the Project's Entrance Road.

a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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 PRMT: MONITORING Eng)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng) (Previous Condition E3 of Resolution R-2004-731, Control No. 2003-033)

4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING Eng) (Previous



Condition E4 of Resolution R-2004-731, Control No. 2003-033)

5. Previous Condition E5 of Resolution R-2004-731, Control No. 2003-033, which currently states:

LANDSCAPE PLANTINGS WITHIN THE LANDSCAPE ISLANDS OF ELLISON WILSON ROAD

a. The property owner shall construct landscape island(s) a minimum length of 350 feet within the pavement of Ellison Wilson Road south of Donald Ross Road adjacent to this site. Final design of these Landscape Islands shall be approved by the County Engineer for the width, length, geometrics, plant material and location.

b. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.

1. 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)

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

Is hereby deleted. [Reason: No longer required]

6. Previous Condition E6 of Resolution R-2004-731, Control No. 2003-033, which currently states:

LANDSCAPE PLANTINGS WITHIN PROPOSED LANDSCAPE ISLANDS OF ELLISON WILSON ROAD

a. The property owner shall construct 2 landscape islands within the pavement of Ellison Wilson Road north and south of Juno Isles Boulevard. The first landscape island shall be located 200 feet south of Ardley Road. The second landscape island shall be located 650 feet north of Ascott Road. The construction and installation of plant material shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be funded by the property owner. Final design of these landscape islands shall be approved by the County Engineer for the width, length, geometrics of the landscape islands, and the type, location, and quantity of plant material and shall be reimbursed by the District 1 Commissioner. The Developer shall then be reimbursed by the District 1 Commissioner of Palm Beach County for the construction and the installation of all plant material for these landscape islands. A certified cost estimate shall be submitted and approved by the District 1 Commissioner prior to construction and installation and all final costs shall be approved by the County Engineer.

1. Median landscaping installed by the petitioner shall be perpetually maintained by this developer, his successors and assigns, without recourse to Palm Beach County.

2. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

3. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

Is hereby amended to read:

STAMPED SECTIONS WITHIN ELLISON WILSON ROAD

The property owner shall install four (4) stamped concrete or stamped asphalt sections, or brick pavers as approved by the County Engineer, within the pavement of Ellison Wilson Road, in locations and lengths as approved by the County Engineer. Two of which will be located generally at the north and south boundaries of the Juno Isles subdivision and the other two will be generally located at the canal bridge in the area of the Juno Isles subdivision. Any and all costs associated with this construction shall be funded by the property owner. Final design of these stamped sections, including but not limited to, width,



length, geometrics and locations shall be approved by the County Engineer.

- a. The sections installed by the petitioner shall be perpetually maintained by this property owner, his successors and assigns, without recourse to Palm Beach County. The responsibility for this maintenance shall be included in the recorded Homeowner's Association Documents for the subject site. (ONGOING: ENGINEERING - Eng)
- b. The necessary permit(s) for this shall be applied for prior to the issuance of the first building permit for a residential unit. (BLDG PERMIT: MONITORING - Eng)
- c. The installation of the sections shall be completed prior to the issuance of the first certificate of occupancy for a residential unit. (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. (ONGOING: ERM ERM) (Previous Condition B.1 of Resolution No. R-2004-0731, Control No. 2003-033)

2. A 25% upland set-aside equal to or greater than 8.46 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM ERM) (Previous Condition B.2 of Resolution No. R-2004-0731, Control No. 2003-033)

3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat shall be approved by ERM prior to final site plan approval by the DRO. (DRO: ERM ERM) (Previous Condition B.3 of Resolution No. R-2004-0731, Control No. 2004-033) [COMPLETE]

#### LANDSCAPE - GENERAL

1. Fifty (50) 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) (Previous Condition C.1 of Resolution R-2004-731, Control No. 2003-033)

2. 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) (Previous Condition C.2 of Resolution R-2004-731, Control No. 2003-033)

#### LANDSCAPE - GENERAL-PLANNED UNIT DEVELOPMENT

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to 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;
- c. Forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. This condition does not apply where a single row of hedge is required on one or both



sides of a wall or fence. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition C.3 of Resolution R-2004-731, Control No. 2003-033)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG. PERMIT: LANDSCAPE Zoning) (Previous Condition C.4 of Resolution R-2004-731, Control No. 2003-033)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition C.5 of Resolution R-2004-731, Control No. 2003-033)

6. All canopy trees to be planted within or adjacent to overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG. PERMIT: LANDSCAPE Zoning) (Previous Condition C.6 of Resolution R-2004-731, Control No. 2003-033)

7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easement crossings. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition C.7 of Resolution R-2004-731, Control No. 2003-033)

#### LANDSCAPE - GENERAL-ALTERNATIVE PLAN

8. Prior to final site plan approval by the Development Review Officer (DRO), an Alternative Landscape Plan (ALP) shall be submitted to the Landscape Section for landscaping along the north, south, east and west property lines and/or any portion of the property where existing wetlands, vegetation, preserve areas and the Intercoastal waterway may affect the proposed landscaping. The ALP shall be based upon an equivalent quantity of plant materials in addition to a signed and sealed cost estimate. (DRO: LANDSCAPE Zoning) (Previous Condition D.1 of Resolution R-2004-731, Control No. 2003-033)

#### LANDSCAPE - GENERAL

9. Prior to final site plan approval by the Development Review Officer (DRO), the 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: LANDSCAPE Zoning) (Previous Condition D.2 of Resolution R-2004-731, Control No. 2003-033)

#### LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (FRONTAGE OF DONALD ROSS ROAD AND ELLISON WILSON ROAD)

10. Landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or utility easement encroachment shall be permitted;
- b. One (1) native canopy tree for each thirty (30) linear feet of the property line;
- c. 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;
- 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;
- 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; and,
- f. 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.
- g. Credit may be given to meet the above landscape requirements may be if the above planting requirements could be transferred relocated to the adjacent Burt Winters Park. Prior to final DRO approval of the site plan, the property owner shall enter into an agreement with the PBC Parks and Recreation Department regarding the relocation of these plant materials. (DRO/BLDG PERMIT: DRO/PARKS/LANDSCAPE Zoning) (Previous Condition F.1 of Resolution R-2004-731, Control No. 2003-033)



LANDSCAPE - GENERAL-LANDSCAPING ALONG THE SOUTH PROPERTY LINE  
(ABUTTING CIVIC TRACT)

11. Landscaping and buffering along the south property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip. No width reduction or utility easement encroachment shall be permitted;
- b. A six (6) foot high concrete panel wall, opaque wood fence or black vinyl coated chain link fence. The wall or fence may be deleted in those areas where an Alternative Landscape Plan is required;
- c. One (1) canopy tree planted for each twenty (20) linear feet of the property line alternating on both sides of the wall or fence;
- d. 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 or fence;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and to be planted on both sides of the wall or fence;
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, to be planted on both sides of the wall or fence;
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on the exterior side of the wall or fence; and,
- h. Credit may be given to meet the above landscape requirements may be if the above planting requirements could be transferred relocated to the adjacent Burt Winters Park. Prior to final DRO approval of the site plan, the property owner shall enter into an agreement with the PBC Parks and Recreation Department regarding the relocation of these plant materials. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition G.1 of Resolution R-2004-731, Control No. 2003-033)

LANDSCAPE - INTERIOR

12. Special planting treatment shall be provided on both sides of the access point on Ellison Wilson Road. Planting shall consist of the following:

- a. A minimum of three (3) specimen Palms (Medjool, Canary, Royal, or any other species acceptable to the Landscape Section);
- b. A minimum of three (3) flowering trees along the access drive; and
- c. Shrub or hedge materials. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition H.1 of Resolution R-2004-731, Control No. 2003-033)

13. Special planting treatment shall be provided in the cul-de-sac at the project's entrance on Ellison Wilson Road. Planting shall consist of the following:

- a. A minimum of three (3) specimen palms (Medjool, Canary, Royal or any other species acceptable to the Landscape Section. The number of required trees may be reduced or a decorative architectural feature to be is incorporated into the cul-de-sac, The details of the architectural feature shall be subject to approval by the Architectural Review Section prior to final site plan approval by the DRO; and,
- b. Shrub or hedge materials. (DRO/ BLDG PERMIT: ARCH. REVIEW/LANDSCAPE Zoning) (Previous Condition H.2 of Resolution R-2004-731, Control No. 2003-033)

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. (CO: LANDSCAPE Eng/Zoning) (Previous Condition J.1 of Resolution R-2004-731, Control No. 2003-033)

2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:



- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ZONING/ENG Zoning/Eng) (Previous Condition J.2 of Resolution R-2004-731, Control No. 2003-033)

3. Prior to the 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; and,
- 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) (Previous Condition J.3 of Resolution R-2004-731, Control No. 2003-033)

4. Decorative brick pavers paving blocks, stamped concrete or other similar decorative pavement subject to Zoning Division approval, shall be provided at the project entrance as indicated on the site plan dated October 28, 2003, and at all intersections and pedestrian crosswalks. (DRO/CO: DRO/LANDSCAPE Zoning) (Previous Condition J.4 of Resolution R-2004-731, Control No. 2003-033)

5. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of an active County park with ball fields, and boat ramps in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on May 1, 2005 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning) (Previous Condition J.5 of Resolution R-2004-731, Control No. 2003-033)

#### PROPERTY & REAL ESTATE MANAGEMENT

1. Previous PREM Condition 1 of Resolution R2004-731, Control No. 2003-033 which currently states:

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed by June 1, 2005, a day that shall be used as the day of closing for this property conveyance, on a net 1.54 acre public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). The property owner shall plat and dedicate the civic site to Palm Beach County. (DATE: MONITORING-PREM)

Is hereby amended to read:

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed by September 1, 2011, on a net 1.54 acre public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). The property owner shall plat and dedicate the civic site to Palm Beach County. (DATE: MONITORING-PREM)

2. Previous PREM Condition 2 of Resolution R2004-731, Control No. 2003-033 which currently states:



Prior to deed conveyance on June 1, 2005, the property owner shall provide and/or complete the following:

a. Provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation shall be provided to County by April 1, 2005. The title policy shall be subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy shall be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The property owner shall obtain the appraisal, and shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site;

b. Shall reserve traffic capacity and record in the concurrency reservation an amount of trips sufficient for a County facility that is associated with the civic site. The size of the civic facility and the corresponding amount of trips shall be determined by PREM and the Traffic Division;

c. All ad valorem real estate taxes and assessments for the year of closing shall be pro rated to the day of closing or to a prior day of closing as mutually agreed upon by the County and the property owner;

d. The civic site shall be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed;

e. Shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. The property owner shall also specifically address the following issues:

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

2) As easement across the property owner's site from the proposed civic site to the retention basins, if required;

f. Shall agree to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site;

g. Shall obtain a vegetation permit, perform a tree survey and prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. The site shall be stabilized with sod and watered or seeded, mulched and watered to the satisfaction of the Facilities Development and Operations; and,

h. Shall provide water and sewer stubbed out to the property line. (DATE: MONITORING PREM)

Is hereby deleted. [REASON: Superseded by new condition]

3. Previous PREM Condition 3 of Resolution R2004-731, Control No. 2003-033 which currently states:

The property owner shall submit a survey certified to Palm Beach County of the proposed civic site by April 1, 2005 to PREM. The survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6;

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

c. The survey shall include a location of any proposed water retention area that will border the civic site; and,

d. Any proposed or existing easements within the proposed civic site and all title exceptions shall also be shown on the survey and shall be subject to the review and approval by the County. (DATE: MONITORING PREM)

Is hereby amended to read:



The property owner shall submit a survey certified to Palm Beach County of the proposed civic site by August 1, 2011 to PREM. The survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6;
- b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided;
- c. The survey shall include a location of any proposed water retention area that will border the civic site; and,
- d. Any proposed or existing easements within the proposed civic site and all title exceptions shall also be shown on the survey and shall be subject to the review and approval by the County. (DATE: MONITORING PREM)

4. Previous PREM Condition 4 of Resolution R2004-731, Control No. 2003-033 which currently states:

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by January 14, 2005. The minimum assessment that 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 shall include but not be limited to the following:

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

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS);

- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties;
- d. The results of an on site survey to describe site conditions and to identify potential area of contamination; and,
- e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING PREM)

Is hereby amended to read:

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by August 1, 2011. The minimum assessment that 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 shall include but not be limited to the following:

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



- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS);

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

d. The results of an on site survey to describe site conditions and to identify potential area of contamination; and,

e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING PREM)

5. Previous PREM Condition 5 of Resolution R2004-731, Control No. 2003-033 which currently states:

The property owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD.

a. Should the off-site land option be chosen, each PREM condition listed in numbers J.1, J.2 & J.3 above shall apply. If the land off-site is of less cash value than the on-site dedication, the property owner shall contribute cash equal to the difference in values;

b. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner or if the property owner is a contract purchaser, the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of the ULDC. (ONGOING: MONITORING PREM)

Is hereby amended to read:

The property owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD.

a. Should the off-site land option be chosen, each PREM condition listed in numbers 1, 3, 4 & 6 shall apply. If the land off-site is of less cash value than the on-site dedication, the property owner shall contribute cash equal to the difference in values;

b. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner or if the property owner is a contract purchaser, the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of the ULDC. (ONGOING: MONITORING PREM)

6. Prior to deed conveyance on September 1, 2011, the property owner shall provide and/or complete the following:

a. Provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation shall be provided to County by August 1, 2011. The title policy shall be subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy shall be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The property owner shall obtain the appraisal, and shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site;



b. Shall reserve traffic capacity and record in the concurrency reservation an amount of trips sufficient for a County facility that is associated with the civic site. The size of the civic facility and the corresponding amount of trips shall be determined by PREM and the Traffic Division;

c. All ad valorem real estate taxes and assessments for the year of closing shall be pro rated to the day of closing or to a prior day of closing as mutually agreed upon by the County and the property owner;

d. The civic site shall be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed;

e. Shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. The property owner shall also specifically address the following issues:

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

2) As easement across the property owner's site from the proposed civic site to the retention basins, if required;

f. Shall agree to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site;

g. Shall obtain a vegetation permit, perform a tree survey and prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. The site shall be stabilized with sod and watered or seeded, mulched and watered to the satisfaction of the Facilities Development and Operations; and,

h. Shall provide water and sewer stubbed out to the property line. (DATE: MONITORING PREM)

#### SCHOOL BOARD

1. Condition K.1 of Resolution R-2004-0731, Control No. 2003-033, which currently states:

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 HOME BUYERS/TENANTS AND  
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)

Is hereby amended to read:

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)

2. Condition K.2 of Resolution R-2004-0731, Control No. 2003-033, 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.)

Is hereby amended to read:

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(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

#### SIGNS

1. Freestanding or entrance wall signage shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. Maximum sign face area per side thirty (30) square feet;
- c. Maximum number of signs - one (1) freestanding, or one (1) pair of entrance wall signs;
- d. Style monument or entrance wall style only; and,
- e. Location - within fifty (50) feet of the projects entrance on Ellison Wilson Road (CO: BLDG Zoning) (Previous Condition L.1 of Resolution R-2004-731, Control No. 2003-033)

#### 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)