

RESOLUTION NO. R-2014- 0889

RESOLUTION APPROVING ZONING APPLICATION DOA-2013-01057  
(CONTROL NO. 1984-00152)  
a Development Order Amendment  
APPLICATION OF Mizner Trail Golf Club Ltd  
BY Land Design South, Inc., AGENT  
(Boca Del Mar 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;

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;

WHEREAS, Zoning Application DOA-2013-01057 was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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; and,

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-2013-01057, the petition of Mizner Trail Golf Club Ltd, by Land Design South, Inc., agent, for a Development Order Amendment to modify the Master Plan to re-designate land uses, add units, add access points and reconfigure the recreation area in the Agricultural Residential (AR) Zoning District along with a Conditional Use for a Planned Unit Development, 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 June

26, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Valeche moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Nay
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Nay

The Mayor thereupon declared that the resolution was duly passed and adopted on June 26, 2014.

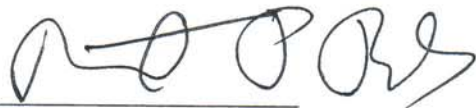
Filed with the Clerk of the Board of County Commissioners on July 02, 2014.

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

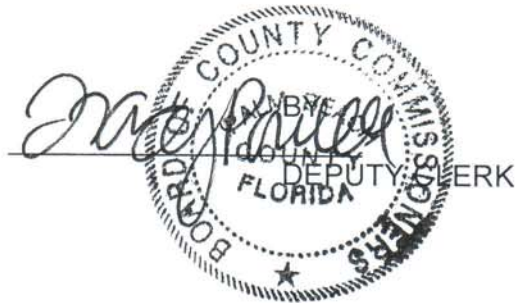
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
FLORIDA  
BY ITS BOARD OF  
COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY: 

COUNTY ATTORNEY



## EXHIBIT A

### LEGAL DESCRIPTION

#### LAND DESCRIPTION:

##### PETITION 27

The petition of BEHRING DEVELOPMENT COMPANY by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the CONDITIONAL USE for a PLANNED UNIT DEVELOPMENT on a tract of land in Sections 21, 22, 26, 27, 28, 34, and 35, Township 47 South, Range 42 East, described as follows:

The Southeast 1/4 of the north 1/2 of Section 35, also known as Boston and Florida Atlantic Coast Land Company's Subdivision of the north 1/2 of Section 35, Tracts 17, 18, 31, and 32; the west 190 feet of the Northeast 1/4 of Section 26 less the west 190 feet of the south 1/2 of the Southwest 1/4 thereof; the south 1/2 of Section 22; the south 1/2 of Section 21 less the north 455 feet of the Northeast 1/4 of the Southeast 1/4 of said Section 21; the north 1/2 of Section 28 less the east 3/4 of the south 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 28; the north 1/2 and the north 1/2 of the Southwest 1/4 and the Southeast 1/4 less the Southwest 1/4 thereof of Section 27; the East 1/2 of the Northeast 1/4 of Section 34, also known as Palm Beach Farms Company Plat No. 6 Subdivision of the north 1/2 of Section 34, Tracts 1 to 5 inclusive; the west 1/2 of Section 26; and the Northwest 1/4 of Section 35, also known as Boston and Florida Atlantic Coast Land Company's Subdivision of the north 1/2 of Section 35, Tracts 5 to 12 and 21 to 28 inclusive, all in Township 47 South, Range 42 East; less those parcels in Sections 21, 28, 34 and 35, described in the following petition numbers 28, 29 and 30.

Said property bounded partially on the west by Florida's Turnpike, partially on the south by the Hillsboro Canal and partially on the east by the corporate limits of Boca Raton and containing approximately 1945.96 acres in an A-1 Agricultural District.

##### PETITION 28

The petition of BEHRING DEVELOPMENT COMPANY by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the REZONING, FROM A-1 AGRICULTURAL DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, of a parcel of land in Section 21, Township 47 South, Range 42 East, more particularly described as follows:

BEGINNING at the southeast corner of said Section 21; thence northerly along the east line of Section 21, a distance of 1320 feet to a point; thence westerly, along a line parallel with the south line of Section 21, a distance of 1600 feet to a point of curvature of a circular curve to the left; thence southwesterly along the arc of said curve, having a tangent of 400 feet, to a point of tangency of said curve; thence southerly, along a line parallel with the east line of Section 21, a distance of 920 feet to a point on the south line of Section 21; thence easterly along the south line of Section 21, a distance of 2000 feet to the POINT OF BEGINNING; less the east 53 feet thereof, and less the south 200 feet thereof.

Said property located within the proposed planned unit development described in the above petition number 27 and containing 42.8 acres more or less.

##### PETITION 29

The petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the REZONING, FROM A-1 AGRICULTURAL DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, of a parcel of land in Section 28, Township 47 South, Range 42 East, more particularly described as follows:

BEGINNING at the northeast corner of said Section 28; thence westerly, along the north line of Section 28, a distance of 2000 feet to a point; thence southerly, along a line

parallel with the east line of Section 28, a distance of 650 feet to a point of curvature of a circular curve to the left; thence southerly and easterly along the arc of said curve having a tangent of 610 feet and a central angle of 83°, to a point of tangency of said curve; thence continue easterly, along said tangent of the preceding curve, a distance of 100 feet to a point of curvature of a circular curve to the right; thence easterly and southerly along the arc of said curve having a tangent of 410 feet and a central angle of 26° to a point of reverse curvature of a circular curve to the left; thence southerly and easterly along the arc of said curve having a tangent of 200 feet to a point of tangency of said curve, said tangent to curve being at right angles to the east line of Section 28; thence continue easterly along said tangent of the preceding curve to a point on the east line of Section 28; thence northerly along the east line of Section 28, a distance of 1290 feet to the POINT OF

BEGINNING; less the east 53 feet thereof and less the north 80 feet thereof.

Said property located within the proposed planned unit development described in the above petition number 27 and containing 43.8 acres more or less.

#### PETITION 30

The petition of BEHRING DEVELOPMENT COMPANY by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the REZONING, FROM A-1 AGRICULTURAL DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, of a parcel of land in Sections 34 and 35, Township 47 South, Range 42 East, more particularly described as follows:

COMMENCING at the northeast corner of Section 34, Township 47 South, Range 42 East; thence southerly along the east line of Section 34, a distance of 1329.61 feet to the POINT OF BEGINNING; thence westerly along a line 1328.83 feet south of and parallel with the north line of Section 34, a distance of 500 feet to a point; thence northerly along a line at the right angles to the north line of Section 34, a distance of 575 feet to a point of curvature of a circular curve to the right; thence northerly and easterly along the arc of said curve, having a tangent of 450 feet and a central angle of 77°, to a point of tangency of said curve; thence continue northeasterly along said tangent of the preceding curve, a distance of 325 feet to a point of curvature of a circular curve to the left, said course intersecting the east line of Section 34 and the west line of Section 35; thence easterly and northerly along the arc of said curve having a tangent of 200 feet and a central angle of 48° to a point on the north line of Section 35; thence easterly along the north line of Section 35, a distance of 90 feet to a point; thence southeasterly along a line intersecting the north line of Section 35 at an angle of 36°, a distance of 620 feet to a point of curvature of a curve to the right; thence easterly and southerly along the arc of said curve having a tangent of 250 feet and a central angle of 27°, to a point of tangency of said curve; thence continue southeasterly, along said tangent of the preceding curve, to a point on a line 1328.83 feet south of and parallel with the north line of Section 35; thence westerly along said line 1328.83 south of and parallel with the north line of Section 35, a distance of 1675 feet to the POINT OF BEGINNING; less the south 60 feet thereof in Section 34, less the south 60 feet thereof and less the north 60 feet thereof in Section 35.

Said property located within the proposed planned unit development described in the above petition number 27 and containing 44.8 acres more or less.

PETITION 27 also described as:

A tract of land in Sections 21, 22, 26, 27, 28, 34, and 35, Township 47 South, Range 42 East, described as follows:

BEGIN at the southwest corner of said Section 21; thence N00°54'33"W, along the west line of the south 1/2 of said Section 21, a distance of 2698.48 feet to the north line of said south 1/2 of Section 21; thence N89°38'50"E, along said north line, 3981.16 feet to the west line of the Northeast 1/4 of the Southeast 1/4 of said Section 21; thence S00°30'54"E, along said west line, 455.00 feet; thence N89°38'50"E, along a line 455

feet south of and parallel with the north line of said Northeast 1/4 of the Southeast 1/4 of Section 21, a distance of 1321.75 feet to the east line of said south 1/2 of Section 21, said line also being the west line of the south 1/2 of Section 22; thence N00°29'33"W, along said west line, 455.00 feet to the north line of said south 1/2 of Section 22; thence N88°55'05"E, along said north line, 5368.81 feet to the east line of said south 1/2 of Section 22; thence S00°43'12"E, along said east line, 2693.84 feet to the southeast corner of said Section 22 and the northwest corner of Section 26; thence S89°58'47"E, along the north line of the west 1/2 of said Section 26, a distance of 2706.39 feet to the northeast corner of said west 1/2 of Section 26; thence S00°49'31"E, along the east line of the west 1/2 of said Section 26, a distance of 5382.12 feet to the southeast corner of said west 1/2 of Section 26 and the northeast corner of the Northwest 1/4 of Section 35; thence S02°13'07"E, along the east line of said Northwest 1/4 of Section 35, a distance of 2739.58 feet to the southeast corner of said Northwest 1/4 of Section 35; thence S89°23'06"W, along the south line of said Northwest 1/4 of Section 35, a distance of 2682.29 feet to the southwest corner of said Northwest 1/4 of Section 35 and the southeast corner of the east 1/2 of the Northeast 1/4 of Section 34; thence S89°30'38"W, along the south line of said east 1/2 of the Northeast 1/4 of Section 34, a distance of 1366.67 feet to the west line of said east 1/2 of the Northeast 1/4 of Section 34; thence N01°55'34"W, along said west line, 2749.26 feet to the northwest corner of said east 1/2 of the Northeast 1/4 of Section 34, said corner also being the southwest corner of the Southeast 1/4 of the Southeast 1/4 of Section 27; thence N01°13'12"W, along the west line of said Southeast 1/4 of the Southeast 1/4 of Section 27, a distance of 1339.49 feet to the south line of the Northwest 1/4 of the Southeast 1/4 of said Section 27; thence S89°32'11"W, along said south line, 1348.94 feet to the southwest corner of said Northwest 1/4 of the Southeast 1/4 of Section 27 and the southeast corner of the north 1/2 of the Southwest 1/4 of said Section 27; thence S89°26'55"W, along the south line of said north 1/2 of the Southwest 1/4 of said Section 27, a distance of 2676.76 feet to the west line of said Section 27 and the east line of Section 28; thence N01°03'02"W, along said east line, 1994.25 feet to the north line of the south 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 28; thence S89°28'02"W, along said north line, 993.74 feet to the west line of the east 3/4 of said south 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28; thence S00°57'37"E, along said west line, 666.57 feet to the south line of the north 1/2 of said Section 28; thence S89°20'42"W, along said south line, 4310.66 feet to the west line of said north 1/2 of Section 28; thence N00°34'33"W, along said west line, 2702.97 feet to the POINT OF BEGINNING, said lands containing 2,086.39 acres.

LESS AND EXCEPT (PETITION 28):

Tract 11, BOCA DEL MAR NO. 5, P.U.D., according to the plat thereof as recorded in Plat Book 30, Pages 127 and 128 of the Public Records of Palm Beach County, Florida, containing 47.04 acres, more or less.

LESS AND EXCEPT (PETITION 29):

Tract 21, BOCA DEL MAR NO. 6, P.U.D., according to the plat thereof as recorded in Plat Book 30, Pages 142 and 143 of the Public Records of Palm Beach County, Florida, containing 48.59 acres, more or less.

LESS AND EXCEPT (PETITION 30):

Tract 73, BOCA DEL MAR NO. 7, P.U.D., according to the plat thereof as recorded in Plat Book 30, Pages 210 through 217 of the Public Records of Palm Beach County, Florida containing 44.80 acres, more or less.

Said tract of land situate in Palm Beach County, Florida and containing 1945.96 acres, more or less.

EXHIBIT B  
VICINITY SKETCH

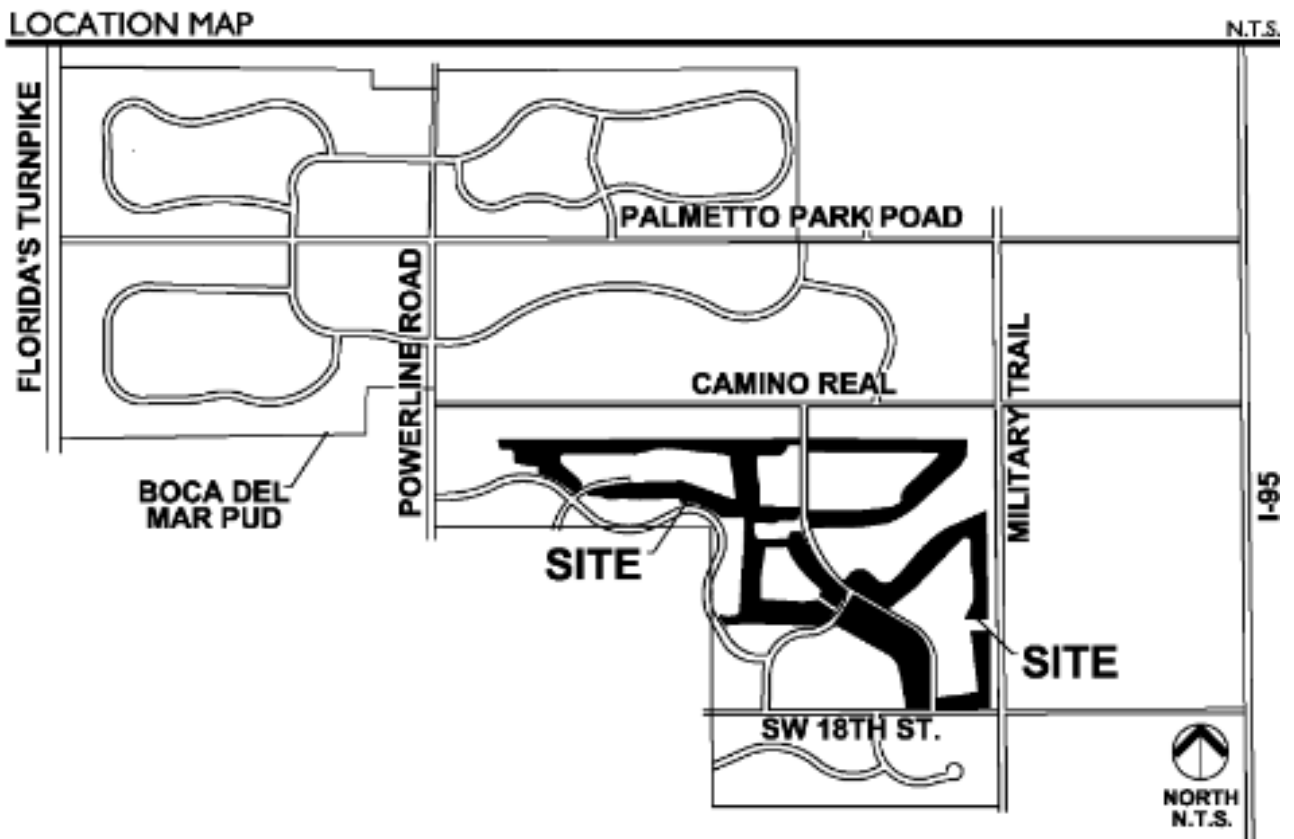


EXHIBIT C

CONDITIONS OF APPROVAL

**Development Order Amendment**

**ALL PETITIONS**

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R88-1539 (84-152B)(Tract 62-CLF), R-95-1321.3 (Petition DOA84-152G)(Tract 77 Commercial Pod), R2000-1944 (84-152H)(Tract 15-Place of Worship), and R2005-2293 (Application DOA2005-986)(Tract 27-YMCA), remain in full force and effect. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. All previous Conditions of Approval applicable to the subject property, as contained in the Memorandum dated August 23, 1971 and Minutes dated August 19, 1971 remain in effect. (ONGOING: MONITORING - Zoning)
3. All previous conditions of approval applicable to the subject property, as contained in Resolution R-85-288 (Control 1984-00152), have been consolidated as contained herein. (ONGOING: MONITORING - Zoning)

4. The approved Preliminary Master, Subdivision, Site and Regulating Plans are dated April 28, 2014. 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)

5. Previous condition 7 of Resolution R-1985-288, Control No.1984-00152, which currently states:

The Overall Master Plan for Boca Del Mar PUD shall be reduced by 28 units. This new Master Plan shall be certified by the Site Plan Review Committee prior to certification of the site plan for this tract.

**Is hereby amended to read:**

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

- a. Update Master Plan to indicate the built number of units for each Residential Pod within Boca Del Mar;
- b. Revise the Site and/or Subdivision Plans for Pods adjacent to Tracts 64A-F, to remove notations of the Golf Course use and setbacks in accordance with Article 1. (DRO: ZONING - Zoning)

6. Previous condition 6 of Resolution R-1985-288, Control No.1984-00152, which currently states:

There will be no more than 80 units in Tract 81. No further units may be added by Site Plan Review Committee approval.

**Is hereby deleted.** [REASON: Tract 81 was annexed by the City of Boca Raton]

7. Prior to Final Master Plan approval by the Development Review Officer, the Property Owner(s) shall pay all outstanding Liens and Fines that were assessed on the property within the affected area of Application DOA 2013-01057. (DRO: CODE ENF - Accounting)

8. Prior to the Final Master Plan approval by the Development Review Officer, the

Property Owner(s) shall revise the Master Plan and related Site Data to indicate a total of 252 dwelling units and one (1) Type I Congregate Living Facility. (DRO: ZONING - Zoning)

9. The Property Owner shall ensure all construction or any types of temporary fence will not impact any existing drainage or fire access. (BLDGPM: BUILDING DIVISION - Zoning)

#### **BUILDING**

1. Previous condition 1 of Resolution R-1985-288, Control No.1984-00152, which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: CODE ENF - Zoning)

**Is hereby deleted.** [REASON: Code Requirement]

2. Previous condition 2 of Resolution R-1985-288, Control No.1984-00152, which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: CODE ENF - Zoning)

**Is hereby deleted.** [REASON: Code Requirement]

#### **ENGINEERING**

1. Previous condition 3 of Resolution R-1985-288, Control No.1984-00152, which currently states:

This development shall retain on site the first one inch of the storm water runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

**Is hereby deleted.** [REASON: Drainage is a code requirement]

2. Previous condition 4 of Resolution R-1985-288, Control No.1984-00152, which currently states:

The developer shall construct concurrent with the issuance of the first building permit, a Left Turn Lane, East approach, on SW 18th Street at Marina Del Mar. (BLDGPM: MONITORING - Engineering)

**Is hereby deleted.** [REASON: This portion of the development is now in the City of Boca Raton]

3. Previous condition 5 of Resolution R-1985-288, Control No.1984-00152, which currently states:

The Developer shall pay a Fair Share Fee in the amount and manner required by "The Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair Share Fee for this project is \$200.00 per approved multi-family dwelling unit and \$300.00 per approved single-family dwelling unit. (ONGOING: ENGINEERING - Engineering)

**Is hereby deleted.** [REASON: Code Requirement]

4. 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, 2017. 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 - Engineering)

5. Prior to the issuance of the first Building Permit, 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 by the County Engineer for the expanded intersection right of way and corner clip on SW 18th Street at Military Trail. The right of way shall be dedicated in accordance with T-P-13 or as otherwise required by the County Engineer. 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 Property Owner 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 Property Owner, the Property Owner 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. 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. (BLDGPMT/ONGOING: MONITORING - Engineering)

6. Prior to the issuance of the first Building Permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of:

- i. A right turn lane east approach on SW 18th Street at Camino Del Mar

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the intersecting roadway. The Property Owner may acquire the right of way independently or through an agreement with Palm Beach County Right of Way Acquisition Section. Either way, the Property Owner is responsible for all costs associated with acquiring all necessary right of way, including but not limited to, surveys, Property Owner maps, legal descriptions for acquisition and a title search for a minimum of 30 years. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. (BLDGPMT: MONITORING - Engineering)

7. The Property Owner shall construct:

- i. A right turn lane east approach on SW 18th Street at Camino Del Mar
- ii. A left turn lane north approach on Camino Del Mar at SW 18th Street
- iii. A right turn lane east approach on SW 18th Street at Palm D'Oro Drive
- iv. A right turn lane west approach on Camino Real at Camino Del Mar

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. Prior to the issuance of the first Building Permit, permits required from Palm Beach County for this construction shall be obtained. (BLDG/PMT: MONITORING - Engineering)
  - b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (CO: MONITORING - Engineering)
8. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage and shall not cause adverse stormwater management impacts to adjacent properties. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.
- a. Prior to final approval of the Site Plan by the DRO, a drainage study shall be provided to the Land Development Division. (DRO: ENGINEERING - Engineering)
  - b. Prior to the issuance of the first Building Permit, any required drainage easements shall be recorded. (BLDG/PMT: MONITORING - Engineering)
9. Prior to issuance of the first Building Permit within a specific tract, the Property Owner shall plat the entire subject tract in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this project may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety, if any. (BLDG/PMT: MONITORING - Engineering)
10. Building Permits for more than 121 Condo/Town House units or 103 Single Family units or an equivalent number of trips for the site shall not be issued until the Property Owner makes a proportionate share payment in the amount of 4.88% of the total cost of the following improvements at the intersection of SW 18th St and Military Trail:
- i. modify the east approach to provide a total of 1 left turn lane, 2 through lanes, and 1 right turn lane,
  - ii. modify the west approach to provide a total of 2 left turn lanes, 1 through lane, and 1 right turn lane.

These modifications will also require appropriate widening and tapering of the roadways, in advance and beyond the intersection, as approved by the County Engineer. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of payment. (BLDG/PMT: MONITORING - Engineering)

#### **ENVIRONMENTAL**

- 1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit to the Environmental Resources Management, a Remedial Action Plan that is approved by the Florida Department of Environmental Protection. (DRO: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management)

#### **HEALTH**

- 1. Architectural plans must be submitted to the institutional/child care section of the Palm Beach County Health Department in accordance with Rule 64E-13 F.A.C. prior to the issuance of a building permit. (BLDG: HEALTH/BLDG-Health) (Previous condition number D.1 of Resolution R-2005-2293; Control 1984-152) [NOTE: COMPLETED]

2. Since sewer and water service is available to the property, neither a septic tank or well shall be approved for use on the property. (BLDG:HEALTH/BLDG-Health) (previous condition number D.2 of Resolution R-2005-2293; Control 1984-152) [NOTE: COMPLETED]
3. Prior to Final DRO approval the property owner shall meet with staff of the Palm Beach County Health Department and provide documentation, including, but not limited to, accurate architectural plans and site plans and a complete and current site survey, to clarify all compliance issues related to operation and design of the child care facility. (DRO: HEALTH DEPARTMENT - Health Department) (Previous condition number Health 3 of Resolution R-2005-2293; Control 1984-0152) [NOTE: COMPLETED]
4. Prior to Final DRO approval, the property owner shall submit a health and safety plan that details the expected changes in the physical and operational aspects of the facility and the measures that will be implemented to ensure that the health and safety of children are protected during the construction phase of the project. (DRO: HEALTH DEPARTMENT - Health Department) (Previous condition number health 4 of Resolution R-2005-2293; Control 1984-0152 ) [NOTE: COMPLETED]

**LANDSCAPE - GENERAL-AFFECTED AREA OF APPLICATION 2013-01057**

1. Prior to Final Plan approval by the Development Review Officer (DRO), the Property Owner shall submit Landscape Plan(s) to the Landscape Section for review and final approval. The Plans shall incorporate existing vegetation or replacement in accordance with Article 7.D.2.D Tree Credit and Replacement. The Plan(s) shall be prepared in compliance with the Conditions of Approval as contained herein and all ULDC requirements. (DRO: LANDSCAPE - Zoning)
2. A minimum fifty (50) foot wide open space shall be provided at the perimeter of each Pod boundary, adjacent to existing residential structures where non-conforming setbacks would be created. There shall be no street Right of Way or dedication within this area. (DRO: LANDSCAPE - Zoning)
3. In addition to the ULDC requirements, a minimum of seventy-five (75) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:
  - a. tree height: fourteen (14) feet; and,
  - b. credit may be given for existing or relocated trees provided they meet ULDC requirements. (DRO: LANDSCAPE - Zoning)
4. 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. (DRO: LANDSCAPE - Zoning)
5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (DRO: LANDSCAPE - Zoning)
6. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and amenities, and to accommodate transverse utility or drainage easements crossings and existing vegetation. All field adjustments shall be the minimum necessary to accommodate the aforementioned features and amenities. (DRO: LANDSCAPE - Zoning)

**LANDSCAPE - GENERAL-PODA 64A**

7. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64A shall include:
  - a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Canary Palm Drive and Via De Sonrisa Del Norte;

- b. A minimum of ten (10) foot wide Compatibility Buffer, approximately 620 lineal feet in length, along the north property line, adjacent to the proposed Zero Lot Line units;
- c. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide Compatibility Buffer, shall be provided along the east and west property lines that are adjacent to Tracts 57 and 61A;
- e. One (1) palm for each twenty-five (25) linear feet of the length of each buffer and open space; and,
- f. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: LANDSCAPE - Zoning)

**LANDSCAPE - GENERAL-POD 64B**

- 8. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64B shall include:
  - a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Canary Palm Drive;
  - b. A minimum ten (10) foot wide Compatibility Buffer, approximately 900 lineal feet, along the north property line, adjacent to the proposed Zero Lot Line units;
  - c. A ten (10) foot wide Type I Incompatibility Buffer shall be provided along the north and south property lines adjacent to Tracts 62 and 78 where existing housing type has a compatibility difference with the proposed;
  - d. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide Compatibility Buffer, along the south, east and west property lines that are adjacent to Tracts 62, 72, and 78. Width reduction of the fifty (50) foot wide open space shall be allowed in the area adjacent to the northwest parking lot of Tract 62 subject to the Final Approval of the Development Review Officer; and,
  - e. One palm for each twenty-five (25) linear feet of the length of each buffer and open space.
  - f. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: LANDSCAPE - Zoning)

**LANDSCAPE - GENERAL-POD 64C**

- 9. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64C shall include:
  - a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar and Palm D'Oro Road;
  - b. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide Compatibility Buffer, shall be provided along the west property line that is adjacent to Tract 71;
  - c. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
  - d. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: LANDSCAPE - Zoning)

**LANDSCAPE - GENERAL-POD 64D**

- 10. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64D shall include:
  - a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar;
  - b. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide

Compatibility Buffer, shall be provided along the north and south property lines that are adjacent to Tracts 63 and 65;

- c. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
- d. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: LANDSCAPE - Zoning)

#### **LANDSCAPE - GENERAL-POD 64E**

11. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64E shall include:

- a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar;
- b. A ten (10) foot Right to Way Buffer shall be provided along the perimeter adjacent to Military Trail (reduced because of Canal);
- c. A twenty (20) foot wide Right-of-Way Buffer along the perimeter adjacent to SW 18th Street;
- d. A minimum of fifty (50) foot wide open space including a ten (10) foot wide Compatibility Buffer along the north and south property lines of the proposed multi-family units that are adjacent to Tracts 65 and 80 ;
- e. A minimum of fifty (50) foot wide open space, including a Type I Incompatibility Buffer, along the north and west property lines, adjacent to Tracts 65, 80 and 76, in the area proposed for Zero Lot Line homes;
- f. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
- g. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: LANDSCAPE - Zoning)

#### **LANDSCAPE - GENERAL-POD 64F**

12. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64F shall include:

- a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar;
- b. A twenty (20) foot wide Right of Way Buffer along the perimeter adjacent to SW 18th Street;
- c. A minimum of twenty-five (25) foot wide open space, including a ten (10) foot wide Compatibility Buffer, along the west property line abutting the existing residential development Boca Del Mar III aka La Joya (Control 1978-00045);
- d. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
- e. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: LANDSCAPE - Zoning)

#### **LAKE WORTH DRAINAGE DISTRICT**

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit to the LWDD signed and sealed canal cross-sections for E-3, L-49 and L-50 Canals. The cross-sections must extend 50 feet beyond both sides of top of bank, and they are to be tied to an accepted horizontal control, either sectional or plat. The cross-sections shall delineate all features that may be relevant, (i.e. buildings, edge of pavement, curbs, sidewalks, guardrails, grade breaks etc.). The cross-sections shall be a maximum of three hundred feet apart, and a minimum of three cross sections is required. The cross-sections are to be plotted at 1"=10', both horizontal and vertical for small canals, and 1"=20' for large canals. All tract and/or

lot lines, block lines, sections lines and easements shall be clearly depicted showing existing LWDD right of way. Elevations shall be based on the NGVD ('29) datum, with a conversion factor to NAVD ('88) must be shown. The cross-sections will be used to determine if LWDD will need to have the applicant convey an easement back to LWDD. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District)

#### **PLANNED DEVELOPMENT**

1. Prior to the 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 property owner's association, automatic voting membership in the association by any party holding title to any portion of the subject property, and assessment of all members of the association for the cost of maintaining all common areas.
  - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
  - c. All open space tracts shall be deed restricted and remain in perpetuity as common areas for the use of the residents of the development. These areas shall be maintained by the POA/HOA in accordance with the Code requirements. At the time of turnover of the POA/HOA, the open space tracts/common areas shall be turned over to the association at no cost to the residents.
  - d. 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 development. This Declaration shall be amended when additional units are added to the development. (PLAT: COUNTY ATTORNEY - Zoning)
2. The Open Space Tracts shall be maintained in their entirety, with heights of grass not exceeding seven (7) inches. If any of the Open Space Tracts, are proposed to be kept in their natural state, i.e. wild flowers field, the areas shall be identified on the Master Plan and shall include a described Maintenance Plan at final approval by the Development Review Officer, and shall be approved by the Zoning Division.

#### **PLANNING**

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Department of Economic Sustainability(DES), and a copy of a receipt for that payment to the Planning Division, in the amount of \$81,500 per WHP unit to be purchased. (BLDGPM: MONITORING - 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 - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO) for the residential phases of the development, the school bus shelters 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 shelters shall be the responsibility of the

residential property owner. (CO: MONITORING - School Board)

## **SIGNS**

1. At time of submittal of a Final Master Plan, the Property Owner shall revise the Master Sign Plan to be compliant with the regulations of Article 8, indicating the locations and final details of the proposed signage. (DRO: ZONING - Zoning)

## **SITE DESIGN-AFFECTED AREA OF APPLICATION DOA 2013-01057**

1. Prior to Final Approval by the Development Review Officer (DRO), the Site and/or Subdivision Plan shall incorporate a minimum five (5) foot wide continuous concrete sidewalk internal to each Pod providing connectivity to the adjacent residential Pods or Recreational Pod and the neighborhood park. (DRO: ZONING - Zoning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall provide pedestrian amenities for each Open Space as shown on the Preliminary Subdivision Plan Overall dated April 28, 2014, including but not limited to: shade structure, seating areas, tot lots. These areas shall incorporate canopy trees to provide shade and be connected by the pedestrian pathway. Details of each open space shall be provided on the Final Regulating Plan. (DRO: ZONING - Zoning)
3. Amenities shall be provided for Pod 64A in the following areas:
  - a. decorative pavers shall be installed at the access point for a minimum of 1,200 square feet;
  - b. decorative pavers shall be installed in the round about at the access point; and,
  - c. a palm or ornamental tree that is of specimen size shall be installed in the roundabout area. (DRO: ZONING - Zoning)
4. Amenities shall be provided for Pod 64B in the following areas:
  - a. decorative pavers shall be installed at the access point for a minimum of 1,000 square feet;
  - b. decorative pavers shall be installed in the round about at the access point;
  - c. a palm or ornamental tree that is of specimen size shall be installed in the roundabout area; and,
  - d. a shade structure or a gazebo and a minimum of two (2) benches shall be provided in the neighborhood park. (DRO: ZONING - Zoning)
5. Amenities shall be provided for Pod 64C in the following areas:
  - a. decorative pavers shall be installed at the access point for a minimum of 1,000 square feet; and,
  - b. a palm or ornamental tree that is of specimen size shall be installed adjacent to the cul-de-sac.  
(DRO: ZONING - Zoning)
6. Amenities shall be provided for Pod 64D in the following areas:
  - a. decorative pavers shall be installed at the access point for a minimum of 1,000 square feet;
  - b. decorative pavers shall be installed in the round about at the access point and the internal roundabout areas;
  - c. a palm or ornamental tree that is of specimen size shall be installed in each roundabout area; and,
  - d. a shade structure shall be provided in the neighborhood park. (DRO: ZONING - Zoning)
7. Amenities shall be provided for Pod 64E in the following areas:
  - a. decorative pavers shall be installed at the access point for a minimum of 1,500 square feet;
  - b. corative pavers shall be installed in the round about at the access point and each roundabout located in the internal access driveways/streets; and,
  - c. palm or ornamental tree that is of specimen size shall be installed in each roundabout area. (DRO: ZONING - Zoning)

8. Amenities shall be provided for Pod 64F in the following areas:
  - a. decorative pavers shall be installed at the access point for a minimum of 2,000 square feet;
  - b. decorative pavers shall be installed in the roundabout at the access point; and,
  - c. a palm or ornamental tree that is of specimen size shall be installed in the median located at the access point. (DRO: ZONING - Zoning)
9. Prior to Final Approval by the Development Review Officer, the Final Site or Subdivision Plans shall indicate four (4) fountains for the proposed lakes. (DRO: ZONING - Zoning)

#### **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; 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; the 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 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 of Approval; 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)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.