

RESOLUTION NO. R-2016- 1551

RESOLUTION APPROVING ZONING APPLICATION DOA-2016-00435
(CONTROL NO. 2008-00129)
a Development Order Amendment
APPLICATION OF Standard Pacific Of South Florida, Standard Pacific Of Florida,
Homes Westbrooke
BY Urban Design Kilday Studios, 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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2016-00435 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2016;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, THE Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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-2016-00435, the Application of Standard Pacific Of South Florida, Standard Pacific Of Florida, Homes Westbrooke, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Master Plan, modify Conditions of Approval (Engineering, Landscaping, Parks, Planned Development, Planning and Site Design), relocate access point, modify unit type, and add units, on a parcel of land generally described as shown on the legal description 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 October 27, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams 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 Mary Lou Berger, Mayor	-	Aye
Commissioner Hal R. Valeche, Vice Mayor	-	Absent
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 27, 2016.

Filed with the Clerk of the Board of County Commissioners on October 31st, 2016.

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:

(NORTH PARCEL)

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:

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.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 38.57 ACRES, MORE OR LESS.

TOGETHER WITH:

LEGAL DESCRIPTION:

(SOUTH PARCEL)

THE EAST ½ OF TRACTS 54 AND 59, LESS THE SOUTH 35 FEET THEREOF, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, 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.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 29.20 ACRES, MORE OR LESS.

TOGETHER WITH **(EASEMENT PARCEL)**:

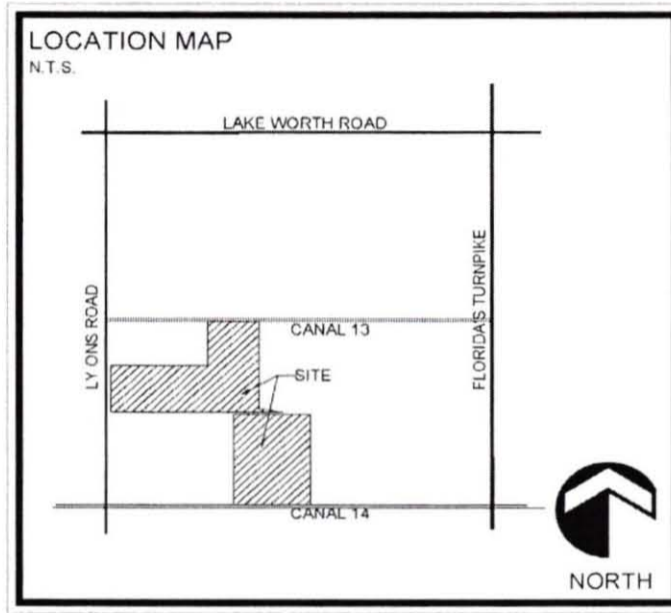
A PERPETUAL NON-EXCLUSIVE EASEMENT FOR EGRESS AND INGRESS FOR ALL PURPOSES AND IN ALL MANNERS OF TRAVERSE AND PASSAGE FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, AS WELL AS FOR ITS AGENTS AND SERVANTS, OVER, ALONG, UPON AND ACROSS THE FOLLOWING DESCRIBED LAND SITUATE IN PALM BEACH COUNTY, STATE OF FLORIDA, TO WIT:

THE WEST 30 FEET OF THE EAST 70 FEET OF TRACT 5, LESS THE NORTH 27 FEET THEREOF, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

COMMENCING AT THE NORTHEAST CORNER OF TRACT 12, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 30 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (THE TANGENT OF THE CURVE IS PERPENDICULAR TO THE LAST DESCRIBED COURSE); THENCE SOUTHERLY AND SOUTHEASTERLY, ALONG THE ARC OF THE SAID CURVE A DISTANCE OF 99.27 FEET TO THE END OF SAID CURVE AND THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30", THENCE SOUTHEASTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND A POINT ON THE EAST LINE OF SAID TRACT 12; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 77.46 FEET TO A POINT ON A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 7°06'57" (AND BEING CONCENTRIC WITH THE PREVIOUSLY DESCRIBED CURVE); THENCE NORTHWESTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 14.28 FEET TO THE END OF THE SAID CURVE AND THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (AND BEING CONCENTRIC WITH THE FIRST DESCRIBED CURVE); THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND THE POINT OF BEGINNING TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON.

EXHIBIT B
VICINITY SKETCH

**PALM BEACH COUNTY
VICINITY SKETCH / ZONING**



Petition No.: 2008-129
Zoning Quad Page: 48
Date: March 16, 2016



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-733, Control No.2008-00129, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2011-1112 and 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2014-0733 (Control 2008-00129), 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. Previous ALL PETITIONS Condition 2 of Resolution R-2014-733, Control No.2008-00129, which currently states:

The approved Preliminary Master Plan is dated March 13, 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.

Is hereby amended to read:

The approved Preliminary Master Plan is dated July 14, 2016. 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)

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) (Previous ALL PETITIONS Condition 3 of Resolution R-2014-733, Control No.2008-00129)

ACCESS

1. Prior to Final Master Plan approval by the Development Review Officer (DRO), the Property Owner shall record a cross access agreement from the subject property to Parcel Control Number (PCN) 00-42-43-27-05-028-0391 and PCN 00-42-43-27-05-028-0392, in a form and manner that is acceptable to the County Attorney's office. (DRO: COUNTY ATTORNEY - Zoning) (Previous ACCESS Condition 1 of Resolution R-2014-733, Control No.2008-00129)

ENGINEERING

1. The existing access shall be maintained to the parcel west of subject project, located on 87th Drive South and having PCN of 00-42-43-27-05-028-0391, until alternate access is available for traffic. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2014-733, Control No.2008-00129)

2. 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 - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2014-733, Control No.2008-00129)

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 - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2014-733, Control No.2008-00129)

4. Previous ENGINEERING Condition 4 of Resolution R-2014-733, Control No.2008-00129, which currently states:

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-rata. 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.

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 47th Place South 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 47th Place South 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. (BLDGPMT/ONGOING: MONITORING - Engineering)

5. Deleted by Resolution R-2014-0733.

6. 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, 2018. 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) (Previous ENGINEERING Condition 6 of Resolution R-2014-733, Control No.2008-00129)

7. Previous ENGINEERING Condition 7 of Resolution R-2014-733, Control No.2008-00129, which currently states:

The Property Owner shall construct:

- i. a north approach, left turn lane on Lyons Road at Polo Club Road, also known as 47th Place South,
 - ii. an east approach 3-lane section on Polo Club Road, also known as 47th Place South, at Lyons Road including modifications to either Lantern Drive if necessary or realignment of Polo Club Road, also known as 47th Place South, for alignment purposes, as determined by the County Engineer,
 - iii. a west approach, left turn lane on Polo Club Road, also known as 47th Place South, at the easternmost project entrance road for the northern portion of the PUD, and
 - iv. Polo Club Road, also known as 47th Place South, from Lyons Road to east of the easternmost project driveway 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 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 PUD.
- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
 - b. Construction for the improvements above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall construct:

- i. a north approach, left turn lane on Lyons Road at 47th Place South,
 - ii. an east approach 3-lane section on 47th Place South, at Lyons Road including modifications to either Lantern Drive if necessary or realignment of 47th Place South, for alignment purposes, as determined by the County Engineer,
 - iii. a west approach, left turn lane on 47th Place South, at the easternmost project entrance road for the northern portion of the PUD, and
 - iv. 47th Place South, from Lyons Road to east of the easternmost project driveway 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 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 PUD.
- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
 - b. Construction for the improvements above shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

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. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2014-733, Control No.2008-00129)

9. Previous ENGINEERING Condition 9 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Prior to DRO approval of the final subdivision plan, the Property Owner shall show on the subdivision plan 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.

Is hereby amended to read:

Prior to DRO approval of the final subdivision plan, the Property Owner shall show on the subdivision plan an extension of the project's internal street system to provide access from the project's entrance on 47th Place South to the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391. (DRO/PLAT/TC: ENGINEERING - Engineering)

10. Previous ENGINEERING Condition 10 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Prior to the recordation of the first plat, access easements over all internal roads in Pod B 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 - Engineering)
- 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 - Engineering)

Is hereby amended to read:

Prior to the recordation of the first plat, access easements over all internal roads in Pod A 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: MONITORING - Engineering)

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 - Engineering)

11. Previous ENGINEERING Condition 11 of Resolution R-2014-733, Control No.2008-00129, which currently states:

The Property Owner shall provide an access easement over the project's internal street system in Pod B 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. (BLDGPM: MONITORING - Engineering)

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 - Engineering)

Is hereby amended to read:

The Property Owner shall provide an access easement over the project's internal street system in Pod A from the project's entrance onto 47th Place South 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. (BLDGPM: MONITORING - Engineering)

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 - Engineering)

12. Previous ENGINEERING Condition 12 of Resolution R-2014-733, Control No.2008-00129, 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 portions of any public right of way to public use.

Is hereby amended to read:

Prior to the recordation of the first plat, the Property Owner shall include information in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans or Subdivision Plans, a disclosure statement identifying both Lyons Road and 47th Place South as existing and planned, respectively, thoroughfare roadways adjacent to and through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print. (PLAT: ENGINEERING - Engineering)

13. The Property Owner may not receive DRO certification of the Preliminary Development Plan until the Board of County Commissioners has adopted an alignment for 45th Place South and Polo 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2014-733, Control No.2008-00129)

14. Previous ENGINEERING Condition 14 of Resolution R-2014-733, Control No.2008-00129, which currently states:

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:

- i. Lyons Road, 100 feet measured from the west right of way line,
- ii. Polo Club Road, also known as 47th Place South, 40 feet, measured from centerline of the proposed right of way on an alignment approved by the Board of County Commissioners and as approved 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 attorneys 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.

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 by the County Engineer for:

- i. Lyons Road, 100 feet measured from the west right of way line,
- ii. 47th Place South, 40 feet, measured from centerline of the proposed right of way on an alignment approved by the Board of County Commissioners and as approved 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 attorneys 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/PMT/ONGOING: MONITORING - Engineering)

15. Previous ENGINEERING Condition 15 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road and Polo Club Road, also known as 47 Place South, along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm event, and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

Is hereby amended to read:

Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road and 47th Place South, along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm event, and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch

closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

16. Previous ENGINEERING Condition 16 of Resolution R-2014-733, Control No.2008-00129, which currently states:

The Property Owner shall fund the proportionate share of the cost of signal installation if warranted as determined by the County Engineer at Polo Club Road, also known as 47th Place South, and Lyons Road. However, if at any time, it has been determined by the County Engineer that a signal is warranted and there are no other new developments in the area that would use Polo Club Road, also known as 47th Place South, to access this signal, a full payment for the cost of the signal, as determined by the County Engineer, will be required within 60 days upon demand by the County Engineer. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 100 single family and 42 multi-family dwelling units shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

Is hereby amended to read:

The Property Owner shall fund the proportionate share of the cost of signal installation if warranted as determined by the County Engineer at 47th Place South, and Lyons Road. However, if at any time, it has been determined by the County Engineer that a signal is warranted and there are no other new developments in the area that would use 47th Place South to access this signal, a full payment for the cost of the signal, as determined by the County Engineer, will be required within 60 days upon demand by the County Engineer. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 100 single family and 42 multi-family dwelling units shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2014-733, Control No.2008-00129, which currently states:

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.

Is hereby amended to read:

Prior to the issuance of a building permit, the Property Owner shall submit a 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. (BLDGPM: ZONING - Zoning)

2. 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. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2014-733, Control No.2008-00129)

3. Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2014-733, Control No.2008-00129, which currently states:

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. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Shortage of supply of large canopy trees. Adopted ULDC allows reduction of tree size through Type 1 Waiver process. A Condition of Approval would prohibit the Applicant from applying for the Waiver.]

LANDSCAPE - INTERIOR-POD A AND POD B

4. Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Landscaping at the entrances to Pod B and Pod C shall be upgraded to include:

- a. a minimum of three (3) Royal Palms, Canary Palms, Medjool Palms, other specimen palm, or native canopy tree;
- b. a minimum of three (3) flowering trees along each side of both access points; and,
- c. appropriate shrub or hedge materials on both sides of the access points as determined by the Landscape Section and subject to the approval of the Engineering Department.

Is hereby amended to read:

Landscaping at the eastern entrance of Pod A and entrance to Pod B shall be upgraded to include:

- a. a minimum of three (3) Royal Palms, Canary palms, Medjool Palms, other specimen palm, or native canopy tree;
- b. a minimum of three (3) flowering trees along each side of both access points; and,
- c. appropriate shrub or hedge materials on both sides of the access points as determined by the Landscape Section and subject to the approval of the Engineering Department. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PERIMETER-EASTERN 660 FEET OF THE WESTERN 1250 FEET OF THE NORTH PROPERTY LINE POD A

5. In addition to Code requirements, the 15 foot Right of way buffer shall include a six foot wall. In the event the adjacent agricultural use is replaced with a compatible residential use and the layout of Pod A remains consistent with the Preliminary Master Plan dated July 14, 2016, then the Master Plan may be administratively amended by the Development Review Officer (DRO) to remove the wall. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE POD A AND NORTH PROPERTY LINE POD B ABUTTING 47TH PLACE SOUTH RIGHT-OF

6. Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2014-733, Control No.2008-00129, which currently states:

In addition to Code requirements, the Right-of-Way buffers abutting 47th Place South 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 twenty-five (25) feet of the property line with a maximum spacing of fifty-five (55) feet between clusters.

Is hereby amended to read:

In addition to the Code requirements, the Right-of-Way buffers abutting 47th Place South shall be upgraded to include:

- a. a minimum thirty (30) foot wide landscape buffer;
- b. a minimum one (1) to two (2) foot high undulating berm with an average height of one and one-half (1.5) feet;
- c. a six (6) foot wide meandering paved sidewalk; and,
- d. one (1) palm or pine for each for each twenty-five (25) linear feet of the property line. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PERIMETER-EAST PROPERTY LINE - POD B

7. Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2014-733, Control No.2008-00129, which currently states:

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; and,
- b. plant materials shall be installed pursuant to an Incompatibility Buffer with a minimum six (6) foot high hedge and a six (6) foot high black or green vinyl coated chain link fence.

In the event the adjacent equestrian (Polo Fields) use is replaced with a compatible residential use and the layout of Pod B remains consistent with the Preliminary Master Plan PMP-2 dated March 13, 2104, then the Master Plan may be administratively amended by the Development Review Officer (DRO) to indicate a five (5) foot wide Compatibility buffer along the east property line of Pod B. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: The adjacent property now has a PUD approval in place which requires a compatibility buffer]

LANDSCAPE - PERIMETER-WEST PROPERTY LINE POD A ABUTTING LYONS ROAD

8. Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2014-733, Control No.2008-00129, which currently states:

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; and,
- d. one (1) palm or pine for each for each twenty-five (25) linear feet of the property line with a maximum spacing of fifty-five (55) feet between clusters.

Is hereby amended to read:

In addition to the Code requirements, landscaping 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 one (1) to two (2) foot high undulating berm with an average height of one and one-half (1.5) feet;

- c. a six (6) foot wide meandering paved sidewalk; and,
- d. one (1) palm or pine for each for each twenty-five (25) linear feet of the property line. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PERIMETER- NORTH 625 FEET OF WEST PROPERTY LINE - POD A
9. Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Landscaping and buffering along the west property line of Pod B shall be upgraded to include:

- a. a minimum twenty (20) foot wide Type 3 Incompatibility Buffer with an eight (8) foot high wall adjacent to the Garvey property;
- b. a minimum twenty (20) foot wide Type 3 Incompatibility Buffer with a six (6) foot high wall adjacent to the 87th South Drive Corp property.

Is hereby amended to read:

Prior to final DRO approval, the Preliminary Master Plan shall be amended to indicate Landscaping and buffering along the north and west property line of Pod A, adjacent to existing Agricultural uses, the (abutting properties with PCN No.00424327050280391 and 00424327050280392) shall be upgraded to include:

- a. a minimum twenty (20) foot wide Type 3 Incompatibility Buffer. In the event the adjacent equestrian or agricultural use is replaced with a compatible residential use and the layout of Pod A remains consistent with the Preliminary Master Plan dated July 14, 2016, then the Master Plan may be administratively amended by the Development Review Officer (DRO) to indicate a Compatibility buffer along the west property line of Pod A. (DRO: ZONING - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from LWDD for Technical Compliance or the issuance of any LWDD permits the property owner will need to convey to LWDD, either by warranty deed or exclusive easement deed the north 45 feet of Tract 38, Block 28, PBFCP3, PB 2, PG 45, less lands owned by LWDD, for the L-13 Canal required right-of-way. LWDD will provide and record the conveyance document. (PLAT: ENGINEERING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 3 of Resolution R-2014-733, Control No.2008-00129)

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: ENGINEERING - Palm Tran) (NOTE: COMPLETED) (Previous Palm Tran Condition 1 of Resolution R-2014-733, Control No.2008-00129)

PARKS-RECREATION

1. Prior to Development Review Officer (DRO) approval remove the entrance road from Pod "A" recreation site and provided minimum required net recreation area within Pod "A". Modify tabular on all plans to reflect reduced acreage. (DRO/TC: PARKS AND RECREATION - Zoning) (DRO: PARKS AND RECREATION - Parks and Recreation) [Note: COMPLETED] (Previous PARKS Condition 1 of Resolution R-2014-733, Control No.2008-00129)

PLANNED DEVELOPMENT

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: ENGINEERING - County Attorney) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2014-733, Control No.2008-00129)

2. Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2014-733, Control No.2008-00129, which currently states:

The property owner shall include a disclosure statement in homeowners documents as well as written sales brochures, sales contracts and related plans disclosing 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 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)

Is hereby deleted. [REASON: The exotic cats are no longer on the adjacent premises and the property is now approved as a PUD.]

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Prior to the release of the first Building Permit, 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 (low, moderate 1, moderate 2, and middle) consistent with the requirements in Article 5.G. in the ULDC. The site plan shall also be modified to include the OR Book and Pages of the recorded document and copies of the recorded Restrictive Covenants and revised site plan is to be submitted to the Planning Division as well.

(BLDGPM: COUNTY ATTORNEY - Planning)

Is hereby deleted. [REASON: No longer applicable.]

2. Previous PLANNING Condition 2 of Resolution R-2014-733, Control No.2008-00129, which currently states:

On an annual basis, beginning July 2, 2017, 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 Department of Economic Sustainability (DES) documenting compliance with the Declaration of Restrictive Covenants for Workforce

Housing. (DATE/ONGOING: MONITORING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

3. Previous PLANNING Condition 3 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Development of the site is subject to compliance with the conditions of approval for FLUA amendment Andalucia 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.

Is hereby amended to read:

Development of the site is subject to compliance with the conditions of approval for FLUA amendment Andalucia Residential, LGA 2016-032, 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. 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).
 - b. 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 47th Place South 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 47th Place South is limited to a maximum of 5 units per acre, with no further density increases permitted subsequent to adoption. (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 - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2014-733, Control No.2008-00129)

2. Previous SCHOOL BOARD Condition 2 of Resolution R-2014-733, Control No.2008-00129, which currently states:

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

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO) for Phase 1 of the project, the two (2) - 10 feet by 15 feet public 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 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)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2014-733, Control No.2008-00129, which currently states:

Prior to Final Master Plan approval by the Development Review Officer (DRO), a minimum of eight (8) benches shall be incorporated into the pedestrian walkway system and open space areas in Pods B and C.

Is hereby amended to read:

Prior to Final Master Plan approval by the Development Review Officer (DRO), a minimum of eight (8) benches shall be incorporated into the pedestrian walkway system and open space areas in Pod A. (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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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