

RESOLUTION NO. R-2019- 0177

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2018-01351
(CONTROL NO. 2008-00129)
a Development Order Amendment
APPLICATION OF Standard Pacific of South Florida GP Inc, Izzy-Lizzie Acres, LLC
BY JMorton Planning & Landscape Architecture, 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 (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 PDD/DOA-2018-01351 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2019;

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 PDD/DOA-2018-01351, the Application of Standard Pacific of South Florida GP Inc, Izzy-Lizzie Acres, LLC, by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to reconfigure the Master Plan, to add land area and to amend Conditions of Approval (Access, Engineering, Landscape), 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 January 24, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Nay
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 24, 2019.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2019.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY


BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

LYING IN SECTIONS 29, 30 AND 32, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF ANDALUCIA PUD PLAT 1, AS RECORDED IN PLAT BOOK 122, PAGE 193, ANDALUCIA PUD PLAT 2, AS RECORDED IN PLAT BOOK 123, PAGE 96, ANDALUCIA PUD PLAT 3, AS RECORDED IN PLAT BOOK 124, PAGE 9, ANDALUCIA PUD PLAT 4, AS RECORDED IN PLAT BOOK 126, PAGE 28, ANDALUCIA PUD PLAT 5, AS RECORDED IN PLAT BOOK 126, PAGE 32 AND A PORTION OF TRACT 39 AND 40, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 45, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (P.O.B. "1") AT THE INTERSECTION OF THE WEST LINE OF SAID ANDALUCIA PUD PLAT 1 AND THE NORTH RIGHT-OF-WAY LINE OF SAID PALM BEACH FARMS COMPANY PLAT NO 3, 30 FOOT WIDE RIGHT-OF-WAY (47TH PLACE SOUTH) SAID POINT BEING A POINT ON EAST RIGHT-OF-WAY LINE OF LYONS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 4549, PAGE 1311, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°00'29" WEST ALONG THE WEST LINE OF SAID ANDALUCIA PUD PLAT 1 AND SAID EAST RIGHT-OF-WAY LINE OF LYONS ROAD, A DISTANCE OF 660.00 FEET TO THE NORTHWEST CORNER OF SAID ANDALUCIA PUD PLAT 1; THENCE CONTINUE NORTH 00°00'29" WEST, ALONG THE SAID EAST RIGHT-OF-WAY LINE OF LYONS ROAD, A DISTANCE OF 624.39 FEET; THENCE NORTH 89°59'50" EAST, A DISTANCE OF 589.81 FEET ALONG THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-13 CANAL; AS RECORDED IN DEED BOOK 113, PAGE 495, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°00'29" EAST, ALONG THE EAST LINE OF SAID TRACT 40, A DISTANCE OF 294.34 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 330.00 FEET OF SAID TRACT 39; THENCE NORTH 89°59'31" EAST ALONG SAID NORTH LINE OF THE SOUTH 330.00 FEET OF SAID TRACT 39, A DISTANCE OF 659.79 FEET TO THE WEST LINE OF SAID ANDALUCIA PUD PLAT 4; THENCE NORTH 00°00'29" WEST ALONG THE WEST LINE OF SAID ANDALUCIA PUD PLAT 4, A DISTANCE OF 294.36 FEET TO A POINT ON THE NORTH LINE OF SAID ANDALUCIA PUD PLAT 4; THENCE NORTH 89°59'31" EAST ALONG SAID NORTH LINE OF ANDALUCIA PUD PLAT 4, A DISTANCE OF 659.82 FEET TO THE EAST LINE OF SAID ANDALUCIA PUD PLAT 4; THENCE SOUTH 00°00'29" EAST ALONG SAID EAST LINE OF ANDALUCIA PUD PLAT 4, A DISTANCE OF 759.67 FEET TO A POINT BEING THE SOUTHEAST CORNER OF SAID ANDALUCIA PUD PLAT 4; THENCE CONTINUE SOUTH 00°00'29" EAST, ALONG THE EAST LINE OF SAID ANDALUCIA PUD PLAT 1, A DISTANCE OF 474.73 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A 540.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 00°40'22" WEST; 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 460.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; 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 OF NON-TANGENCY, SAID POINT BEING ON THE SE CORNER OF SAID ANDALUCIA PUD PLAT 1, ALSO BEING THE NORTH LINE OF A 30 FOOT WIDE RIGHT-OF-WAY (47TH PLACE SOUTH); THENCE SOUTH 89°59'31" WEST ALONG THE NORTH LINE OF SAID 30 FOOT WIDE RIGHT-OF-WAY, A DISTANCE OF 2217.04 FEET TO THE AFOREMENTIONED POINT OF BEGINNING. TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING (P.O.B. "2") AT THE SOUTHEAST CORNER OF SAID ANDALUCIA PUD PLAT 5; SAID POINT BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF

THE LAKE WORTH DRAINAGE DISTRICT L-14 CANAL AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°59'31" WEST ALONG THE SOUTH LINE OF SAID PLAT 5 AND THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-14 CANAL, A DISTANCE OF 989.73 FEET TO A POINT ON THE WEST LINE OF SAID PLAT 5; THENCE NORTH 00°00'29" WEST ALONG SAID WEST LINE OF ANDALUCIA PLAT 5, A DISTANCE OF 405.00 FEET TO A POINT ON THE NORTHWEST CORNER OF SAID ANDALUCIA PUD PLAT 5, THENCE CONTINUE NORTH 00°00'29" WEST, ALONG THE WEST LINE OF SAID ANDALUCIA PLAT 1, A DISTANCE OF 880.00 FEET TO A POINT ON THE SOUTH LINE OF A 30 FOOT WIDE ROAD RIGHT-OF-WAY AS SHOWN ON SAID PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE NORTH 89°59'31" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 989.73 FEET TO A POINT ON THE EAST LINE OF SAID ANDALUCIA PUD PLAT 1; THENCE SOUTH 00°00'29" EAST ALONG SAID EAST LINE OF ANDALUCIA PUD PLAT 1, A DISTANCE OF 768.00 FEET; TO A POINT BEING THE NORTHEAST CORNER OF SAID ANDALUCIA PUD PLAT 5; THENCE CONTINUE SOUTH 00°00'29" EAST, ALONG THE EAST LINE OF SAID ANDALUCIA PUD PLAT 5, A DISTANCE OF 517.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 81.22 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

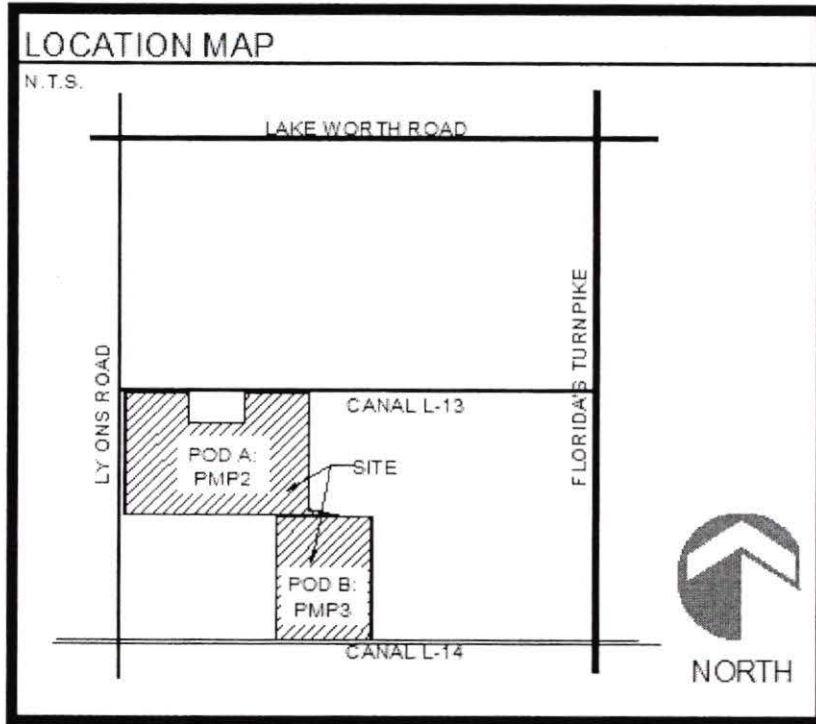


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2016-01551 (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-2016-1551, Control No.2008-00129, which currently states:

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.

Is hereby amended to read:

The approved Preliminary Master Plan is dated October 22, 2018. 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. Previous ALL PETITIONS Condition 3 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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.

Is hereby amended to read:

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)

ACCESS

1. Previous ACCESS Condition 1 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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.

Is hereby amended to read:

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) 00-42-43-27-05-028-0392, in a form and manner that is acceptable to the County Attorney's office. (DRO: COUNTY ATTORNEY - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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)

Is hereby deleted. [REASON: No longer needed as property is being added to approval.]

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) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2016-1551, 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) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2016-1551, Control No.2008-00129)

4. 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. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2016-1551, Control No.2008-00129)

5. Deleted by Resolution R-2014-0733. (Previous ENGINEERING Condition 5 of Resolution R-2016-1551, Control No.2008-00129)

6. Previous ENGINEERING Condition 6 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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)

Is hereby amended to read:

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

a. No Building Permits for the site may be issued after December 31, 2023. 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)

7. 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. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

b. Construction for the improvements above shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2016-1551, Control No.2008-00129)

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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2016-1551, Control No.2008-00129)

9. 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) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2016-1551, Control No.2008-00129)

10. 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) [Note: COMPLETED]

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) (Previous ENGINEERING Condition 10 of Resolution R-2016-1551, Control No.2008-00129)

11. 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) [Note: COMPLETED]

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) (Previous ENGINEERING Condition 11 of Resolution R-2016-1551, Control No.2008-00129)

12. 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) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2016-1551, Control No.2008-00129)

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-2016-1551, Control No.2008-00129)

14. 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. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2016-1551, Control No.2008-00129)

15. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2016-1551, Control No.2008-00129)

16. 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) [Note: COMPLETED]

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: MONITORING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2016-1551, Control No.2008-00129)

17. Prior to issuance of the first building permit within the area being added to this development, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

18. Prior to issuance of the first building permit within the area being added to this development, the Property Owner shall abandon or release, and relocate if necessary, the access easement shown in conflict with the proposed structures. (BLDGPM: MONITORING - Engineering)

19. Prior to issuance of the 300th Certificate of Occupancy, the Property Owner shall remove the existing connection to Lyons Road and restore the right-of-way to County standards. (BLDGPM/CO: MONITORING - Engineering)

20. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Lyons Road two (2) feet in width on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit within the area being added to this development 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 Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map 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. The Property Owner shall provide to the Right of Way Section 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)

21. The Property Owner shall make the following Proportionate Share payments, based on the following schedule. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in a later condition. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area.

a. No Building Permits for more than 65 single family dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$283,249. (BLDGPMT: MONITORING - Engineering)

22. In recognition that construction prices may change over the life of the project, the proportionate share payments included in the above conditions shall be subject to the following escalator calculation:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect.

(ONGOING: ENGINEERING - Engineering)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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. (BLDGPMT: ZONING - Zoning)

Is hereby deleted. [REASON: This is a Code requirement, condition not needed.]

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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)

Is hereby deleted. [REASON: Code requirement, Condition is not needed.]

LANDSCAPE - INTERIOR-POD A AND POD C

3. 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) (Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2016-1551, Control No.2008-00129)

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

4. Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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)

Is hereby deleted. [REASON: North 13 acre parcel is being incorporated into the PUD and is all part of Pod A.]

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

5. 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) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2016-1551, Control No.2008-00129)

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

6. 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) (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2016-1551, Control No.2008-00129)

LANDSCAPE - PERIMETER-WEST PROPERTY LINE - POD A

7. Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2016-1551, Control No.2008-00129, which currently states:

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
- b. 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)

Is hereby deleted. [REASON: Parcel No.00424327050280391 is incorporated into the PUD. Parcel 00424327050280392 is addressed in the following Condition 8.]

LANDSCAPE - PERIMETER-ALONG THE NORTH AND EAST PROPERTY LINE - ABUTTING THE 4.97 ACRE PARCEL

8. Prior to final Development Review Officer (DRO) approval, the Final Master Plan shall be amended to comply with required Incompatible Buffer requirements, if applicable, for the north 659 feet and the east 294 feet of the 13.45 acre added area for Parcel A, which abuts the 4.97 acre parcel (Parcel 00424327050280392). (ONGOING: ZONING – Zoning)

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-2016-1551, Control No.2008-00129)

PLANNING

1. 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) (Previous PLANNING Condition 3 of Resolution R-2016-1551, Control No.2008-00129)

2. Prior to approval of the Final Master Plans or Final Site Plans by the Development Review Officer, the applicant shall submit payment to Department of Housing and Economic Sustainability (DHES), and a copy of a receipt for that payment to the Planning

Division, totaling the amount of WHP units to be bought at \$81,500 per WHP unit (5 units x \$81,500 = \$ 407,500 total). (DRO: PLANNING - Planning)

3. Per LGA 2015-03; within the boundaries of Ord. 2015-11, condition 1; Residential development of the site is limited to a maximum of 5 dwelling units per acre, with no residential density increases permitted above 42 dwelling units. (ONGOING: PLANNING - Planning)

4. LGA-2017-016; within the boundaries of Ord. 2017-37, condition 1; Development of the site is limited to 5 dwelling units per acre, with no residential density increases permitted above 25 dwelling units. (ONGOING: PLANNING - Planning)

5. LGA-2017-016; within the boundaries of Ord. 2017-37, condition 2; Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009. (ONGOING: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner will be required to cash out the civic site subject to Board of County Commissioner approval or Board direction to place the civic site on the Master Plan. If approved, payment will be made prior to Final Master Plan approval. (DRO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

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)

SITE DESIGN

1. 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) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2016-1551, Control No.2008-00129)

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.