

RESOLUTION NO. R-2011- 1112

RESOLUTION APPROVING ZONING APPLICATION DOA/TDR-2010-03019  
(CONTROL NO. 2008-00129)  
a Development Order Amendment  
APPLICATION OF Westbrooke Homes Inc, Standard Pacific of South Florida  
BY Land Design South, Inc., AGENT  
(Andalucia 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/TDR-2010-03019 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2011; 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/TDR-2010-03019, the petition of Westbrooke Homes Inc, Standard Pacific of South Florida, by Land Design South, Inc., agent, for a Development Order Amendment to reconfigure the Master Plan, Site Plan, and change the type of dwelling units, to decrease the number of dwelling units, and to restart the commencement of development. 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 28, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 28, 2011.

Filed with the Clerk of the Board of County Commissioners on August 2, 2011.

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

LEGAL DESCRIPTION:

TRACT 38, LESS THE NORTH 35.64 FEET, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 41, LESS THE WEST 70 FEET THEREOF AS DESCRIBED IN OFFICIAL RECORD BOOK 4549, PAGE 1311, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 42 & 43, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 53 & 60, LESS THE SOUTH 35 FEET OF TRACT 60, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

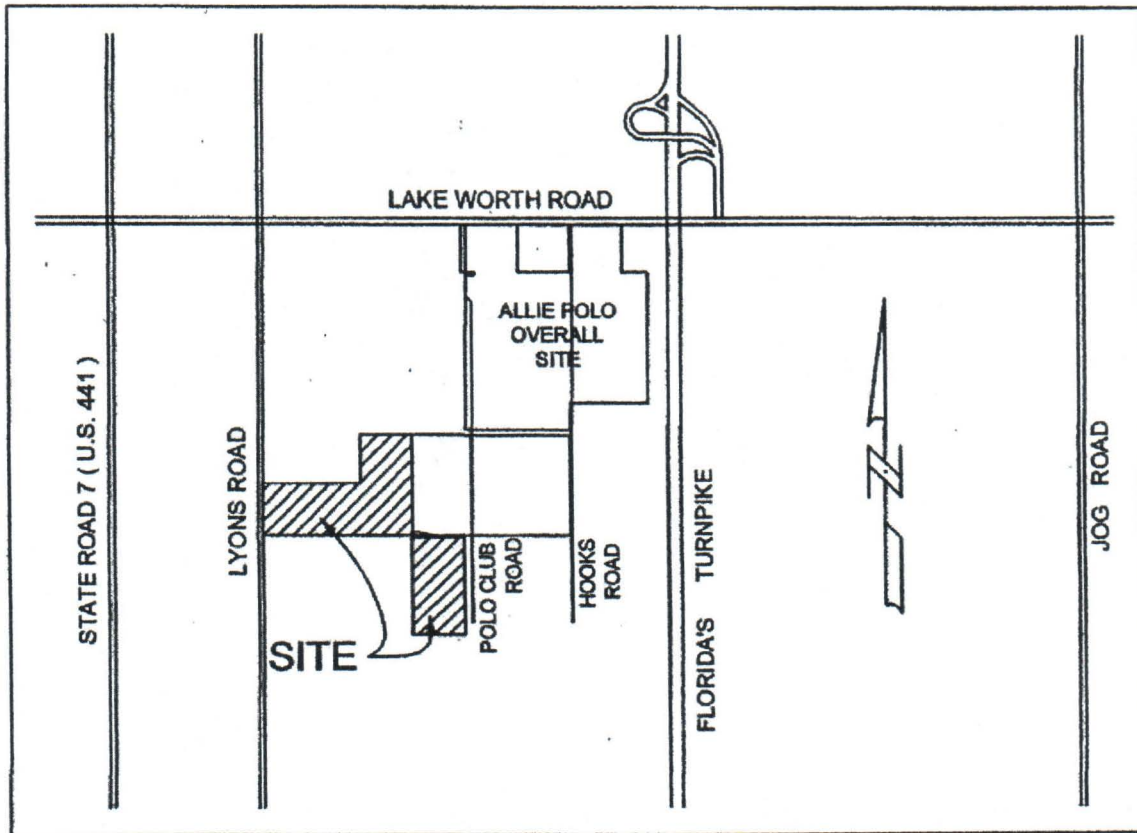
TOGETHER WITH:

A PARCEL OF LAND LYING IN TRACT 44, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 44; THENCE NORTH 00°00'29" WEST ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 49.96 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET AND WHOSE CHORD BEARS SOUTH 82°06'07" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°27'05", A DISTANCE OF 136.20 FEET TO A POINT OF TANGENCY; THENCE SOUTH 74°52'34" EAST, A DISTANCE OF 58.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°39'56", A DISTANCE OF 117.74 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 44; THENCE SOUTH 89°59'31" WEST ALONG SAID SOUTH LINE OF TRACT 44, A DISTANCE OF 307.61 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 58.03 ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH



**LOCATION MAP**  
NOT TO SCALE

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ACCESS

1.1. Prior to final plan approval by the Development Review Officer (ORO), the property owner shall record a cross access agreement from the subject property to the Oliver Property, PCN No. 00-42-43-27-05-028-0391, in a form and manner that is acceptable to the County Attorney's office. (DRO: COUNTY ATIY - Zoning) (Previous Condition Access 1 of Resolution R-2009-0373, Control 2008-129)

#### ALL PETITIONS

1.1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-0373, 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition ALL Petitions 1 of Resolution R-2009-0373, Control 2008-129 which currently states:

Development of the site shall be in accordance with the certified Preliminary Master Plan and Preliminary Subdivision Plan dated December 16, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The preliminary master, site, and regulating plans are dated April 18, 2011. 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)

3. Based on Article 2.E of the Unified Land Development Code, this Development Order meets the requirements to receive a new three (3) year review date from Date of Approval of this Resolution. (DATE: MONITORING - Zoning)

#### BUILDING

1. A minimum of eight (8) benches shall be incorporated into the pedestrian walkway system and central open space area of Pod C. (DRO: ARCH REV - Zoning) (Previous Condition Building and Site Design 1 of Resolution R-2009-0373, Control 2008-129)

#### ENGINEERING

1. The existing access shall be maintained to the parcel west of subject project, located on 87th Place South and having PCN of 00-42-43-27-05-028-0391, until alternate access is available for traffic. (ONGOING: ENGINEERING - Eng) (Previous Engineering Condition E1 of Resolution R-2009-373, Control No. 2008-129)

2. Previous Engineering Condition E2 of Resolution R-2009-373, Control No. 2008-129, which currently states:

Prior to platting any portion of POD C, access to the parcel located west of the subject property and having PCN 00-42-43-27-05-028-0391 must be provided. (PLAT: MONITORING- Eng)

Is hereby amended to read:

Prior to platting any portion the northern portion of the PUD, access to the parcel located west of the subject property and having PCN 00-42-43-27-05-028-0391 must be provided. (PLAT: ENGINEERING- Eng)

3. Prior to final approval of the Master Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391. The PUD's stormwater management system shall then be designed to accept this historical drainage. Required drainage easements shall then be provided to the not included parcel(s) and shall be shown on the plat of the PUD. (DRO: ENGINEERING-Eng) (Previous Engineering Condition E3 of Resolution R-2009-373, Control No. 2008-129)

4. Previous Engineering Condition E4 of Resolution R-2009-373, Control No. 2008-129, which currently states:

The PO shall provide to the PBC LD Div a rd ROW deed and assoc docs as req'd by the CE for a total of 80 ft meas from s line of the exist 30 ft of ROW, which will serve as Coll Rd for access to the two development sites.

All ROW deeds and assoc docs shall be prov'd and app'd prior to the issue of the first bldg permit. ROW convey shall be along the entire front and shall be free and clear of all encroach's and encumbrances. PO shall provide PBC suff docs accept to the ROW Acq Section to ensure that the property is free of all encumbrances and encroach's, including a topo survey. The Grantor must further warrant that the property being conveyed to PBC meets all appro. and applic. enviro. agency require's. In the event of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the CO harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The PO shall not record these required deeds or related documents. After final acceptance, PBC shall record all appropriate deeds and docs. (BLDG PERMIT: MONIT-Eng)

Is hereby amended to read:

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required for the right of way north of the existing right of way and as shown on the approved alignment study and as required by the County Engineer for construction of the Polo Club Road required improvements including right of way for the roundabout at the eastern end of the alignment. Additional right of way must be provided along the Polo Club Road alignment for the expanded intersection at Lyons Rd, as required by the County Engineer. Further, the property owner may be required to dedicate or acquire additional right of way to allow for construction of the required travel lanes and alignment approved by the Board of County Commissioners. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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 Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT/ONGOING: MONITORING-Eng)

5. Previous Engineering Condition E5 of Resolution R-2009-373, Control No. 2008-129,

which currently states:

The developer shall construct the 80 foot right of way collector street from Lyons Road east to the eastern line of Tract 53 to be consistent with Palm Beach County standards. 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. Construction may be phased but shall be complete to provide access to the first developed phase prior to the issuance of the first Certificate of Occupancy in that phase. [CO: MONITORING-Eng)
- b. Construction of the entire roadway shall be complete prior to issuance of the first Certificate of Occupancy for POD B. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property Owner shall construct Polo Club Road from east of the project entrance road for the northern portion of the PUD to east of the project entrance road for the southern portion of the PUD to be consistent with Palm Beach County standards for an 80 foot right of way collector street and include an appropriate turnaround area and drainage as required by the County Engineer. This construction should be concurrent with the paving and drainage improvements for the southern portion of the PUD. 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 building permit for the southern portion of the PUD. (BLDG PERMIT: MONITORING-Eng)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the southern portion of the PUD. (CO: MONITORING-Eng)

6. Previous Engineering Condition E6 of Resolution R-2009-373, Control No. 2008-129, which currently states:

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 shall be issued after December 31, 2012. 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.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

Is hereby amended to read:

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

- a. No Building Permits for the site may be issued after December 31, 2015. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

7. Previous Engineering Condition E7 of Resolution R-2009-373, Control No. 2008-129, which currently states:

The Property Owner shall construct left turn lane north approach on Lyons Rd at project entrance. 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.

- a. Prior to the issuance of the first Building Permit, permits shall be obtained from Palm Beach County for the construction identified above (BLDG PERMIT: MONITORING-Eng)
- b. Construction for the improvements above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property Owner shall construct:

- i. a north approach left turn lane on Lyons Road at Polo Club Road,
- ii. an east approach 3-lane section on Polo Club Road at Lyons Road including modifications to Lantern Drive if necessary for alignment purposes, as determined by the County Engineer,
- iii. a west approach left turn lane on Polo Club at the project entrance road for the northern portion of the PUD, and
- iv. Polo Club Road from Lyons Road to east of the project entrance road for the northern portion of the PUD to be consistent with Palm Beach County standards for an 80 foot right of way collector street and including appropriate turnaround area and drainage for the ultimate roadway section, as required by the County Engineer. This construction should be concurrent with the paving and drainage improvements for the northern portion of the PUD. 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. The costs associated with construction of i, ii, and iv, up to an amount not to exceed \$250,000.00, shall be creditable against road impact fees for the residential units in the northern portion of the PUD.

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

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

8. Prior to issuance of the first building permit, a 12.50 foot by 23 foot access easement, south of the LWDD reservation and along the northwestern corner of the property, shall be recorded to maintain existing access to the parcel located west of the subject property and having PCN 00-42-43-27-05-028-0392. The easement shall be located as shown on the site plan. (BLDG PERMIT: MONITORING- Eng) (Previous Engineering Condition E8 of Resolution R-2009-373, Control No. 2008-129)

9. Previous Engineering Condition E9 of Resolution R-2009-373, Control No. 2008-129, which currently states:

The property owner shall revise the final site plan to show an extension of the project's internal street system to provide access from the project's entrance on the 80 foot non-plan collector to the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391. (DRO: ENGINEERING-Eng)

Is hereby amended to read:

The property owner shall revise the final site plan to show an extension of the project's internal street system to provide access from the project's entrance on Polo Club Road to the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391. (DRO: ENGINEERING-Eng)

10. Prior to the recordation of the first plat, access easements over all internal roads through the development to parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391 shall be listed in the homeowner's documents, all sales brochures, Master Plans and related site plans.

a. The property owner shall submit documentation of compliance to the Monitoring Section



of Planning, Zoning and Building Department. (PLAT: ENGINEERING-Eng)

b. Compliance documentation shall be submitted on an annual basis to the Monitoring Section of Planning, Zoning and Building Department until the property owner relinquishes control to the homeowner's association. (ONGOING: MONITORING-Eng) (Previous Engineering Condition E10 of Resolution R-2009-373, Control No. 2008-129)

11. Previous Engineering Condition E11 of Resolution R-2009-373, Control No. 2008-129, which currently states:

The property owner shall provide an access easement over the project's internal street system from the project's entrance on the 80 foot non-plan collector to the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391.

a. The easements shall be approved by the County Attorney and Land Development prior to recordation. The easements shall be recorded by the property owner and prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. If alternative development-suitable access becomes available to either of the parcels above, the property owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcel. (ONGOING: ENGINEERING-Eng)

Is hereby amended to read:

The property owner shall provide an access easement over the project's internal street system from the project's entrance onto Polo Club Road to the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391.

a. The easements shall be approved by the County Attorney and Land Development prior to recordation. The easements shall be recorded by the property owner and prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. If alternative development-suitable access becomes available to either of the parcels above, the property owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcel. (ONGOING: ENGINEERING-Eng)

12. Previous Engineering Condition E12 of Resolution R-2009-373, Control No. 2008-129, which currently states:

Prior to final DRO approval of the Master Plan or Subdivision Plans, the property owner shall apply to Palm Beach County Land Development Division to close a portion of 47th Place South. (DRO: ENGINEERING-Eng)

Is hereby amended to read:

Prior to final DRO approval of the Master Plan or Subdivision Plans, the property owner shall apply to Palm Beach County Land Development Division to close portions of any public right of way to public use. (DRO: ENGINEERING-Eng)

13. Previous Engineering Condition E13 of Resolution R-2009-373, Control No. 2008-129, which currently states:

The Property owner shall construct a left turn lane west approach on the 80 foot non-plan collector road at the project's entrance for the northern portion of the project. 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 building permit. (BLDG PERMIT: MONITORING-Eng)

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

Is hereby amended to read:

The Property Owner may not receive DRO certification of the Preliminary Development Plan until the Board of County Commissioners has adopted an alignment for Polo Club Road. The Property Owner shall conduct the alignment study from Lyons Road to 1,000

feet north of the roundabout or intersection at the eastern end of the roadway. (DRO: ENGINEERING-Eng)

#### HEALTH

1. Previous condition Health 1 of Resolution R-2009-373; Control 2008-129 which reads:

Prior to the issuance of a demolition building permit, the property owner shall submit the results of an asbestos containing materials (ACM) survey to the Palm Beach County Health Department. (BLDG PERMIT: MONITORING- Health)

Is hereby Deleted: Reason--Code Requirement.

#### LANDSCAPE - GENERAL

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 1 of Resolution R-2009-0373, Control 2008-129)

2. Condition Landscape 2 of Resolution R-2009-0373, Control 2008-129, which currently states:

A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

is hereby amended to read:

All replacement and newly planted trees shall be native canopy trees and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet. (BLDG PERMIT: LANDSCAPE - Zoning)

3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 3 of Resolution R-2009-0373, Control 2008-129)

4. Condition Landscape 4 of of Resolution R-2009-0373, Control 2008-129, which currently states:

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

In addition to the code requirements, the landscaping buffer easement located along the west property line abutting Lyons Road shall be upgraded to include:

- a. a minimum two (2) to three (3) foot high undulating berm with an average height of two-and one-half (2.5) feet; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby amended to read:

In addition to the code requirements, the landscaping buffer easement located along the west property line abutting Lyons Road shall be upgraded to include:

- a. a minimum thirty (30) foot wide landscape buffer
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two-and one-half (2.5) feet
- c. a six (6) foot wide meandering paved sidewalk
- d. one (1) palm or pine for each for each twentyfive (25) linear feet of the property line with a maximum spacing of fiftyfive (55) feet between clusters. (BLDG PERMIT: LANDSCAPE Zoning)

5.Condition Landscape 5 of of Resolution R-2009-0373, Control 2008-129, which currently states:

#### LANDSCAPING ALONG THE WEST PROPERTY LINE OF POD C (ABUTTING OLIVER AND GARVEY PARCELS)

In addition to code requirements for Pod C, the western perimeter buffer of Pod C shall be upgraded to include a eight (8) foot high opaque concrete panel or block wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure (multi-family buildings). (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read  
LANDSCAPING ALONG THE WEST PROPERTY LINE OF POD B (ABUTTING OLIVER AND GARVEY PARCELS)

Landscaping and buffering along the northwestern property line (adjacent to the Garvey property and 87th South Drive Corp (fka: Oliver Parcel) of Pod B of the PUD shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip adjacent to the Garvey property;
- b. minimum twenty (20) foot wide landscape buffer strip adjacent to the 87th South Drive Corp property;
- c. an eight (8) foot high opaque concrete panel or block wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential units; and,
- d. plant materials shall be installed pursuant to an Incompatibility Buffer. (BLDG PERMIT: LANDSCAPE - Zoning)

6.Condition Landscape 6 of of Resolution R-2009-0373, Control 2008-129, which currently states:

#### LANDSCAPING ALONG THE EAST PROPERTY LINE OF POD A (WHERE RESIDENCES ABUT POLO FIELDS)

In addition to code requirements and the proposed landscaping and/or buffer width along the east property line of Pod A abutting lots 1-8, planting and buffer width shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. landscape materials shall be upgraded to provide a minimum six (6) foot high continuous solid opaque visual screen, composed of hedges or shrubs. This hedge shall connect to the required hedge in Pod C to the north, and shall also continue a minimum of one-hundred (100) feet south of lot 1; and,
- c. additional buffer width and planting requirements may be deleted by the Development Review Officer in the event adjacent equestrian or other similar uses cease to exist, and are replaced with residential uses. (BLDG PERMIT: LANDSCAPE - Zoning)

is hereby amended to read:

LANDSCAPING ALONG THE EAST PROPERTY LINE OF POD B (WHERE RESIDENCES ABUT POLO FIELDS)

Landscaping along the east property line, of the POD B shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. plant materials shall be installed pursuant to an Incompatibility Buffer with a minimum six (6) foot high hedge; and,
- c. additional buffer width and planting requirements may be deleted by the Development Review Officer in the event adjacent equestrian or other similar uses cease to exist, and are replaced with residential uses. (BLDG PERMIT: LANDSCAPE - Zoning)

7. Condition Landscape 7 of Resolution R-2009-0373, Control 2008-129, which currently states:

LANDSCAPING ALONG THE SOUTH BOUNDARY OF POD C (ABUTTING POD A BOUNDARY, EXCLUDING ENTRANCE)

Special planting shall be provided along the southern boundary of Pod C so as to mitigate any adverse impacts from nighttime vehicle headlight glare on adjacent homesites in Pod A. Special planting shall include the following:

- a. a minimum five (5) foot wide landscape planting area;
- b. special planting in areas lying immediately north of Pod A lots 47 through 53, shall provide a continuous solid opaque visual screen a minimum of three (3) feet in height, with canopy trees spaced a minimum of twenty (20) feet on center;
- c. special planting in areas lying immediately north of Pod A lot 8 shall provide a continuous solid opaque visual screen a minimum of six (6) feet in height, with canopy trees spaced a minimum of twenty (20) feet on center; and,
- d. an Alternative Landscape Plan that accomplishes the desired mitigation of nighttime parking lot glare/lighting, may be permitted if approved by the PBC Landscaping Section. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby deleted [Reason: project has been redesigned to feature only Zero Lot Lines in this location]

8. Condition Landscape 8 of Resolution R-2009-0373, Control 2008-129, which currently states:

Foundation planting or grade level planters shall be provided along the front and side facades of all multi-family structures to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet along the east and west facades, and five (5) feet along the north and south facades;
- b. The length of required landscape areas shall be no less than forty (40) percent of the total length of each side of the structure. Minor deviations shall be permitted if required to accommodate entrances and doorways, provided plant material is incorporated elsewhere along the foundation; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (BLDG PRMT: LANDSCAPE - Zoning)

Is hereby deleted [Reason: project has been redesigned without any multifamily structures]

9. Condition Landscape 9 of Resolution R-2009-0373, Control 2008-129, which currently states

Prior to final Development Review Officer approval, the open space focal point detail for Pod C shall be amended to add a specimen tree at the terminus of the main entrance.

(DRO: LANDSCAPE - Zoning)

Is hereby deleted [Reason: project has been redesigned PODs]

10.10. Landscaping proposed for both entrances from 47th Place South (nka: Polo Club Road) shall be upgraded to include the following:

- a. a minimum of three (3) Royal Palms, Canary Palms, Medjool Palms, other specimen palm, or native canopy tree that is acceptable to the Landscape Section. Subject to approval by the Engineering Department;
- b. a minimum of three (3) flowering trees along each side of the access point(s); and,
- c. appropriate shrub or hedge materials on both sides of the access point(s). (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 10 of Resolution R-2009-0373, Control 2008-129)

11. Condition Landscape 11 of Resolution R-2009-0373, Control 2008-129, which currently states:

The landscape buffers located along the east property lines of Pods A, Band C shall be upgraded to incorporate a six (6) foot high black or green vinyl coated chain link fence. Required hedge coverage shall be in accordance with the ULDC. (DRO: LANDSCAPE Zoning)

Is hereby amended to read:

The landscape buffers located along the east property lines of the PUD shall be upgraded to incorporate a six (6) foot high black or green vinyl coated chain link fence. Required hedge coverage shall be in accordance with the ULDC. (DRO: LANDSCAPE Zoning)

## 12. LANDSCAPING ALONG THE FRONTAGE OF POLO CLUB ROAD

In addition to the code requirements, the landscaping buffer easement located along the south and north property line abutting Polo Club Road shall be upgraded to include:

- a. a minimum thirty (30) foot wide landscape buffer
- b. a six (6) foot wide meandering paved sidewalk
- c. one (1) palm or pine for each for each twentyfive (25) linear feet of the property line with a maximum spacing of fiftyfive (55) feet between clusters. (BLDG PERMIT: LANDSCAPE Zoning)

## 13. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF POD A.

In addition to code requirements, landscaping and buffering along the north property line of Pod A shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
  - b. an six (6) foot high opaque concrete panel or block wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential units; and,
  - c. plant materials shall be installed pursuant to an Incompatibility Buffer.
- (DRO: LANDSCAPE- Zoning)

## PALM TRAN

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with

terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG-Palm Tran)

## PARKS

1.The recreation amenities located in phase one must be complete and open to the residents prior to the petitioner pulling the 61st building permit.

2.The recreation amenities located in phase two must be complete and open to the residents prior to the petitioner pulling 220th building permit.

## PLANNED DEVELOPMENT

1.1. Prior to recordation of the first plat, all property included in the legal description of the application 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 (POA), 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 - Cty Atty) (Previous Condition PUD 1 of Resolution R-2009-0373, Control 2008-129)

2.Condition PUD 2 of Resolution R-2009-0373, Control 2008-129, which currently states:

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts and related plans, a disclosure statement identifying the following:

- 1) use of properties adjacent to and within the immediate vicinity, for equestrian related activities, with emphasis on private accessory stables and the use polo fields for both practice and regulation tournaments. Equestrian related notices may cease to be required upon approval of documentation demonstrating that all equestrian related uses on parcels abutting the PUD have been redeveloped or permanently cease to exist; and,
- 2) that a resident of an abutting parcel houses large domestic and exotic cats as pets. 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 January 8, 2010 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning) (Previous Condition PUD 1 of Resolution R-2009-0373, Control 2008-129)

Is hereby amended to read:

- 1) use of properties adjacent to and within the immediate vicinity, for equestrian related activities, with emphasis on private accessory stables and the use polo fields for both practice and regulation tournaments. Equestrian related notices may cease to be required upon approval of documentation demonstrating that all equestrian related uses on parcels abutting the PUD have been redeveloped or permanently cease to exist; and,
- 2) that a resident of an abutting parcel houses large domestic and exotic cats as pets. 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 June 27,

2012 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

3. Condition PUD 3 of Resolution R-2009-0373, Control 2008-129, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Subdivision and Regulating plans shall be revised to indicate upgraded recreation amenities for the neighborhood park in Pod A, and an additional neighborhood park to be added near the entrance to Pod B. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola) in Pod A, and a similar amenity or shade structure in Pod B; and,
- e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)

Is hereby deleted [Reason: site has been redesigned]

#### PLANNING

1. Planning condition 1 of Resolution R-2009-373, Control No. 2008-129, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

- a. Guarantees the attainability of all 84 workforce units, which includes all units required per Article 5.G in the ULDC and 59 requested TDR units, for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle). This does not prohibit allowing higher numbers of lower income units. Final distribution of the units may be defined at the time of FDRO. consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and
- b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTY- Planning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per article 5.G. in the ULDC. These units are to be distributed among the categories consistent with the requirements in Article 5.G. in the ULDC. (DRO: COUNTY ATTY- Planning)

2. Planning condition 2 of Resolution R-2009-373, Control No. 2008-129, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall

include a notation in Master Plans and related Subdivision Plans that shall indicate that a minimum of 84 units have been designated as workforce housing units. Notations shall make reference to the recorded Restrictive Covenants for Workforce Housing and indicate that all the required workforce units are subject to the Restrictive Covenants and shall be sold, resold, or rented only to low, moderate 1, moderate 2, or middle-income qualified households. (DRO: PLANNING Planning)

Is hereby deleted [Reason: Code requirement]

3.Planning condition 3 of Resolution R-2009-373, Control No. 2008-129, which currently states:

On an annual basis, beginning April 1, 2009, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

Is hereby amended to read:

On an annual basis, beginning July 1, 2012, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

4.Development of the site is subject to compliance with the conditions of approval for FLUA amendment Andalusia Residential, LGA 2010-011, ORD 2010-025, as follows:

- 1) Development of the site shall comply with the Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:
  - a. The project shall provide usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be designed as usable open space to create squares, greens and/or plazas. Usable Open Space is defined in the Introduction & Administration Element of the Comprehensive Plan.
  - b. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development as identified in the Lake Worth Road Neighborhood Plan Master Plan (at a minimum).
  - c. The internal street network shall form a block structure to facilitate the pedestrian oriented design of the project.
- 2) The project may utilize the Transfer of Development Rights and/or the Workforce Housing Program to obtain additional density subject to the following:
  - a. Transfer of Development Rights units may be purchased at a reduced cost.
  - b. The 19.47 acre portion south of Polo Club Road is limited to a maximum of 3 units per acre, with no further density increases permitted subsequent to adoption.
  - c. The 38.56 acre portion north of Polo Club Road is limited to a maximum of 5 units per acre. (DRO/ONGOING: PLANNING Planning)

#### 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-2009-0373, Control No. 2008-00129)

2.SCHOOL BOARD Condition 2 of Resolution R-2009-0373, Control No. 2008-00129, 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. 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) for Phase 1 of the project, a school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. In addition, prior to the issuance of the first Certificate of Occupancy (CO) for Phase 2 of the project, a 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 shelters 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 shelters shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

#### 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)