

RESOLUTION NO. R-2018- 1707

RESOLUTION APPROVING ZONING APPLICATION DOA-2018-00800  
(CONTROL NO. 2002-00052)  
a Development Order Amendment  
APPLICATION OF Childrens Place at Home Safe Inc.  
BY Urban Design Kilday Studios, AGENT  
(Agradex/Lyons Road 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2018-00800 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2018;

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 (Application Processes and 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 Processes) 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.B.6.C (Board Action) 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-2018-00800, the Application of Childrens Place at Home Safe Inc., by Urban Design Kilday Studios, Agent, for a Development Order Amendment to modify Conditions of Approval (Property and Real Estate Management, Planned Development), 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 25, 2018, 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 Bernard and, upon being put to a vote, the vote was as follows:

Commissioner Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 25, 2018.

Filed with the Clerk of the Board of County Commissioners on November 5th, 2018

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

THE WEST ONE-HALF (W 1/2) OF TRACT 36, ALL OF TRACTS 37 THROUGH 44, THE WEST ONE-HALF (W 1/2) OF TRACT 45, ALL OF TRACTS 53 THROUGH 56 AND ALL OF TRACTS 58 THROUGH 60, ALL IN BLOCK 11, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 30 FEET OF SAID TRACT 60, AS RESERVED IN OFFICIAL RECORDS BOOK 7, PAGE 488, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE 30 FOOT ROAD RIGHT OF WAY LYING BETWEEN TRACTS 41 THROUGH 44 AND TRACTS 53 THROUGH 56, BLOCK 11, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A NET AREA OF 161.296 ACRES (7,026,059 SQUARE FEET) MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

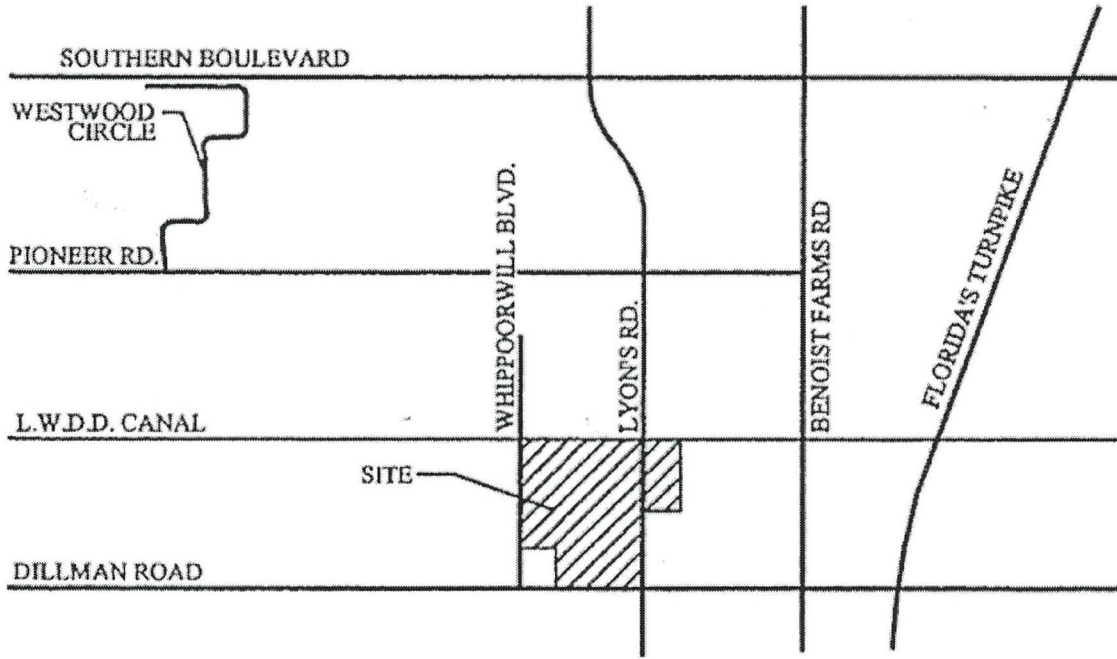


EXHIBIT C

CONDITIONS OF APPROVAL

**Development Order Amendment**

**ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2003-330, Control No.2002-00052, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Development Plan is dated February 19, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the uses and types of Pods as approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated June 15, 2018. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-0330 (Control 2002-00052), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

**ARCHITECTURAL REVIEW**

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type 2 Congregate Living Facility shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and the Conditions of Approval indicated herein. (DRO: ZONING - Zoning)

2. The maximum height for all structures affiliated with the Type 2 Congregate Living Facility shall be limited to one story, and a maximum of twenty-seven (27) feet in height. Heights shall be measured from finished grade to highest point or peak of roof. (BLDGPM: BUILDING DIVISION - Zoning)

**ENGINEERING**

1. Prior to December 31, 2003, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for

a. Lyons Road, one hundred (100) feet of right of way or an alignment approved by the County Engineer; [Note: COMPLETED]

b. Dillman Road, an additional twenty-six (26) feet of right-of-way along the project's north right of way line; and [Note: COMPLETED]

c. 7th Place South, an additional fifteen (15) feet of right-of-way along the project's north right of way line. This right of way shall be free of all encumbrances and encroachments on an alignment approved by the County Engineer within the projects limits. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2003-330, Control No.2002-00052)

2. Prior to December 31, 2003, the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2003-330, Control No.2002-00052)

3. Prior to December 31, 2003, the property owner shall convey a temporary roadway construction easement along Lyons Road and Dillman Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2003-330, Control No.2002-00052)

4. The Property owner shall fund the construction of a left turn lane south approach on Lyons Road at the projects entrance road. Funding for this construction shall be completed on or before December 31,2003 based on a certified cost estimate provided by the Developer's Engineer, and approved by the County Engineer. 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-ofway. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2003-330, Control No.2002-00052)

5. On or before December 31,2003, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road-along the property frontage; and a maximum eight hundred (800) feet of these adjacent roadway(s). The limits of this additional eighthundred (800) feet of drainage shall be determined by the County Engineer. Said easements shall be no less than twenty (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 twenty (20) foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of twenty-four (24) inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2003-330, Control No.2002-00052)

6. The Developer shall be restricted to the following phasing schedule:

a. No Building permits may be issued until the contracts have been let for the construction of the two (2) laning of Lyons Road from Forest Hill Boulevard to Southern Boulevard. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. No certificates of occupancy shall be issued until two (2) lane-paved access to the site is provided from Lyons Road. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Building permits for more than one hundred and two (102) singlefamily dwelling units and one (1) Church (maximum 10,000 square feet) shall not be issued until the contracts have been let for the eight (8) lane construction of Southern Boulevard from Royal Palm

Beach Boulevard to Kirk Road. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

d. No building permits shall be issued after December 31, 2006 unless a time extension has been approved by the County Engineer based upon an approved Traffic Study which complies with the mandatory Traffic performance Standards in place at the time of the time extension request. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2003-330, Control No.2002-00052)

7. The petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or 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. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 15, 2003, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING - Eng) The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2003-330, Control No.2002-00052)

8. No construction traffic shall be permitted to use 7th Place South during the construction of the site. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2003-330, Control No.2002-00052)

9. Prior to final certification of the Preliminary Development Plan, the Developer shall align the project entrance with 7th Place South. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2003-330, Control No.2002-00052)

## **ENVIRONMENTAL**

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2003-330, Control No.2002-00052)

## **LANDSCAPE - GENERAL- PLANNED UNIT DEVELOPMENT (RESIDENTIAL ONLY)**

1. Canopy trees required in the perimeter buffer shall be native species and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 1 of Resolution R-2003-330, Control No.2002-00052)

2. All palms required to be planted on site 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. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 2 of

Resolution R-2003-330, Control No.2002-00052)

3. All shrub or hedge materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect

- a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub
- b. Twenty-four (24) to thirty-six (36) inches - medium shrub
- c. Forty-eight (48) to seventy-two (72) inches - large shrub
- d. This condition shall not apply where a single-row of shrubs or hedge material is required along one side of a fence or wall. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 3 of Resolution R-2003-330, Control No.2002-00052)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 4 of Resolution R-2003-330, Control No.2002-00052)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 5 of Resolution R-2003-330, Control No.2002-00052)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (DILLMAN ROAD FRONTAGE)**

6. Landscaping and buffering along the south property line fronting on Dillman Road shall be upgraded to include

- a. A minimum fifteen (15) foot wide landscape buffer strip
- b. One (1) native canopy tree for each thirty (30) linear feet of frontage
- c. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters
- d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation
- e. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- f. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous D Condition 1 of Resolution R-2003-330, Control No.2002-00052)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (7TH PLACE SOUTH FRONTAGE)**

7. Landscaping and buffering along the south property line abutting 7th Place South shall be upgraded to include

- a. minimum fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted
- b. A continuous two (2) foot high berm measured from top of curb
- c. A six (6) foot high black or green vinyl covered chain link fence
- d. One (1) native canopy tree for each thirty (30) linear feet of frontage, alternating on both sides of the fence; and e. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2003-330, Control No.2002-00052)

8. The following landscaping requirements shall be installed on the exterior side of the required fence

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



b. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation (CO: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 2 of Resolution R-2003-330, Control No.2002-00052)

9. Along the interior side of the required fence, the petitioner shall install one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 3 of Resolution R-2003-330, Control No.2002-00052)

10. Landscaping and buffering along the east property line fronting on Lyons Road shall be upgraded to include

- a. A minimum twenty (20) foot wide landscape buffer strip
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb
- c. One (1) native canopy tree for each twenty (20) linear feet of frontage
- d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation
- f. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation (CO: ZONING - Zoning) [Note: COMPLETED] (Previous G Condition 1 of Resolution R-2003-330, Control No.2002-00052)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (WHIPPOORWILL BOULEVARD FRONTAGE)**

11. Landscaping and buffering along the west property line abutting Whippoorwill Boulevard shall be upgraded to include

- a. A minimum fifteen (15) foot wide landscape buffer strip adjacent to the lake and created wetland tracts, and a twenty (20) foot wide landscape buffer strip adjacent to residential lots and cul-de-sacs. No width reductions shall be permitted;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb is required in the areas adjacent to residential lots and the two (2) cul-de-sacs
- c. One (1) native canopy tree for each twenty (20) linear feet of frontage
- d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation
- f. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-2003-330, Control No.2002-00052)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH PROPERTY LINE (RESIDENTIAL POD)**

12. Landscaping along the north property line shall be upgraded to include

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted
- b. One (1) native canopy tree for each twenty (20) linear feet of property line
- c. One (1) palm or pine for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters

- d. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation
- e. One (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- f. One (1) large shrub for each two (2) linear feet of the property line, to be planted twenty-four (24) inches on center. Shrub shall be a minimum height of thirty (30) inches at installation to be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 1 of Resolution R-2003-330, Control No.2002-00052)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (LYONS ROAD FRONTAGE - CIVIC POD AND 4.42 ACRE LAKE TRACT)**

13. In addition, Landscaping and buffering along the west property line fronting on Lyons Road shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted
- b. A continuous two (2) foot high berm measured from top of curb; and
- c. A six (6) foot high concrete screen panel wall installed on plateau of berm. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 1 of Resolution R-2003-330, Control No.2002-00052)

14. The following landscaping requirements shall be installed on the exterior side of the required wall

- a. One (1) native canopy tree for each thirty (30) linear feet of the property line
- b. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters
- c. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation
- d. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- e. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 2 of Resolution R-2003-330, Control No.2002-00052)

15. Along the interior side of the required wall, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 3 of Resolution R-2003-330, Control No.2002-00052)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH, EAST AND SOUTH PROPERTY LINE (CIVIC POD)**

16. In addition to ULDC requirements and the Conditions of Approval 13-15, landscaping and buffering shall include an opaque fence with a minimum height of six (6) feet. (CO/ONGOING: ZONING - Zoning)

**LIGHTING**

1. Previous K Condition 1 of Resolution R-2003-330, Control No.2002-00052, which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: This is a Code requirement]

2. Previous K Condition 2 of Resolution R-2003-330, Control No.2002-00052, which

currently states:

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point.

Is hereby amended to read:

All outdoor, freestanding lighting fixtures in the Civic Pod shall not exceed twenty (20) feet for residential uses (Zoning use types), and a maximum of twenty-five (25) feet if a subseqeunt Development Order allows for a non-residential use type. Height of lighting fixtures shall be measured from finished grade to highest point. (BLDGPM: BUILDING DIVISION - Zoning)

3. All outdoor, freestanding lighting fixtures shall be setback fifty (50) feet from the north property line. (BLDGPM: BUILDING DIVISION - Zoning) (Previous K Condition 3 of Resolution R-2003-330, Control No.2002-00052)

4. All outdoor lighting shall be extinguished no later than 9:30 p.m. Monday through Saturday, and 7:30 p.m. on Sunday, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous K Condition 4 of Resolution R-2003-330, Control No.2002-00052)

5. Previous K Condition 5 of Resolution R-2003-330, Control No.2002-00052, which currently states:

The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: This is a Code requirement]

#### **PALM TRAN**

1. Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (BLDGPM: MONITORING - Palm-Tran) [Note: COMPLETED] (Previous L Condition 1 of Resolution R-2003-330, Control No.2002-00052)

2. This easement shall be recorded as a separate instrument prior to Technical Compliance of the first plat. Additionally, the petitioner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. The location of the easement shall be shown on the site plan prior to final certification by the Development Review Committee. (TC: PALM TRAN – Palm Tran) [Note: COMPLETED] (Previous L Condition 2 of Resolution R-2003-330, Control No.2002-00052)

3. Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner. (BLDG PMT: MONITORING – Eng) [Note: COMPLETED] (Previous L Condition 3 of Resolution R-2003-330, Control No.2002-00052)

#### **PLANNED DEVELOPMENT**

1. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover to the HOA, the recreation parcels shall be turned over to the association at no cost to the residents. (ONGOING: MONITORING - Zoning) (Previous N Condition 1 of Resolution R-2003-330, Control No.2002-00052)

2. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the 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: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous N Condition 2 of Resolution R-2003-330, Control No.2002-00052)

3. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous N Condition 3 of Resolution R-2003-330, Control No.2002-00052)

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

- a. along one side of all internal PUD streets, forty (40) feet in width or greater
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 4 of Resolution R-2003-330, Control No.2002-00052)

5. Street bike lanes shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BUILDING DIVISION - Engineering) [Note: COMPLETED] (Previous N Condition 5 of Resolution R-2003-330, Control No.2002-00052)

6. Landscaping in the corner cul-de-sac focal points and interior cul-de-sacs shall be xeriscaped to include the following:

- a. One (1) native canopy tree or cluster of three (3) palms or pines;
- b. One (1) twenty-four inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface
- c. Appropriate ground cover; and
- d. The landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 6 of Resolution R-2003-330, Control No.2002-00052)

7. Prior to final Development Review Committee (DRC) certification, the Preliminary Development Plan shall be revised to indicate pavers or decorative pavement for the projects entrance from Lyons Road to the first turnaround, all intersections, the bridge crossing, and the speed table. (BLDG/PMT/DRO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous N Condition 7 of Resolution R-2003-330, Control No.2002-00052)

8. Prior to final Development Review Committee (DRC) approval, the Preliminary Development Plan shall be amended to provide recreational amenities within one thousand three hundred and twenty (1,320) feet of all residential lots. Additional recreation areas shall be located on a minimum of 0.1 acre. Recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, storm water management or other utility purposes. (DRO/PLAT: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 8 of Resolution R-2003-330, Control No.2002-00052)

9. Prior to final Development Review Committee (DRC) approval, the Preliminary

Development Plan shall be amended to indicate a landscape focal point in each of the three (3) median islands located at the project's entrance on Lyons Road, to include one (1) of the following: specimen tree, vine covered trellis, fountain, plaza, arcade or other similar decorative feature acceptable to the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 9 of Resolution R-2003-330, Control No.2002-00052)

10. Previous N Condition 10 of Resolution R-2003-330, Control No.2002-00052, which currently states:

Hours of operation for the civic tract shall be limited to 6:00 a.m. to 9:00 p.m. Monday through Saturday, and 7:00 a.m. to 7:00 p.m. on Sunday. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

Hours of operation for the Civic Pod shall be limited to 6:00 a.m. to 9:00 p.m. Monday through Saturday, and 7:00 a.m. to 7:00 p.m. on Sunday, with the exception of residential uses permitted in the Civic Pod. (ONGOING: CODE ENF - Zoning)

11. Previous N Condition 11 of Resolution R-2003-330, Control No.2002-00052, which currently states: Hours of operation for outdoor activities on the civic tract shall be limited to 8:00 a.m. to 6:00 p.m. daily. (ONGOING: CODE ENF -Zoning)

Is hereby amended to read:

Hours of operation for outdoor activities on the Civic Pod shall be limited to 8:00 a.m. to 6:00 p.m. daily; with the exception of residential uses permitted in the Civic Pod. Hours of operation for organized outdoor activities for the residential use shall be limited to 8:00 a.m. to 9:00 p.m. (ONGOING: CODE ENF - Zoning)

12. Civic tract: Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous N Condition 12 of Resolution R-2003-330, Control No.2002-00052)

13. Prior to issuance of the first certificate of occupancy, signs shall be posted along the south and west property lines of the civic pod and 4.42 acre lake tract in accordance with ULDC section 7.14.F.9, to state no trespassing, fishing or swimming (or other similar language). (CO/ONGOING: MONITORING - Zoning) [Note: COMPLETED] (Previous N Condition 13 of Resolution R-2003-330, Control No.2002-00052)

## **PLANNING**

1. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee, the PDP shall be revised to include a notation at the southwestern property line where the cul-de-sac is shown, adjacent to residual parcel at the corner of Dillman Road and Whippoorwill Road, to read "proposed vehicular and pedestrian cross access to be paved to the property line for future access." (DRC: PLANNING – Planning) [Note: COMPLETED] (Previous M Condition 1 of Resolution R-2003-330, Control No.2002-00052)

2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the southwestern property line at the location shown on the site plan that reads "proposed vehicular and pedestrian cross access." (CO: MONITORING/PLANNING – Planning) [Note: COMPLETED] (Previous M Condition 2 of Resolution R-2003-330, Control No.2002-00052)

3. Prior to final master plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this Preliminary Development Plan (PDP) conforms with the plan presented to the BCC including those items incorporated onto the PDP dated February 19, 2003, regarding pedestrian connections. The two (2) notations on the site plan that read "pedestrian connection" shall be amended to read "pedestrian connection to

be paved to the property line". In addition, the 5 foot pedestrian walk that connects up the northwestern cul-de-sac to the southwestern property line shall remain on the PDP. . (DRC: PLANNING – Planning) [Note: COMPLETED] (Previous M Condition 3 of Resolution R-2003-330, Control No.2002-00052)

4. Prior to the issuance of the certificate of occupancy, the property owner shall pave the two (2) western pedestrian pathways of the property to the edge of the western property line at the locations shown on the site plan that shall read "pedestrian connection to be paved to the property line". In addition, the property owner shall mulch or pave the 5 foot pedestrian walk that connects up the northwestern cul-de-sac to the southwestern property line. (CO: MONITORING/PLANNING – Planning) [Note: COMPLETED] (Previous M Condition 4 of Resolution R-2003-330, Control No.2002-00052)

#### **PROPERTY & REAL ESTATE MANAGEMENT**

1. Previous O Condition 1 of Resolution R-2003-330, Control No.2002-00052, which currently states:

The 3.18 acre civic site shall be limited to public civic uses as defined in the ULDC, such as day care centers, churches, and any other civic uses (subject to the appropriate approval) as long as those uses are open to the general public. ONGOING/DRC: CODE - ENF/ZONING -PREM)

Is hereby amended to read:

The 3.18-acre civic pod shall be limited to a Type 2 Congregate Living Facility for a maximum of 12 residents. (ONGOING/DRO: CODE -ENF/ PREM - PREM)

#### **SCHOOL BOARD**

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: SCHOOL BOARD - Engineering) [Note: COMPLETED] (Previous P Condition 1 of Resolution R-2003-330, Control No.2002-00052)

2. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

#### **"NOTICE TO HOME BUYERS/TENANTS"**

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 P Condition 2 of Resolution R-2003-330, Control No.2002-00052)

#### **SIGNS-RESIDENTIAL POD**

1. Previous Q Condition 1 of Resolution R-2003-330, Control No.2002-00052, which currently states:

Freestanding signs shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet, excluding architectural features;
- b. Maximum sign face area per side - Civic Pod: thirty (30) square feet;
- c. Maximum number of signs - Civic Pod: one (1); and Residential Pod: one (1) pair;
- d. Style - Civic Pod: monument style only; and, Residential Pod: entrance wall signage only; and
- e. Location - Civic Pod: within fifty (50) feet of the civic entrance; and Residential Pod:

Lyons Road entrance.

Is hereby amended to read:

Freestanding signs for the Residential Pod of the PUD shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point shall be six (6) feet, excluding architectural features;
- b. Maximum number of signs: one (1) pair;
- c. Style: entrance wall signage only; and
- d. Location: Lyons Road entrance.  
(CO: BUILDING DIVISION - Zoning)

### **SIGNS-CIVIC POD**

2. Freestanding signs for the Civic Pod shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point shall be five (5) feet, excluding architectural features;
- b. Maximum sign face area per side: twenty-five (25) square feet;
- c. Maximum number of signs: one (1); and
- d. Style: monument style only.  
(CO: BUILDING DIVISION - 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.